



CODE OF DISCIPLINE FOR STUDENTS AND DISCIPLINARY PROCEDURES

1. General principles

- 1.1. All students are expected to be mindful of their responsibilities as a member of the IIMBAS community and the communities of its partner institutions. We expect students, their representatives and staff to act reasonably and fairly towards each other and to treat the disciplinary process with respect.
- 1.2. IIMBAS's Vice President (Academic) acts as the Disciplinary Officer. The Disciplinary Officer may further delegate powers of investigation and resolution of informal disciplinary matters to colleagues or may transfer responsibility for discipline to a partner institution as appropriate.
- 1.3. This code does not attempt to replace the law. IIMBAS reserves the right to refer matters to the police where appropriate.
- 1.4. IIMBAS abides by the principles of natural justice. This means that if a disciplinary allegation is made against you, IIMBAS will ensure that:
 - a) You are made fully aware of the nature of the allegation(s) made against you.
 - b) You have an opportunity to reply to any allegation(s).
 - c) You have a fair and unbiased hearing at which all relevant circumstances are taken into account.
 - d) You have the right to appeal against a disciplinary finding or penalty.
- 1.5. IIMBAS aims to complete its procedures in a timely manner. It aims to complete the initial investigation and formal stage of the process within 30 days of the allegation being made and to hear any appeal within 14 days of the student making the appeal. If we cannot meet this timeframe, we will explain why.
- 1.6. Where a student is known to have a disability, IIMBAS will make reasonable adjustments to its procedure where this is necessary in order to avoid substantial disadvantage.

2. Examples of misconduct

- 2.1. "The essence of misconduct under this Code is improper interference with the proper functioning or activities of IIMBAS or its partners, with other members of the IIMBAS community or its partner's communities, or action which damages IIMBAS or its reputation or that of its partners. Examples of student misconduct include (but are not limited to) the following:
 - a) Violent, indecent, disorderly, threatening, or discriminatory behaviour or language while engaged in any IIMBAS activity.
 - b) Behaviour likely to cause fear, distress or harm to others.
 - c) Conduct which is a criminal offence, where that conduct affects or concerns other members of IIMBAS community or its partners, damages the good name of IIMBAS or its partners, or represents a risk to others.
 - d) Sexual misconduct (including online sexual assault, sexual violence and sexual harassment) and jeopardising the mental, physical, and emotional wellbeing

of members of IIMBAS and the safety of our community and that of our partners

- e) Publishing of any matter (verbal, written or other) which is threatening, abusive or insulting or constitutes harassment or makes others fear violence. This includes the misuse of social networking sites.
 - f) Anti-social behaviour which brings IIMBAS or its partners into disrepute.
 - g) Behaviour which breaches IIMBAS policies, including rules on health and safety, freedom of speech, and equality and diversity.
 - h) Failure to comply with national or local Government restrictions in relation to public health emergencies.
 - i) Harassment or discrimination against any student, member of staff or visitor to IIMBAS or its partners on the grounds of protected characteristics.
 - j) Theft, misappropriation, misuse, fraud, deceit, deception, or dishonesty.
 - k) Failure to follow a reasonable instruction from an IIMBAS officer; significant breach of IIMBAS rules; failure to disclose name and other relevant details to a staff member where the staff member has good reason to require this information.
 - l) Failure to comply with a previously imposed disciplinary penalty.
 - m) False accusations that another student or staff member committed a breach of discipline.
- 2.2. Action taken under this Code of Discipline will take precedence over any action taken under all other IIMBAS Codes and Regulations.
- 2.3. IIMBAS's jurisdiction under this Code covers misconduct in the virtual environment of social networking or other websites.
- 2.4. The Disciplinary Officer is responsible for determining any issues of interpretation and for providing any clarification of this code.

