



**Student Disciplinary  
Code  
(Non-academic)**

## **INTRODUCTION**

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

- 1.1. Escape Studios is committed to providing a high-quality learning and teaching experience for all students. This can only be achieved if members of the Escape Studios community live and work beside each other in an environment which promotes respect.
- 1.2. Students of Escape Studios are expected to conduct themselves at all times in a manner which demonstrates respect for Escape Studios, its students and staff, and members of the wider community. Every student is an ambassador for Escape Studios and, accordingly, is expected to behave in a way that enhances our reputation.

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

- 2.1. This code applies to all registered students of Escape Studios. Students on placements or internships are bound by this Code and by the placement/internship employer's rules on conduct.
- 2.2. Where a student has permitted a visitor to access any part of Escape Studios premises (whether that visitor is also a member of Escape Studios or not) that student will be regarded as responsible for the conduct of their visitor, while present as a visitor. This means that the student may be taken to be responsible and punishable under this Code for any misconduct of their visitor, and for any damage caused by their visitor, as if the misconduct or damage were their own.
- 2.3. Escape Studios may also take such action as it feels necessary, under these regulations, against Escape Studios students who contravene the rules, regulations or codes of discipline of other educational institutions or employer organisations, whether in the United Kingdom or abroad, while on their premises, or who commit an offence that would be a breach of Escape Studios regulations were it committed on Escape Studios premises.
- 2.4. It is intended that this Code will give a framework for dealing with breaches of any non-academic regulations of Escape Studios. Although specific timings are not given for various proceedings, Escape Studios will at all times, in the interests of justice, endeavour to act as swiftly as possible, while ensuring that cases are properly prepared and that students have time to respond to accusations made against them. If there are delays,

students will be informed of the reasons, which may include (but are not limited to) the complexity of the case, availability of witnesses, impact on assessment periods, trauma-informed investigation or an ongoing criminal investigation.

- 2.5. Escape Studios commits to the following principles in applying this Code:
- a) to investigate all breaches or alleged breaches of discipline fairly, thoroughly and as expeditiously as possible;
  - b) to maintain confidentiality and protect individual privacy, as far as possible, throughout the disciplinary process. In the course of the disciplinary process, information will be retained and shared only insofar as this is required to investigate and decide the matter thoroughly and fairly. It will not normally be appropriate for the identity of witnesses to be withheld from the student under investigation, where this would compromise the student's ability to defend themselves;
  - c) to guard against bias in the process by taking reasonable steps to ensure the impartiality and independence of Escape Studios officers responsible for investigation and decision-making;
  - d) to take reasonable steps to ensure that students will not experience disadvantage when raising complaints against Escape Studios students or staff;
  - e) to adhere to the Equality Act 2010 and to make reasonable adjustments for students with disabilities to attend hearings and/or otherwise to engage in the disciplinary process.
- 2.6. Escape Studios will evaluate evidence and determine disciplinary offences on the balance of probabilities as the standard of proof.
- 2.7. The burden of proof is on Escape Studios to prove that a disciplinary offence has occurred. Nonetheless, the student who is subject to disciplinary action may be required to provide evidence in support of any assertions they might make in their defence.
- 2.8. Escape Studios recognises that the disciplinary process may cause anxiety and stress to students. Students are encouraged to contact Student Services if they need additional support and guidance regarding disciplinary matters, or if they wish to access counselling due to any adverse effect of the disciplinary investigation on their wellbeing.
- 2.9. Students may contact the Escape Studios Students' Association for additional support and guidance on disciplinary matters.
- 2.10. Escape Studios reserves the right to expedite resolution, or to defer, or even to suspend the process if there is a health, wellbeing or safeguarding concern regarding any student involved in the disciplinary process. In taking such actions, Escape Studios will seek to uphold the interests of students involved and the wider Escape Studios community.
- 2.11. Where a student brings an allegation against another student, they can expect to be notified of the outcome in broad terms, but due to considerations of confidentiality, the details of the case will not be disclosed. A student who has made an allegation of misconduct may be invited to act

as a witness in disciplinary proceedings. Witnesses, students who have made allegations, and/or any other third parties may not themselves appeal a decision taken by an Escape Studios officer or panel on a disciplinary matter; this includes decisions on appropriate penalties. If a student who has brought a case against another student feels adversely affected by the behaviour or actions of another student, or by the disciplinary proceedings themselves, they are encouraged to seek support via Student Services.

