

GBS Student Conduct Policy and Procedure

Document title	GBS Student Conduct Policy and Procedure
Version	V 6.0
Approved by (Oversight Committee)	Academic Board
Policy lead (Staff member accountable)	Provost
Date of original approval	June 2019
Date of last review	July 2025
Changes made at the last review:	Change of title to better align to GBS Student Code of Conduct and to reflect sector practice; major revisions to improve clarity of information, remove repetition of information; clarify stages of the procedure
Date effective from	July 2025
Date of next review	July 2026

Related GBS policies
<ul style="list-style-type: none"> ▪ GBS Student Charter ▪ GBS Student Code of Conduct ▪ GBS Student Complaints Policy and Procedure ▪ GBS Equality and Diversity Policy ▪ GBS Anti-Harassment and Anti-Bullying Policy - Students
External Reference Points
<ol style="list-style-type: none"> 1. Information Commissioner's Office, Accessed online at: https://ico.org.uk/ 2. UK Public General Acts, <i>Data Protection Act 2018</i>, Accessed online at: https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted 3. UK Public General Acts, <i>Equality Act 2010</i>, Accessed online at: https://www.legislation.gov.uk/ukpga/2010/15/contents

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Student Conduct Policy and Procedure

1. Policy Statement

- 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. Our students are expected to maintain a standard of behaviour that is in line with the expectation set out in the [GBS Student Code of Conduct](#). The Student Conduct Policy and Procedure ('the Policy') sets out how we deal with unacceptable behaviour – referred to here as disciplinary misconduct - on the part of our students. It protects both GBS and the wider community. Students and staff can be assured that any instances involving alleged misconduct on the part of students will be considered under robust, consistent and transparent procedures and that appropriate action will be taken where required.

2. Purpose

- 2.1. This Policy explains the process and timescales for dealing with allegations relating to misconduct on the part of GBS students, as well as the penalties that can be imposed by GBS.

3. Scope

- 3.1. This Policy applies to all students on programmes of study taught by GBS. It covers non-academic, behavioural misconduct, as detailed in the expectation of behaviour presented in Section 6 of the *GBS Code of Conduct*. This policy does not apply to academic misconduct, which is covered by [GBS Academic Good Practice and Academic Conduct: Policy and Procedure](#).

4. Definitions

4.1. Misconduct

- 4.1.1. Misconduct is any behaviour or action that breaches the expectation of behaviour as detailed in the *GBS Student Code of Conduct*. Student Misconduct is divided for disciplinary purposes into two categories: Disciplinary Misconduct and Gross Disciplinary Misconduct.

4.2. Disciplinary Misconduct and Gross Disciplinary Misconduct

- 4.2.1. There is a distinction between minor and major breaches of the Code. Factors that GBS takes into consideration when deciding whether an allegation of

misconduct should be treated as a minor or major breach include the following:

- i. the extent and impact of the misconduct;
- ii. the level of violence and classroom or campus disruption involved
- iii. whether the misconduct is sustained and/or repeated;
- iv. participants have previously upheld violations of the Student Code of Conduct
- v. previous issuance of a behavioural contract at either the Disciplinary or Gross Disciplinary level
- vi.

4.3. Disciplinary Misconduct can include but is not limited to: :

- Threats to health and safety, such as misusing fire extinguishers and fire alarms
- Smoking, using e-cigarettes or vapes on GBS premises
- Drinking alcohol anywhere on GBS premises
- Inappropriate communication in class or outside of class on GBS premises (swearing, racist commentary, remarking on physical appearance, or derogatory or inappropriate remarks of any nature)
- Viewing inappropriate material on a phone or other electronic device which is visible to others even if not shown to others on any GBS premises.
- Unauthorised filming of people or property on any GBS premises.
- Low-level disruption of, or interference with, the academic, administrative, social or other activities of GBS or the duties or activities of any student, visitor, or member of staff of GBS
- Inappropriate, bullying or intimidating communications via email, text, or Teams messaging to GBS staff members
- 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.
- Failure to respect the privacy of other students and staff and accessing, copying, or sharing private information or confidential information.

