



BIMM
INSTITUTE



INSTITUTE FOR
CONTEMPORARY
THEATRE

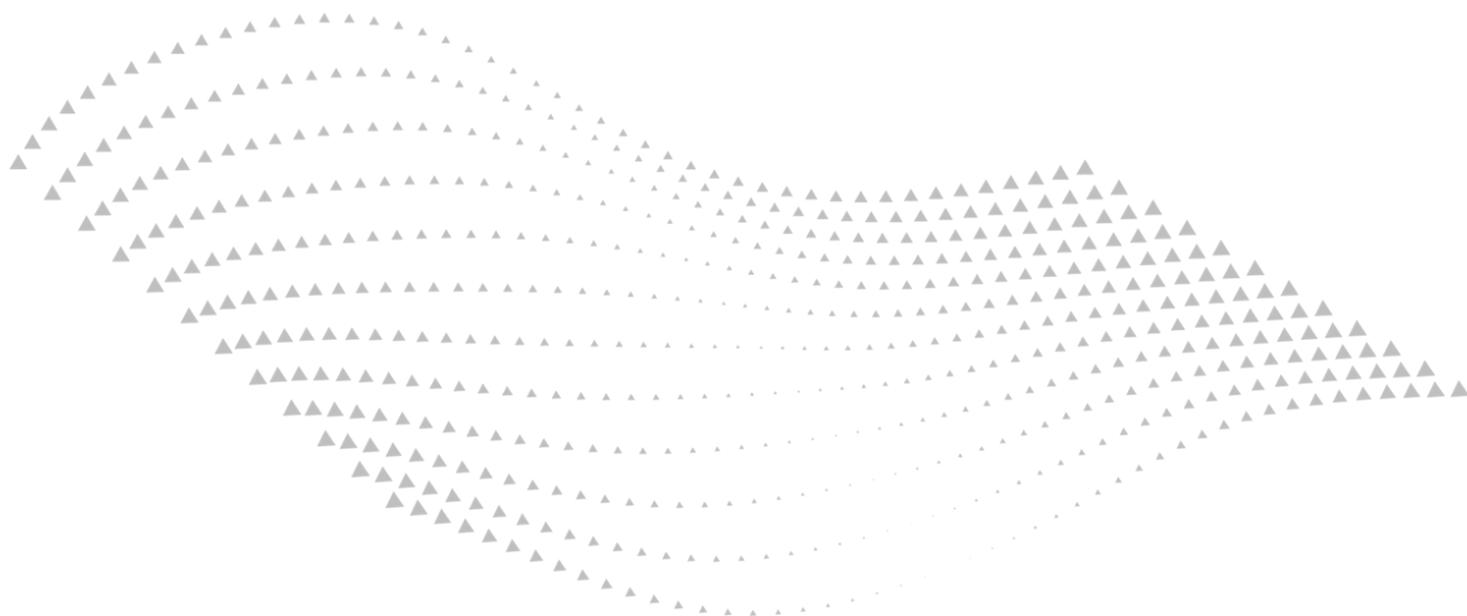


PERFORMERS
COLLEGE



SCREEN AND
FILM SCHOOL

Student Disciplinary Procedure



Last approved: September 2021

Approved by: Academic Board

Next review due: September 2025



1. Introduction

- 1.1. This Procedure applies to all students currently registered on a course at BIMM Institute, the Institute of Contemporary Theatre, Performers' College or Screen & Film School (collectively referred to as "the Institute").
- 1.2. This Procedure provides a framework for the regulation of non-academic Student Misconduct at the Institute to secure its proper workings, in the broadest sense. Breaches of the Institute's policies and procedures relating to students, including those listed below, will be dealt with in accordance with the process set out in those procedures and/or through this Procedure:
 - Bullying & Harassment Policy & Procedure
 - Equal Opportunities & Diversity Policy
 - Fitness to Study Policy
 - Online Learning Code of Conduct
 - Safeguarding Policy
 - Sexual Misconduct Policy
 - Student Charter
 - Student Code of Conduct
 - Student Social Media Policy
- 1.3. In the event that an allegation of misconduct against a student of the Institute is also the subject of a police investigation or proceedings in the criminal courts, it may be necessary for the Institute to pause any actions under this Procedure pending the completion or conclusion of such investigations or proceedings. The Institute will take the results of any police investigation or criminal proceedings into account when conducting its own investigation under this Procedure. Should the police issue any bail conditions, or should the Institute need to consider the safety of students whilst investigations are ongoing, it reserves the right to implement Precautionary Measures as outlined in Section 7, which may result in precautionary measures being put in place, including a suspension of studies or restrictions being placed on access to Institute facilities.
- 1.4. Students are expected to treat all members of the Institute community with respect, including other students, staff, visitors and third parties, including members of the local community.
- 1.5. Students are also expected to behave in a way that does not interfere with, or cause disruption to, the normal operations of the Institute and its community. Where there is reason to believe that the rules or regulations of the Institute have been broken or when a student's behaviour falls below the standards set out in the Institute's policies and codes, this Procedure will be used.