- 2.12. Where a student brings an allegation against another student that constitutes a criminal offence, Escape Studios has an obligation to report the matter to the Police.

### **3 Disciplinary Authority**

Disciplinary authority over students may be exercised by:

- a) The Principal;
- b) The Dean of Academic Affairs who will be the Student Disciplinary Officer;
- c) Deans of School (or their nominees).

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

- 4.1. In exceptional circumstances, and subject to the general principles set out in section 2, the Principal may impose an immediate suspension or restriction upon a student suspected of any offence which could reasonably be expected to lead to the termination of the student's registration if they were found guilty. This provision will normally be reserved for situations where a student's behaviour poses a significant risk to the safety or wellbeing of the student or others, or is significantly impeding the normal functioning of Escape Studios. This suspension or restriction may last until disciplinary 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 Escape Studios itself. In placing students on suspension, Escape Studios will have due regard to the possible impact of the suspension or restriction on students' academic progress, student loan, visa or other considerations. Students placed on suspension will be issued with clear instructions as to what is permissible under the terms of their suspension. Suspension of students pending the outcome of disciplinary procedures does not affect the presumption of innocence.
- 4.2. 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 Escape Studios aware of the progress and the outcome of the proceedings and to furnish Escape Studios with any reports, recommendations and/or judgements that have been made. The student may remain suspended or restricted until disciplinary procedures under this Code have been completed.
- 4.3. 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 Chair of the Disciplinary Appeals Committee via the Student Disciplinary Officer. If a suspension or restriction is renewed or extended, or is otherwise continued, a further right of appeal will be granted. Normally, extended suspensions and restrictions placed upon students will be reviewed every two months, regardless of whether or not the student chooses to exercise their right of appeal.

## **5 OFFENCES**

- 5.1. An offence is committed within the remit of these rules when there is unjustified interference, in the broadest sense, with the proper functioning or activities of Escape Studios, or with those who work or study in Escape Studios, or when improper actions occur which otherwise damage Escape Studios. Specifically, but not exclusively, the following:
- a) disruption of, or improper interference with, the academic, administrative, social, or other activities of Escape Studios, whether on Escape Studios property or elsewhere;
  - b) obstruction of, or improper interference with, the functions, duties, or activities of any student, member of staff of Escape Studios, or any authorised visitor to Escape Studios;
  - c) violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically, towards any member of Escape Studios irrespective of location, or to any other person whilst on Escape Studios property or engaged in any Escape Studios activity, including conduct which is deemed unacceptable or which is unlawfully discriminatory;
  - d) engaging in any behaviour through any medium (including for example online):
    - i) which constitutes harassment, i.e. unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. This includes domestic violence and abuse (which can also involve control, coercion, threats) and stalking. It also includes any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.
    - ii) which, even if self-directed, could reasonably be seen to cause distress to other students or members of staff;
    - iii) which could reasonably be seen to cause other students or members of staff to fear for their safety or well-being;
    - iv) that requires staff repeatedly to act beyond their normal roles and duties;

- v) that interferes significantly with the normal operation of Escape Studios or with members of staff in the normal execution of their duties;
- vi) that contravenes relevant codes of professional conduct.

