

## London School of Theology

### Student Disciplinary Procedure

<b>Group Responsible for policy and process review:</b>	Executive Team
<b>Executive Team Member Responsible:</b>	Director of Finance & Administration
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<b>To be reviewed:</b>	Every 36 months
<b>Review consultation:</b>	Executive Team
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#### Preamble

London School of Theology is a Christian academic learning community that seeks to achieve excellence in all areas of School life and live according to the teaching of the Bible. This document sets out the procedure to be followed when the School, a member of the School community or a member of the general public wants to take up a disciplinary issue with a student.

Informed by the teaching of Scripture, we believe that where possible and/or appropriate, student conduct that raises a disciplinary concern should first be addressed face-to-face with the student about whom the concern has arisen, and only subsequently through successive stages of this disciplinary procedure if it cannot be resolved in that way (Matthew 18.15-17, Luke 17:3-4, Galatians 5:13, 6:1-2; Philippians 4:2-3; James 5:19-20). Where face to-face resolution is either not possible, not appropriate, or both, it may be necessary to move directly to one of the subsequent stages set out in 1b and following below.

#### Definitions

This Procedure deals with how LST handles concerns and allegations about failings in a student's personal conduct. It is not to be used when allegations about a student's academic work, e.g., plagiarism, are under consideration. There is a separate policy on Academic Misconduct to deal with such alleged breaches. In addition, there is a distinct Non-Academic Complaints Policy and Procedure through which students can register concerns about the organization and operation of the School. That latter document should not be used to lodge disciplinary concerns or allegations against students; rather, such concerns and allegations should be reported in accordance with this Student Disciplinary Procedure. In certain circumstances, however, staff designated to process a Non-Academic Complaint may refer a student named in that Complaint for dialogue and/or investigation under this Disciplinary Procedure.

There is also a separate disciplinary procedure that applies to faculty and staff members.

General guidance about student conduct is given in the student handbook, the 'ABC of LST', which is sent to all new students and is available on the School's SharePoint site. More specifically, the School's Community Code defines the values and standards of behaviour that reflect its ethos, and that students are expected to uphold.

For the purposes of this policy, a member of the School community is defined as a current registered student, an employee including a contracted visiting lecturer, or a trustee. As well as from these groups, concerns about a student's conduct may be raised by the members of the public beyond the School community: such concerns should be referred to the Director of Finance and Administration, who will determine how best to address the concern in relation to the successive stages of this Procedure.

In cases where particular members of staff or faculty are designated to a specific function or functions within any Stage this Procedure, that function may be assigned to another appropriate member of staff or faculty if the designated person is unavailable through absence or for some other reason. In all such cases, the Executive Team will approve the re-designation of the function concerned.

Anonymous allegations concerning another student's conduct will not normally be processed further.

#### Procedure

##### 1. Informal stages

Where possible, an attempt should be made to resolve issues informally through one or more of the following

successive stages:

*a. One-to-one resolution*

If any member of the School community has concerns about a student's conduct, in most cases it will be appropriate to speak to the student directly and privately, so that the matter may be resolved without recourse to any of the stages that follow in this Procedure. However, in certain circumstances it may be deemed more appropriate to move straight to one or more of the subsequent stages. In any case, no student can compel another student to seek informal face-to-face resolution of a conduct-related issue against that latter student's will (Galatians 5:1; 13).

*b. Third party facilitation/mediation*

Particularly if the concerns relate to an apparent abuse of the rules that govern non-academic aspects of School life, it may be helpful to involve a relevant third party: e.g., a student representative, Chaplain or senior staff member, as a means to seeking informal resolution (cf. Matthew 18:16).

*c. Referral to Academic Secretary and Director of Academic Services (ASDAS)*

More serious concerns or allegations about a student's personal conduct, with any supporting evidence, should be referred to the Academic Secretary and Director of Academic Services [ASDAS] for informal investigation or further informal action as considered necessary. Such further informal action should include notifying the accused student in writing of the allegation and investigation and may include meeting with the relevant student to discuss the concerns raised and/or the allegation/s made against them. It may also involve interviewing relevant witnesses. If the ASDAS considers that an allegation is substantiated s/he may issue a verbal warning to the accused student [no written record] that the offending behaviour must be changed within a given timeframe, and that repeat or other offences will result in formal disciplinary action, as set out in Stage 2 below.