2. Definitions

- 2.1. The general definition of 'Misconduct' under this Procedure is the improper interference, in the broadest sense, with the proper functioning or activities of the Institute, or those who work or study at the Institute, or action which otherwise damages the Institute. More specific definitions of aspects of Misconduct are set out in the Institute's Student Code of Conduct.
- 2.2. The individual making an allegation of Misconduct will be referred to as the 'Reporting Party' in this Procedure.
- 2.3. The individual against whom an allegation of Misconduct is made will be referred to as the 'Responding Party' in this Procedure.



3. Scope

- 3.1. This Procedure relates to matters of non-Academic Misconduct. Where the alleged Misconduct relates to academic matters, it should be referred to the appropriate procedure in the Institute's Academic Regulations.
- 3.2. The Institute's disciplinary jurisdiction over its students' conduct is not limited to Institute premises or solely within term-time. This means, for example, that behaviour off-campus and during vacations, weekends, evenings, on placements and field trips and the use of online and digital media where the alleged Misconduct poses risks or disruptions to the Institute or members of the wider community, or third parties, may be taken into consideration. It also means that behaviour in a social setting which may constitute Misconduct (such as at an external event associated with the Institute, or on social media) may have consequences, whether or not it takes place during the Institute's normal opening hours.
- 3.3. This Procedure does not cover students eligible for a BIMM award delivered by a partner organisation under a franchise agreement. For such students, the disciplinary regulations in place at that partner organisation will apply.
- 3.4. If there is a conflict or overlap between this Procedure and another Institute policy or procedure, code or regulation, then the Academic Registrar will decide which one should apply.
- 3.5. The behaviour of a student may be referred under this Procedure following the outcome of a different process. This may include, for example, the Institute's other policies and procedures that cover bullying, harassment and sexual misconduct.

4. General Principles

- 4.1. This Procedure seeks to operate in a fair and transparent manner in accordance with the principles of natural justice. It does not seek to reproduce elements of the criminal law and is not a formal legal process.
- 4.2. The Institute has legal obligations which will apply to this Procedure, such as the duty to act fairly and reasonably in relation to all parties in the application of this Procedure. The standard of proof required is the balance of probabilities; that is, it is more likely than not that the alleged Misconduct occurred.
- 4.3. Students who are the subject of any investigation and/or hearing under this Procedure shall have the right to be accompanied to any investigative meeting or hearing. The Accompanying Party is there to provide support and may not be a member of Institute staff or a witness to the incident under investigation. The student is expected to speak on their own behalf; there is no automatic right for the Accompanying Party to speak on the student's behalf and it is at the Institute's discretion as to whether the Accompanying Party is permitted to address the meeting.
- 4.4. The Institute will, wherever possible, seek to adhere to the time limits outlined within this Procedure. In cases where circumstances necessitate a deviation from those specified time limits, students will be advised of the reasons for this.
- 4.5. Students considering making a Report should be aware that no formal investigation can take place without their approval and evidence, and that it is their choice whether or not to proceed on those grounds.



