

STUDENT CODE OF CONDUCT AND SUSPENSION POLICY

1. Scope

- 1.1. This policy applies to all offer holders and students at LMA and sets out our standards and expectations in relation to the behaviour and non-academic conduct. This policy also sets out the associated procedures, support offered and possible consequences of behaviour which does not meet these expectations. For students on courses leading to a degree, this policy may be read in conjunction with the Academic Integrity Policy, the Health Wellbeing and Support for Study Policy and the Terms and Conditions.
- 1.2. LMA recognises that disruptive student behaviour can result from, or contributed to, by the student's circumstances outside of LMA, including unmet social/emotional/health needs. Formal responses to unacceptable student behaviour will be viewed holistically and where appropriate the Health Wellbeing and Support for Study Policy may be used to address issues that would otherwise be considered for disciplinary action under this policy.
- 1.3. LMA expects all students, staff, and other non-student members of the LMA community to model good behaviour and lead by example, always acting with professionalism, responsibility and integrity; this includes whilst on campus and within the wider community.
- 1.4. Setting clear standards and expectations for student behaviour is an essential condition to enabling effective teaching and learning within LMA, to giving students the best opportunity to be adequately prepared for their next steps, and to ensuring that all members of the LMA community are safe, supported and have the opportunity to reach their fullest potential.

2. Guiding Principles

The Guiding Principles which have informed this policy are:

- i. Every student has the right to learn, and every tutor has the right to teach, in a positive, respectful environment free of undue disruption;
- ii. Maintaining high standards of student behaviour is essential to enable effective teaching and learning;
- iii. Students should be provided with the skills and opportunities to exercise self-discipline and responsibility for their own behaviour;
- iv. Safeguarding must be central to any behaviour policy;
- v. The most effective form of behaviour management is focussed on positive encouragement, praise, high quality teaching, support and respect; and

- vi. Sanctions should be within the framework of this policy, used proportionally, and account for the individual circumstances on a case-by-case basis.

3. Expectations of student conduct

- 3.1. LMA expects all students to be aware of their own behaviour and its effect on others, to understand what is and is not acceptable and to take responsibility for their own actions.
- 3.2. LMA aims to be a safe and supportive environment which stimulates discussion and values academic freedom. Free debate is encouraged and a range of views on topics will be tolerated. However, this must be within a framework of dignity and respect, and firm action will be taken against any member of the LMA community demonstrating any form of hate or discrimination towards others.
- 3.3. Expectations of positive student behaviour include:
 - i. Acting with honesty and integrity;
 - ii. Being courteous and considerate to others;
 - iii. Accepting that LMA is an inclusive environment and treating those of different backgrounds, cultures and life experience with respect;
 - iv. Engaging with and taking responsibility for their own learning, including completing assignments between sessions as required;
 - v. Attending and engaging fully in all taught sessions, whether at LMA or remotely, arriving on time and ready to learn;
 - vi. Complying with health and safety requirements as may be in place from time to time;
 - vii. Adherence to dress code in courses where it is required.
- 3.4. Students should be aware that they are at all times ambassadors for, and representatives of not only themselves, but of the LMA community as a whole.

4. Examples of inappropriate behaviour

- 4.1. The following is a non-exhaustive list of behaviour which we consider unacceptable, if you exhibit such behaviour (whether on LMA premises, off campus or online) we may take such sanctions as are appropriate to the circumstances:
 - i. Poor attendance and/or punctuality, persistent failure to submit assignments in a timely manner, and actions that cause disruption to the learning of other students;
 - ii. Taking, being under the influence of or bringing onto campus illegal drugs, legal highs or alcohol;
 - iii. Behaviour or language (whether in a physical or virtual environment, written or verbal) which is violent, indecent, disorderly, threatening, offensive or causes fear or

distress to others. (for example, deliberate disrupting, or facilitating the disruption of a taught session or external speaker, or threatening members our community)