“Engaging in behaviour” will be interpreted to include inaction where specific action to avoid a problem occurring could reasonably be expected;

- e) incitement of violence in furtherance of religious, political, philosophical or other beliefs that undermine the rule of law, freedom of expression, democratic values or individual liberties;
- f) bullying, including offensive, intimidating, malicious or insulting behaviour which has the effect of undermining, humiliating, denigrating or injuring the recipient;
- g) sexual misconduct through any medium (including online), including sexual harassment, unwanted conduct of a sexual nature which has the purpose or effect of violating a recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, assault, rape, physical unwanted sexual advances, intimidation, or promising resources or benefits in return for sexual favours, distributing private and personal explicit images or video footage of an individual without their consent;
- h) distributing or publishing a poster, notice, sign, electronic or internet posting or any other publication either on Escape Studios premises or computer networks, or relating to Escape Studios affairs but displayed on premises or networks elsewhere, which is offensive, intimidating, threatening, indecent or illegal, or which is likely to make others fearful, anxious or apprehensive or which could reasonably be expected significantly and unfairly to harm the standing or reputation or welfare of any student, member of staff or associate of Escape Studios;
- i) falsification of documents, false declarations (e.g. on extenuating circumstances), fraud, deceit, deception or dishonesty in relation to Escape Studios or Escape Studios staff, or in connection with the holding of any office in Escape Studios, in relation to being a student of Escape Studios or against any member of Escape Studios;
- j) misuse or unauthorised use of Escape Studios premises or items of property, including computer misuse; damage to, or defacement of, Escape Studios property or the property of other students or staff, caused intentionally or recklessly; or the misappropriation of any such property<sup>1</sup>;
- k) any action likely to cause injury or impair safety on Escape Studios premises or to Escape Studios members in other locations;
- l) action likely to impair security on Escape Studios premises (including the passing of security passes to those not authorised to use them);
- m) behaviour or actions which bring Escape Studios into disrepute or otherwise prejudice the legitimate academic and/ or business aims of Escape Studios, including causing Escape Studios to breach statutory requirements;

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<sup>1</sup> Property includes: facilities, computers, software, data, web pages, equipment (e.g. audio-visual equipment), books, furniture, or personal belongings.

- n) conduct which constitutes a criminal offence where that conduct took place on Escape Studios premises, or in the course of Escape Studios activities or against any member of Escape Studios; conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on Escape Studios staff, students or property;
- o) misuse of alcohol or illegal drugs while on Escape Studios premises or during an Escape Studios directed activity, including during field trips or while on employer placements;
- p) disruption of assessments;
- q) failure to pay fees or other debts to Escape Studios as set out in the Terms and Conditions;
- r) being unreasonably unhelpful to Escape Studios officers during implementation of Escape Studios procedures;
- s) obstruction of Escape Studios investigations into breaches, and/ or disruption of Escape Studios hearings, including interfering with or intimidating witnesses;
- t) complaints that may be deemed to have no serious purpose or to be intended to cause disruption or annoyance<sup>2</sup>.

## **5.2. Misconduct that is also a criminal offence**

5.2.1 Escape Studios may rely on findings of guilt under criminal legal proceedings as established fact, to be used as evidence of misconduct under this Code, if and to the extent that the findings relate to the alleged misconduct.

5.2.2 If police action and/or criminal proceedings against a student are abandoned and/or result in acquittal or dismissal, Escape Studios may subsequently conduct its own investigations and exercise its disciplinary powers under this Code, if Escape Studios considers it appropriate to do so.

## **DISCIPLINARY PROCEDURE**

### **6 Preliminary Investigation**

6.1. An allegation against a student of a disciplinary offence must be made, in the first instance, to the Dean of School, or nominee. The Dean of School, or nominee, will undertake a preliminary investigation to determine

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<sup>2</sup> As provided in the Student Concerns and Complaints Procedure, examples of complaints that Escape Studios may deem to have no serious purpose or to be intended to cause disruption or annoyance include complaints that:

- a) Escape Studios has previously considered and decided;
- b) that are about something which a fair-minded person would consider to be trivial;
- c) that the student is pursuing in a way that is having a seriously negative effect on Escape Studios staff or work;
- d) where the student is looking for a remedy that lacks any serious purpose or value.

whether there is a case to answer. For the avoidance of bias, the Dean will ensure that the preliminary investigation is conducted by a person not directly involved in the case. Normally, the preliminary investigation will be concluded within 10 days of referral.

