

## SUSPENDING OR EXCLUDING STUDENTS IN EMERGENCIES

### Purpose and scope

- 1.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains when a student may be instantly removed from the College and how the College will look after their interests.
- 1.2. These regulations apply to all current students of the College, and to any concern or allegation of misconduct raised on or after 1 June 2017 regardless of the date of the event giving rise to the concern.
- 1.3. These regulations **do not** apply in the following circumstances:
  - a) A student has deferred or interrupted their studies. If so, the College will normally consider the matter on their return to the programme.
  - b) A student has been recommended for an award and is due to graduate. If so, the College will investigate any concern or allegation that may give rise to a suspension or exclusion. This will happen as quickly as possible but the College may delay a graduation where necessary.

### Definitions

- 1.4. 'Suspension' means selectively restricting a student's attendance at or access to College services or selectively prohibiting the student from exercising the functions or duties of any office or committee membership in the College or the Students' Union, or any combination of these.
- 1.5. 'Exclusion' means prohibiting a student's attendance at or access to the College and any participation in its activities. Exclusion may be qualified, for example by permission to attend an examination. Exclusion means the student may not normally be on College property (including the Students' Union or study placements) except for specific appointments agreed in advance and in writing between the student and staff members.

## Introduction

### *Overview*

- 1.6. It is important that the College ensures the safety and wellbeing of all its members in general, and may want to ensure the safety and wellbeing of certain members specifically, where it considers this necessary.
- 1.7. In an emergency, the College may temporarily suspend or exclude a student if, in the Academic Registrar's opinion, such action is urgent and necessary.
- 1.8. The College will not use suspension or exclusion as a penalty. These may be used only to help protect the coherence or safety of College life or the wellbeing of its members. Also, exclusion will be used only if the Academic Registrar decides suspension from specified activities or facilities is inadequate for this purpose.
- 1.9. If the Academic Registrar decides action is needed but the circumstances do not meet the threshold for action set out above, they will refer the matter to the correct policy or regulation for action. In doing this, the Academic Registrar may choose to refer a student to a suitable level of alternative procedure(s) if they think this will produce a fair and equitable outcome more quickly.
  - 1.9.1. Examples of cases where action may be urgent and necessary
    - a) Criminal matters, for example:
    - b) alleged or prosecuted acts of violence;
    - c) alleged or prosecuted sexual offences;
    - d) alleged or prosecuted drug dealing;
    - e) alleged or prosecuted harassment; or
    - f) imprisonment
  - 1.9.2. Non-criminal matters, for example:
    - a) alleged harassment or bullying; or
    - b) alleged further offences under College regulations or policies, including alleged breaches of instructions that endanger the health, safety or wellbeing of members of the academic community.

## Procedures

### *Overview*

1.10. The process for suspending or excluding a student contains three (3) stages:

*Stage 1 – Interim order*

*Stage 2 – Final order*

*Stage 3 – Ongoing review*

### *Stage 1 – Interim order*

1.11. In an emergency, the Academic Registrar may be asked to use their powers under these regulations by any person. The request can be verbal or in writing. All reasonable efforts must be made to bring full details of the situation to the Academic Registrar's immediate attention.

1.12. The Academic Registrar need not have full information or receive any comments on the student's behalf before making an interim order, and need not give reasons for investigating or not investigating.

1.13. An interim order for suspension or exclusion may be immediately communicated to the student by a Senior Officer verbally or in writing, and may be made in person or not.

1.14. The order must normally be in force from the time of communication and must be recorded as such. An interim order may suspend or exclude a student for no longer than five (5) consecutive working days. If a final order is not made, the interim order will end.

1.15. Following the interim order, the Academic Registrar must make a written report of the circumstances and decision with particular regard to the 'urgent and necessary' threshold conditions. The written reasons for the decision must be recorded and must be made available to the student.

1.16. During a suspension or exclusion period, the College will normally make learning materials available electronically. To ensure that materials are available and if necessary to discuss academic questions, the College will appoint a member of academic staff to manage liaison with the student.

1.17. If the Academic Registrar has been asked to consider a student under these regulations and refused to make an order, they must inform the student in writing.

### *Stage 2 – Final order*

1.18. The College must give the student any final order of suspension or exclusion within five (5) working days of the date of the interim order and must specify:

- a) the situation that gave rise to the regulations being enforced;
- b) the exact details of the suspension or exclusion; and
- c) the student's right to submit written comments.

1.19. The final order for suspension or exclusion may include requirements added to the interim order. These may include requirements that the student should have no contact of any kind with named people.

1.20. The student may make comments, which must be received by the College within five (5) working days of the date of the final order. The College must review them within a further five (5) working days, and may vary the order in response.

1.21. The Academic Registrar may vary or revoke a final order at any time.

### *Stage 3 – Ongoing review*

1.22. If the final order includes suspension or exclusion from academic activities associated with the student's programme (except access to the Library), the College must review the final order every twenty (20) working days in the light of any developments and of any further comments made by the student or anyone else on their behalf.

- 1.23. Such a review does not have to include a hearing or submission in person, but the student has the right to submit further written comments.
- 1.24. The review will be conducted by a Senior Officer who has not been involved in the original suspension or exclusion decision.
- 1.25. If the final order has lasted more than ninety (90) working days, the College will automatically refer the matter for possible termination of the student's registration under the most suitable regulations for the circumstances.

#### Advice and support

- 1.26. Advice for students on emergency suspension and exclusion, and the associated lower-level College rules, is available from the Office of Student Complaints, Appeals and Regulation ([oscar@gsm london.ac.uk](mailto:oscar@gsm london.ac.uk)) or the GSM London Students' Union ([gsm su advice centre@gsm london.ac.uk](mailto:gsm su advice centre@gsm london.ac.uk)), unless these were listed as excluded in the order. More complex queries may be referred to appropriate individuals.
- 1.27. Advice for staff on emergency suspension and exclusion is available from their nominated Academic Policy Partner.
- 1.28. If any staff development needs are identified, they may be discussed with members of the Staff and Educational Development Team.

#### Fees

- 1.29. No additional fees or charges are associated with these regulations.
- 1.30. The College is not liable for financial or other consequences arising from action under these regulations.

### Legal and regulatory context

- 1.31. These regulations on suspending or excluding students in emergencies have had regard to many of the principles in general administrative and public law – in particular, the principles discussed in *Glynn v University of Keele [1971] 1 WLR 487* on how the principles of natural justice should apply to the use of College powers.
- 1.32. Additionally, the College recognises its duties on the safety and security of all its members and visitors under the *Health and Safety at Work Etc. Act 1974*, and under the statutory regulations made under this act.
- 1.33. The College may not be bound by the principles outlined in paragraph 7.32 and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures. The College uses the principles as guidance only, to help it deal soundly with these matters.

### Enforcement, monitoring and review

- 1.34. If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 1.35. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 1.36. The annual report must include statistical data on the number of suspensions or exclusions by type; the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those suspended or excluded.
- 1.37. Every two (2) years, the College must review these regulations to ensure that:
- a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;

- b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
- c) opportunities to reduce unnecessary bureaucracy have been taken.

**Schedule (not part of the policies or regulations):**

*Responsible Officer: Academic Registrar*

*Approved by: Board of Directors and Academic Board*

*Version: 1.0*

*Date: 1 June 2017*

*Monitoring and Review Body: Academic Regulations and Awards Committee*

*Effective From: 1 June 2017*

*Next Scheduled Review: June 2018*