

TRINITY LABAN

ACADEMIC QUALITY HANDBOOK

CHAPTER H.3 - STUDENT DISCIPLINARY PROCEDURES

1. Introduction

- 1.1 The Institution has an obligation to care for its members and maintain its reputation, values and standards.
- 1.2 The Institution seeks to operate fair, transparent, practicable disciplinary procedures that promote the swift and confidential resolution of issues, whilst allowing reasonable time for investigation and for students to prepare their cases.

1.3 Authority for disciplinary procedures

The disciplinary procedure is not a judicial process, but the Institution has disciplinary authority deriving from its contractual relationship with each student, and from each student's agreement to be bound by the regulations in force during the period of registration/enrolment. The institutional Memorandum and Articles of Association empower the Principal to maintain student discipline.

- 1.4 The disciplinary procedure is also applicable to non-student members of the Chapel Choir. The Institution has disciplinary authority over non-student members deriving from the Chapel Choir Code of Conduct signed by all members of the Chapel Choir on an annual basis. Non-student members of the Chapel Choir have all the rights and responsibilities as if they were students under these procedures, including the right to raise a complaint against the behaviour of another member of the Chapel Choir (whether student member or non-student member).
- 1.5 Alleged breaches of the general (i.e. non-academic) regulations of a collaborative partner of the Institution will be considered through the policies, regulations and procedures of the partner, with the student having the right of appeal to Trinity Laban. Allegations relating to the general (i.e. non-academic) regulations of City, University of London will be addressed through City's own disciplinary procedures.

1.6 Academic offences

Academic offences will be considered through the process described in the Procedure for Handling Academic Misconduct and within the Academic Regulations. Appeals relating to disciplinary issues are conducted through a separate process from academic appeals against the decisions of Assessment Boards. There are also separate Institutional procedures for addressing complaints.

2. Requirements for student conduct

- 2.1 Students are expected to:
 - support the good name and reputation of the Institution and the fulfilment of its mission.
 - meet their obligations to comply with Institutional regulations and policies.
 - adhere to all standards of behaviour as stated in the Student Code of Conduct.
- 2.2 Each student is required to sign an enrolment form, confirming agreement to comply with the Institution's regulations, policies and Student Code of Conduct.
- 2.3 Each student is responsible for being aware of the institution's regulations and policies, and for complying with approved codes of conduct and other requirements relating to professional conduct and behaviour.
- 2.4 Students must keep the Registry informed of their home and term time addresses and other contact details and help the Institution to meet its legal requirements to the UK Visa authorities.

3. Use of the Student Disciplinary Procedure

- 3.1 The Student Disciplinary Procedure may be used if a student is alleged to have committed any action that interferes with the achievement of the Institution's mission or legitimate business; adversely affects the safety or well-being of the staff and/or students; which may bring the Institution into disrepute, or which breaches institutional codes of conduct or policies or requirements relating to professional conduct and behaviour. A list of examples is available in section four, *although this is not exhaustive*.

4. Examples of alleged breaches of discipline

- 4.1 Engaging in any conduct which prevents, obstructs or disrupts, or is intended to prevent, obstruct or disrupt:

- Learning, teaching or research carried out within the Institution or through field work or a placement or any other external activity or performance.
 - The administration and management of the Institution
 - The work of members of staff, other students or authorised visitors to the Institution;
 - The holding or orderly conduct of any meeting or activity approved by the Institution
- 4.1.1 Failure to comply with approved codes of conduct and other published Institutional requirements relating to appropriate conduct and behaviour.
 - 4.1.2 Behaviour which may bring the Institution or any member of the Institution into disrepute.
 - 4.1.3 Obstructing or attempting to obstruct, the access of staff, students or members of the public (entering with the permission of the Governors or authorised officers) to the premises; on the understanding that peaceful picketing within the law will not be regarded as obstruction or attempted obstruction.
 - 4.1.4 Assaulting, harassing, bullying or otherwise threatening or insulting any fellow student, or member of the staff or an authorised visitor to the Institution, or otherwise contravening the Institutional equality and diversity and Trinity Laban Harassment and Sexual Misconduct policies.
 - 4.1.5 Misusing or damaging any learning materials (including computer misuse or unauthorised use), equipment, furniture, fittings, instruments or property belonging to or under the control of the Institution, or any student or member of staff of the Institution.
 - 4.1.6 Misappropriating any funds or assets of the Institution, or of any member of the staff or student of the Institution (taking account of the institutional fraud policy).
 - 4.1.7 Committing a breach of the regulations, rules, policies or codes of practice of the Institution, or disregarding a reasonable instruction from an authorised officer of the Institution.
 - 4.1.8 Invading or abusing, or attempting to invade or abuse, the secrecy, integrity or privacy of any files or confidential material held by the Institution, including information on the computer systems.
 - 4.1.9 Conviction of any serious criminal offence that may damage the good name of the Institution, or behaving on the Institution's premises in a manner that would amount to a criminal offence had such behaviour occurred in a public place.