## 2. Formal stages

*a. Referral to Director of Finance and Administration*

If the concerns/allegation/s are not resolved at any of the informal stages 1a-c above, or if the same or other unacceptable behaviour continues, the ASDAS may bring the matter to the attention of the Director of Finance and Administration [DFA] for further, formal investigation and action, making all relevant evidence available to the DFA in the process, and notifying the accused student in writing of the allegation, and of its referral to the DFA. As part of this further investigation, the DFA should meet with the relevant student in person or online and may meet in person or online with any witnesses who might provide additional evidence. Action taken by the DFA following this investigative process may include the levying of the following sanction if the investigation is deemed by the DFA to warrant it:

**Written warning**, placed on the student's file for an agreed period of no longer than 6 months or the end of the academic year in which the concern was raised, whichever is the longer. That written warning to state the improvement or change in behaviour expected during the specified period, with any restrictions, protocols or targets that may be required, and to confirm that the issue will be reviewed at the end of that period. The letter to specify that non-compliance and/or non-improvement will result in the activation of Stage 2b below.

The levying of this sanction by the DFA should in all instances be notified in advance to the Executive Team at an Executive Team meeting or online, and should be recorded in the minutes of the Executive for the record.

Alternatively, if the student's behaviour is deemed to be more serious still, the DFA may progress the matter straight to Stage 2b below.

*b. Disciplinary Panel: Formation and Preliminary Meeting*

If the disciplinary concern or allegation is deemed by the DFA to be serious enough to require it, s/he may nominate her/himself or a fellow member of the Executive Team and two other members of staff [who are not concerned with the allegations and who may or may not be members of the Executive Team] to form a Disciplinary Panel to investigate the concern. The Executive member of the Panel should normally occupy the role of Chair, unless there is good reason for one of the other two Panel members to occupy this role. The DFA should supply the Panel with all relevant information pertaining to the disciplinary concern/allegation, and should inform the student in writing that the matter has been referred to a Panel for further consideration, naming the Panel members in the process.

The Panel should convene within 7 days of the DFA's notification to the accused student for a preliminary meeting to assess the concern/allegation. This meeting can take place in person or online. In the meeting the Panel may decide not to progress the matter, in which case it can either advise the DFA to take action under stage 2a above, or determine that any of the Informal stages 1 a-c should be revisited if they are deemed not to have not been duly exhausted. The Panel may also decide in this preliminary meeting that, having reviewed the information supplied by the DFA, there is no case to answer, and may drop the matter. In any of these instances, if the DFA is neither chairing the Panel nor serving as a member of it, the Chair of the Panel should instruct the DFA to convey its decision to the student in writing. If the DFA is chairing the Panel or is serving on it, the DFA will convey its decision to the student in writing. If the Panel has advised that the DFA should levy a written warning to the student under stage 2a above, the DFA can combine this written warning with written notice to the student that the Panel has given that advice.

c. *Disciplinary Panel: Formal Investigation and Hearing*

If the Panel decides at its preliminary meeting to progress the matter further, it will undertake a formal investigation lasting no longer than 30 days from the date of that preliminary meeting. The Panel Chair should inform the accused student in writing that this formal Panel-led investigation will be commencing, and that it will be concluded 30 days hence at the latest. The Chair should also inform the student that the investigation might or will include a Panel Hearing, and that this Hearing will take place within the same 30-day period. If the Panel has not at this point decided that a Hearing will be necessary, it must notify the student at least 7 days in advance of any Hearing it subsequently decides to hold within the 30-day investigative period.

Prior to any Hearing, the Panel's investigation may include one or more of its members interviewing the accused student and/or any other members of the School community who may be prepared to act as witnesses, as well as gathering written evidence and any other forms of evidence pertinent to the concern. Any such investigative meetings should be minuted.

Having conducted its investigation as described above, the Panel may decide that a Hearing is unnecessary, either because the Disciplinary Procedure needs to return to an earlier stage (above) or because there is no case to answer. In either instance, the Chair of the Panel will inform the accused student of this in writing within the 30-day investigation period, copying that notification to other members of the Panel, to the DFA if the DFA is not on the Panel, and to other members of the Executive team.

If it deems a Hearing to be necessary, as above the Panel should set a date for this to meet within the 30-day investigation period, and should notify the accused student of that date at least 7 days in advance, with an instruction to attend. The Panel may call other witnesses to attend the Hearing also, as well those who have made allegations against the student. The testimony of witnesses and those making allegations should be heard in separate parts of the Panel Hearing from those involving the accused student. The accused student may be accompanied at the Panel Hearing by a fellow student, friend, relative, staff or faculty member, and should give written notice of the name of that accompanying person to the Chair of the Panel at least 48 hours before the Hearing. It is not appropriate for the accompanying person to be a member of the Executive Team, the Board of Trustees, or the Panel. Nor can the accompanying person be a legal representative. The accompanying person will not normally be allowed to speak at the Hearing, but if they do this will only be at the discretion of the Chair.

Panel Hearings will normally be held in person, but at the discretion of the Chair they may be held online as a video conference. In such cases, the accused student should keep their camera on at all times. In-person Panel Hearings may receive recorded or livestreamed video evidence from witnesses as part of the Hearing.

