



The Institute of Ismaili Studies

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The Institute of Ismaili Studies

Student Disciplinary Policy

1 Introduction and scope

- 1.1 The aim of this Student Disciplinary Policy is to provide a framework within which institutional staff can work with students to maintain those standards and encourage improvement where necessary. Students must abide by the IIS' Code of Conduct. The IIS and the Academic Council are committed to ensuring that any disciplinary matter is dealt with fairly and in accordance with this policy.
- 1.2 Agreements with external providers who administer part, or all, of a validated programme may specify alternative arrangements for academic appeals; in some cases, the policy of the external provider shall supersede this policy. Quality Assurance can provide guidance on how to access all the aforementioned documents (email: qa@iis.ac.uk).
- 1.3 This policy has been designed with reference to the Office of the Independent Adjudicator's (OIA) guidance document [The Good Practice Framework Disciplinary procedures](#) (June 2018). It is based on the OIA's core principles of **accessibility, clarity, proportionality, timeliness, fairness, independence, confidentiality** and **improving the student experience**, and aims to provide a framework to support students and staff in administering disciplinary matters.
- 1.4 This procedure applies to all current students at the Institute of Ismaili Studies (IIS) to deal with non-academic disciplinary matters. A current student is anyone who:
 - Is enrolled on a validated IIS programme
 - Is on temporary suspension or exclusion
 - Has recently left the IIS and is within the time limit for disciplinary action.

- 1.5 This policy covers student disciplinary procedures for dealing with non-academic misconduct. It is intended to address misconduct by students rather than to resolve disputes between individuals. We may take disciplinary action against one of our students in connection with our facilities or services, or student activities. This may include misconduct:
- That interferes with the academic or administrative activities of the IIS
 - In or near any premises managed by the IIS
 - That has an impact on the interests and reputation of the IIS
- 1.6 We may take disciplinary action where the behaviour has affected: (a) the IIS itself; (b) a student or employee of the IIS; (c) others visiting, working or studying at the IIS; or (d) a member of the public.
- 1.7 We may also take disciplinary action in response to misconduct which happens: (a) during off-campus activities such as placements, teaching practice and field trips, (b) affects the IIS' reputation in the local community, or (c) happens on social media.
- 1.8 This policy does not form part of any student's contract and may be amended at any time. The Academic Council may vary this policy, including time limits, as appropriate in any case.
- 1.9 The Academic Council reserves the right to implement this policy at any stage (as set out below) taking into account the alleged misconduct. Students will not ordinarily have their scholarship withdrawn for a first disciplinary offence, except in cases involving gross misconduct.
- 1.10 The policy is used to deal with non-academic disciplinary matters only. Student grievances are handled under the IIS' Student Complaints Policy. Concerns related to academic progress may be covered under the Academic Progress Policy. Students may wish to lodge a complaint about another student's behaviour following the Complaints Procedure.

2 Procedural fairness

- 2.1 This policy follows the principles of "natural justice":
- "No one should be judge in their own cause" – decision makers must come to matters without bias for a reasonable perception of bias
 - "Hear the other side" – each party must have a fair hearing
 - "Justice delayed is justice denied" – the process must be completed without delay

2.2 Decision-makers must make reasonable decisions, and give reasons for their decisions. For the purpose of this disciplinary policy, this means that:

- Students understand any allegation against them
- The student and the person bringing the allegation have a fair opportunity to present their case and to hear and respond to what the other has said
- Students are given reasonable notice of any hearing and are given in advance copies of all information to be considered by the decision-maker
- The burden and standard of proof are clearly explained
- Decision-makers should be free from bias or any reasonable perception of bias
- Reasons should be given for decisions reached and any penalty imposed
- There should be a route of appeal
- The investigation, any hearing, and any appeal should be carried out as quickly as possible, consistent with fairness.

2.3 In investigating disciplinary complaints against students, the principles of accessibility, fairness and independence are particularly important. Staff members making disciplinary decisions must have had no prior involvement in the case, and be properly trained and resourced, with proven experience of handling similar matters with students at a comparable level of study.

3 Timeliness

3.1 Disciplinary matters can be particularly stressful for students, and the outcomes can have serious consequences for their studies and future careers. It is therefore particularly important that the disciplinary investigations, hearings and appeals are conducted as quickly as possible, consistent with fairness. It is good practice where possible:

- To tell the student that disciplinary action is being considered as soon as possible after the event giving rise to the allegation
- To complete the initial investigation and formal stage of the process within 60 calendar days of the allegation being made to the student, and
- To hear any appeal within 30 calendar days of the student making the appeal.