- 4.1.10 Any action likely to cause injury or distress to any person on the Institution's premises, or to impair the safety and security of people or the premises.
- 4.1.11 Defacement of, or deliberate damage to, any property of the Institution, or any property belonging to a member of the Institution (including damage resulting from negligence).
- 4.1.12 Taking part in any trespass against, or unauthorised occupation of, any part of the Institution's premises.
- 4.1.13 Committing, or being party to, a fraudulent or dishonest act in relation to the Institution or its staff. This includes unfounded and malicious allegations against members of staff raised through the complaints procedure.
- 4.1.14 Failure to disclose information about a criminal record, including cautions and 'bindovers' as well as convictions – prior to or during the enrolment period.
- 4.1.15 Possession or misuse of drugs which constitutes a legal offence.
- 4.1.16 A breach of the conditions of a tenancy agreement relating to the Institution's residential accommodation or the student residence regulations.
- 4.1.17 Failure to follow the copyright law in the use of library and other resources (re Library Code of Conduct).
- 4.1.18 Breaching the conditions of a Tier 4 visa (e.g. exceeding the maximum number of working hours permitted)
- 4.1.19 Failing to comply with a penalty imposed previously within the terms of the Disciplinary Procedures for Students.

5. Alleged misconduct that may also constitute a criminal offence

- 5.1 Where a breach of discipline is being dealt with under criminal proceedings, the disciplinary process will normally be suspended until the criminal process has concluded. Precautionary action may be taken where appropriate at this stage (see section 6.2 Precautionary Action). The disciplinary process may be initiated following the end of the criminal process where a breach of discipline also appears to have occurred, whether or not a conviction has been made.
- 5.2 When disciplinary action is taken following a related conviction, the conviction may be used as evidence of misconduct. In such cases, the Disciplinary Hearing will take into account the legal penalty in determining the disciplinary penalty.
- 5.3 The Institution may take action under the disciplinary procedure concurrently with a criminal procedure if the disciplinary case is based on different facts to

the criminal case (for example where drug offences lead to persistent absence from scheduled activities).

- 5.4 The Registrar will report to the police suspected criminal offences against the Institution where this is considered to be proportionate and where there is judged to be little or no risk to the health, safety and wellbeing of the reporting student or other students.
- 5.5 Where the victim is not the Institution itself but a student, member of staff or visitor to Trinity Laban, the victim will be supported to report the matter to the police. The Institution reserves the right to report suspected criminal offences to the police contrary to the wishes of the victim if there is an overwhelming need to protect others from harm or to prevent a further crime from taking place. In so doing, all possible steps will be taken to preserve the victim's wellbeing.
- 5.6 If a student who is the victim of an alleged criminal offence decides not to report the matter to the police, the reporting student will be entitled to make a complaint under the student complaints procedure. Such a complaint may result in the initiation of the student disciplinary procedure where the subject of the complaint is accused of misconduct as outlined in sections 4 and 5 above.

6. Freedom of Speech

6.1 Trinity Laban is bound by a duty to promote freedom of speech and maintains a separate Freedom of Speech Code of Practice. Trinity Laban will have particular regard to and place significant weight on the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context.