- Failing to respond to reasonable instruction relating to discipline from member of staff at GBS.

This list is not exhaustive.

4.4. GBS regards the following as examples of Gross Misconduct:

- **Any** conduct that constitutes a criminal offence (this includes touching another person, striking another person, demanding money from others, extortion, property damage or any other instances of criminal behaviour)
- Threats of physical violence towards another person or persons
- Any instance of sexual harassment or sexual misconduct
- Engaging in sexual harm, including sexual harassment, sexual assault and/or threatening, controlling, stalking behaviour or image-based abuse (e.g., sharing of intimate images without consent)
- Behaving in a discriminatory way against any person or group based on disability, gender, race, or cultural background, religious or spiritual belief, sexual orientation, or physical appearance. This can include behaviour in person, verbal or written comments, and in email. 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
- Criminal damage of GBS premises or property
- Possession of or use of weapons
- Antisocial behaviour, including sexual, racial abuse or bullying, harassment, including sexual harassment of any student 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 GBS staff, students or visitors, including computer damage or misuse caused intentionally or recklessly
- Drug, alcohol, or solvent possession in GBS, on GBS transport or during other related activities
- Attending classes under the influence of alcohol or drugs.

Misuse of GBS IT equipment or IT systems.

This list is not exhaustive.

5. Principles

5.1. Cases of alleged student disciplinary misconduct and gross disciplinary misconduct take account of the following principles:

- each allegation is investigated to establish whether or not there is a case to answer before any disciplinary action is taken
- when the student is advised of alleged misconduct, they are made fully aware of the nature of any allegations made against them and are given an opportunity to respond to any allegations
- the student has the opportunity to participate in proceedings
- action is proportionate to the circumstances of each case of alleged misconduct.

6. Investigation

6.1. All investigations, both of Disciplinary Misconduct and Gross Disciplinary Misconduct are investigated through the Office of the Dean of Students by the Student Complaints and Conduct team. The duration of any investigation will depend on the nature of the allegation and will vary from case to case. All students alleged to have committed misconduct will be contacted and formally interviewed by a Complaints and Conduct Officer. During this interview any student may request other witnesses be interviewed as well. . GBS reserves the right to dispense with an investigatory interview and to proceed directly to a Gross Misconduct hearing depending upon the severity of the offence.

6.2. In the event of an investigation of an allegation of Gross Misconduct, GBS will ban the student from campus until the outcome of the disciplinary hearing (Ban from Campus status). Students will be provided with one to one academic support during this period to maintain academic progress and all absences during this period are authorised. Suspension of this kind does not imply that a decision has already been made about the allegations.

6.3. If a matter is being investigated by the Police, GBS will be obliged to await the outcome of any police investigation before undertaking its own investigation.

7. Disciplinary Misconduct Procedures

7.1. Stage 1

- 7.1.1 As part of the initial investigation, a student will be given an interview and a statement produced. Other witnesses may be called. Depending upon the severity of the incident either a verbal warning or a written warning will result for minor infractions of the *Student Code of Conduct*. The warnings are held within the Complaints and Conduct database and repeated violations of the Student Code of Conduct will result in more severe assessment of the level of disciplinary misconduct faced by the student.
- 7.1.2. The verbal or written warning is given by the Student Conduct Officers or the Manager.

7.2. Stage 2

- 7.2.1. If a breach of the ***Student Code of Conduct*** is serious but does not warrant full Gross Disciplinary Misconduct charges, a Stage 2 Disciplinary Misconduct warning in the form of a behavioural contract may be issued. This is agreed between the Conduct Office Manager and the Dean or Associate Dean of the programme with the student or students involved. It involves both a verbal warning and a written warning in the form of a signed contract which is signed by all parties.
- 7.2.2. This behavioural contract is held by the Conduct Office and logged on the Disciplinary Misconduct tracker. Copies are available by request to the specific academic programme or collaborative partner.

