

## Code of Discipline

The London Film School (the “School”) is an educational charity whose members are the staff and students of the School. The fulfillment of its educational aims depends on a climate of co-operation and respect.

The purpose of this code is to set out what amounts to misconduct, and how incidents of misconduct may be dealt with.

Complaints of misconduct should, wherever possible, be dealt with informally through discussion between the student(s) and member of staff concerned, the personal or course tutor or the head of department. The formal procedures in this code will only be used where the matter has not been resolved informally, or where an informal warning is inappropriate to the seriousness of the allegation.

This code does not apply to complaints by a student against a member of staff. The School’s separate Complaints Procedure should be referred to in these circumstances.

### 1. What is misconduct?

- 1.1 An allegation of misconduct may be made in writing by any member of staff, student, Governor or agent of the School, or a visitor to the School or member of the public who has good reason to suppose that misconduct has taken place, but who need not himself/herself have been adversely affected by the alleged misconduct. No allegation of misconduct shall be proceeded with unless it is signed by the person making the allegations. Where a complainant requests that his/her identity should not be disclosed the member of staff dealing with the matter shall determine whether this is appropriate.
- 1.2 An incident of misconduct can include, without limitation, any of the following:
  - (a) Assault or serious threatening behaviour.
  - (b) Disruption of, or improper interference with, any activities of the School.
  - (c) Loss of or malicious damage to School property which includes the property of any student, member of staff, any agents of the School or any person visiting the School or property rented by the School.
  - (d) Any action causing, or likely to cause injury to any person or which impairs or is likely to impair the safety of the School’s premises.
  - (e) Any criminal offence committed on School premises or elsewhere.
  - (f) Misappropriation, misuse or unauthorised use of School funds or assets, including without limitation computer misuse and/or breach of the School’s codes of practice or regulations on the use of computers and library and media facilities.
  - (g) Abusive or unreasonable behaviour, or behaviour which causes or is likely to cause fear or distress to others whilst on School premises or engaged in any School activity.
  - (h) A serious breach of School Regulations.
  - (i) Failure to comply with policies and/or directions relating to the effective operation of the School or obstruction of or improper interference with the functions, duties or activities of any member of staff or other employee of the School or any visitor to the School.

- (j) Failure to comply with a previously imposed penalty under this code or failure to respond positively to informal reprimands.
- (k) Failure to comply with the School Codes of Practice on Health and Safety.
- (l) Fraud, deceit, deception or dishonesty in relation to the School or its staff or in relation to being a student of the School.
- (m) Any act which the Director of the School has reason to believe is a breach of good discipline of the School, including unreasonable refusal to assist in any proceedings under this code.
- (n) Conduct which brings or is likely to bring the reputation of the School or any of its staff or students in to disrepute.
- (o) Harassment (whether of a sexual, racial or other nature) of a student or member of the School's staff.

1.3 The above is a list of some of the most common incidents of misconduct, but is not intended to be exhaustive. Any act which interferes with the achievement of the objectives of the School may be regarded as a breach of discipline or misconduct. The provisions of the Code also apply to behaviour in other institutions and organizations.

1.4 Members of the School's staff who witness an incident of misconduct, or to whom such an incident is reported, shall consider whether to deal with the incident by issuing an informal warning, or by invoking the formal procedure, as described below.

## **2. Informal Warning**

2.1 An informal warning may be given in the case of minor incidents of misconduct where it is considered by the member of staff that the student will be likely to correct his/her behaviour and will not repeat it in future. Senior staff (heads of department and term tutors) will be notified that an informal warning has been issued. An informal warning may be issued by a member of staff.

2.2 An informal warning will normally state that if the student repeats the misconduct formal disciplinary action may be taken.

2.3 An informal warning may be issued verbally or in writing to the student. An informal warning is not a penalty under this code but a record of it will be placed on the student's file, to remain on the student's record for one year or until the student leaves the School whichever is the earlier.

## **3. Formal Procedure**

3.1 This procedure will be followed where a student is alleged to have committed an act of misconduct and where informal action is either considered inappropriate or has failed. If it is decided to commence this procedure, the student will be provided with a copy of this code.

3.2 Alleged misconduct which is to be dealt with through the formal procedure will immediately be brought to the attention of the Director, who will appoint a member of staff (the "Authorised Officer") to deal with the matter.

#### **4. Investigation**

- 4.1 The Authorised Officer will carry out an investigation. The purpose of the investigation is to obtain all the relevant facts so that the decision reached is fair to the student and to the School. The Authorised Officer, where appropriate, will examine any written evidence and shall be entitled to examine such witnesses, and conduct such other enquiries into the matters as s/he considers appropriate. These enquiries may include an invitation to the student concerned to attend at a preliminary interview. The student may be accompanied by a friend. It is not a judicial process.
- 4.2 In the case of criminal offences, the procedure will be commenced but the allegations may be referred to the police prior to any further internal disciplinary action under this code.
- 4.3 Where the Director considers that the alleged misconduct is such as to constitute a danger to any person or property s/he may suspend the student from all or part of the School's premises for the period prior to and during the investigation, including the period of any police enquiry and subsequent criminal procedures. Such suspension will be the subject of review by the Director on a written application by the student at not more than fortnightly intervals. The Director will determine the review within five working days. The Director's decision on each review will be final.