In relation to complaints about harassment, there is a rebuttable presumption that:

- A. students being exposed to the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures is unlikely to amount to harassment.
- B. students being exposed to statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course is unlikely to amount to harassment.

Trinity Laban reserves the right to decline to investigate a complaint or a part of a complaint where it believes to do so would infringe on the freedom of speech of another student or member of staff. Where Trinity Laban exercises this right to

decline to investigate, it will set out the reasons for its decision and provide information on any next steps available.

7. The Student Disciplinary Procedure

7.1 Initiation of procedure

The Registrar or nominee will receive any allegations of misconduct and will refer cases onwards for consideration under the preliminary stage (7.4). The Registrar or nominee will retain a confidential log of disciplinary cases, to monitor progress through the process and to provide a basis for monitoring reports to institutional committees.

Allegations of misconduct may be raised internally via employees. Alternatively, students who wish to complain about another student's behaviour may do so by completing the Student Complaint Form (available from the Registry or the Students' Union or [here](#)) and sending it to complaints@trinitylaban.a.uk.

Students raising allegations of misconduct should do so as soon as possible after the events giving rise to the alleged misconduct. Failure to do so in a timely manner may make it more difficult to investigate.

Students should consider whether there might be informal opportunities for resolution before making a formal complaint under these procedures. Students can contact their Programme Leader and/or the Student Services team to explore whether an informal resolution, such as mediation, may be more appropriate than a formal investigation under the Student Disciplinary Procedures.

Allegations of misconduct from a student or students against another student or students must be raised within 90 calendar days from the date the alleged misconduct occurred. Allegations raised outside of this period may not be considered unless there are exceptional circumstances. Acceptance of any allegations of misconduct made outside of this period will be at the sole discretion of the Registrar or nominee. In accordance with guidance set out in the OIA guidance, when deciding whether to accept a late complaint, the Registrar or nominee will consider the student's individual circumstances, the nature and seriousness of the issues they are raising, and whether it is still reasonably possible to investigate the events. The Registrar or nominee's decision will be final. The reason for accepting or rejecting a complaint received late will be recorded.

Trinity Laban may, on occasion, employ an external contractor to fulfil investigatory functions. In such circumstances, both Reporting and Responding Parties will be informed of the decision and Trinity Laban will ensure that appropriate confidentiality agreements are entered into with the external contractor.

7.2 Precautionary Action

As a precautionary measure, action may be taken against an accused student where the safety of others is judged to be at risk or in order to ensure that a full and proper investigation can be carried out. In such cases, the Registrar may take precautionary action including (but not limited to):

- Imposing conditions on the accused student (for example limiting contact with specific individuals, or moving the student to another class or group)
- Suspending the accused student from study and from participating in Institutional activities
- Prohibiting the accused student from entering specific sites or buildings, or from participating in specific projects or placements

Precautionary measures will only be put in place where it is judged strictly necessary and do not indicate that the Institution has concluded that a breach of discipline or a criminal offence has taken place. A risk assessment will be conducted prior to the implementation of precautionary action and shall be retained by the Registry. The student will be entitled to make a written representation to the Principal to appeal against this action.

Precautionary measures will be reviewed at regular intervals, to be determined at the point of action (but at least termly). The accused student may request a review earlier than the next scheduled review date if there is a material change in the circumstances of the case. Failure to comply with a precautionary measure will normally also result in an earlier review date, after which time more serious measures may be put in place.

7.3 Supportive action

Measures can also be put in place if an incident is likely to have an adverse emotional, financial impact on the students involved or impair their performance in an assessment. This could include:

- Applying for a Financial Support Grant to facilitate events such as moving out of a shared house or halls
- Priority accessing to counselling service
- Referral to specific external organisation for support and advice
- Support with additional travel costs
- Moving assessment dates without the need to go through the Additional Consideration process
- Being given a separate room for a written assessment to prevent contact with other students
- Having performance assessments rearranged to prevent contact with a specific student or being offered an alternative form of assessment if this is not possible.