- 6.2. On completion of the preliminary investigation, The Dean, or nominee, will set out the allegation in writing to the student, along with a summary of any evidence, and invite the student to a meeting, giving the student at least 3 days' notice.
- 6.3. The purpose of the meeting will be to discuss the allegation with the student, and to allow the student to admit the offence, or to submit counter-evidence and make representations. The student may be accompanied by a friend or relative who is unconnected with the allegation, or by a Students' Association (SA) representative. A legal representative will not, normally, be allowed.
- 6.4. The Dean of School, or nominee, will make a written record of the meeting, setting out who attended, with a summary of any statements made and/or evidence presented. This record may be used in subsequent proceedings.
- 6.5. The Dean of School, or nominee, may:
  - a) dismiss the case as unfounded, or as unsuitable for consideration under this procedure; or,
  - b) reprimand the student orally but without a formal record; and/or,
  - c) require a formal apology, in terms to be agreed by Escape Studios, to any person adversely affected by the misconduct or any damage done to Escape Studios' relations with its members or outside community; or,
  - d) determine that the allegation is sufficiently serious to warrant a review by the Student Discipline Officer under the formal disciplinary procedure, as set out in section 7 below.
- 6.6. In reaching a decision, Dean of School, or nominee, will have regard to the nature of the offence, matters of intent and injury to others, and whether an adequate final resolution can be reached with a reprimand or an apology.
- 6.7. Within five working days of the meeting, the Dean of School, or nominee, will inform the student in writing of their decision and of the reasons for their decision.
- 6.8. Where, under paragraph 6.5 the student does not accept the decision, the case will be referred to the Student Disciplinary Officer, as set out in section 7 below.
- 6.9. The Dean of School, or nominee, will maintain a record of preliminary investigations and decisions and make these available to the Quality Office.

## **7 Formal Disciplinary Procedure**

- 7.1. Where the case is referred to the Student Disciplinary Officer, the Dean of School, or nominee, will provide the Student Disciplinary Officer with a record and any evidence from the preliminary investigation.
- 7.2. Within 10 days of the referral, the Student Disciplinary Officer will carry out a fair and reasonable enquiry and give the student the opportunity to hear details of the complaint or allegations made against them, and to speak or write in their own defence.
- 7.3. If a meeting is requested by either the student or the Student Disciplinary Officer, one will be arranged, and the student will be given at least 3 days' notice and access to all the evidence. The student may be accompanied by a friend or relative who is unconnected with the allegation, or by a Students' Association representative. A legal representative will not, normally, be allowed<sup>3</sup>. The Student Disciplinary Officer will appoint an Academic Quality Officer to maintain a record of the meeting.
- 7.4. In reviewing a case and determining an outcome, the Student Disciplinary Officer will consider the following:
  - a) the nature of the offence;
  - b) the level of intent or premeditation;
  - c) mitigating factors – e.g. timely admission, first offence, unintended offence except for circumstances where strict liability<sup>4</sup> would apply;
  - d) the extent of injury to others, impact on Escape Studios' reputation, and/or level of damage to property; and,
  - e) any other relevant circumstances.
- 7.5. The Student Disciplinary Officer may decide as follows:
  - a) to dismiss the case on account of unfounded allegations or insufficient evidence; or,
  - b) to refer the case to another Escape Studios procedure, e.g. Fitness to Study Policy, or invoke an additional Escape Studios procedure, e.g. Prevent Duty policy; or,
  - c) to determine that there is a *prima facie*<sup>5</sup> case against the student, of lesser severity than would warrant a suspension or exclusion, and issue a formal outcome letter, setting out the allegations of misconduct and the proposed sanction(s) from those available in paragraph 7.6 below, together with reasons for this decision; or,

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<sup>3</sup> In exceptional circumstances, students may request and be granted permission to have legal representation at disciplinary meetings by the Chair of that meeting. Such permission will be informed by the complexity and gravity of the offence, the capacity of the student to present their case, and the prospective severity of sanctions. Where permission is granted, Escape Studios may also choose to have its own legal representation at the meeting, and notify the student accordingly. The student will be responsible for paying the costs of their representation (including legal costs), and these costs will not be reimbursed by Escape Studios.