- iv. Physical and virtual sexual misconduct, including sexual harassment, assault and abuse, including online/through social media. For the avoidance of doubt this includes the taking or distributing, or both, of explicit images without the informed consent of all parties (e.g. the subject(s) of the images/video/other media and the recipient(s)). **It is always a criminal offence to take and/or share explicit images of anyone under 18** and where we become aware of such behaviour we will always refer it to the relevant authorities;
 - v. Harassment, bullying or discrimination, including but not limited to racism, sexism or homophobia, directed at any member of, or visitor to LMA (whether in a physical or virtual environment);
 - vi. Vexatious complaints or allegations of misconduct that are found to be mischievous or malicious;
 - vii. Illegal activity including theft, fraud, possession of offensive weapons and inciting violence/hatred;
 - viii. Engaging in conduct either on or off LMA premises which is in breach of any Statute, Ordinance, Regulation, policy, procedure, code of practice or other rule of LMA or the law of the land including but not limited to LMA's policies on Equality and Diversity and Health and Safety.
- 4.2. Breach of LMA regulations or, where applicable, the regulations of the validating university. These include, but are not limited to:
- i. IT regulations and terms of use.
 - ii. Library and Learning Services regulations and terms of use.
 - iii. Regulations and terms of use related to other facilities and locations.
 - iv. Copyright and/or licensing agreements .
 - v. tuition fee policy, including accruing an unsustainable level of financial debt to LMA;
 - vi. Otherwise behaving in a manner which could damage the reputation of LMA.

5. Behaviour management procedure

- 5.1. Students can make a complaint about the behaviour of another student (or offer holder) by completing the online [complaint form](#). Staff should contact their Head of Department or Principal in the first instance.
- 5.2. We are unlikely to investigate a complaint about a student lawfully expressing an opinion, belief, or view that other individuals consider controversial, offensive or distasteful unless they do so in a way which causes fear or distress to other members of our community. Further information can be found in our Freedom of Speech Policy (see <https://lma.ac.uk/policiesandregulations/>) .

- 5.3. We are not able to accept anonymous complaints, or to guarantee that we can prevent a complainant's name from becoming known to the person(s) the complaint is about. This is because it is important for the person(s) who are the subject of the complaint should be able to exercise their right to refute the allegation and/or provide their own context/perspective.
- 5.4. Where we receive a complaint or directly observe unacceptable behaviour case, the Director of Registry (or nominee) will review the matter and:
- Determine that there has been no misconduct or that there is insufficient information to investigate the complaint. In the case of the latter the complainant will be invited to provide further evidence.
 - determine that the evidence is conclusive upon receipt of the initial report (for example body worn camera footage showing the event) not requiring any further enquiry; or
 - organise an investigation of the matter (for example where numbers of students are involved, or where there are serious issues to be determined) which may include interviews with the reporting party, responding student and any witnesses; or
 - request the student's Principal (or nominee) to make such enquiries as are deemed necessary to confirm the facts reported and to forward the results of such enquiries to the Director of Registry who will determine the seriousness of the incident.
- 5.5. The seriousness of the offence will be considered in assessing the cogency, weight and quality of evidence presented. We seek to operate in a fair and transparent manner in accordance with the principles of natural justice, and we do not seek to reproduce elements of criminal law or formal legal process.
- 5.6. During the course of any enquiry the student will be informed about what is alleged against them and be afforded the opportunity to make such reply as they may wish, this may take the form of an investigatory meeting, held with the Director of Registry (or nominee). The written report of the meeting will be shared with the student.
- 5.7. If the enquiry reveals that the student may be suffering from mental health, psychological, personal or emotional difficulties the Health, Wellbeing and Support for Study policy may be invoked as a more appropriate mechanism, depending on the individual circumstances of the case and the course.
- 5.8. In matters relating to misconduct, the case against the student will be deemed proven if it is substantiated on the balance of probabilities.