7.4 Preliminary stage and investigation

Where a potential disciplinary case has been notified to the Registry, the Registrar or nominee will carry out an initial investigation of the allegation(s) and, if necessary, conduct a preliminary interview with the student to consider the case.

- 7.4.1 The Registrar's nominee will conduct the interview and keep an official record of the outcome. The student(s) may choose to be accompanied by a friend for support (defined as a registered student of the Institution; an officer of the Students' Union or a member of staff of the Institution). Legal representation is not allowed at any stage of the proceedings for the student or the Institution. Exceptions to this rule will be considered on a case-by-case basis in accordance with relevant sector guidance.
- 7.4.2 Apart from the investigation of alleged offences, the preliminary stage offers an opportunity for the informal resolution of minor disciplinary issues, with the preliminary interview enabling the student to receive informal guidance as a means of preventing the escalation of an issue into a more serious disciplinary matter. The Registrar or their nominee may temporarily stay the outcome of the initial investigation pending attempts at an informal resolution where appropriate. Where an informal resolution is agreed between parties, no further investigation into the matters alleged may take place. If informal resolution is unsuccessful, the Registrar or nominee will continue to an outcome of the initial investigation.
- 7.4.3 Following the completion of the initial investigation, the Registrar or their nominee, will determine one of the following outcomes:
- There are no grounds for action (in which case no record of the case will be retained on the student's file);
 - The student will receive an informal warning of the possible consequences of further allegations of misconduct. (A record of the warning will be kept on the student's file for the remainder of their time on their current programme of study but only considered in the event of a further allegation of misconduct. The warning will not be regarded as formal disciplinary action and the record will be removed from the student's file on the conclusion of his/her/their current programme of study)
 - To issue a formal, written reprimand to the student;
 - The student will be required to provide a written apology and a written undertaking of appropriate conduct for the remainder of his/her/their studies in the Institution
 - The student will be required to attend one or more meetings or tutorials with an appropriate member of staff
 - A formal Student Disciplinary Panel should be convened;

The Registrar or nominee may determine any other proportionate outcome on a case by case basis but may not determine a student be suspended or withdrawn.

7.4.4 The Registrar or nominee will inform the student of the outcome in writing, normally within 10 working days of the preliminary interview. The letter will inform the student that he/she/they will have 10 working days from the date of the letter to choose whether to contest the outcome of the preliminary investigation, through a Student Disciplinary Hearing: the student must give the Registrar's nominee written notice if she/he/they decides to exercise this right. Where a student exercises this right, the outcome of the preliminary investigation will be nullified and the Disciplinary Hearing Panel will take a decision in accordance with its ordinary procedures. The Disciplinary Panel does not act as a review panel. All evidence collated by the preliminary investigation may be submitted as evidence to the Disciplinary Hearing Panel. Any letter determining the outcome of the preliminary investigation may also be submitted to the Disciplinary Hearing Panel.

7.4.5 Where a student responding to allegations of misconduct withdraws from their studies prior to the conclusion of a student disciplinary investigation, we will ordinarily close the investigation. In such circumstances, the Registrar may impose ongoing precautionary actions on the withdrawn student at their sole discretion. No risk assessment is required and the student who has withdrawn has no right to appeal the imposition of the ongoing precautionary actions. Precautionary actions may include (but are not limited to) temporary or permanent exclusion from any Trinity Laban campus; non-attendance at graduation ceremonies; the restriction or removal of any or all alumni benefits.

7.5 The Student Disciplinary Hearing

Where a disciplinary hearing has been determined as the outcome following the Preliminary stage, the Registrar will inform the student of the hearing in writing at least 10 working days in advance of the hearing.

7.5.1 The Registrar or nominee will convene the hearing panel as follows:

- Chair (The pool of eligible chairs of panels will include members of the Trinity Laban Executive; the Deputy Director (Teaching, Learning & Experience), Head of Undergraduate Programmes, Head of Postgraduate Programmes, Heads of Music Departments and Programme Leaders. The Registrar may only chair a hearing

in the event of having no involvement in the preliminary disciplinary investigation)

- Two members of teaching staff
- An officer of the Trinity Laban Students' Union (where this is not possible, a student representative may take this role)

No member of the panel should have taught the student and not had any previous involvement in the investigation of the case.