- 4.6. Where possible and practical, students will be given the opportunity to attend Disciplinary Panel Hearings in person. Whilst the Institute does not require attendance by any student at any meeting convened under this Procedure, it will take reasonable steps to enable students to participate by phone or video call as an alternative to physical attendance. If this is not possible to arrange within a reasonable timescale, or at a reasonable time in the working day, the Institute may proceed to hold the meeting in the student's absence.
- 4.7. The Institute reserves the right to proceed with any investigative or disciplinary meeting or Hearing in the absence of a student, subject to them having been properly notified of the date and time, or where criminal proceedings do not allow the student to attend in person. The Institute will ensure that the student is provided with information to be considered at the meeting and given the opportunity to make written representation. The proceedings of any such meeting will not be invalidated simply by virtue of the student not attending.
- 4.8. The Institute reserves the right not to proceed with an investigation into a Misconduct allegation against a student if it is considered there are insufficient grounds or evidence to do so.
- 4.9. During the application of this Procedure, the Institute reserves the right to adjourn any investigation or meeting and reconvene at a later date.
- 4.10. The Institute reserves the right to share details of the outcome of a Misconduct case with a Reporting Party and any relevant internal or external services, in line with any applicable data protection legislation and appreciating the rights of the Responding Party.
- 4.11. Where there are significant concerns that mental or physical illness may have directly impacted on behaviour and/or conduct, an allegation may be referred for consideration via the Institute's Fitness to Study Policy as well as, or instead of, this Procedure.
- 4.12. If an investigation into an allegation of Misconduct raises concerns for the welfare of an individual, the Investigating Officer may raise their concerns with the Head of Student Services, who may consult with the available counselling services. Likewise, in the event that any student involved in an investigation under this Procedure is affected by mental or physical illness, any reasonable adjustments to the Procedure should be considered in consultation with the Head of Student Services, who may seek advice from the available counselling services.
- 4.13. Students under investigation for Misconduct under this Procedure are expected to comply with the Institute's Student Code of Conduct throughout the disciplinary process.
- 4.14. In cases where the allegation of Misconduct poses an actual or potential risk to members of the Institute community or the integrity of any investigation, Precautionary Measures as outlined in Section 7 of this Procedure may be applied as a neutral and non-judgmental action pending the outcome of any investigation into the allegation.
- 4.15. Where a Misconduct case has not been concluded and the Responding Party is due to complete their course of study, the Institute reserves the right to defer award and/or graduation for the student until such time as an outcome has been reached.
- 4.16. Where deemed necessary and appropriate, the Institute may share information with local Police, and this will be done in compliance with data protection requirements.
- 4.17. Retaliation of any kind, including any words or actions, intimidation, threats or coercion, against a student for instigating or engaging with an investigation will be dealt with as Misconduct under this Procedure.



5. Levels of Misconduct

- 5.1. This Procedure categorises Misconduct by consideration of the severity of the allegation, and there are a range of sanctions that may be applied based on the category. When Aggravating Factors (as outlined in Section 9) are present, the category of Misconduct may be increased and, therefore, subject to more severe sanctions. Where Mitigating Factors (as outlined in Section 10) are present, these may lead to the category of Misconduct being reduced and, therefore, subject to less severe sanctions, or the category of Misconduct may remain the same but less severe sanctions permitted within that category may be applied.
- 5.2. *Minor Misconduct* involves allegations that, whilst serious in nature, do not seriously affect or cause serious damage to the Institute, its academic reputation or its staff or students, visitors or other third parties. Minor Misconduct is considered less serious in nature but will warrant formal investigation and possible sanction.
- 5.3. *Major Misconduct* involves allegations that either do or have the potential to seriously affect or cause serious damage to the Institute, its reputation or to its staff and students, visitors or other third parties. Major Misconduct is considered more serious in nature and warrants investigation and possible sanction by a Disciplinary Panel Hearing. Sanctions for Major Misconduct include exclusion from the Institute, as well as others that may have an impact on a student's academic progress.
- 5.4. Major Misconduct may also include instances where Minor Misconduct is frequent or repeated, where a student fails to comply with disciplinary decisions or sanctions previously reached at lower levels, or where a student fails to comply with the terms of a Precautionary Measure.
- 5.5. Specific procedures for Minor and Major Misconduct are outlined in Sections 12 and 14 of this Procedure.

6. Triage

- 6.1. As noted in Section 5, there are two levels of Misconduct. These are likely to fall into one of the areas listed below and will be heard under the appropriate process depending on the severity of the case. In general terms, this Procedure is concerned with:
 - a) Actions which cause actual or potential distress or harm to others.
 - b) Actions which cause actual or potential damage to property of others.
 - c) Actions which disrupt the normal operations, and/or safe use of, the Institute, including reputational damage where applicable.
 - d) Actions which impede or interfere with the pursuance of work/study of members of the Institute, or impact on normal operations of the Institute.
- 6.2. Examples of Misconduct are provided in the Institute's Student Code of Conduct, Bullying & Harassment Policy & Procedure and Sexual Misconduct Policy. Those examples are intended to be illustrative and not exhaustive. Additional examples may also be specified by other Institute policies, codes and regulations.
- 6.3. Where a student is cited in multiple or repeated offences, cases will be treated with the utmost seriousness, and previous disciplinary action will be considered as part of deciding the sanctions to be imposed.



7. Precautionary Measures

- 7.1. Where matters cannot be resolved informally, or where the allegation involves a more serious breach of regulations or a repetition of acts of Minor Misconduct, the Institute will be required to conduct a formal investigation as set out in Section 11 of this Procedure.
- 7.2. In the event of a formal investigation, the Institute will take appropriate action to protect the safety and wellbeing of its members pending the completion of that investigation by way of Precautionary Measures as set out at paragraph 4.13 of this Procedure. Any Precautionary Measures will be identified through a risk assessment conducted by Institute Staff.
- 7.3. Precautionary Measures may include, but are not limited to, one or more of these options:
 - a) Referral to an appropriate support service, such as Student Services, or an external organisation.
 - b) A 'No Contact Order' to be put in place between the alleged Responding Party, the Reporting Party and/or any witnesses.
 - c) Changes to the accommodation of the alleged Responding Party, the Reporting Party and/or any witnesses.
 - d) Exclusion from certain parts or activities of the Institute.
 - e) Suspension from the Institute.
- 7.4. Where it is decided to put any Precautionary Measures in place, the Head of Student Services (or nominee) must give the student written notification of the decision, including the reasons which led to it being made, and of their right to appeal the decision.

