

## **TRUMAN BODDEN LAW SCHOOL**

### **STUDENT DISCIPLINARY CODE (NON-ACADEMIC)**

#### **1 INTRODUCTION**

##### **Statement of student conduct**

1.1 TBLS is committed to providing a high quality learning and teaching experience for all students. This can only be achieved if members of the TBLS community live and work beside each other in an environment which promotes respect.

1.2 Students of TBLS are expected to conduct themselves at all times in a manner which demonstrates respect for the Law School, its students and staff, and members of the wider community. Every student is an ambassador for the Law School and, accordingly, is expected to behave in a way that enhances its reputation.

#### **2. Application of this Code**

2.1 This code applies to all registered students of Truman Bodden Law School.

2.2 Where a student has permitted a visitor to access any part of the Law School premises (whether that visitor is also a member of the Law School or not) that student shall be regarded as responsible for the conduct of their visitor, while present as a visitor. That means that the student may be taken to be responsible and punishable under this code for the misconduct of their visitor, and for any damage caused by their visitor, as if the misconduct or damage were their own.

2.3 It is intended that this code gives a framework for dealing with breaches other than those of the academic regulations of the Law School/University. A non exhaustive list of offences is provided in paragraph 7 of this Code. Although specific timings are not given for various proceedings, TBLS will, in the interests of justice, endeavour to act at all times as swiftly as is possible, while ensuring that cases are properly prepared and that students have time to respond to accusations made against them.

#### **3 Disciplinary Authority**

Disciplinary authority over students may be exercised:

- (a) by the Legal Advisory Council pursuant to regulation 30(1) of the Legal Practitioners(Students) Regulations 2012
- (b) In general by the TBLS Director of Legal Studies under the informal procedures set out in Paragraph 9.4 of this Code.

#### **POWER OF SUSPENSION AND RESTRICTION**

- 4. Subject to the general principles set out in paragraph 3, and pursuant to Regulation 30(1) (c) of the Legal Practitioners (Students) Regulations 2012, the Legal Advisory Council may suspend or restrict a student suspected of any offence which could reasonably be expected to lead to the termination of the registration of the student if they were found guilty. A student may also be suspended or restricted if their behaviour is so uncontrolled that s/he poses a significant risk to themselves or to others or is significantly impeding the normal functioning of the Law School. This suspension or restriction may last until enquiries

and/or police and/or court proceedings are concluded. In exercising the power to suspend or restrict, particular attention will be paid not only to the welfare and interests of the individual student, but also to the interests of fellow students and of the Law School itself.

5. If Police and/or court action occurs in respect of the alleged offence, the suspension or restriction may last until the completion or abandonment of the police and/or court proceedings. It is the responsibility of the student to keep Law School aware of the progress and the outcome of the proceedings and to furnish the Law School with any reports, recommendations and judgements that have been made. The student may remain suspended or restricted until a disciplinary hearing under this Code has been held.
6. If a suspension or restriction is for a period in excess of fourteen days or is extended beyond fourteen days, the student may appeal against the decision to the Legal Practitioners Appeal Board pursuant to Regulation 30(2) of the Legal Practitioners (Students) regulations 2012 Revision (as amended).

## **OFFENCES**

7. An offence is committed within the remit of this code when there is unjustified interference, in the broadest sense, with the proper functioning or activities of the Law School, or with those who work or study in the Law School, or when improper actions occur which otherwise damage the Law School. Specifically, but not exclusively, the following:
  - a) disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the Law School, whether on Law School property or elsewhere;
  - b) obstruction of, or improper interference with, the functions, duties, or activities of any student, member of staff of the Law School, or any authorised visitor to the Law School;
  - c) cheating, or attempting to cheat or assisting another to do so, in an assessed or summative examination;
  - d) violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically, towards any member of Law School irrespective of location, or to any other person whilst on Law School property or engaged in any Law School activity, including conduct which is deemed unacceptable or which is unlawfully discriminatory or could be deemed as harassing particular groups or individuals in the Law School;
  - e) engaging in any behaviour:
    - i) which, even if self directed, which could reasonably be seen to cause distress to other students or members of staff;
    - ii) which could reasonably be seen to cause other students or members of staff to fear for their safety or well-being;
    - iii) that interferes significantly with the normal operation of the Law School or with members of staff in the normal execution of their duties;
  - f) distributing or publishing a poster, notice, sign, electronic or internet posting or any other publication either on Law School premises or computer networks, or relating to Law School affairs but displayed on premises or networks elsewhere, which is offensive, intimidating, threatening, indecent or illegal, or is likely to make others fearful, anxious or apprehensive or which could reasonably be expected to significantly and unfairly harm the standing or reputation or welfare of any student, member of staff or associate of the Law School;