<sup>4</sup> Strict liability means that a student may be liable for their actions regardless of intent or mental state, on account of the very nature of the offence that has occurred, e.g. statutory rape, selling alcohol to minors.

<sup>5</sup> *Prima Facie* means 'at first sight', or 'based on what appears to be the truth when first seen or heard'.



- d) to determine that the offence is of such severity as to warrant consideration by a Student Disciplinary Committee.
- 7.6. The sanctions which the Student Disciplinary Officer may impose under the Formal Procedure include:
- a) a written warning to be retained on the student's file; and/or
  - b) a payment in compensation or restitution for damage or loss; and/or
  - c) a fine not exceeding £500; and/or
  - d) temporary withdrawal, suspension or reduction of any benefit, facility or privilege available to the student by virtue of their status as a student of Escape Studios, for a duration not exceeding 1 week; and/or
  - e) attendance at a relevant course; and/or
  - f) any other sanction which may be appropriate and proportionate in the circumstances.
- 7.7. The Student Disciplinary Officer will communicate their decision in writing to the student within five working days of any final meeting with the student or concluding correspondence on the case.
- 7.8. The student must confirm in writing to the Student Disciplinary Officer their acceptance or rejection of the outcome by the deadline specified in the letter.
- 7.9. By accepting the outcome, the student accepts that:
- a) the offence has been committed by them; and
  - b) they will comply in full with any sanction imposed by Escape Studios; and
  - c) there is no right to appeal; and
  - d) the signed letter may be retained on Escape Studios' 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 Escape Studios in respect of the student to external sources.
- 7.10. If the student does not accept the outcome of the Formal Procedure, then they should indicate their disagreement to the Student Disciplinary Officer in writing. The Student Disciplinary Officer will refer the matter to the Student Discipline Committee within 10 days of receiving the student's notice.
- 7.11. If the student fails to respond to the letter within the period of time specified in the letter, without good reason, Escape Studios may refer the matter to a Student Discipline Committee upon expiry of the specified response deadline.

## **8 Student Discipline Committee**

- 8.1. A Student Discipline Committee will be used:
  - a) where the Student Disciplinary Officer determines that the offence is of such severity as to warrant consideration by a Student Disciplinary Committee, e.g. because the outcome may result in termination of registration at Escape Studios or withdrawal from Escape Studios; or,
  - b) where a student expresses disagreement, in writing, with the outcome of the Formal Disciplinary Procedure.
- 8.2. Where the circumstances in 8.1 above apply, the Student Disciplinary Officer will refer the case to the Student Disciplinary Committee for hearing.
- 8.3. The student will be notified in writing that a hearing is to take place and that it could result in the termination of their registration. The date of the hearing will be agreed with the student.
- 8.4. The Student Disciplinary Officer will furnish the student involved with a statement of the allegation(s) made against them, Escape Studios' Student Disciplinary Code, and the reasons for referral to the Student Disciplinary Committee, and will invite the student to present a written statement in response within 14 days of the receipt of the letter notifying the student of the referral.
- 8.5. The student will be invited to submit the following for consideration by the Committee:
  - a) any documentary evidence in support of the student's case;
  - b) names of any witnesses the student wishes to call to the hearing;
  - c) evidence in support of any compelling personal circumstances which the student wishes the Committee to consider in mitigation;
  - d) any other documentary evidence, information or written representations which the student wishes the Committee to consider.