- 5.9. The Director of Registry (or nominee) will determine which one or more of the following measures may be taken and will inform the student in writing:
- i. take no further action;
 - ii. reprimand the student;
 - iii. require the student to give a written undertaking as to their future conduct which may take the form of a signed and dated Behaviour Agreement;
 - iv. require the student to pay for any damage to property they have caused;
 - v. require the student to pay a fine not exceeding £250 (part or all of which may be suspended for a period);
 - vi. require the student to participate in restorative justice (such as providing a written apology);
 - vii. require the student to attend appropriate workshop(s) or meeting(s) with appropriate agencies (e.g. with a drug/alcohol treatment charity, etc.);
 - viii. recommend to the Principal that the student be excluded for a defined period and/or on specified terms;
 - ix. recommend to the Principal that the student be expelled.
- 5.10. In the case of 2.4 (iii)-(ix) the student shall have the right to appeal through the appeals procedure (section 8).
- 5.11. Any case of a student failing to comply with paragraphs 2.4 (iii)-(ix) should be reported to the Director of Registry.

6. Misconduct which may also be criminal behaviour

- 6.1. We will refer concerns to the police where we consider it appropriate to do so and will cooperate with the police in their investigation of an alleged breach of the law or of any matter that may involve an LMA student.
- 6.2. Conduct which may constitute a criminal offence may also amount to misconduct under this procedure. Therefore, in addition to any criminal process, this conduct may also be dealt with under this procedure.
- 6.3. Where a student's conduct comes under investigation by the police, our own investigations into alleged misconduct or proceedings under this procedure may be deferred until such time as the police and/or courts have completed their investigations and proceedings. We may also, as appropriate to the circumstances, at any time, suspend a process already underway under this procedure if we become aware it is, or reasonably could be, subject to investigation by the Police.

- 6.4. In determining whether to commence or proceed with any action or process under this procedure, we are not bound by the outcome of any police or criminal investigation or prosecution. However, where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this procedure.
- 6.5. We will not normally investigate complaints from members of the wider community about student behaviour in privately managed properties but will work closely with the police and/or environmental health to help their investigation as appropriate. If the police and/or environmental health identify individual students as being persistently involved in noise complaints or anti-social behaviour, then we may take appropriate disciplinary action.

7. Suspension

- 7.1. Suspension is a temporary measure, not a punishment, taken in response to an allegation of misconduct. It is not meant to be punitive but rather to facilitate an investigation to proceed unimpeded or to protect you, or other members of our community. Suspension is therefore a non-judgemental process and alternatives to suspension will be considered where appropriate.
- 7.2. Any academic member of staff shall have the right to require you to leave their class if they deem your behaviour to be inappropriate. This may result in further investigation or action, or both, under this Policy.
- 7.3. Formal suspension may be considered as appropriate in the following cases:
- i. where a police investigation is pending into an allegation that you committed an offence or offences against the criminal law, where the offences involve other students or affect or have the potential to affect the interests of LMA or have the potential seriously to affect the health and safety of staff or students.
 - ii. where you may be causing disruption, severely damaging your own academic prospects, or adversely affecting the health, wellbeing and/or safety of staff or students.
 - iii. as a short-term measure to facilitate an investigation into behaviour or conduct concerns.
- 7.4. To facilitate investigation of matters arising under 7.3, any member of the Senior Leadership Team may suspend you for an initial period of up to two (2) weeks from all or any part of LMA or our facilities or activities by providing written notification of the suspension to you and a copy of this regulation. You may not use, access, or enter any buildings or facilities used by LMA (on a permanent or temporary basis) as may be specified in the notice for the defined period.

- 7.5. In the cases where there is a live or pending criminal investigation, the provisions of the criminal convictions policy allowing for intermittence or withdrawal may be applicable.
- 7.6. An order of suspension may include a requirement that the student have no contact of any kind with a named person or person(s). Failure to adhere to the conditions of suspension is, itself, a disciplinary matter.

8. Appeal

- 8.1. You have the right to appeal our decision using the process outlined in the Complaints and Appeals Policy (see <https://lma.ac.uk/policiesandregulations>).
- 8.2. Appeals against outcomes of the student conduct policy must be made within 10 working days of the decision and are always first considered at step 2: formal appeal.
- 8.3. Your appeal will be considered by someone independent of the original decision and the original outcome shall remain in force pending the outcome of the appeal.