8. Suspension

8.1. General Principles of Suspension

- a) A suspension is not a sanction; it is a temporary Precautionary Measure taken in response to an allegation of Misconduct. It is not punitive and aims to protect all parties to the allegation and other members of the Institute's community whilst investigations are carried out.
- b) Suspension is not judgmental; by comparison, exclusion is a sanction imposed as part of the outcome of a Disciplinary Panel Hearing as specified in Section 16 of this Procedure.

8.2. Cases in which Suspension can be Considered

- a) Suspension can be considered as appropriate in the following cases:
 - (i) Where a student has been accused of Major Misconduct and their continued attendance at the Institute could interfere with the formal investigation or present a risk to students and/or staff.
 - (ii) Where a police investigation is pending into an allegation that a student has committed a criminal offence which affects or has the potential to affect the interests of the Institute or has the potential to seriously affect the health and safety of students and/or staff.
 - (iii) Where a student may be suffering from health difficulties and causing serious disruption to others or severely damaging their own academic prospects (in conjunction with the Institute's Fitness to Study Policy & Procedure).
 - (iv) As a short term or emergency measure whilst investigations are carried out.
- b) In all cases where the terms of a suspension might prevent a student from sufficiently engaging with their academic studies, the relevant Course Leader should be informed of the



suspension and its terms, though not of any details of the allegation. That Course Leader should provide an academic judgement on how and to what extent, if any, a student's academic commitments can be fulfilled during the suspension or through support provided following the end of a suspension. The academic judgement will take into account the nature of the student's course and associated academic commitments and progress.

8.3. **Jurisdiction Over Suspension**

- a) Following consultation with the College Principal, the Head of Student Services (or nominee) may suspend a student from the Institute pending completion of a police investigation, criminal proceedings or an internal disciplinary investigation.
- b) As an interim or emergency measure and following consultation with the College Principal, the Head of Student Services (or nominee) may suspend a student from the entire or specified parts of the Institute for up to 10 working days, where they are of the reasonable view that it is urgent and necessary to take such action. Emergency suspension may be considered, for example, where the Head of Student Services (or delegated nominee) determines that the alleged Misconduct poses a serious risk to the health, safety, welfare or property of members of the Institute or others.
- c) Any suspension under 8.2 above may include a requirement that the student has no contact of any kind with a named person or persons.
- d) Failure to comply with the terms of a suspension may lead to reconsideration or expansion of the terms of suspension. It may also be considered as alleged Misconduct itself and referred separately for investigation under this Procedure.

8.4. **Review of Suspension**

- a) In the case of a suspension under 8.3 (a), the Head of Student Services (or nominee) must give the student written notification of the suspension, including the reasons for its application, sources of support and any additional information relevant to the suspension or its terms within 5 working days of making a decision to suspend. At the same time, the student should be notified of their right to appeal the suspension and advised that the suspension will be reviewed, as appropriate, by the Head of Student Services (or nominee) in light of substantial developments affecting the reasons for suspension where a criminal case or police investigation is concerned. In the case of an internal investigation, the suspension will be reviewed every 6 weeks, or in light of significant developments.
- b) In the case of a suspension under 8.3 (b), the Head of Student Services (or nominee) must give the student written notification of the suspension, including the reasons for the suspension, identify the parts or activities of the Institute from which the student is suspended and the duration of the suspension. The student should also be notified within 5 working days of the decision to suspend of the right to request the suspension be reviewed by the Head of Student Services (or nominee) and request that the suspension be lifted, or the terms amended.
- c) Where the student requests a review, the Head of Student Services (or nominee) will respond within 5 working days and confirm to them and any other relevant parties whether the suspension is to be lifted, amended or should remain in place. During the period of suspension, the Head of Student Services (or nominee) may arrange a case meeting of relevant Institute staff to determine whether additional Precautionary Measures should be considered.