With

- Secretary (nominated by the Registrar; to take a record of the meeting and to advise the panel on procedures; The Secretary will not normally have taken part in the preliminary investigation)

7.6 Procedure for Student Disciplinary Hearing

- 7.6.1 The student should have sufficient written notice of the date of the meeting. Ordinarily this will be 10 working days.
- 7.6.2 A nominee of the Registrar will send notification of a hearing by email to the student's Trinity Laban email address.
- 7.6.3 The disciplinary proceedings of the Institution will not be invalidated because of the absence of the student from any hearing at any stage as long as reasonable action has been taken to notify the student.
- 7.6.4 The notification will include a list of the allegations and a copy of the Student Disciplinary Hearing procedures. The notification will remind the student that she/he/they are entitled to attend the meeting and may be accompanied to the hearing by a student or, where appropriate, a member of staff of the Institution to speak on his/her/their behalf. The letter will also mention the availability of confidential support from the Students' Union (Formal legal representation is not permitted at any stage within the student disciplinary procedure on either side, for the student or the institution). Exceptions to this rule will be considered on a case by case basis in accordance with sector guidance. The letter will assure the student of a presumption of innocence unless or until the student is found guilty of the alleged breaches.
- 7.6.5 Where the student has chosen to attend the meeting and is prevented from attending for substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the meeting. The absence of the student from the hearing does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a fair opportunity to attend. The panel

may take into account whether the student gave reasonable notice of his/her/their inability to attend the hearing.

7.6.6 The Hearing will have discretion to regulate its own operation, aiming for a fair, reasonable and timely investigation. The hearing will normally be conducted as follows:

- The Hearing will ask questions of the student and any other individual called to present information and evidence;
- The student and/or his/her/their friend, will answer questions for the Hearing;
- The student and/or his/her/their friend will ask questions of any other individual called to present information and evidence;
- The Hearing will deliberate in private;
- The Hearing chair will present the conclusions and recommendations of the Hearing, or advise the student(s) that these will be forwarded to him/her/them in writing normally within five working days of the hearing.
- The panel may set reasonable time limits for presentations.

7.6.7 Documentary evidence may be presented at the discretion of the chair; such evidence must be submitted in advance of the meeting within a deadline set by the chair, with copies normally circulated to members of the panel and all parties at least five working days before the hearing. Evidence submitted beyond the deadline will only be admitted with the permission of the chair.

7.6.8 The panel will normally only hear from the student concerned or his/her/their representative. The chair may, however call for other papers, examine witnesses and conduct whatever other investigations the Hearing may consider appropriate to ensure fair and thorough investigation of the case, bearing in mind the interests of all parties. The Student Disciplinary Hearing may postpone a decision to clarify evidence or allow further investigation.

7.6.9 The Disciplinary Hearing may decide:

- To dismiss the case;
- To warn the student informally of the possible consequences of any further misconduct (with a record of the warning retained on file);
- To require the student to write a formal apology and an undertaking that the misconduct will not be repeated;
- To require the student to attend one or more meetings or tutorials with an appropriate member of staff
- To issue a formal, written reprimand to the student;

- To recommend to the Principal the suspension of the student from his/her/their studies and or from all or part of the premises for a period not normally exceeding one Academic Year;
 - To recommend the eviction of the student from the Student Residence, subject to the approval of the Principal.
 - To recommend to the Principal the expulsion of the student from the Institution and, where relevant, to evict the student from the Student Residence.
 - Restrict or remove any or all alumni benefits of the student.
 - Take any other proportionate action it deems appropriate.
- 7.6.10 The Hearing may require the student to make good any loss or damage to the premises or to the property of any member of the Institution or to pay for any additional expense caused to the Institution as a result of the misconduct.
- 7.6.11 The panel will make decisions on the basis of a reasonable judgement on the balance of probability. The panel should attempt to agree a unanimous decision, but it may agree an outcome on the basis of agreement from a majority of the members.
- 7.6.12 The Secretary to the Hearing will inform the student in writing of the outcome, normally within seven working days of the hearing, or within ten working days in a case where a suspension, expulsion or eviction requires approval from the Principal. The written notice will be accompanied by a statement of the facts found by the Hearing and the reasons for the decision and for any penalty. The letter will also inform the student of his/her/their rights and the procedures for appeal both internally and, for Research students, to City, University of London.
- 7.6.13 The records will remain on the student's file unless the case is dismissed (with the documentation retained within the Institutional records retention policy).
- 7.6.14 The following officers of the Institution should always receive confidential notification of the outcome of a disciplinary hearing:
- Artistic Director
 - Deputy Director (Teaching, Learning & Experience)
 - Head of Undergraduate or Postgraduate Programmes (as relevant)
 - Registrar

