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# **GBS Student Disciplinary Policy and Procedure**

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### Version Control

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### Related policies

- GBS Student Charter
- GBS Student Code of Conduct
- GBS Student Complaints Policy and Procedure
- GBS Good Academic Practice and Academic Misconduct Policy
- GBS Academic Appeals Policy
- GBS Student Protection Plan
- GBS Assessment and Feedback Policy
- GBS Student Disciplinary Policy
- GBS Equality and Diversity Policy
- GBS Records Management and Retention Policy
- GBS Anti-Harassment and Anti-Bullying Policy

### External Reference

1. Information Commissioner's Office, Accessed online at: <https://ico.org.uk/>
2. UK Public General Acts, *Data Protection Act 2018*, Accessed online at: <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
3. UK Public General Acts, *Equality Act 2010*, Accessed online at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

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## **Global Banking School Student Disciplinary Policy and Procedure**

### **1. Purpose**

1.1. Global Banking School (GBS) seeks to provide a student experience that changes the lives of all our students, fosters a culture of positive wellbeing and values their voices. However, in some circumstances the student disciplinary policy and procedure may be invoked and therefore the purpose of this policy is to provide guidance to students and staff on the procedures to be followed in the event of a breach of the Student Code of Conduct we expect from all our students, as stated in the Student Charter.

### **2. Student Code of Conduct**

2.1 Students of GBS are expected to maintain a standard of conduct which supports GBS' commitment to excellence in education and scholarship and promotes the reputation of GBS both on and off campus. GBS' Student Charter acts a guide to the code of conduct that students should adhere to.

### **3. Student Disciplinary Process**

3.1 GBS has the right and authority to discipline students and to suspend or exclude any student.

3.2 Where illness/disability may prevent a student from. complying fully with the Student Code of Conduct, special consideration will be made (see the GBS Special Considerations and Reasonable Adjustments Policy).

3.3 In interpreting this Student Disciplinary Policy and Procedure, the decision of GBS is final.

3.4 GBS may amend this Student Disciplinary Policy and Procedure at any time or depart from it, where justified, depending on the circumstances of an individual case. GBS will contact the Police deemed appropriate.

#### **4. Examples of Breaches of Student Code of Conduct**

4.1 GBS regards the following as examples of Misconduct:

- Continued non-submission of coursework
- Cheating or plagiarism in academic coursework
- Threats to health and safety, such as misusing fire extinguishers and fire alarms
- Smoking on GBS premises
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of GBS or the duties or activities of any student, visitor, or member of staff of GBS
- Breach of the provisions of any of GBS' policies including the Equality and Diversity Policy, Safeguarding Policy and the Anti-Harassment and Anti-Bullying Policy
- Failure to disclose personal details to a member of staff of GBS or keep details up to date in circumstances in which it is reasonable to request the information or where funding or fees may be affected
- Failure to respect the rights of others to freedom of belief and freedom of speech
- Failing to respond to a reasonable instruction relating to discipline, issued with the authority a senior member of staff at GBS
- Persistent use of mobile phones in any way (including videos) in learning areas
- Use of e-cigarettes

4.2 GBS regards the following as examples of Gross Misconduct:

- Any conduct that constitutes a criminal offence
- Action likely to cause injury or impair safety on GBS premises, including organised transport to and from GBS, such as violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language
- Possession of or use of weapons
- Antisocial behaviour, including sexual, racial or any other bullying or harassment of any learner or member of staff of GBS, or any visitor to GBS including making malicious and unfounded accusations against another individual

- Fraud, deceit, deception, or dishonesty in relation to GBS or its staff, students, or visitors
- Damage, theft, misappropriation, or misuse of GBS property or its premises, or the property of GBSs staff, students, or visitors, including computer misuse caused intentionally or recklessly
- Drug, alcohol, or solvent possession in GBS, on GBS transport or other related activities
- Attending classes under the influence of alcohol or drugs
- Driving without due care and attention on GBS premises and to and from GBS
- Offences in relation to computers, for example hacking or downloading pornography or games or abusive e-mails
- Bringing the institution into disrepute, for example, by being found guilty of committing a criminal offence or damaging property outside GBS premises
- For the avoidance of doubt, any breaches of the Student Attendance Policy will be dealt with in accordance with the procedures in the Student Attendance Policy

## **5. Investigation**

5.1 GBS may nominate a member of staff to promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the GBS' policies or the Student Code of Conduct or may otherwise be a disciplinary matter. Those accused will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

5.2 The duration of any investigation required will depend on the nature of the allegation and will vary from case to case. If a matter is being investigated by the Police, GBS will not be obliged to await the outcome of any police investigation before undertaking its own investigation. Depending on the circumstances of the case, a student may be invited to attend an investigatory interview prior to a disciplinary hearing. GBS reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.