- g) fraud, deceit, deception or dishonesty in relation to the Law School or Law School staff, or in connection with the holding of any office in the Law School, in relation to being a student of the Law School or against any member of Law School;
- h) misuse or unauthorised use of Law School premises or items of property, including computer misuse; damage to, or defacement of Law School property or the property of other students or staff, caused intentionally or recklessly, or the misappropriation of any such property;
- i) any action likely to cause injury or impair safety on Law School premises or to Law School members in other locations;
- j) action likely to impair security on Law School premises or which may jeopardise safety on Law School premises, including occupation of premises of this TBLS is the occupier
- k) behaviour or actions which bring the Law School into disrepute or otherwise prejudice the legitimate academic aims of the Law School;
- l) conduct which constitutes a criminal offence when that conduct took place on Law School premises, or in the course of Law School activities or against any member of the Law School; conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on Law School staff, students or property
- m) failure to comply with any sanction imposed as a result of enforcement of this disciplinary code or contempt of these procedures

## **GENERAL LAW SCHOOL DISCIPLINE**

8. All non-academic complaints against students will be referred to the Director of Legal Studies.

### **9 Informal procedure**

- 9.1 If the Director of Legal Studies considers that the offence, if proven, would require action, but merits a lesser penalty than that of termination of registration or suspension from Law School he will proceed under the informal procedures according to paragraph 9.4
- 9.2 The purpose of the informal procedure is to deal with matters of discipline fairly and quickly and where the matter is suitable to be dealt with informally.
- 9.3 A disciplinary matter is capable of being dealt with under the informal procedure providing that the following criteria are fulfilled:
- 9.3.1 Where the matter is, in the reasonable opinion of the Director of Legal Studies, suitable to be dealt with in this way. In determining whether the matter is suitable to be dealt with informally, the Director of Legal Studies will consider the nature of the offence, whether it is the student's first offence, whether the student admits the offence and any other relevant circumstances; and
  - 9.3.2 Where the student consents to the matter being dealt with in this way.
- 9.4 The Director of Legal Studies shall, upon receipt of the allegation or complaint against the student, carry out a fair and reasonable enquiry. The Director of Legal Studies shall convene a meeting with the student at which the student shall be given the opportunity to hear details of the complaint or allegations made against him/her speak or write in his or her own defence. The student shall be entitled to have a friend or relative accompany him/her at the meeting and to submit his or her written defence to the allegations. Where the Director of Legal Studies, determines that there is a *prima facie* case against the student, he may determine that the matter is suitable to be dealt with informally in accordance with para 9.3 in which case Director of Legal Studies will inform the student of this in writing, usually by letter. The letter will include details of the allegations of misconduct and the proposed sanction.