The School is responsible for taking minutes of all Panel Hearings. These should be circulated to Panel members and the accused student no later than 7 days after the Hearing. An audio recording may be made of the Panel Hearing by the School at the discretion of the Chair, to aid minute-taking. The accused student will not be allowed to make a separate recording of the Panel, but if the Chair allows an audio recording to be made by the School, the student may request a copy of that recording.

d. *Outcome*

The Chair of the Panel will communicate the Outcome of the Panel Hearing to the student in person and in writing no later than 7 days after the Panel Hearing has taken place. In most cases, the written Outcome will be communicated along with the minutes of the Hearing. While the name/s of those making the allegation/s should be included in the Outcome report, the Chair has discretion to identify witnesses in that report by number or letter rather than by name.

An allegation may be *not upheld*, *partially upheld*, or *upheld*.

If the allegation is *not upheld* the matter will be dropped.

If the allegation is *partially upheld* or *upheld* one of the following sanctions or penalties may be applied by the Panel:

- A **written warning, rebuke, or reprimand** [copy on student's file for a period agreed by the Panel]. Where a written warning has already been applied by the Director of Finance and Administration under Stage 2a above, and where the student has failed to comply with its conditions by the end of the period specified for compliance, an extension of that period may be levied by the Panel for further period of up to 6 months or to the end of the academic year, whichever is the longer, with new conditions if necessary. A written rebuke or reprimand from the Panel may be more strongly worded, with conditions applying for a longer period, albeit distinct from the penalties that follow below.
- For students residing and/or studying wholly or partly on School premises, **exclusion from campus for teaching and other activities, with continuing study and engagement online**. The exclusion period may be up to 6 months or to the end of the academic year, whichever is the longer, but it may then be reviewed and extended by the Panel that initially levied it at intervals of up to 6 months.
- **Suspension of studies in any mode** for up to 6 months or to the end of the academic year, whichever is the longer. Either this sanction, or exclusion with continuing study online as above, may particularly (though not exclusively) be levied while a serious allegation is investigated by an external agency, e.g., by Thirty-One-Eight and/or the local area care team for safeguarding-related concerns [see the School's Safeguarding Policy and below], by the police, or by other statutory authorities. Suspension of studies in any mode can apply for up to 6 months or to the end of the academic year, whichever is the longer. At the end of the suspension period the student's case is reviewed by the Panel and the student is allowed to return to study in a mode deemed appropriate, and to other activities, unless the School is advised otherwise by the external investigating body concerned, and/or unless the Panel itself determines that extension of the suspension period is justified, in which case the extension may be up to a further six months.
- **Community service** for a period agreed by the Panel, and relevant to the offence.
- **Expulsion** in a case of gross misconduct [see below].

In all cases the Outcome resulting from Stages 2 a-d above should be reported to the Executive Team and minuted there for the record.

### 3. Gross misconduct

Allegations of gross misconduct by a student that are proven may result in immediate **expulsion** of the offending student from the school, i.e., from their programme, and from their School accommodation if they live on campus. Examples of gross misconduct are given below, although the list is illustrative, not exhaustive:

theft, willful damage to School property, fraud, drunkenness, alcohol abuse, illegal drug use, physical assault, sexual misconduct, misuse/abuse of email/internet systems, gross insubordination, criminal convictions (other than summary road traffic offences) or other conduct likely to affect the good name of the School.

Cases of suspected gross misconduct are investigated by the DFA (or, as per the Definitions section above, an Executive-approved substitute) and are reported with all relevant evidence to the Executive Team, who are collectively responsible for approving the action or sanction to be applied.

### 4. Appeal

A student who is dissatisfied with the outcome of a formal investigation, Panel Hearing or extended/re- applied sanction under Stage 2 above may appeal that outcome to the Principal, who has power to take any action deemed appropriate. Any such appeal must be lodged with the Principal no more than 14 days after the date on which the outcome was confirmed. There is no further internal appeal stage.

If dissatisfied with the outcome of their appeal and having received a Completion of Procedures (CoP) Letter from the School, the student may lodge a complaint with the Office of the Independent Adjudicator (OIA) for Higher Education, having first informed the Principal of their intention to do so.

The OIA itself requires that any student complaint made to them must be lodged within 12 months of the date of the Completion of Procedures Letter—although they advise that it is usually better to complain as soon as possible after the conclusion of internal processes at the student's Higher Education provider. This is because the remedies the OIA might recommend could be limited if a student waits a year before complaining.

**Note 1 - Safeguarding**

In order to ensure safeguarding of students in accordance with the School's Safeguarding Policy, the School's Safeguarding Lead may invoke any element or elements of Stage 2 of this Procedure in consultation with the Safeguarding Officer, and with any colleagues identified as involved in the relevant element or elements.