- 3.2 Delays are likely to occur where the case is complex, the student or witnesses are not available to attend meetings or hearings, or where proceedings are put on hold because of a criminal investigation or the student's impending assessments. In those cases, the IIS should keep the student and any witnesses informed about the progress of the investigation, and when it is likely to conclude.

4 Promoting positive behaviours

- 4.1 It is reasonable to expect that students will act reasonably and fairly towards one other and towards staff and will treat the disciplinary process with respect.
- 4.2 The IIS promotes positive behaviour among staff and students, with a view to helping each student access and grow from their own potential. Besides teaching staff and the programme team, students enjoy a wide range of support, including Academic Advisers, Research Supervisors, a dedicated Academic Skills Support Team and specialist help and guidance with concerns related to mental health.

5 Supporting the student

- 5.1 The IIS will direct students to the support services available. This applies to students who are going through student disciplinary procedures and to students who are providing information about someone else's conduct, which is being considered under those procedures.
- 5.2 In line with our duties under the Equality Act 2010 to make reasonable adjustments for disabled students, if a student says the behaviour giving rise to a disciplinary concern is related to a disability, we will consider carefully whether to proceed with disciplinary action, or to refer the student to support for (or fitness to) study processes.
- 5.3 We aim for our procedures to be available to all students in accessible formats. If there are adjustments we could make to improve communication, the student should inform the Department. Where needed, in disciplinary procedures we will make adjustments to the process followed in individual cases. For example, we may make adjustments for misconduct hearings, or allow a student longer to respond to allegations.
- 5.4 Where needed, we will take into account a student's disability when setting penalties. For example, if the student's conduct was linked to an underlying mental health condition, that might mitigate the seriousness of the offence. In some cases it might be more appropriate to refer the student to support for (or fitness to) study processes than to apply a disciplinary penalty.
- 5.5 Students who have mental health difficulties will be informed about the specific support services available to them, for example counselling services, as soon as the Department is made aware of the need to do so. If a student appears unable to engage effectively with the student disciplinary process, we may suggest that the student appoints a representative. It may be appropriate to suspend the disciplinary process until the student has accessed appropriate support.

- 5.6 We will take care to ensure that students understand the options available to them when they report behaviour that may amount to a criminal offence, and support the student whatever action they choose to take. Those options might include reporting the matter to the police, asking the IIS to take disciplinary action, or taking no further action. If the student decides to report the matter to the police, the IIS should help and support the student to do so. The IIS should itself consider reporting the incident(s) to the police where the safety of students or staff may be at risk.
- 5.7 In dealing with harassment, discrimination and bullying, the following must be borne in mind:
- The recipient's perception of the behaviour in question is of considerable importance
 - Behaviour does not have to be directed against a person or be intended, for it to amount to harassment
 - All students (the accuser and the accused) should be signposted to sources of advice and support from appropriately trained staff.

6 Confidentiality

- 6.1 The IIS' aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All students must treat as confidential any information communicated to them or provided by them in connection with an investigation or disciplinary matter.
- 6.2 The student, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this policy.
- 6.3 The student will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the IIS believes that a witness's identity should remain confidential. Witnesses may also request that their identity remain confidential. The IIS will adhere to this request whenever possible.

7 Misconduct

- 7.1 A student's conduct may be considered to be (a) a minor misconduct issue, (b) misconduct per se, or (c) gross misconduct.
- 7.2 **Minor conduct issues** can often be resolved informally between the student and the Programme Leader(s) and Student Services staff. Where there is any doubt, Programme Leader(s) and Student Services will consult the Academic Management Committee (AMC). These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such

informal discussions may be placed on the student's file and a verbal warning may be given. It is the AMC which will decide if a student's conduct is to be considered as requiring formal redress.

7.3 Formal steps will be taken under this policy if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the misconduct) or the improvement in conduct is not achieved or maintained.

7.4 The following are examples of matters that the IIS normally regards as **misconduct per se**. This list is intended as a guide and is not exhaustive:

- Minor breaches of the IIS' policies and procedures, including those directly administered by DGS
- Minor breaches of the student contract and other agreements between the IIS and the student
- Damage to, or unauthorised use of, the IIS' property
- Unauthorised absence
- Refusal to follow reasonable instructions from IIS staff
- Wilful negligence by the student which could endanger themselves or others or negatively affect the running of the IIS' activities
- Harassment, discrimination and bullying. Some examples could include: behaviour that is unwelcome, uninvited and causes a detrimental effect; verbal or physical aggression; sending abusive or threatening messages on social media; using discriminatory language.