- 9.5 The sanctions which may be imposed by Director of Legal Studies under the informal procedure are:
- (a) A warning; and/or
  - (b) A formal apology in terms to be agreed by the Law School to any person adversely affected by the misconduct or any damage done to the Law School's relations with its members or outside community; and/or
  - (c) A payment in compensation or restitution for damage or loss; and/or
  - (d) Temporary withdrawal, suspension or reduction of any benefit, facility or privilege available to the student by virtue of his/her status as a student of the Law School not exceeding 1 week; and/or
  - (f) Any other sanction which may be appropriate and proportionate in the circumstances taking into account the fact that the sanction is to be administered under the informal procedure and specifically excluding suspension and expulsion.
- 9.6 If the student agrees that the matter should be dealt with in this way, the student must indicate his or her acceptance by signing the letter and returning it to the Director of Legal Studies by the date specified in the letter.
- 9.7 By agreeing that the matter should be dealt with informally the student accepts that:
- 9.7.1 The offence has been committed by him/her;
  - 9.7.2 He or she shall comply in full with any sanction imposed by the Director of Legal Studies;
  - 9.7.3 There is no right to appeal; and
  - 9.7.4 The signed letter may be retained on the Law School's records and used as evidence of past misconduct in assessing any future allegations of misconduct. The signed letter will not be retained on an individual student's file and so it will not be used to determine references provided by the Law School in respect of the student to external sources.
- 9.8 If the student does not agree that the matter should be dealt with informally, then he or she should complete the appropriate section in the letter, stating that he or she does not agree. The formal disciplinary procedure as set out in paragraph 10 will be instigated by the Law School within a reasonable period of time.
- 9.9 If the student fails to respond to the letter within the period of time specified in the letter, without good reason, the Law School may immediately instigate the formal disciplinary procedure.

## **10 Formal procedure**

- 10.1 The formal disciplinary procedure will be used where :
- (a) The Director of Legal Studies determines that it would be appropriate to do so, and in all cases where the Director of Legal Studies feels that the offence is of such severity as to merit termination of registration at the Law School or withdrawal from the Law School,
  - (b) or where a student has elected that his or her alleged misconduct be dealt with under the formal procedure.
- 10.2 Where the circumstances in 10.1 above apply, the Director of Legal Studies shall refer the case to the Legal Advisory Council for hearing.
- 10.3 The student will be notified in writing that a hearing is to take place and that it could result in the termination of the student's registration. The date of the hearing will be agreed with the student.

- 10.4 The Director of Legal Studies shall furnish the student involved with a statement of the complaint(s) made against the student and the Law School's recommended sanction for the offence and shall invite the student to present a written statement in response within 14 days of the receipt of the letter notifying the student of the commencement of formal disciplinary procedures.

## **THE LEGAL ADVISORY COUNCIL**

### **COMPOSITION OF THE LEGAL ADVISORY COUNCIL DISCIPLINARY PANEL**

11. The Chairman of the Legal Advisory Council shall convene a panel of three members of the Legal Advisory Council to hear and determine the matter referred to it under 10.2 of this Code.
12. The Panel of the Legal Advisory Council will be supplied one week before the hearing with copies of the following documents:
- (a) a statement of the complaint(s) made against the student;
  - (b) the Director of Legal Studies' recommendation together with the documents put forward in support of the recommendation
  - (c) Any written representations by or on behalf of the student and any documents to be put forward in support of the student's case
13. The hearing of the Panel will be conducted according to the general procedures set out in paragraphs 17 and 23 below.
14. The Panel will decide whether or not the Student is guilty of the alleged offence.
15. If the Legal Advisory Council Panel find the student guilty on the balance of probabilities the panel will decide what penalty, if any, is appropriate. The sanctions which may be imposed by the Legal Advisory Council under the formal procedure are as follows:
- (a) a caution;
  - (b) a formal warning;
  - (c) an order for compensation;
  - (d) disqualification on a permanent or temporary basis from the use of the Law School's facilities;
  - (e) imposition of conditions upon access to the Law School's facilities or premises;
  - (f) suspension or exclusion from the Law School:-
    - i) suspension involves a total prohibition on attendance at or access to the Law School and on any participation in Law School activities for a specified period of time, but it may be subject to qualification, such as permission to attend for the purpose of an examination;
    - ii) suspension will be used only where (d) or (e) would be inadequate;
  - (g) termination of registration at the Law School.
  - (h) any sanction may include a requirement that the student should have no contact of any kind with a named person or persons
16. The Legal Advisory Council Panel will convey its decision in writing to the student together with a reminder of his or her right of appeal to the Legal Practitioners Appeal Board (see below). The reasons for the decision will be given.