8.5. **Appeal of Suspension**

- a) Following a review decision by the Head of Student Services (or nominee), the student may consider whether to make a complaint in accordance with the Institute's Complaints Procedure.
- b) A student suspended in accordance with 8.3 (a) above may appeal in writing to the College Principal (or nominee) within 14 days of the suspension.
- c) Students may appeal a suspension decision on 8.3 (a) on either or both of the following grounds and should provide supporting evidence where appropriate:
 - (i) That the suspension process was not followed appropriately and why this had a material effect on the decision to suspend, making it unsound.
 - (ii) Substantial and relevant new information which the student was unable to provide previously with good reason and why this had a material effect on the decision to suspend, making it unsound.
- d) Within 15 working days of the appeal being received by the Institute, it shall be considered by an Appeals Officer appointed by the College Principal (normally a member of the College Management Team), together with all the information considered as part of the suspension process.
- e) If the Appeals Officer considers the student has demonstrated their grounds and, therefore, the decision to suspend was unsound, the appeal will be upheld and referred back for reconsideration of the suspension in accordance with correct procedure or in light of the new information.
- f) If the Appeals Officer considers the student has not demonstrated their grounds, the appeal will be dismissed.
- g) In all cases, the student will be informed of the decision and provided with a brief written summary of the reasons for the decision. The student will be informed of the option to request a review by the Office of the Independent Adjudicator and the timeline for doing so.

9. **Aggravating Factors**

- 9.1. There may be certain circumstances in which Misconduct is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to:
 - a) Misconduct related to protected characteristics under equality legislation.
 - b) Misconduct which directly or indirectly causes a physical or mental injury.
 - c) Misconduct for which a student has received a previous warning or sanction.
 - d) Misconduct where there is a power relationship between the Responding Party and the Reporting Party, where this power is abused.
 - e) Misconduct which may be considered to constitute domestic abuse.
 - f) Misconduct which includes the use of force/violence/threats/intimidation.
 - g) A pattern of Misconduct which has been established previously.
 - h) Misconduct that occurred whilst the student was under any type of Precautionary Measure.
- 9.2. Where Minor Misconduct may be considered to include aggravating factors, the Investigating Officer will take advice from the Academic Registrar (or designate) on whether the case should be considered as Major Misconduct and referred into that section of this Procedure.



10. Mitigating Factors

- 10.1. There may be certain circumstances in which Misconduct is subject to a less severe sanction due to the presence of mitigating factors. Mitigating factors could include, but are not limited to:
- a) Clear evidence that the alleged offence was committed without the intent to cause harm, damage or upset.
 - b) Where the student has demonstrated sincere remorse for the Misconduct.
 - c) Where the student has clearly accepted responsibility for the Misconduct.
 - d) Where the student took immediate steps to remedy the effects of the Misconduct.
- 10.2. Being under the influence of alcohol or drugs at the time of the alleged Misconduct does not constitute a mitigating factor but could be considered an aggravating factor.

11. Formal Investigation Procedure

- 11.1. On receipt of an allegation of Misconduct, the case will be passed to an Investigating Officer. This should be a member of staff nominated by the Institute to investigate Misconduct cases, to determine whether an allegation should be regarded as a matter of Minor Misconduct or Major Misconduct under this Procedure and to determine the most appropriate outcome to Minor Misconduct cases.
- 11.2. In the case of an allegation of Bullying or Harassment, the procedures set out in the Institute's Bullying & Harassment Policy & Procedure will be applied.
- 11.3. In the case of an allegation of Sexual Misconduct, the procedures set out in the Institute's Sexual Misconduct Policy and this Procedure will be applied.
- 11.4. If an allegation of Misconduct relates to breaches of more than one regulation, policy or code of practice, the Investigating Officer may contact other appropriate staff members to determine the process to be followed. In certain cases, it may be appropriate for a joint investigation to take place.
- 11.5. An investigation into allegations of Misconduct should follow the broad principles set out below to ensure that the process is fair and transparent for all involved:
- a) The Investigating Officer will notify the Responding Party in writing of the nature of the allegation(s) and the investigative process to be followed, which will normally include meetings with the Reporting Party, the Responding Party and any other relevant witnesses.
 - b) The Investigating Officer should be accompanied by another member of the Institute community at these meetings, at which one of them shall act as a note-taker.
 - c) Following notification, the Responding Party will have the right to be accompanied (as outlined in 4.3) at any meeting they attend to investigate the allegation.
 - d) Where the Responding Party is given reasonable notice to attend a meeting to investigate the offence and is unable to do so, they must be given the opportunity to make a written statement to defend themselves against the allegation or, where they wish to admit the offence, to account for the Misconduct and submit mitigation.
 - e) The Investigating Officer also has the right to postpone, continue or adjourn the case at their discretion.
- 11.6. Following an investigation into an allegation of Misconduct, the Investigating Officer may decide on one of the following courses of action:
- a) That there is no case to answer and that no further action is required.