5.3 In the event of an investigation of an allegation of gross misconduct, GBS may suspend you until the disciplinary hearing where GBS believes that this is necessary. Suspension of this kind does not imply that a decision has already been made about the allegations.

## **6. Disciplinary Procedures: Stages 1,2 and 3 (Misconduct)**

6.1 Where upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that a student has committed an act of misconduct, the student will be invited to attend a meeting.

6.2 Stage 1: This stage is used to address minor breaches of the Student Code of Conduct. GBS shall be entitled to issue the student with either a verbal or written warning as appropriate. This stage is conducted by the Programme Leader or a nominated member of staff.

6.3 Stage 2: This stage is used to address more serious breaches of the Student Code of Conduct or failure to improve after a verbal or written warning. GBS shall be entitled to issue a student with either a further verbal or written warning, or a final written warning as appropriate. This stage is conducted by the Dean or a nominated member of staff.

6.4 For Stage 1 and Stage 2 a member of GBS staff may apply one or multiple combinations of the following actions in an effort to address the misconduct:

- A verbal or written warning, a written final warning (Stage 2) or a written contract may be issued.
- The student may be put on a report for a specified period with review dates.
- A list of conditions may be devised whereby the student may be allowed to remain at GBS.
- The student may be referred to their Student Success Tutor or Welfare Manager for guidance and/or counselling.
- The actions agreed will be formally recorded and kept on the student's personal file. The student will be requested to sign the agreed action(s) to address the misconduct.

6.5 Stage 3: This stage is used following a further breach of the Student Code of Conduct and may result in exclusion from GBS. This stage will be carried out by the Provost, or nominee.

## **7. Procedure for Gross Misconduct**

7.1 Where upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that the student has committed an act of gross misconduct, the student will be invited to attend a disciplinary hearing. In the event of a disciplinary hearing taking place GBS will:

- Give the student a minimum of two working term-time days advance notice of the hearing.
- Give the student written details of the nature of the alleged misconduct.
- Inform the student of the purpose of the hearing and that it will be held under GBS' disciplinary procedure.
- Explain the student's right to be accompanied at the hearing by a companion (but not a legal representative).
- Where a student is unable to attend a disciplinary hearing for reasons beyond the student's control, the hearing will be adjourned to another day. GBS will give notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the student is unable to attend the rearranged hearing, the rearranged hearing may take place in the student's absence.

## **8. Role of a Companion**

8.1 Students have the right to bring a companion to the disciplinary hearing, but not with a legal representative. The choice of companion is a matter for the student to decide and the student must notify GBS of his or her choice prior to the hearing. If GBS believes that the student's choice is unreasonable, GBS will ask the student to choose someone else. This will come into effect if, for example, in GBS' opinion, your companion:

- May have a conflict of interest or prejudice the meeting
- Is a legal representative

- Is unavailable at the time of the meeting, where the original meeting date has already been rearranged once due to the companion's non availability.

8.2 At any disciplinary hearing, the student's companion may address the panel and respond on the student's behalf to any views expressed. However, the meeting is essentially a meeting between the student and GBS and any questions put directly to the student should be answered by the student and not the student's companion, unless the student request his or her companion to reply on their behalf.

## **9. The Disciplinary Hearing**

9.1 A disciplinary hearing will normally be arranged and conducted by the Dean of Students or a nominated member of staff. Any member of GBS staff responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such staff may present any information or material to the disciplinary hearing.

9.2 The disciplinary panel will aim to meet within 10 working term-time days of the suspension/referral. The disciplinary panel will comprise senior staff, which may include the Associate Dean, Provost, or nominee. The following procedure will be followed:

- The disciplinary panel will be chaired by the Dean of Students or by a nominated member of senior staff.
- The student will be invited to arrive 30 minutes prior to the start of the hearing for a briefing.
- GBS will give the student advance notice if the student intends to call relevant witnesses to the disciplinary panel hearing.
- The student must also give GBS advance notice if it is intended to call witnesses.
- The relevant senior member of staff will present the case to the panel with a breakdown of the student's academic record at GBS, including the attendance record, and any causes for concerns recorded.
- At the hearing, the student will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses.