## **9 Composition of the Student Discipline Committee**

- 9.1. The Student Discipline Committee will comprise:
  - a) The Principal (Chair)
  - b) Two members of the academic teaching staff;
  - c) One student nominated by the Escape Studios Students' Association.
- 9.2. The Student Disciplinary Officer will appoint an Academic Quality Officer to act as Secretary to the Student Discipline Committee and maintain a record of proceedings and of documentary evidence.

- 9.3. The Student Discipline Committee will be supplied one week before the hearing with copies of the following documents:
  - a) a statement of the allegation(s) made against the student;
  - b) the Student Disciplinary Officer's reasons for referral to the Student Disciplinary Committee, together with the documents put forward in support of the referral;
  - c) Any written representations by or on behalf of the student, and/or any documents to be put forward in support of the student's case, and/or names of any witnesses the student wishes to call.
- 9.4. The hearing of the Committee will be conducted according to the general procedures set out in section 12 below.
- 9.5. The Committee will decide whether or not the student is guilty of the alleged offence.
- 9.6. If the Committee finds the student guilty on the balance of probabilities, they will decide what penalty, if any, is appropriate. The sanctions which may be imposed by the Student Discipline Committee under the formal procedure are as follows:
  - a) a caution; and/ or,
  - b) a formal warning; and/ or,
  - c) a fine or order for compensation; and/ or,
  - d) disqualification on a permanent or temporary basis from the use of Escape Studios' facilities; and/ or,
  - e) imposition of conditions upon access to Escape Studios' facilities or premises; or,
  - f) suspension or exclusion from Escape Studios:
    - (i) suspension involves a total prohibition on attendance at or access to Escape Studios and on any participation in Escape Studios 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; or,
  - g) termination of registration at Escape Studios; and; or,
  - h) any sanction may also include a requirement that the student should have no contact of any kind with a named person or persons or should not be present in certain areas of the campus.
- 9.7. The Committee will convey its decision in writing to the student together with a reminder of their right of appeal to the Disciplinary Appeals Committee and the permissible grounds for appeal (see section 10 below). The reasons for the decision will be given, including the reasons for any penalty.

## **DISCIPLINARY APPEALS COMMITTEE**

## **10 Right of Appeal**

- 10.1. An appeal to the Disciplinary Appeals Committee will be available to any student who has had a disciplinary penalty imposed on them by the Student Discipline Committee.
- 10.2. The student must give written notice of appeal to the Student Disciplinary Officer within fourteen days of receiving notification of the decision of the Student Discipline Committee. The notice of appeal must set out concisely the grounds for the appeal.
- 10.3. 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 these regulations, 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 Student Discipline Committee.
- 10.4. Where an appeal is based on ground 10.3.d), the Student Disciplinary Officer will be furnished with a summary of the fresh evidence to be presented.

## **11 Composition of the Disciplinary Appeals Committee**

- 11.1. The Disciplinary Appeals Committee will comprise:
  - a) Chair or Deputy Chair of Governing Body (Chair);
  - b) Three members of staff not involved in the process so far.
- 11.2. The Student Disciplinary Officer will appoint an Academic Quality Officer to act as Secretary to the Disciplinary Appeals Committee.
- 11.3. The Secretary of the Disciplinary Appeals Committee will supply the Committee and the student making the appeal with a copy of the following documents:
  - a) a statement of the allegation(s) against the student;
  - b) a contemporaneous note (not in transcript form) produced by the Secretary to the Student Discipline Committee, recording the proceedings of the hearing of the Student Discipline Committee, 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 Escape Studios.
- 11.4. The hearing of the Disciplinary Appeals Committee will be conducted according to the procedure set out in section 122 below.