#### **5. Further Action**

- 5.1 Where the student concerned admits to the alleged breach of discipline and elects with the consent of the Authorised Officer to be dealt with summarily, the Authorised Officer shall have the power to reprimand the student in accordance with paragraphs 7.1(a) to (c) below. Such penalties may be the subject of an appeal as provided for in paragraph 8.
- 5.2 In other cases if the Authorised Officer determines there is a case to answer, the Authorised Officer will refer the matter to the Director for action through a disciplinary meeting.

#### **6. Disciplinary Meeting**

- 6.1 The student will be invited to a disciplinary meeting. The student will be provided with at least seven days' written notice of the meeting.
- 6.2 The letter inviting the student to attend will:
- (a) state the allegations to be considered at the meeting;
  - (b) inform the student of his/her right to be accompanied by a friend;
  - (c) inform the student that witnesses may be called in support of the complaint or by the student in support of his/her response and that relevant documentation may be considered at the meeting including any written statement by the student in response to the complaint.
- 6.3 Copies of any documents to be produced at the interview should be enclosed with the letter.

- 6.4 The student is required to provide copies of any documents to which s/he intends to refer, and details of any witnesses s/he intends to call, at least two working days prior to the interview.
- 6.5 A formal record of the interview will be taken.
- 6.6 The disciplinary hearing will be structured as follows:
- (a) The Director will conduct the disciplinary meeting.
  - (b) The Authorised Officer will present the results of his/her investigation.
  - (c) The student (and/or friend) will have the opportunity to make representations on the outcome of the investigation.
  - (d) The Director will question both parties.
  - (d) The parties will have the opportunity to make closing submissions.
  - (e) The Director will consider his/her decision.
  - (f) The student will be notified of the decision in writing, within five working days of the hearing and will be informed of his/her right to appeal.

## **7. Disciplinary Action**

- 7.1 If, at the conclusion of the meeting it is found that there has been misconduct, any one of the following formal disciplinary actions may be taken:
- (a) warning the student informally of the possible consequences of any further misconduct (informal reprimand), the warning to be confirmed in writing and to remain on the student's record for one year or until the student leaves the School, whichever is the earlier;
  - (b) reprimanding the student formally, such reprimand to be confirmed in writing and to remain on the student's record for one year or until the student leaves the School, whichever is the earlier (formal reprimand);
  - (c) reprimanding the student formally, such reprimand to be confirmed in writing and to remain permanently on the student's record (formal permanent reprimand).
  - (d) in the case of a meeting conducted by the Director, suspending the student (provided that any period of any suspension will take into account any previous suspension imposed during the investigation). The student's return after a period of suspension may be subject to conditions. The suspension shall be entered on the student's record permanently;
  - (e) in the case of a meeting conducted by the Director, expulsion.
- 7.2 In addition to, or instead of any the above, the student may be required to pay any sum owed in respect of any damage or loss shown to have been caused by the student to the property of the School or of another person.
- 7.3 The student shall be notified of the outcome of the meeting within two working days and notification of the decision will be sent to the Board of Governors. If the case is dismissed, any records of the case shall be destroyed.

## **8. Appeals**

- 8.1 An appeal against the decision of an Authorised Officer shall be to the Director.
- 8.2 An appeal against the decision of the Director shall be to a committee comprising the chair of governors, or a governor appointed by him/her, and two other governors,

who are not employed full time by, or are students of the School. The quorum for the committee shall be two, one of whom must be the chair or his/her appointed nominee.

- 8.3 In either case, an appeal must be submitted in writing within fourteen days of written notification of the decision being sent to the student. The appeal should set out the grounds for appeal. These must relate to:
- (a) the conduct and/or operation of the procedure under this code; and/or
  - (b) the level of penalty.
- 8.4 Any penalty shall remain in force pending any appeal and its resolution.
- 8.5 The student shall be invited to an appeal hearing, and shall be provided with seven days' notice. The appeal will not be a re-hearing of the matters which were the subject of the disciplinary meeting.
- 8.6 The student must submit any further written information in support of the appeal, to the Director or the Board of Governors, as appropriate, not less than two working days *in advance* of the hearing.
- 8.7 The student may be accompanied at the hearing by a friend.
- 8.8 The appeal hearing will be structured as follows:
- (a) The person who conducted the disciplinary meeting will present his/her decisions.
  - (b) The student (and/or friend) will have the opportunity to make representations on the grounds of appeal.
  - (c) The Director/Committee of Governors will question both parties.
  - (d) The parties will have the opportunity to make closing submissions.
  - (e) The Director/Committee of Governors will consider whether to endorse the disciplinary decision or to uphold the appeal or substitute such other decision of their own.
  - (f) The student will be notified of the decision in writing, within five working days of the hearing.
  - (g) The appeal decision will be final. In the case of an appeal before the Director, the decision will be notified to the Committee of Governors.