8. Appeal against a decision of the Student Disciplinary Hearing

- 8.1 A student has the right to appeal against a decision of the Student Disciplinary Hearing only on the following grounds:
- a claim that the penalty was excessively severe in relation to the nature of the offence;

- a claim that the disciplinary procedure was not implemented properly;
- significant new evidence, which was not available to the Student Disciplinary Hearing.

The student must submit an appeal in writing to the Registrar or his/her/their nominee within ten working days of the date of the publication of the decision of the Disciplinary Hearing.

8.2 Internal appeal hearings

- 8.2.1 A case where the penalty does not involve the suspension or expulsion of the student from the Institution or the eviction of the student from residential accommodation

The appeal will be heard by a panel chaired by the Principal, or by a senior member of staff nominated by the Principal, with no previous involvement in hearing the case.

- 8.2.2 A case where the penalty involves the suspension or, expulsion of the student from the Institution or the eviction of the student from residential accommodation

The appeal will be heard by a panel convened by the Director of Strategy & Business Operations and chaired by a senior member of staff nominated by the Principal, with no previous involvement in hearing the case. The Secretary to the Student Disciplinary Hearing will inform the student in writing of the appeal procedure, in the letter with details of the outcome of the hearing.

8.3 Procedure for appeal against the decision of a Student Disciplinary Hearing

- 8.3.1 Only the student who is subject to a decision of the Disciplinary Hearing may make an appeal. An appeal may not be presented by a member of staff or relative or a friend on a student's behalf, nor by more than one student acting together.

- 8.3.2 The appeal letter must include:

- The student's name and address;
- The decision against which the appeal is made;
- The grounds for appeal (clearly and succinctly).

An appeal may be based only on:

- a challenge to the findings of fact;
- a claim that the penalty was excessively severe in relation to the nature of the offence;
- a claim that the disciplinary procedure was not implemented properly; or

- significant new evidence, which was not available to the Student Disciplinary Hearing.

8.3.3 The Director of Strategy & Business Operations will receive the appeal and acknowledge receipt in writing. The Director of Strategy & Business Operations or nominee will then review the case, ensuring that the matter meets the criteria for an appeal and, if so, that it is referred to an appeal panel. Where applicable, the written acknowledgement will state the date and time of the appeal hearing, remind the student of the availability of advice and assistance from the Students' Union and her/his right to be accompanied by a friend, adviser or representative. The Director of Strategy & Business Operations will be responsible for the co-ordination of the appeal. The panel should normally meet within 20 working days of the receipt of the appeal. Where the matter does not meet the criteria for an appeal, the Director of Strategy & Business Operations or nominee will reject the request in writing, setting out the reasons for why it does not meet the criteria and provide a Completion of Procedures letter.

8.4 Membership of appeal panel

8.4.1 Cases that do not involve suspension, expulsion or eviction from the premises

The Panel will consist of:

- The Principal (or his/her/their nominee)
- An Independent Governor of Trinity Laban
- A Programme Leader of a programme other than that of the student
- Another member of the teaching staff
- Director of Strategy & Business Operations or nominee, in attendance.

8.4.2 Cases involving suspension, expulsion or eviction

The panel will include:

- A senior member of staff nominated by the Principal, with no previous involvement in hearing the case
- An Independent Governor of Trinity Laban
- Two senior members of the teaching staff
- Director of Strategy & Business Operations, or nominee, in attendance

No-one involved in the case at any previous stage may sit on the panel and, if possible, no member of the panel should be known directly to the student in question.