- b) To classify the allegation as Minor Misconduct and conclude the process in keeping with Sections 12 and 13 below.
 - c) To classify the allegation as Major Misconduct and refer it to the Academic Registrar (or designate), who will be provided with a report on the nature of the allegation and any supporting information.
- 11.7. Where the Investigating Officer refers a Major Misconduct case to the Academic Registrar (or designate), they will then decide whether:
- a) To refer the allegation to a Student Disciplinary Panel under the Major Misconduct process.
 - b) To refer the allegation back to the Investigating Officer to be treated as Minor Misconduct.
 - c) To recommend no further action is required in accordance with this Procedure.
- 11.8. Where it is not clear how the alleged offence should be categorised, the Investigating Officer will contact the Academic Registrar (or designate), providing details of the allegation and its investigation in order for a decision on its classification to be made.

12. Minor Misconduct Procedure

- 12.1. In the case of an allegation which the Investigating Officer has classified as Minor Misconduct, they may seek to resolve matters informally. This could, for example, involve a meeting with both parties with the aim of facilitating a discussion and reaching a resolution, and may include the use of trained mediators where appropriate.
- 12.2. Where such an informal approach is not deemed appropriate, is declined by either party or is unsuccessful, the Investigating Officer must ensure, prior to determining any sanctions to be implemented, that the Responding Party has been given the opportunity to make written or oral statements to defend themselves against the allegation or, where they wish to admit the offence, to account for the Misconduct and submit mitigation.
- 12.3. Where the Responding Party was given reasonable notice to attend a meeting to investigate the offence and failed to do so without good reason, and where they failed take up an offer to make written or oral statements, the Investigating Officer may proceed to reach conclusions and determine sanctions as appropriate.
- 12.4. Within 5 working days of reaching the outcome of an investigation, the Investigating Officer will notify the Responding Party of their decision in writing, summarising the facts found, the considerations which led them, on the balance of probabilities, to reach that decision and details of any sanctions to be implemented.

13. Possible Outcomes of the Minor Misconduct Procedure

- 13.1. The Investigating Officer may impose one or more of the following sanctions:
- a) Issue a first written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable after 6 months.
 - b) Issue a second written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable after 12 months.
 - c) Issue a final written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable 3 months after the completion of their course.
 - d) Require the Responding Party to compensate or make good any damage caused to private property.



- e) Require the Responding Party to make appropriate recompense or apology for any offence or harm caused, or any damage done to the Reporting Party or to Institute relations with its members or the outside community. Where the Report relates to comments or content posted on a public forum, such as on social media, the apology should be made on the same forum, with the wording to be agreed in advance with the Investigating Officer.
- f) Require the Responding Party to undertake additional training or make a recommendation that they attend an appointment for counselling.
- g) Impose a 'No Contact Order' with the Reporting Party and/or other named individuals.
- h) Suspend the Responding Party from Institute premises and/or services with immediate effect and for a fixed period of time, or until specified conditions have been met.
- i) A reasonable alternative/additional sanction, given the nature of the Report.

13.2. In cases where the Investigating Officer decides that a student has breached the Institute's Sexual Misconduct Policy, they may impose any of the additional specific sanctions set out therein.

13.3. The Responding Party may appeal the outcome of a Minor Misconduct procedure, as set out in Section 17 below.

14. Major Misconduct Procedure

14.1. In the case of an allegation which the Investigating Officer has classified as Major Misconduct and the Academic Registrar has agreed to refer to a Student Disciplinary Panel, the procedure outlined below shall be followed.

14.2. A Student Disciplinary Panel shall normally be comprised of three of the following postholders, one of whom shall be designated as Chair:

- a) College Principal
- b) Head/Deputy Head of Student Services
- c) Head of Education
- d) Head of Learning & Teaching
- e) Head of Estates & Facilities
- f) Student Association President/Student Representative

Panels may be supported by a secretary to assist with administration and explanation of the processes, as well as a legal adviser where required, but neither will be a member of the panel nor be involved in the decision-making process.

14.3. The Chair will ensure that the Responding Party is notified in writing at least 10 working days before a Disciplinary Panel Hearing takes place. That notification should include and confirm:

- a) A statement of the allegation(s) to be considered and the purpose of the Disciplinary Panel Hearing.
- b) Details of the date, time and location of the Disciplinary Panel Hearing, the composition of the Panel and the student's right to object to any members thereof.
- c) Copies of any evidence/documents to be considered in connection with the allegation.
- d) That the Responding Party may bring a written statement of their perception of events to the Disciplinary Panel Hearing.
- e) A statement to the effect that witnesses may be called in support of the allegation and that the Responding Party has the right to call witnesses on their behalf.
- f) A statement of the Responding Party's right to be accompanied as outlined in 4.3 above.
- g) That the Responding Party is required to reply within 5 working days to:
 - (i) Confirm if they will attend the Hearing.
 - (ii) Provide copies of any evidence not considered during the investigation.