7.5 **Gross misconduct** is a serious breach of contract or serious misconduct which is likely to prejudice the IIS' reputation or irreparably damage the working relationship and trust between the student and the IIS or peers. Gross misconduct will normally lead to withdrawal of the scholarship.

7.6 The following are examples of matters that the Department normally regards as **gross misconduct**. This list is intended as a guide and is not exhaustive:

- Theft (including stealing from the IIS, members of staff, peers or the public)
- Dishonestly or fraud
- Actual or threatened violence or demonstrable bullying
- Deliberate damage to or misuse of the IIS' property

- Serious misuse of the IIS' property or name
- Sexual misconduct
- Being under the influence of alcohol or illegal drugs on IIS premises
- Possession, custody or control of illegal drugs on the IIS' premises
- Serious breach of the IIS' rules, including, but not limited to, health and safety rules and rules on computer use
- Conviction of a criminal offence that in the IIS' opinion may affect its reputation or relationships with its staff, partners and affiliates or the public, or otherwise affects the student's suitability to continue to study at the IIS' expense
- Unlawful discrimination or harassment as defined by the Equality Act (2010)
- Unethical treatment of personal information given to a student in trust (e.g. for the purpose of conducting research, including the Field Research Project), or with disregard for the GDPR
- Making vexatious complaints against a peer or member of staff.

7.7 The IIS might take action against a former student in circumstances where it comes to its attention that, during their time as a student, their conduct was deemed to have fallen short of the standards acceptable as described elsewhere in this policy. The time limit for such cases is two years after exit from the programme (either completion or termination of studies).

8 Procedure

8.1 The basic procedure for disciplinary matters is as follows:

- Reporting (alleging) misconduct
- Preliminary investigation
- Formal stage
- Appeal stage

8.2 If, following completion of an investigation (where appropriate; see Section 10), there are reasonable grounds on the balance of probabilities to believe that a student has committed an act of misconduct, the student will be invited to attend a Disciplinary Hearing. This will be chaired by a manager previously uninvolved in any of the activities, and supported by two other independently trained members of staff to take

notes and give advice on procedure. Occasionally, to ensure impartiality, either or both of these roles may be taken by employees of an associated academic organisation.

- 8.3 In the event of a Disciplinary Hearing, the IIS will inform the student in writing of:
- The nature of the allegations against them
 - The likely range of consequences if the IIS decides after the hearing that the allegations are true
 - The purpose of the Hearing and that it will be held under the IIS' Student Disciplinary Policy, and
 - Their right to be accompanied at the Hearing by a friend
 - Where appropriate, a summary of the relevant information gathered during the investigation including a copy of any relevant documents which will be used at the Disciplinary Hearing and a copy of any relevant witness statements (except where a witness's identity is to be kept confidential, in which case the student will be given as much information as possible while maintaining confidentiality).
- 8.4 The Hearing will be held as soon as reasonably practical and the student will be given at least five days' written notice of the date, time and place of the Disciplinary Hearing.
- 8.5 Where the student or their chosen peer/friend is unable to attend a Disciplinary Hearing they should inform the IIS immediately and an alternative time and date will be arranged. The student must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct in itself. If the student fails to attend the IIS may have to make a decision based on the evidence available to it in the student's absence.
- 8.6 It is good practice to tell the student that concerns have been raised about their behaviour even if the IIS decides to take no disciplinary action.

9 Reporting (alleging) misconduct

- 9.1 Students or staff may report misconduct to any member of staff, who should then report it to a member of the Academic Management Committee (AMC), composed of the Head of Department, Programme Leaders, Student Services Manager and Academic Support Programmes Manager. Such reports will be treated seriously as **allegations of misconduct** until such time as a decision has been made about how to proceed.
- 9.2 A report should be made as soon as possible after the alleged misconduct has occurred, but cannot be accepted after a period of 15 working days has lapsed. This time limit can only be extended where there is evidence of circumstances prohibiting the timely reporting of alleged misconduct.