- GBS may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). In these circumstances the panel should be reconvened with its original members and the student will be given notice of the date of the reconvened hearing.
- As soon as possible after the conclusion of the disciplinary proceedings, and no longer than 10 working days, GBS will write to the student, providing information concerning whether disciplinary action, if any, is to be taken. The student will be notified of his or her right of appeal under GBS' Disciplinary Appeals Procedure.
- The Chair will advise relevant members of staff of all exclusions in order that support services can be advised, where appropriate.

9.3 The Disciplinary Panel may find that:

- There has not been a breach of GBS Student Code of Conduct, and the student will be allowed to return to their studies immediately.
- The student has breached GBS Student Code of Conduct and will be issued with a written warning with conditions.
- The student has breached GBS Student Code of Conduct and will be issued with a final written warning with conditions and may be given an extended suspension with or without conditions.
- The student has breached GBS Student Code of Conduct and will be permanently excluded from GBS.

## **10. Referral to the Support to Study Policy and Procedure**

10.1 Where the student is known to suffer from a particular illness which impacts on their health and safety, and that of fellow students and/or staff, GBS may deem it inappropriate for the student to continue to attend GBS. In such circumstances a disciplinary hearing may not be the appropriate course of action to consider breaches of the GBS Student Code of Conduct. When this is the case, the student will be dealt with under the appropriate partner/awarding body's fitness to study policy and procedure.

## **11. Appeal against the outcome of the Disciplinary Panel**

11.1 Students have the right to appeal against any decision made by the disciplinary panel. Student may only make an appeal on one or more of the grounds given below and not because they do not agree with the outcome of the disciplinary panel hearing. The grounds for which GBS will consider an appeal are as follows:

- The procedures outlined above for the disciplinary panel hearing have not been properly followed.
- The student has produced new evidence to submit which was not presented at the time of the disciplinary panel hearing and has recently come to light.
- There may be bias or a conflict of interest with one or more of the disciplinary panel members.
- The student was ill at the disciplinary panel hearing and consequently not able to present their case properly (a doctor's certificate/medical evidence would be required).

11.2 Only an appeal made on one or more of the above four grounds will be considered. If the student submits an appeal on any other grounds the appeal will be dismissed.

11.3 To make an appeal against the outcome of a disciplinary panel hearing, the student must complete the *Appeal Against the Outcome of a Disciplinary Panel Hearing form* (which is available on VLE or from Programme Leader or Student Success Tutors) and submit it to the Dean of Students. In submitting the completed form, the student must supply objective, independent evidence, for example a doctor's certificate/medical evidence to support their appeal. (*Please see Annex 3- Appeal Against the Outcome of a Disciplinary Panel Hearing Form*).

11.4 The Student has 10 working days from the date of this Student Disciplinary Outcome to make this known and submit the Appeal Against the Outcome of a Disciplinary Panel Hearing Form.

11.5 The Provost or senior member of staff will assess the grounds for an appeal and determine the appropriate course of action should the appeal be upheld. This may,

for example, include instruction for another disciplinary panel hearing, dismissing the case or modifying the outcome of the original disciplinary panel hearing.

## **12. Monitoring and Review**

12.1 This policy may be amended by GBS at any time. GBS will ensure that all staff receive appropriate training to enable them to comply with this policy. GBS will regularly test our systems and processes to monitor compliance. Any issues related to the monitoring and review of this policy, please contact [asqo@globalbanking.ac.uk](mailto:asqo@globalbanking.ac.uk).

## **13. Data Protection and Confidentiality**

13.1 GBS is registered with the Information Commissioner's Office as a Data Controller. Details of the School's registration are published on the [Information Commissioners website](#). GBS as a Data Controller shall implement appropriate technical and organisational measures to ensure that processing of personal information is performed in accordance with the UK General Data Protection Regulations (UK GDPR) and under the Data Protection Act 2018 (DPA). For Data Protection purposes and compliance matters, please contact [dpa@globalbanking.ac.uk](mailto:dpa@globalbanking.ac.uk).

13.2 All documentation relating to this disciplinary policy and procedure will be kept confidential and shall be disclosed only to those persons who have a right to the information by virtue of their role] or as required by law.

## **14. Alternative Format**

14.1 This policy can be provided in alternative formats (including large print, audio and electronic) upon request. For further information, or to make a request, please contact:

- **Name:** Student Welfare Management Team
- **Position:** Student Welfare Officer/Manager
- **Email:** [welfare@globalbanking.ac.uk](mailto:welfare@globalbanking.ac.uk)

## **Annex 1 - GBS Formal Disciplinary Procedure**

1.1. Following a full investigation and depending on the severity of the case, Stage 3 of the Student Disciplinary may be triggered. The Dean of Students or nominee will convene a Disciplinary Panel Hearing if it is satisfied that the allegation of misconduct has been severe to warrant a panel hearing. GBS staff are required to follow the Formal Disciplinary Procedure outlined below.