- (iii) Disclose details of any witnesses they plan to call or any Accompanying Party that will attend.
- (iv) Advise if they intend to admit the allegations.

- 14.4. Should the Responding Party notify the Chair in advance of the Hearing that they are unable to attend on the scheduled date and provides a satisfactory reason for their non-attendance, the Hearing will be rescheduled. However, only one attempt will be made to reschedule the Hearing to enable the Responding Party's attendance. Where the Hearing is to be re-convened, the Chair has responsibility for ensuring that the Responding Party is notified again, as set out above.
- 14.5. If the Responding Party replies to the notification of the Hearing but, subsequently, calls a witness or brings an Accompanying Party to the Hearing, the Chair reserves the right to adjourn or defer the Hearing.
- 14.6. If the Responding Party does not reply to the notification of the Hearing and, subsequently, does not attend, the Hearing will normally proceed in their absence.

15. Conduct of the Disciplinary Panel Hearing

- 15.1. Any Disciplinary Panel Hearing will be conducted transparently, fairly and in accordance with the principles of natural justice, but it will not seek to replicate the criminal process or a court of law and will ensure that all relevant facts are impartially considered by the Panel and are kept private and confidential.
- 15.2. Subject to the provisions set out at 4.5 above at the discretion of the Chair, a Reporting Party may either be interviewed separately or give evidence via a written statement or video or other link if deemed appropriate in the circumstances and agreed in advance.
- 15.3. The Chair will open proceedings by:
 - a) Explaining the purpose of the Student Disciplinary Hearing and the extent of its delegated powers in taking decisions on behalf of the Institute.
 - b) Explaining the sanctions that could be enforced as outcomes of the Student Disciplinary Hearing if the allegation of Major Misconduct is upheld, as set out under Section 16.
 - c) Establishing the names and identities of everyone present at the Student Disciplinary Hearing and confirming the names of all witnesses supplying evidence.
- 15.4. A record will be kept of all persons attending the Student Disciplinary Hearing and whether or not the Responding Party has elected to be accompanied in accordance with this Procedure. If the Responding Party fails to attend the hearing, a record of the Chair's decision whether to proceed in their absence and the reasons for that decision will be kept.
- 15.5. The Chair will normally invite all parties except witnesses into the room. Where witnesses are to be heard, they are only to be present for the duration of their own evidence.
- 15.6. The Investigating Officer will outline the case against the Responding Party, including submission of written or verbal statements from witnesses.
- 15.7. The Responding Party will be given the opportunity by the Chair to address questions to the Investigating Officer and/or to any of the witnesses.



- 15.8. Any witness submitting a written statement should normally be in attendance to answer questions unless there are exceptional circumstances, or if the parties agree otherwise in advance of the Hearing.
- 15.9. The Chair will request that the Responding Party present their case, including submission of written or verbal statements from witnesses.
- 15.10. The Investigating Officer and the Panel will have an opportunity to ask questions of the Responding Party and any witnesses introduced by them.
- 15.11. The Investigating Officer will then be invited to summarise their case against the Responding Party.
- 15.12. The Chair will invite the Responding Party to make a final statement summarising their response, after which they will be advised how, and the timeframe in which, they will be advised of the outcome of the Student Disciplinary Hearing (as outlined below) and advised that the Panel will deliberate privately to reach a decision.
- 15.13. The Chair may amend this process where it is reasonable to do so depending on the nature of the case and the persons present at the Student Disciplinary Hearing and may adjourn or defer the Hearing at any time.
- 15.14. The Panel will determine, in light of the evidence presented, whether or not they are satisfied that the evidence before them supports the allegation of Major Misconduct, noting that the standard of proof is on the balance of probabilities. The Chair of the Panel will sign the written record of the Hearing and the decision concerning any sanctions to be applied, and a copy of the record will be placed on the student's file. If the Panel is not satisfied that the evidence supports the allegation, the matter will be concluded, and both the Reporting Party and Responding Party will be informed in writing by the Chair within 5 working days.