3. Provisional action prior to disciplinary action

- 3.1. If you are subject to a criminal charge or to a police investigation, or if IIMBAS believes that your behaviour is likely to cause injury or harm to others, IIMBAS may take provisional action to limit your interaction with IIMBAS community, including suspension and exclusion.
- 3.2. If you are suspended, it means you are prohibited from participating in all IIMBAS activities. IIMBAS may make a specific exception, for example, allowing you to submit an assessment.
- 3.3. If you are excluded, your right to use IIMBAS's learning management system is restricted. You may be excluded from specific IIMBAS activities.
- 3.4. IIMBAS may impose a requirement on all parties (including a student reporting a disciplinary concern) not to have contact with each other and with named others. If you breach this requirement, this is in itself misconduct.
- 3.5. The Disciplinary Officer decides whether provisional action should be taken. You will normally be told that the Disciplinary Officer is considering this action before the decision is made and why, and will have an opportunity to make representations before the decision is made. If the Disciplinary Officer believes that immediate action is justified based on the risk of injury or harm, the decision may be made with immediate effect. In this case, you will not have the opportunity to make representations before the suspension is applied. In either case, you will

be given details of the decision in writing once it is made, and you will be told how you can challenge the decision if you believe it is unfair. IIMBAS will make all reasonable attempts to minimise the harm to your studies and to your ability to access student services.

- 3.6. Provisional action is not a penalty – its aim is to protect members of IIMBAS community, or the property of IIMBAS, or the property of a member or members of IIMBAS community. It also protects you from allegations about further disciplinary concerns while the matter is being investigated.
 - 3.7. You can appeal the provisional action at any time when it is in force, by emailing info@iimbas.com. The President is responsible for deciding whether the decision should be varied or remain in force. IIMBAS aims to send you a response within 5 working days.
 - 3.8. Even if you do not appeal, IIMBAS will automatically review any period of suspension/exclusion after four weeks. The review will be conducted by the President or nominee. The decision may then remain in force until the outcome of any criminal proceedings or investigations, at which point a decision will be made by the Disciplinary Officer about any further action under this Code.
- 4. Procedure for student discipline – overview**
- 4.1. Anyone with a concern about a potential breach of discipline may find it useful to first raise the matter informally with a member of staff. Formal allegations regarding misconduct should be sent to info@iimbas.com. An allegation shall not normally be pursued unless it is received in writing with sufficient detail provided. Anonymous allegations are unlikely to be considered; where there is compelling evidence that the disciplinary offence did take place, the Disciplinary Officer may decide to consider the matter. Even where the disciplinary procedures are not invoked, staff members may remind students of the expectations regarding their conduct.
 - 4.2. Having considered the allegation(s) of misconduct the Disciplinary Officer will decide whether to:
 - a) Dismiss the allegation(s) as false, vexatious, trivial, or lacking in evidence.
 - b) Refer the allegation(s) for resolution by formal process under section 6 below. This will normally be relevant where the allegation(s) of misconduct are of a more serious nature, where inappropriate conduct has been repeated, or where informal procedures do not apply or are not possible.
 - c) Refer the allegation(s) to informal disciplinary procedure for resolution under section 5 below. This will normally be relevant where the allegation(s) of misconduct are of a less serious nature and where it is not considered necessary to invoke the formal processes.
 - 4.3. If the alleged misconduct involves more than one student, the Disciplinary Officer decides whether the cases should be investigated and/or heard together.