1.2. The membership of the Disciplinary Panel will include:

1. Dean of Students or nominee (Chair)
2. A member of GBS Senior Management.
3. An impartial member of GBS Staff

1.3. A representative from the Academic Standards and Quality Office will be in attendance as the secretary.

1.4. The Dean of Students, normally within ten working days of receipt of the allegation, shall write to the student:

- To present the allegation.
- To invite the student to attend the Disciplinary Panel
- Provide the student with all available evidence.
- Invite the student to provide a written statement.
- Remind the student of their right to be accompanied by a friend or student representative.<sup>1</sup>
- Advise the student that if they are unable to attend a disciplinary hearing for reasons beyond the student's control, the hearing will be adjourned to another day. Otherwise, the meeting will proceed in their absence.

1.5. Once the date of the Disciplinary Panel has been confirmed and all evidence received, the Dean of Students will write to the student:

- To confirm the date / time / location of the meeting
- To confirm the name of the panel members
- Remind the student of their right to be accompanied by a friend or student

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<sup>1</sup> *The student has the right to be accompanied by a (non-legal) representative.*

representative.

- Advise the student that if they fail to attend, the Hearing will proceed in their absence.

1.6. The Disciplinary Panel will consider all the evidence presented with a view to deciding whether the allegation is substantiated. The panel will discuss the evidence in private and decide whether the case is substantiated immediately or as soon as possible after the hearing.

1.7. In the event of the case being substantiated, the Disciplinary Panel will impose a verdict.

Among the penalties that the Disciplinary Panel may impose are:

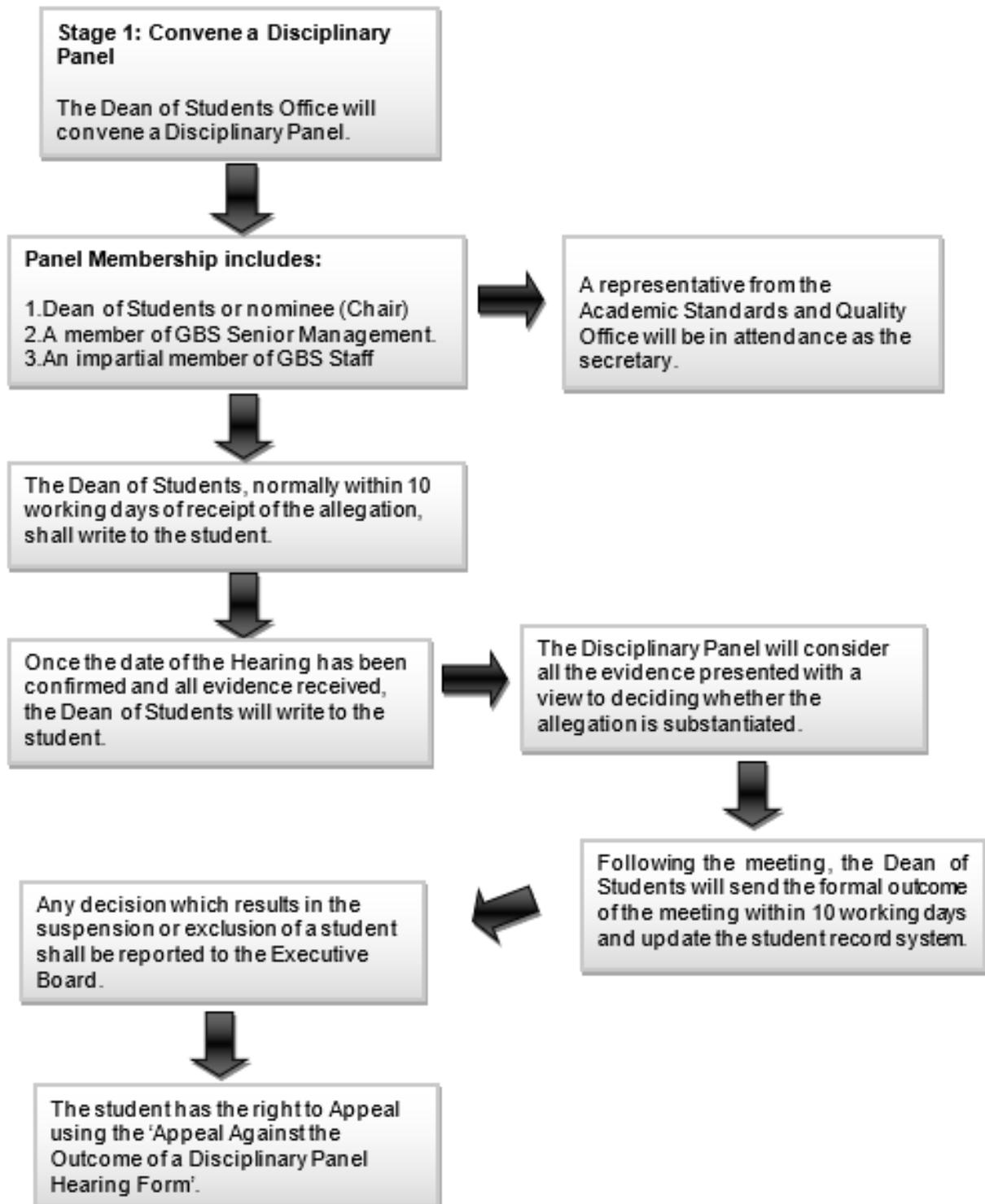
- There has not been a breach of GBS Student Code of Conduct, and the student will be allowed to return to their studies immediately.
- The student has breached GBS Student Code of Conduct and will be issued with a written warning with conditions.
- The student has breached GBS Student Code of Conduct and will be issued with a final written warning with conditions and may be given an extended suspension with or without conditions.
- The student has breached GBS Student Code of Conduct and will be permanently excluded from GBS.