7.3. Gross Disciplinary Misconduct Procedures

- 7.3.1. When the investigation into the Gross Disciplinary Misconduct charges has been completed, and there are reasonable grounds to believe that the student has committed an act of Gross Disciplinary Misconduct, the Dean of Students will request a Gross Disciplinary Misconduct Panel hearing be convened. This will be arranged through the ASQO office and Chaired by the Provost, Vice-Provost or a nominee. . The Chair will nominate two senior members of staff to join the panel. The panel will then aim to meet within ten working days of the hearing being convened.

- 7.3.2. A minimum of five working days before the hearing, GBS will:

- Provide the student with the date/time/location of the hearing

- Give the student written details of the nature of the alleged gross misconduct.
- Inform the student of the purpose of the hearing and that it will be held under GBS' misconduct procedure.
- Provide the names of witness(es) GBS intends to call.
- Explain the student's right to be accompanied at the hearing by a companion (but not a legal representative).
- Explain the student's right to call witness(es) who have testimony relevant to the case.
- In the event that the student does not respond to their notification of a misconduct hearing or does not confirm their attendance, the hearing will go ahead and attempts to call the student into the meeting will be made.
- Where the student is unable to attend a misconduct hearing for reasons beyond their control, the hearing will be adjourned to another day. GBS will give notice of the rearranged hearing. Unless there are extenuating circumstances, if the student is unable to attend the rearranged hearing, it may take place in the student's absence.

7.3.3. A minimum of two days before the hearing, the student will:

- Confirm their attendance at the hearing.
- Inform GBS if they intend to be accompanied by a companion, providing details of the companion.
- Inform GBS if they intend to call witness(es), providing details of them.
- Inform GBS of any issues that might impact on their ability to participate fully in the hearing.
- Request any reasonable adjustments to enable them to participate fully in the hearing.

8. Role of a Companion

8.1. Students have the right to bring a companion to the misconduct hearing, but not 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, the 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 the misconduct hearing, the student's companion may address the panel and respond on the student's behalf to questions. 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 requests his or her companion to reply on their behalf.

9. Witnesses

9.1. Any witness called by GBS and/or the student must have testimony that is relevant to the case. Character witnesses should not be called. If witness(es) fail to attend, the hearing will go ahead. The failure of witness(es) to attend the hearing cannot be used as grounds for appeal against the hearing outcome.

10. The Misconduct Hearing

10.1. The misconduct panel will comprise:

- Vice-Provost or nominee (Chair)
 - The Chair should nominate two senior members of staff who will normally be senior academics to serve on the panel. Panel members must be drawn from Faculties other than the student's own.

10.2. The Dean of Students (or nominee) will also be invited to the misconduct hearing to present the case allegations against the student including the explanation of evidence gathered. The Dean of Students or nominee will leave the meeting for the panel to deliberate, once the case has been presented.

10.3. The hearing will be held in person or via Microsoft Teams. It is serviced by the Academic Standards and Quality Office.

10.4. The procedure for the hearing is as follows:

- (i) Introduction of those present
- (ii) Chair outlines the order of the hearing

- (iii) Chair invites the student to confirm their identity using a photo ID (GBS ID, License, Passport) and that they are able to participate fully in the hearing. By confirming this, the student will be unable to claim at a later date that their participation in the hearing was affected by extenuating circumstances.
- (iv) Dean of Students (or nominee) sets out the allegations.
- (v) The student responds to the allegations.
- (vi) Questions from the panel.
- (vii) Witness statements (where called).
- (viii) Questions from the panel.
- (ix) Dean of Students or nominee and the student are invited to make final comments.
- (x) Dean of Students or nominee and the student (plus companion and/or witnesses where relevant) are asked to leave the hearing.
- (xi) The panel considers its decision.

Throughout the hearing, the student is given reasonable opportunities to ask questions.

10.5. The order of the hearing may be varied at the discretion of the Chair, and reasons for this should be noted in the record. The Chair may also intervene with any speaker to require them to only address matters that are relevant to the hearing.