8.5 Expulsion

- 8.5.1 Expulsion involves a total prohibition on attendance at or access to the Institution and on any participation in Trinity Laban activities including opportunities for assessment; but it may be subject to qualification, such as permission to attend for the purpose of examination. The expulsion

may include prohibition on duties of any office or committee membership in the Institution or the Students' Union, or employment by the Institution.

- 8.5.2 The Principal will decide whether to approve the recommendation of the Student Disciplinary Hearing for the expulsion of a student.

8.6 Suspension

- 8.6.1 Suspension involves selective restriction on attendance at or access to the Institution. This may include prohibition on duties of any office or committee membership in the Institution or the Students' Union, or employment by the Institution.
- 8.6.2 The Principal will decide whether to approve the recommendation of the Student Disciplinary Hearing for the suspension of a student.
- 8.6.3 The Principal, Registrar or the Artistic Director may suspend a student with immediate effect, pending a disciplinary investigation, in a case where s/he considers it necessary to protect a member or members of the Institution or the property of the Institution. Written reasons for the decision will be recorded and made available to the student. Any disciplinary hearing should be arranged as soon as possible following the suspension.

8.7 Conduct of hearing

- 8.7.1 The student may submit any further written information in support of his/her/their appeal no later than seven working days in advance of the meeting of the panel. The student is entitled to attend, together with a friend, adviser or a representative (not a lawyer). The student must notify the Secretary to the Panel of the name of the student or member of staff at least seven days in advance of the meeting.
- 8.7.2 Where the student has chosen to attend the meeting and is prevented from attending owing to substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the meeting. The absence of the student from the hearing does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a reasonable opportunity to attend.
- 8.7.3 The Hearing will have discretion to regulate its own procedures, aiming for a fair, reasonable and timely investigation. ***The Hearing will normally be conducted as follows:***
- The Chair of the Student Disciplinary Hearing will attend as a witness to present the conclusions of the hearing;
 - The student and his/her/their friend will ask questions of any other individual called to present information and evidence;
 - The panel may question any party
 - The student will have the opportunity to sum up
 - The panel will deliberate in private

- The panel chair will advise the student(s) that the conclusions and recommendations will be forwarded to him/her/them in writing normally within 10 working days of the hearing.
 - The panel may impose time limits on oral addresses and submissions, bearing in mind the need for fairness to all parties.
- 8.7.4 The panel will normally only hear the student or his/her/their representative, and the Chair of the Student Disciplinary Hearing. The chair may, however call for other papers, examine witnesses and conduct whatever other investigations the Hearing may consider appropriate. The panel may postpone a decision to clarify evidence or allow further investigation.
- 8.7.5 The panel may uphold the decision of the Student Disciplinary Hearing or uphold the appeal and substitute such other decision as it thinks fit within the list of options. The panel may not impose a penalty more onerous than that originally imposed. The panel should attempt to agree a unanimous decision, but it may agree an outcome on the basis of agreement from a majority of the members. The decision of the Student Disciplinary Appeals Panel shall be final.
- 8.7.6 The Secretary to the Panel will inform the student of the decision in writing, normally within 10 working days of the hearing, with a copy to the Registrar, the Chair of the Student Disciplinary Hearing; the Artistic Director; the Deputy Director (Learning & Teaching); the Head of Undergraduate or Postgraduate Programmes (as appropriate). The letter will include a statement of the reasons for the decision and for any change to the penalty to be imposed. The letter will also inform the student that the internal procedures have been completed, adding details of the student's rights of appeal to the validating partner (where appropriate) and then to the Office of the Independent Adjudicator (OIA). The records will remain on the student's file unless the case is dismissed.