16. Possible Outcomes of the Disciplinary Panel Hearing

- 16.1. If the Panel decides that that the evidence supports the allegation of Major Misconduct, one or more of the following courses of action may be taken:
 - a) Issue a first written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable after 6 months.
 - b) Issue a second written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable after 12 months.
 - c) Issue a final written warning to the Responding Party, indicating the consequences of future Misconduct, to be entered into their record and be removable 3 months after the completion of their course.
 - d) Require the Responding Party to compensate or make good any damage caused to private property.
 - e) Require the Responding Party to make appropriate recompense or apology for any offence or harm caused, or any damage done to the Reporting Party or to Institute relations with its members or the outside community. Where the Report relates to comments or content posted on a public forum, such as on social media, the apology should be made on the same forum, with the wording to be agreed in advance with the Chair.
 - f) Require the Responding Party to undertake additional training or make a recommendation that they attend an appointment for counselling.
 - g) Impose a 'No Contact Order' with the Reporting Party and/or other named individuals.

- h) Suspend the Responding Party from Institute premises and/or services with immediate effect and for a fixed period of time, or until specified conditions have been met.
 - i) Permanently or temporarily exclude the Responding Party from Institute premises and/or services with immediate effect.
 - j) Permanent expulsion from the Institute.
- 16.2. The Panel may also recommend additional suitable sanctions such as (but not exclusive to) imposing restrictions on the use of the Institute's facilities, access to Institute events or timetable changes in order to prevent continued problems or provide an appropriate sanction for the offence committed.
- 16.3. In cases where the Panel finds that a Student has breached the Institute's Sexual Misconduct Policy & Procedure, it may also impose any of the additional specific sanctions set out therein.
- 16.4. The Chair will notify the Responding Party in writing within 5 working days of the Hearing of:
- a) A summary of the facts established by the Disciplinary Panel Hearing.
 - b) The outcome reached and the reasons for that outcome being reached.
 - c) Details of any sanctions being imposed.
 - d) A clear statement of the right to and method for appealing against the decision, as outlined below.
- 16.5. The Institute reserves the right to share details of the outcome of a Misconduct case with a Reporting Party and any relevant internal or external services, in line with any applicable data protection legislation and appreciating the rights of the Responding Party.
- 16.6. The Responding Party may appeal the outcome of a Major Misconduct procedure as set out below.

17. Appealing the Outcome of a Minor or Major Procedure

- 17.1. An Appeal against a disciplinary decision taken under this Procedure must state in full the grounds for appeal and must be submitted in writing to cap@bimm.co.uk within 14 days of notification of the outcome. Any Appeal not submitted within this timeframe will be rejected.
- 17.2. Receipt of an Appeal will be acknowledged in writing within 5 working days and the Institute aims to complete the Appeals process within 20 working days. Where this is not possible, the Responding Party will be advised in writing of the reasons why not and given a revised timeframe for the conclusion of the process.
- 17.3. An Appeal against disciplinary decisions taken under this Procedure will only be considered on the following grounds:
- a) Irrationality: the findings of fact in support of the decision were manifestly perverse.
 - b) Procedural Irregularity: the process was not conducted in accordance with the Procedures set out above.
 - c) New evidence has become available that could not be presented at the time of the investigation or Hearing which could have materially affected the decision, and there is good reason why this new evidence could not have been presented previously.
 - d) The sanctions imposed were disproportionate.
- 17.4. An Appeal against a disciplinary decision is a review of the outcome and will not re-hear or re-investigate the case. Therefore, it will be a paper-based exercise, no interviews will take place and no witnesses will be called. If it is accepted that new evidence is to be considered, the case



should be referred back to a new Disciplinary Panel in cases of Major Misconduct or an appropriately authorised staff member in cases of Minor Misconduct.

- 17.5. A member of the Institute's Executive Management Team will be appointed as Reviewing Officer and may reject any appeal that does not establish grounds that fall under one or more of those listed above. Following completion of the review, the Reviewing Officer may decide as follows:
- a) To reject the Appeal.
 - b) To refer the matter back for a rehearing or reconsideration in light of new evidence or procedural error.
 - c) To overrule the original disciplinary decision and remove any sanction.
 - d) To uphold the original decision but reduce the original sanction.
- 17.6. If the Appeal is rejected, the Responding Party will be informed that this decision is final and will be issued a Completion of Procedures Letter, summarising the reasons for the rejection of the Appeal and confirming their right of referral to the Office of the Independent Adjudicator, as set out below.

18. Referral by the Student to the Office of the Independent Adjudicator (OIA)

- 18.1. Once all internal processes have been exhausted, an OIA review is available to students studying on HE courses awarded by a UK provider, including those awarded by BIMM or any of its UK partner institutions.
- 18.2. Where a HE student is not satisfied with the outcome of this Procedure, they may request a review by the OIA. The OIA provides an independent scheme to enable the review of unresolved student complaints, including appeals.
- 18.3. The student must refer their case to the OIA within one year of receiving the Institute's Completion of Procedures Letter. An appeal to the OIA can be made by completing an application form, which can be downloaded from the OIA website (www.oiahe.org.uk) or requested via email to enquiries@oiahe.org.uk.