9.3 The report will be managed in accordance with the version of the policy which is current when the report is submitted, regardless of the time of the incident / issue. You will be asked to report

- Basic details about the alleged misconduct, what happened and when
- How it has affected you
- Whether there are any witnesses or supporting evidence
- Any other relevant information

9.4 The report will be acknowledged within two working days.

10 Investigation

10.1 When the IIS becomes aware that a disciplinary offence may have been committed by an individual or individuals, it may be necessary to appoint an Investigation Officer (usually an appropriately trained manager who is not involved with any of the parties concerned) who will be supported by a member of staff from the relevant department and another independent member of staff to take notes and give advice on procedure. Occasionally, to ensure impartiality, these roles may be taken by employees of an associated organisation. The Investigation Officer will decide how to investigate the alleged activities under review. The purpose of an investigation is for the IIS to establish a fair and balanced view of the facts relating to any disciplinary allegations against the student, before deciding whether to proceed with a Disciplinary Hearing. The level of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the student and any witnesses, and/or reviewing relevant documents, CCTV footage and information and preparing a summary report with a recommendation (or not) for action.

10.2 Depending on the circumstances of the case, the student may be invited to attend an investigatory interview. Investigatory interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a Disciplinary Hearing has been held.

10.3 The student must co-operate fully and promptly in any investigation. This includes informing the IIS of the names of any relevant witnesses, disclosing any relevant documents and attending investigatory interviews if required.

10.4 Disciplinary investigations will be completed promptly, and normally within ten working days.

10.5 The IIS reserves the right to dispense with an investigatory interview and to proceed directly to a formal Disciplinary Hearing in circumstances where it considers this appropriate.

11 Criminal allegations

- 11.1 Where a student's conduct is the subject of a criminal investigation, charge or conviction the IIS will investigate the facts before deciding whether or not to take formal disciplinary action.
- 11.2 The IIS will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where a student is unable or has been advised not to attend a Disciplinary Hearing or say anything about a pending criminal matter, the IIS may take a decision based on the available evidence.
- 11.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the IIS considers that it is relevant to the student's studying in the IIS.

12 Suspension

- 12.1 There may be instances where suspension is necessary while the IIS is carrying out any investigation or disciplinary process. This provision is subject to the continued cooperation of the student and attendance at any arranged meetings. Any period of suspension will not normally last longer than ten working days.
- 12.2 Suspension is a neutral act and not a disciplinary penalty. It does not imply any guilt on the student's behalf or that any decision has already been made about the allegations. The suspension will be treated as confidential and the length of the period of suspension kept under review, although it may continue until the disciplinary procedure is complete. While suspended, the student should not visit the IIS' premises or contact any of their peers, faculty or staff, unless they has been authorised to do so by the head of the relevant department.

13 The right to be accompanied

- 13.1 The student can bring a peer or friend to any Disciplinary Hearing or appeal hearing under this policy. The student is required to give the IIS at least two days' written notice of the name of the peer or friend that will accompany them.

14 The Disciplinary Hearing

- 14.1 A Disciplinary Hearing will normally be conducted by a Disciplinary Panel which will consist of a Chair and two independent members of staff. The manager responsible for the investigation into the disciplinary allegations will not be a member of the Disciplinary Panel, but may be present at the Disciplinary Hearing to present relevant supporting evidence to the Disciplinary Panel.

- 14.2 At the Disciplinary Hearing, the Disciplinary Panel will go through the allegations against the student and the evidence that has been gathered. The student will be entitled to respond to the allegations and the case against them and present any evidence of their own. The student may be questioned directly during the hearing. The student will be able to call their own witnesses to appear at the hearing (where relevant), provided that they give the IIS two days' written notice to arrange their attendance. The student will be given the opportunity to raise points about any information provided by witnesses. Where the IIS intends to call relevant witnesses, it will give the student advance notice of this. The student may ask questions of the witnesses, although all questions must go through the Chair of the panel.
- 14.3 The Disciplinary Panel may adjourn if it appears necessary for the purpose of gathering further information or gathering further evidence. If further information or evidence is gathered during any adjournment, the student will be allowed a reasonable period of time to consider any new information prior to the Disciplinary Hearing being reconvened. The panel may seek legal advice where there is good reason to do so.
- 14.4 The student will be informed of the Disciplinary Panel's decision and its reasons normally within ten working days after the conclusion of the disciplinary proceedings. The decision will be confirmed in writing, as will the student's right of appeal under this policy.