8.8 Appeals to City, University of London for Research Degree Programme students (as approved by the University Senate on 18 May 2016)

Students on programmes validated by City, University of London may appeal to City after Trinity Laban's own procedures have been completed and the final institutional decision made; The case will be considered as an appeal through City's disciplinary code. This right of appeal applies only to conduct relating to a programme of study leading to an award in City's name or to an activity that occurred on the premises of City, University of London. Details of the procedure are available on the City web site (Senate Regulation 13: Appendix B)

9. Right to appeal to City, University of London (for validated research degree provision)

Additionally, any student on the Research Degree Programme validated by City has the right to have the case referred to City, University of London, after Trinity Laban's own procedures have been completed. The case will be considered at the appeal stage within City's own disciplinary procedures.

This right of appeal applies only to conduct relating to a programme of study leading to an award in City's name or to an activity that occurred on the premises of City, University of London (see 8.8).

10. The Office of the Independent Adjudicator for Higher Education (OIA)

- 10.1 The office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme which can review the outcome of student disciplinary procedures. Trinity Laban is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review the outcome of the student disciplinary procedure. 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 [here](#).
- 10.2 You normally need to have completed our Student Disciplinary Procedures (or those of City, University of London for Research Degree Programmes) before you complain 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. You can find more information about Completion of procedures Letter and when you should expect to receive one [here](#).
- 10.3 Complaints must be sent to the OIA within twelve months of the date of the Completion of Procedures letter.

11. Monitoring of student disciplinary cases

- 11.1 Academic Standards and Quality Board will receive an annual report from the Registry summarising the outcomes and any Institutional issues arising from disciplinary hearings. The report will maintain the confidentiality of individual cases.

12. Confidentiality

The Institution will take all reasonable steps to maintain the confidentiality of disciplinary proceedings.

13. Mental Health disorders and health risks

- 13.1 The chairs of the Preliminary Interview; Disciplinary Hearing and the Appeals Panel each have discretion to adjourn proceedings for the preparation of medical reports, if they believe that a student may be suffering from a mental health disorder: they should also consider the possibility of any provision for support for the student.
- 13.2 Where a disciplinary or appeals panel decides that a student is in a state of mind or health that poses a threat to the welfare of students or staff or to

the good order of the Institution, it may require the student to pass an occupational health assessment before consideration of the resumption of study. The panel has discretion to terminate proceedings for a student suffering from mental illness or a mental disorder. The panel should also consider the possibility of any provision for support for the student.

14. Joint hearings

In case two or more students are involved in a related case of alleged misconduct, the Hearing/panel may use discretion to deal with the cases through the same hearing.

15. Disciplinary action against members of the Students' Union

Officers of the Students' Union (including the President of the Students' Union) are subject to the Student Disciplinary Procedure regarding any allegations of misconduct in relation to their roles within the Union.

16. Retention of records of disciplinary cases

The records of disciplinary cases will be retained on a student's file for a period of six years following graduation (in line with guidance in the JISC Records Retention Schedule). The records will be removed from the student's file in a case where the allegation is not upheld.

17. Advice and support

The Institution has an equal responsibility to students reporting incidents of misconduct and those accused of misconduct. Where appropriate and where precautionary action has not already been implemented (see section 6.2), steps will be taken to separate reporting students and accused students during criminal proceedings or the disciplinary process. However, due to the nature of the disciplines and the size of cohorts at Trinity Laban such action may not be possible without disadvantage to one party or the other.

Students reporting alleged breaches of discipline will be offered support from trained members of staff such as Student Advisers and, where appropriate, the counselling service. Students may also be referred to external agencies where specific, specialist support is thought to be required (e.g. to a Sexual Assault Referral Centre where an occurrence of sexual violence has been reported). Where necessary and possible, adjustments will be made to the normal interview processes (e.g. provision of a female interviewer) at the request of the reporting student in order to safeguard his/her/their welfare.

Students who are the subject of a disciplinary investigation are equally entitled to support from the institution and will be encouraged to seek advice and support from trained members of staff. Should academic or personal issues be uncovered during the course of the disciplinary process, the student will be referred to the relevant member of staff for additional support. Students who feel that they are unable to continue with their studies at Trinity Laban will be provided with academic and administrative support to transfer to another institution.

Advice for both reporting and accused students is also available from the Trinity Laban Students' Union.