1.8. Following the meeting, the Dean of Students will send the formal outcome of the meeting within 10 working days and inform the Registry Department to update the student record system.

1.9. Any decision which results in the suspension or exclusion of a student shall be reported to the Executive Board.

1.10. The student has the right to Appeal Against the Outcome of a Disciplinary Panel Hearing using the Appeals form within 10 working days of receiving the Student Disciplinary Outcome Letter.

**Annex 2- GBS Student Formal Disciplinary Procedure Flow Chart**



### **Annex 3 - GBS Appeal Against the Outcome of a Disciplinary Panel Hearing Form**

*This form must be completed if a student wishes to make an appeal against the outcome(s) of a Disciplinary Hearing Panel. When completed, the student should send it to their Programme Leader or Dean (the Student Success Tutors can advise you how to do this).*

*Please read GBS Student Disciplinary Policy and Procedure very carefully. Remember that an appeal can only be lodged based on one or more of the following grounds:*

- 1. The procedures outlined above for the disciplinary panel hearing have not been properly followed.*
- 2. The student has produced new evidence to submit which was not presented at the time of the disciplinary panel hearing and has recently come to light.*
- 3. There may be bias or a conflict of interest with one or more of the disciplinary panel members.*
- 4. The student was ill at the disciplinary panel hearing and consequently not able to present their case properly (a doctor's certificate/medical evidence would be required).*

<b>YOUR DETAILS:</b>			
<b>Full Name:</b>		<b>Student ID:</b>	
<b>Date of making this appeal:</b>		<b>Course of study:</b>	
<b>Date of Disciplinary Panel Hearing:</b>		<b>Outcome of Disciplinary Panel Hearing:</b>	

<b>GROUND(S) FOR APPEAL AGAINST OUTCOME OF THE DISCIPLINARY PANEL HEARING:</b>
<i>Please state one or more grounds for an appeal given above...</i>

*Please give further details on your grounds for your appeal and provide a summary of any evidence you can give in support of your appeal.*

*Please indicate type of evidence and attach copies of evidence, such as a doctor's note, to this form.*

**STUDENT DECLARATION**

*Data Protection Act 2018- By signing this form you are also agreeing to the following: Global Banking School will process the information provided by you and your personal data for the purposes of investigating and resolving your appeal and monitoring and evaluating the effectiveness of the student disciplinary procedure. If you do not give your consent by signing this form, Global Banking School will not be able to progress your appeal.*

***Please ensure that you complete each section of this form. When completed please sign and date, then submit to your Programme Leader at Global Banking School.***

*I confirm that the information given on this form and in supporting documents is true to the best of my knowledge and belief. I agree that my appeal may be disclosed to relevant members of Global Banking School to the extent necessary for its consideration.*

*I authorise the reviewer(s) of this complaint to consider this form and any relevant information held by GBS to the extent necessary for the consideration of my appeal.*

**Student Signature .....** **Date: .....**

**FOR OFFICE USE ONLY**

**Has the form been completed fully:** YES/NO

**Has evidence been attached:** YES/NO

**GBS Staff Signature .....** **Date: .....**