15 Disciplinary action

- 15.1 Where, following a Disciplinary Hearing, the IIS establishes that the student has committed a disciplinary offence, the below disciplinary penalties may be applied.
- 15.2 **Stage 1 – First written warning.** A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the student's disciplinary record. A written warning will:
- Set out the nature of the misconduct
 - Set out the change in behaviour required from the student
 - Specify the period for which the warning will remain active on the student's disciplinary record
 - Inform the student that further misconduct during that active period is likely to result in further disciplinary action
 - State that the student may appeal against the written warning
- 15.3 A first written warning will usually remain active on a student's disciplinary record for up to six months. After this time, the written warning will remain permanently on the student's file but will be disregarded in deciding the outcome of future disciplinary proceedings.

- 15.4 **Stage 2 – Final written warning.** A final written warning will usually be appropriate for misconduct where there is already an active written warning on the student's disciplinary record, or misconduct that the IIS considers sufficiently serious to warrant a final written warning even though there are no other active warnings on the student's record. A final written warning will contain the information given following a first written warning.
- 15.5 A final written warning will usually remain active on a student's disciplinary record for twelve months. After this time the final written warning will remain permanently on the student's file but will be disregarded in deciding the outcome of future disciplinary proceedings.
- 15.6 **Stage 3 – Withdrawal of Scholarship** will usually be appropriate for:
- Further misconduct where there is an active final written warning on the student's disciplinary record
 - Any gross misconduct regardless of whether there are active warnings on the student's disciplinary record.
- 15.7 In instances of gross misconduct, the stipend will end on the day of dismissal and the student will have seven days to remove all belongings from and check out of Victoria Halls. If the student holds a Student Route visa, the IIS will report to the UKVI that sponsorship is being withdrawn. The IIS is not obliged to offer a repatriation flight. If the student decides to appeal the decision, these sanctions will not be implemented until the appeal process is over and a decision has been made. The student will be informed of appropriate timelines.
- 15.8 In some cases the IIS may, at its sole discretion, consider alternatives to withdrawal. Any alternatives to withdrawal will usually be accompanied by a final written warning

16 Appeal

- 16.1 If a student is dissatisfied with the investigation undertaken or the outcome of the formal disciplinary process, they have the right of appeal. The appeal must be sent in writing by email to the Department of Quality Assurance & Evaluation (qa@iis.ac.uk) within 21 working days of the disciplinary decision. It will be acknowledged within two working days and an appeal meeting will be arranged.
- 16.2 The Head of the Department of Quality Assurance and Evaluation, in consultation with the Co-Director, will appoint an Appeals Panel, comprising (a) an independent Head of Department as Chair, with (b) two additional senior managers or academics to hear the appeal. The Panel will meet within 21 working days of receipt of the appeal, having reviewed all the information available, including the investigation report, any witness statements or other evidence and any notes taken at the Disciplinary Hearing. They will make a majority decision whether or not to uphold the appeal and the Chair will

then confirm their decision to the student in writing. The Appeal Panel's decision will be final.

17 External Redress

- 17.1 The IIS' decision in respect of non-academic disciplinary matters shall be final, save and except that Students may petition SOAS for a procedural review of the handling by the Institution of the matter once all internal levels of appeal at the IIS have been exhausted. SOAS shall not have jurisdiction in such matters and will only have limited powers to review the matter which shall not include overturning the decision made by IIS but shall include acting in an advisory capacity to the IIS.

18 Office of the Independent Adjudicator (OIA)

- 18.1 Once the IIS' Appeals Procedure has been completed, the IIS will issue a Completion of Procedures Letter, informing the student that the internal procedure of the IIS has been exhausted and of their right to submit a complaint to the OIA in accordance with guidance from the OIA. The OIA provides an independent scheme for the review of student grievances under the Higher Education Act 2004. Further information can be found on their website (<http://www.oiahe.org.uk/>).
- 18.2 At the end of the IIS' Appeals Procedure, the student has the right to submit a request for the IIS' decision to be reviewed by the OIA.
- 18.3 The OIA Complaint Form must be received by the OIA within twelve months of the date of the Completion of Procedures Letter.

19 Monitoring of the disciplinary policy

- 19.1 The Disciplinary Policy, the procedure and the outcome of any disciplinary matters will be monitored by the Academic Council and an annual report on the preceding 12 months' activity will be produced by the Head of QA&E, in consultation with the AMC, for the SOAS and IIS Joint Programme Committee, the Academic Council and OIA to review.

20 Document Control

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