### **CONDUCT OF HEARINGS OF THE LEGAL ADVISORY COUNCIL PANEL**

17. The Legal Advisory Council Panel will, whenever practicable, reach a decision on the day of the hearing.

18. The Law School representative (normally the Director of Legal Studies) will present the Law School's case and the student, or his or her representative, will have a right of reply.
19. The Panel is not required to conduct an independent investigation into the complaints presented but will exercise care to ensure that the facts upon which its decision is based are accurate.
20. The student, his or her nominated friend or relative, a representative of the student (if the student chooses to be represented) and the Law School representative will be entitled to be present throughout the whole of the proceedings except where the Legal Advisory Council Panel wishes to retire for private discussions. In every case, the student directly, or via his or her representative, will be given a proper opportunity to be heard fully in his or her own defence.
21. The Legal Advisory Council Panel will take all reasonable steps to hold the hearing on a date on which the student and his or her friend/relative and his or her representative are able to attend. Exceptionally, if this proves impossible or if the Chair of the Panel considers that the student is being deliberately uncooperative about his or her attendance, the Chair may decide upon a date and, if the student does not appear, may proceed with the hearing in his or her absence.
22. The decision of the Legal Advisory Council Panel will be on a simple majority.
23. There will not be any disclosure of information regarding the way in which any member has voted or on whether the decision was arrived at unanimously or by a majority vote.

## **THE LEGAL PRACTITIONERS APPEAL BOARD ('APPEALS BOARD')**

### **COMPOSITION OF THE APPEALS BOARD**

24. The Appeals Board shall be constituted in accordance with Regulation 29 of the Legal Practitioners (Students) Regulations 2012 (as amended).
25. An appeal to the Appeals Board will be available to any student who has had a disciplinary penalty imposed on him or her by a panel of the Legal Advisory Council.
26. The student will give written notice of appeal to the Secretary of the Appeals Board within seven days of receiving notification of the decision of the panel of the Legal Advisory Council. The notice of appeal must set out concisely the grounds for the appeal.
27. The grounds of appeal may only be one or more of the following:
  - (a) that the finding was against the weight of the evidence;
  - (b) that the penalty is too severe or is otherwise inappropriate;
  - (c) that the process was not in accordance with the principles and procedures set out in this Code, or was contrary to natural justice;
  - (d) that fresh evidence can be presented, which was not available, and could not reasonably have been made available, to the Legal Advisory Council.

Where an appeal is based on ground (d), the Chair will be furnished with a summary of the fresh evidence to be presented. The Chair of the Appeals Board will decide if an appeal is allowable. His/her decision in this matter is final and will be conveyed in writing.

28. The Secretary of the Appeals Board will supply that Board and the student making the appeal with a copy of the following documents:

- (a) a statement of the complaint(s);
- (b) a contemporaneous note (not in transcript form) produced by the Secretary to the Legal Advisory Council, who for the purposes of a Disciplinary Panel hearing shall not be the Director of Legal Studies, recording the proceedings of the hearing of the Panel and any other documents available to both sides at this hearing;
- (c) the written notice of appeal together with any other supporting statements by or on behalf of the student
- (d) any written responses from the Law School

- 29. The hearing of the Appeals Board shall be not be a re-hearing and the appeal shall be determined on the basis of the documents submitted under paragraph 28 of this Code, without the requirement of oral submissions or oral evidence.
- 30. The Appeals Board may confirm, reverse or vary the penalty determined by the Panel of the Legal Advisory Council. The Board may impose a more severe penalty. The reasons for the decision will be given.
- 31. The quorum of the panel will be three.
- 32. The student and the Director of Legal Studies will be provided with a copy of the decision made by the Appeals Board.
- 33. The decision of the Appeals Board represents the final part of the Law School procedure and is final.