

LAMDA

Emergency Powers of Exclusion or
Suspension of a Student
2020-21

1. Power to Exclude or Suspend Students

- 1.1 The Director of LAMDA shall have the power to exclude or suspend any student from LAMDA for a limited period in an emergency situation upon reasonable belief that there is good reason to do so. The Director shall be satisfied that good and/or urgent cause exists to warrant the invoking of these emergency powers.
- 1.2 Where a concern is raised relating to a student's wellbeing and/or conduct, whether on or off LAMDA premises, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the student, and/or of the Academy, its members, an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Director or the Director's delegate that the student should be temporarily suspended and/or excluded. A list of examples of occasions where this might be the case is outlined below:
 - Where a student is considered a danger to themselves or others
 - A student who might have seriously breached the published Academy Regulations
 - A student presenting with urgent critical issues relating to their Fitness to Train (e.g. such that their health or other circumstance is preventing them from being fit to study)
 - A student for whom a criminal charge is pending, or who is the subject of police investigation
 - Where a previously undisclosed relevant criminal conviction comes to light
 - A student who is the subject of an allegation of misconduct
 - Where there is an identified need to protect the health and safety and/or property of the student and/or the LAMDA community

The above list is not exhaustive..

2. Definitions

- 2.1 Exclusion means that certain restrictions are placed upon a student's access to LAMDA or any parts of the premises, and/or any related facilities, service(s) or functions that the student would normally have.
- 2.2 Suspension means that attendance at, or access to LAMDA, and participation in any or all activities (including external programme-related activities), is prohibited until the term of suspension is lifted. However, the suspension may be subject to qualification, such as exceptional permission to attend for the purpose of an assessment.

3. Scope, Purpose and Principles

- 3.1 An exclusion or suspension order made by the Director under this policy may include an order restricting or prohibiting contact between the student and a particular individual or individuals.
- 3.2 The purpose of the power to suspend or exclude under this provision is to protect the student and/or members of the LAMDA community and their property in general, or a particular member or members (including protecting the Academy's reputation). The power shall only be used where the Director reasonably believes that it is urgent and necessary to take such action. Suspension or exclusion under this procedure will not be used as a penalty.

- 3.3 Under this policy, the Director may delegate their power to a senior member of staff, who shall then have the power to exclude or suspend any student from the Academy for an initial emergency period in an emergency situation.
- 3.4 In the event that the Director is unable, for any reason, to exercise their powers under this policy, the Executive Director is expressly delegated by the Director under this policy to act in lieu of the Director.
- 3.5 Where a student is excluded or suspended under this policy, a full report outlining the terms and any conditions of the exclusion or suspension shall be written at the earliest opportunity, communicated to the Dean of the Drama School, and placed on the student's file.

4. Policy

- 4.1 It will be at the discretion of the Director or their nominee to determine whether suspension, or exclusion from specified activities / facilities, is deemed to be appropriate for the circumstances.
- 4.2 All reasonable efforts will be made to facilitate the student's capacity to engage with their programme of study as far as possible during and/or following a period of exclusion or suspension, which may include referring the student to available support.

Emergency Powers & Fitness to Train policy

- 4.3 This procedure may also be used in conjunction with the Fitness to Train policy. Written reasons for a decision taken under this policy and procedure shall be recorded and made available to the student, normally within 3 working days of the decision being made. Such records will be retained securely on a student's file for the duration of their programme of study, and retained thereafter only in line with LAMDA's Data Retention Policy.

Data protection and management

- 4.4 Where the student does not complete and/or withdraws from the programme whilst excluded or suspended under this policy, the documentary records relating to the suspension or exclusion will be securely retained on the student's file in accordance with the normal retention period for student files (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student file will be destroyed. A record that the student registered and attended the School for the period of registered attendance will be retained for record purposes).
- 4.5 Anonymised data relating to the fact that the Director has ordered an exclusion or suspension under these procedures will be retained by LAMDA for monitoring, review and quality assurance purposes.
- 4.6 A student against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended or excluded by the Director pending a Misconduct Panel investigation, hearing and/or a trial. The Director or their nominee shall have the discretion to determine whether the nature of the alleged offence is such that the misconduct proceedings should be adjourned pending police and court proceedings. The student will be notified accordingly in writing, normally within 3 working days of any such decision.
- 4.7 Failure on the part of the student to comply with the terms of the suspension or exclusion may result in action under the Non-Academic Misconduct policy.

5. Procedure

Timelines

- 5.1 Except where otherwise specified, all specified timescales referred to in this policy constitute calendar days.
- 5.2 Emergency exclusion or suspension will normally take place with immediate effect. The reasons for the decision to exclude or suspend shall be communicated to the student in writing by the Director (or their nominee) at the point the suspension or exclusion is determined or as soon as possible thereafter, along with notification of the student's right to submit immediately any written representations for consideration by the Director, and signposting to avenues of available support (including external support).

Review of an exclusion/suspension order

- 5.4 The period of exclusion or suspension shall not exceed 28 calendar days in the first instance. All periods of exclusion and suspension will be subject to regular review as outlined below, and the excluded/suspended student will be notified in writing of the dates of forthcoming reviews, and corresponding outcomes.
- 5.5 A review of the case by the Director or their nominee will take place within the initial 28 day period of exclusion or suspension. Following this review, the exclusion or suspension may be renewed every 28 days where the Director has reasonable belief that the period of exclusion or suspension should be renewed. The review will take place before any further renewal of a period of exclusion or suspension may be authorised. The student will have the right to submit written representations for consideration with each review, and will be informed of this right at the time they receive notification of the exclusion/suspension order.
- 5.6 In exceptional circumstances¹, a longer period of exclusion or suspension may be set, not normally exceeding two months before the next review except where the Director is satisfied that there is justifiable and reasonable cause.