10.6. The Chair may adjourn the hearing if it appears necessary or appropriate to do so (including for the purpose of gathering further information or if the student states that they are not able to participate fully). In these circumstances the panel will be reconvened with its original members and the student will be given notice of the date of the reconvened hearing.

10.7. The Misconduct Panel may find that:

- There has not been a breach of the GBS Student Code of Conduct, and the student will be allowed to return to their studies immediately.
- The student has breached the GBS Student Code of Conduct and will be issued with a first written warning with conditions.

- The student has breached the GBS Student Code of Conduct and will be issued with a final written warning with conditions
- The student has breached the GBS Student Code of Conduct and will be given an extended suspension with or without conditions.
- The student has breached the GBS Student Code of Conduct and will be permanently excluded from GBS.

10.8. As soon as possible after the hearing, and normally no longer than 10 working days, GBS will write to the student, informing them of any action to be taken. The student will be notified of his or her right of appeal in line with this Policy.

11. Appeal against the outcome of the Misconduct Hearing

11.1. Students have the right to appeal against the decision made by the misconduct panel. Students may appeal on one or more of the grounds given below and not because they do not agree with the outcome of the misconduct hearing.

11.2. The grounds for appeal are:

- The procedure for the misconduct hearing was not properly followed, resulting in a significant error which casts doubt on the decision reached.
- The student has new and relevant evidence which was not available at the time of the hearing for good reason.
- There is evidence of bias or a conflict of interest with one or more of the misconduct panel members.

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

11.4. An appeal must be accompanied by supporting evidence. Unless supporting evidence is submitted, the appeal will be dismissed.

11.5. To make an appeal against the outcome of a misconduct hearing, the student must complete the *Appeal Against the Outcome of a Misconduct Hearing form* (which is available on the VLE or from Student Success Tutors) and submit it to Student Casework (studentcasework@globalbanking.ac.uk). In submitting the completed form,

the student must supply objective, independent evidence. *(Please see Annex - Appeal Against the Outcome of a Misconduct Hearing Form).*

11.6. The student has 10 working days from the date of the outcome of the misconduct hearing to submit the Appeal Against the Outcome of a Misconduct Hearing Form.

11.7. The Provost or nominee (who was not a member of the misconduct panel) will assess the grounds for an appeal and determine the appropriate course of action, whether the appeal will be dismissed or upheld.

11.8. This may, for example, include:

- instruction for another misconduct hearing
- dismissing the case
- modifying the outcome of the original misconduct hearing,
- setting new conditions upon the student(s)

11.9. The decision of the Provost is final and cannot be appealed. The outcome of the appeal will be sent to the student via email and physical letter.

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 governance@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.

- 13.2. All documentation relating to this 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 the Academic Standards and Quality Office at asqo@globalbanking.ac.uk

Annex 1 - GBS Appeal Against the Outcome of a Misconduct Hearing Form

This form must be completed if you wish to make an appeal against the outcome(s) of a Misconduct Panel. When completed, you should send it to Student Casework (studentcasework@globalbanking.ac.uk).

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

1. The procedure for the misconduct hearing was not properly followed, resulting in a significant error which casts doubt on the decision reached.
2. The student has new and relevant evidence which was not available at the time of the hearing for good reason.
3. There is evidence of bias or a conflict of interest with one or more of the misconduct panel members.

YOUR DETAILS:			
Full Name:		Student ID:	
Date of making this appeal:		Programme of study:	
Date of Misconduct Hearing:		Outcome of Misconduct Hearing:	

GROUND FOR APPEAL AGAINST OUTCOME OF THE DISCIPLINARY PANEL HEARING:
<i>Please state one or more grounds for an appeal given above...</i>
<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.</i>
<i>Please indicate type of evidence and attach copies of evidence, such as a doctor's note, to this form. Note appeals will only be considered if supporting evidence is attached.</i>

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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 Student Casework (studentcasework@globalbanking.ac.uk).

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
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Has evidence been attached:	YES/NO
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GBS Staff Signature **Date:**

Annex 2 - GBS Student Disciplinary Procedure Flow Chart