- 11.5. The Escape Studios representative (normally the Student Disciplinary Officer) may, at the discretion of the Chair of the Disciplinary Appeals Committee, present fresh evidence and call witnesses to attend the meeting. Such evidence or a summary thereof will be forwarded to the Secretary of the Disciplinary Appeals Committee no less than seven days before the hearing of the Committee, and will be made available to the student or their representative within the same period.
- 11.6. The Disciplinary Appeals Committee may confirm, reverse or vary the penalty determined by the Student Discipline Committee. The Disciplinary Appeals Committee may impose a more severe penalty. The reasons for the decision will be given.
- 11.7. The student and the Principal will be provided with a copy of the decision made by the Disciplinary Appeals Committee.
- 11.8. The decision of the Disciplinary Appeals Committee represents the final part of Escape Studios procedure and is final, subject to paragraph 11.9 below.
- 11.9. If a student is dissatisfied with the outcome of the Disciplinary Appeals Committee, they may refer the case for review to the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#). This option becomes available only after Escape Studios' internal appeals procedures have been completed. Escape Studios will issue the student with a Completion of Procedures letter communicating the outcome of the case with a link to the website of the OIA at the appropriate time. The student will have twelve months in which to refer their case to the OIA, if they meet the OIA grounds for review.

## **12 Conduct of hearings of the Student Discipline Committee or the Disciplinary Appeals Committee**

- 12.1. In the interest of natural justice, a disciplinary hearing will allow the student the opportunity to discuss the allegations against them, review all the evidence and to put forward their own case.
- 12.2. The student may be accompanied by a friend or relative who is unconnected with the allegation, or by a Students' Association representative. A legal representative will not, normally, be allowed. The role of the accompanying party will be to provide moral support during a meeting or hearing. Those accompanying students cannot make representations, act as witnesses nor cross-examine witnesses.
- 12.3. To guard against bias, disciplinary offences will be investigated and heard by independent Escape Studios officers who have not had prior involvement with the case and who do not have a close relationship with a student who is party to a disciplinary hearing.
- 12.4. A student subject to a disciplinary hearing will be informed of the composition of the Committee in advance of the hearing and may raise objections against the impartiality of individual members to the Committee Secretary, who will then refer objections to the Committee Chair for decision.

- 12.5. The Committee will, whenever practicable, reach a decision on the day of the hearing.
- 12.6. The Escape Studios representative (normally the Student Disciplinary Officer) will present Escape Studios' case and the student, or their representative (if the student chooses to be represented), will have a right of reply.
- 12.7. The Committee is not required to conduct an independent investigation into the allegations presented, but will exercise care to ensure that the facts upon which its decision is based are accurate.
- 12.8. The student, their accompanying party, their representative, and the Escape Studios representative will be entitled to be present throughout the whole of the proceedings except where the Committee wishes to retire for private discussions. In every case, the student directly, or via their representative, will be given a proper opportunity to be heard fully in their own defence.
- 12.9. The student will bear the costs of any witnesses called to support the student's case.
- 12.10. The Committee will take all reasonable steps to hold the hearing on a date on which the student or their representative is able to attend. Exceptionally, if this proves impossible or if the Chair of the Committee considers that the student is being deliberately uncooperative about their attendance, the Chair may decide upon a date and, if the student does not appear, may proceed with the hearing in their absence.
- 12.11. The decision of the Committee will be on a simple majority with a second and casting vote to the Chair in the event of a tie.
- 12.12. 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.
- 12.13. In the interests of confidentiality, electronic recording of the Committee hearing will not be permitted.
- 12.14. The Secretary will make a record of the meeting and provide this to the student with the outcome letter.

**13 The Student Disciplinary Code aligns with the following Escape Studios London policies:**

- a) Student Concerns and Complaints Procedure;
- b) Prevent Duty Policy;
- c) Fitness to Study Policy;
- d) Equality and Diversity Policy;
- e) Academic Malpractice Policy;
- f) Extenuating Circumstances Policy

## **14 Monitoring and Evaluation**

- 14.1. The Student Disciplinary Officer, or nominee, will maintain anonymised records of disciplinary cases and penalties to assist monitoring and ensure the consistent and fair application of this Code.
- 14.2. The Student Disciplinary Code will be reviewed annually for fitness for purpose in light of live cases and alignment with good HE sector practice.

Person responsible	Dean of Academic Affairs
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