Emergency Permanent Exclusion by the Director

- 5.7 In exceptional emergency circumstances where the Director deems that an individual's continued status as an enrolled student poses too great a risk to LAMDA and its community, the Director may take the decision to impose emergency permanent exclusion upon a student. In such instances, the student will have the right to submit written representations for consideration within 28 days of notification of the emergency permanent exclusion. The Director and the Executive Director shall consider any written representations. Where no written representations are received within the 28 day deadline, the Director will withdraw student status and the individual will no longer be a registered student of LAMDA.
- 5.8 Where a student submits written representations after their student status has been withdrawn, a Completion of Procedures letter will be issued (see 'Completion of Procedures' below).

Written representations

- 5.9 The student may make written representations following any decision to renew/extend an exclusion or suspension. Additional written representations will be considered in the next review of the exclusion or suspension within 28 days of the continuation date.

¹ Exceptional circumstances may be, for example, where a student is placed on remand for a specified period.

- 5.10 Written representations from the student may be made via email, normally using their LAMDA email address.
- 5.11 The Director or their nominee shall review any written representations from the student and respond in writing, normally within 7 days following receipt of the representations. For the purposes of completeness, the Director reserves the right to consider additional written representations from the student alongside any original written submission that has already been considered.
- 5.12 Reviews will take account of any developments and/or representations made by the student or anyone else on the student's behalf, and may result in referral to another procedure (e.g. Fitness to Train; Misconduct & Professional Conduct).
- 5.13 If no written representations from the student are received, the Director or their nominee shall in any case review the initial exclusion or suspension within 28 days, and normally within each renewed 28 day period except in exceptional circumstances as outlined above.
- 5.14 Considerations of written representations and reviews of exclusions or suspensions made under these emergency provisions will not involve a hearing. Representations made by students will not include submissions made in person, except where it would constitute a reasonable adjustment in accordance with the Equality Act 2010. The Director will assess whether it is necessary/appropriate to meet with an excluded or suspended student during the period of exclusion/suspension.

Completion of Procedures

- 5.15 Following a review by the Director of written representations by a student, where an excluded or suspended student is dissatisfied with the Director's decision to extend a period of exclusion or suspension following the initial period, under the Rules² of the Scheme of the Office of the Independent Adjudicator (OIA) they may request a Completion of Procedures letter from LAMDA, in order to submit a complaint to the OIA.
- 5.16 Completion of Procedures letters issued by LAMDA in relation to powers exercised under this policy will be copied to the validating university (the University of Kent).

6. Permitted Actions During Periods of Temporary Exclusion and Temporary Suspension

- 6.1 Where a student is temporarily excluded or suspended, it is at the discretion of the Director or their nominee as to whether any permission to enter LAMDA premises be granted, taking account of the circumstances of the case and the specific purpose(s) of any such request to do so.

Exclusion

- 6.2 Unless also temporarily suspended or expressly prohibited by a Misconduct Panel and/or an Appeals Panel, a student who is temporarily excluded from all areas of the Academy (including exclusion from participating in external programme-related activities) may, subject to the agreement of the Director (or nominee), be permitted to:
- take such tests or assessments as are scheduled during that period;
 - be provided with information about results/grades, re-sit questions, progression to the next level, module choice for the next level/academic year;
 - be informed if she or he has reassessments;

² <http://www.oiahe.org.uk/media/100294/oia-rules-july-2015.pdf>

- re-enrol;
- access and utilise their LAMDA computer account.

6.3 If a student who is temporarily excluded from all areas of the Academy wishes to enter the premises, they should request permission from the Director or their nominee, giving at least one day's notice. Permission to enter the premises shall normally only be given for the purposes of seeking advice or support, or for the purpose of attending hearings or meetings connected with allegations against them under this or another regulation or procedure.

Suspension

6.4 A student who is suspended by the Director under these emergency provisions cannot enter LAMDA premises, or the premises of any external provider delivering programme-related activity, without the exceptional prior written permission of the Director or their nominee, and must give at least one working day's written notice to the Director of their request to do so for any reason. Permission will normally only be granted exceptionally, and for the purpose of attending hearings or meetings connected with allegations against them under this or another LAMDA regulation or procedure.

Equality Impact

Potential impact on groups with protected characteristics? <i>(positive; neutral; negative)</i>	Positive / Neutral / Negative
Does the policy take account of the needs of people with different protected characteristics?	Yes. Flexibility is built in. Provision made for reasonable adjustments; cases carefully scrutinised and considered, taking account of the students' specific circumstances.
• Age	Yes
• Disability	Yes
• Gender reassignment	Yes
• Pregnancy and Maternity	Yes
• Race	Yes
• Religion or belief (including no belief)	Yes
• Sex	Yes
• Sexual orientation	Yes
Equality Impact Assessment completed by:	Head of Academic Services, Sept 2018

Review

Version	3 (minor amends)
Date policy approved by Academic Board:	September 2018
Due for next review:	A/Y 2021-22
Owner	Head of Student and Academic Services