**Note 2 – BACP Fitness to Practise Policy**

A separate Guidance Document has been produced on the relation of this Student Disciplinary Procedure to the BACP's Fitness to Practise Policy for students enrolled on the BA Theology and Counselling programme. All such Theology and Counselling students, and all faculty and staff who might be involved in Student Disciplinary and/or Fitness to Practise cases involving them, should read that Guidance Document in conjunction with this document and the BACP Fitness to Practise Policy.

**Note 3**

All references to time periods expressed as days in this Student Disciplinary Procedure are to calendar days rather than working days.

## APPENDIX

### Guidance Notes on the Use of the Student Disciplinary Procedure in Relation to the BACP Fitness to Practice Policy for Theology & Counselling Students

1. The LST Student Disciplinary Procedure (SDP) applies to all current students of the School, on all programmes, including Theology and Counselling (TC) students.
2. By contrast, the BACP Fitness to Practice Policy (FPP) is specific to students on the TC programme alone, and should only be invoked ahead of the SDP in relation to alleged disciplinary issues when those issues have arisen directly from:
  - a. A TC student's counselling practice;
  - b. A TC student's conduct towards a counselling client beyond the counselling context;
  - c. A TC student's engagement with a Counselling module within the overall TC programme;
  - d. A TC student's conduct in activities specifically organised by and/or for the Counselling department;
  - e. A TC student's behaviour towards a fellow TC student/students or towards a Counselling lecturer/lecturers.
3. Decisions to apply the FPP shall in all cases be determined by the TC Programme Leader or by member of the Counselling faculty delegated to do so. The TC Programme Leader or delegated Counselling faculty member should also inform and/or confer with other members of the Counselling faculty as appropriate on the application of the FPP.
4. The TC Programme Leader or delegated Counselling faculty member should also inform the Academic Secretary and Director of Academic Services (ASDAS) and the Director of Finance & Administration (DFA) of the intention to initiate the FPP. If there is any doubt whether the FPP should be applied rather than the SDP, this should be resolved through discussion between the TC Programme Leader, the ASDAS and the DFA.
5. The SDP should be applied to all cases of alleged misbehaviour by non-TC students, and to any alleged misbehaviour by TC students that does not fall under the definitions set out in Paragraph 2 above. When a TC student is alleged to have breached the SDP and this is reported to the ASDAS and/or DFA, the ASDAS/DFA will in all cases inform the TC Programme Leader or delegated Counselling faculty member. Where there is any doubt as to whether the SDP or FPP should be applied, this will be resolved through discussion between the ASDAS and/or DFA and the TC Programme Leader or delegated TC faculty member.
6. *The SDP and FPP should never be applied concurrently to the same case of alleged misconduct.*
7. Where two or more separate and distinct allegations have been made against a student relating to two or more separate and distinct incidents around the same time, it may be appropriate for the SDP and FPP to be applied concurrently and respectively to those separate and distinct cases. In most such instances, however, it should still be possible to prioritise one process over the other, and to run those processes consecutively rather than concurrently, with investigation of the more serious allegation completed before the second is addressed. In any event, the student should always be clearly advised on which process is being applied to any particular allegation, and which stage of that process is being invoked at any particular time (see also 7 below). Where separate and distinct allegations are made against a student around the same time, and where they might require application of the SDP to one and application of the FPP to the other, it is especially important that the TC programme leader or delegated Counselling faculty member should confer with the ASDAS and/or DFA on whether the two policies should be applied concurrently or consecutively.
8. Where the SDP has been applied to a TC student in any particular case, its application should be concluded— through to the end of the Appeal process if need be—before the TC Programme Leader or delegated Counselling faculty member may determine that issues have arisen from that case which cast potential doubt on the TC student's Fitness to Practice as a counsellor. If so, *then and only then* may the FPP be invoked consecutively to the SDP in relation to that same case.

9. Similarly, if the FPP has been applied in any particular case to a TC student first, it may still be deemed at the end of that process by the ASDAS and/or DFA that further action might need to be taken under the broader scope of the SDP in relation to that same case.

10. Whichever of the above Policies is invoked in whichever order, the accused student should be clearly informed a) of the allegations made against them, b) the Policy being applied, and c) the specific stage of the Policy being followed at any particular juncture.

11. Unless a disciplinary issue is resolved at the Informal Stages of the SDP or FPP and/or the accused student is exonerated at any Stage of either procedure, the application of any Penalty at any Stage of either should be reported to the Executive by the officer presiding over that Stage.

12. These Guidance Notes should always be distributed as an Appendix to both the SDP and the FPP.

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