5. Informal Disciplinary Procedure

- 5.1. The Informal Disciplinary Procedure will normally be appropriate in relation to allegation(s) of misconduct which are of a less serious nature, and in circumstances where it is considered desirable to address these as close as possible to the source of the alleged offence.
- 5.2. The Disciplinary Officer will review the evidence and make any further enquiries that the Disciplinary Officer deems necessary. You will normally be invited to attend a meeting with the Disciplinary Officer to allow you to explain your version of events and put forward any evidence you wish to provide. You may bring a supporter to this meeting. If you do not attend, the Disciplinary Officer may still make a decision on whether misconduct took place and may issue a disciplinary penalty.
- 5.3. The Disciplinary Officer may:
 - a) Dismiss the allegation.
 - b) Issue a penalty appropriate to the informal procedure.
 - c) Refer the case to the formal procedure.
 - d) Refer the case directly to the relevant partner institution, from which point that institution's disciplinary policy and procedures apply.
- 5.4. The following penalties apply under the informal procedure:
 - a) Verbal warning.
 - b) Written warning/reprimand (a copy will be retained on file for the remainder of your studies).
 - c) Restitution of any damage caused by way of payment.
 - d) Fines up to a maximum of £100.
 - e) Other such action appropriate to the circumstances. More than one penalty may be applied. Previous misconduct may be taken into account in deciding the appropriate penalty. You will be told of the outcome within one week of the decision.
- 5.5. If you think the finding or penalty is unfair or unreasonable based on the evidence, you may appeal to the President. The President will review the case and may:
 - a) Dismiss the case.
 - b) Enforce the penalty.
 - c) Refer the case for hearing by the Vice President (Business Development)
 - d) Refer the case to the relevant partner institution, from which point that institution's disciplinary policy and procedures apply.
- 5.6. If you think the finding or penalty is unfair or unreasonable based on the evidence, you may appeal to the President.
- 5.7. Notes of any investigation, interview and action taken under the Informal Disciplinary Procedure, and copies of correspondence relating to informal disciplinary procedure, will be retained by the Disciplinary Officer and will be shared with you

6. Formal disciplinary procedure

- 6.1. The Formal Disciplinary Procedure will normally be appropriate in relation to:
 - a) Multiple minor acts of misconduct.
 - b) Instances in which informal action has failed or is considered inappropriate.
 - c) Serious allegations of misconduct.

- d) Referrals on appeal from the informal procedure.
- 6.2. The Disciplinary Officer will arrange for an investigation into the allegation(s) of misconduct to take place and a report to be written. You will receive information about the allegations made against you, how long we expect the investigation to take and the procedure we will follow in dealing with the allegation(s). The investigation report and evidence will be shared with you.
- 6.3. On the basis of this report, the Disciplinary Officer may:
 - a) Dismiss the case.
 - b) Apply a penalty appropriate to the informal procedure.
 - c) Refer the case for hearing by the Vice President (Business Development) for a second opinion.
 - d) Refer the case to the relevant partner institution, from which point that institution's disciplinary policy and procedures apply.

7. Appeal to the President

- 7.1. To appeal against any disciplinary decision other than those that are the outcomes of disciplinary proceeding referred to our partner institutions, you must do so within ten working days from the date on the hearing outcome letter. You must email info@iimbias.com to explain why you are appealing.
- 7.2. The President will normally review the case based on the existing case documentation, unless new evidence has become available and there is a good reason why it was not available previously.
- 7.3. The President may:
 - a) Uphold the previous decision.
 - b) Set aside the penalty and/or substitute an alternative penalty.
 - c) Refer the matter back for further consideration by the Disciplinary Officer or Vice President (Business Development).
 - d) Refer the case to the relevant partner institution, from which point that institution's disciplinary policy and procedures apply.
- 7.4. You will receive the outcome in writing, normally within one week of the President's decision.

8. Report to the Board of Directors and our partners

- 8.1. Any disciplinary outcome involving suspension, exclusion or expulsion will be reported at the next meeting of the Board of Directors and to the relevant partner institution.

9. Completion of disciplinary action

- 9.1. If your appeal is rejected, the actions determined by the Disciplinary Officer, the Vice President (Business Development) or the President will be specified to you in a letter, and those actions will be implemented.

10. Reconsideration

- 10.1. After a case has been closed, an allegation of misconduct may only be reconsidered where the Disciplinary Officer deems that there is good reason to do so. This includes cases where new evidence emerges, which could not, for good reason, have been obtained at the time.
- 10.2. In reaching this decision, the Disciplinary Officer will take into account relevant factors including:

- a) Whether the outcome of the first process has been called into question, and if so why.
- b) The length of time that has elapsed and the effect of this on the reliability of any evidence to be considered.
- c) The severity of the alleged offence.
- d) The impact on you of undergoing a second disciplinary process.
- e) Whether leaving the matter unaddressed would impact on matters of fitness to practise or on any obligations owed by the University to professional or regulatory bodies.

2. Related policies

2.1. None listed

3. Version control

Version	Approved by	Approval Date	Details
1.0	Executive Team	13 October 2020	Initial version