

## Policy 004: Student Disciplinary

### 1. Purpose and Scope

1.1. This policy outlines the expectations the Academy of Contemporary Music (ACM) has with regards to the behaviour and conduct of students of ACM, and the steps that may be taken in any instance where a student's conduct does not meet these standards. The policy is designed to ensure that students are treated in a fair and equitable manner.

1.2. This policy applies to all students in ACM buildings, residential buildings with ACM agreements, off-site visits, at events and functions sponsored or organised by ACM, and in the campus communities.

1.3 The policy applies to timetabled learning activities, as well as ACM activities outside of timetabled teaching activities, such as events or activities arranged by students or staff that involve or are promoted by ACM. It also covers the conduct of students within the local area in private residential accommodation where the reputation of ACM is brought into disrepute due to unacceptable behaviour or the behaviour of ACM students has caused distress to local residents.

1.4 ACM reserves the right to investigate and act upon any conduct by an ACM student which impairs our efforts to sustain a supportive learning and creative community for all our staff, students and visitors.

1.5 The policy also includes statements on alcohol, drugs, bullying and harassment. Cases of academic misconduct are addressed in our Academic Integrity Policy, however students may be subject to disciplinary proceedings as outlined in this policy and its corresponding procedure.

### 2. Policy Statement

2.1 The Student Disciplinary policy is underpinned by the following principles:

- All members of ACM staff have a responsibility to ensure that student discipline is maintained;
- The Student Disciplinary procedure is designed to establish the facts quickly and to deal fairly and consistently with disciplinary issues;
- At every stage in the disciplinary procedure, students will be given details of the matter which the disciplinary policy and procedure refers to, and will be given the opportunity to state their case before a decision is made;
- The accompanying procedure may be implemented at the discretion of ACM, depending on how serious the alleged misconduct is;
- If a student feels that they have been unfairly treated, then they have the right to appeal against any disciplinary penalty. In these circumstances, students should refer to and utilise ACM's Student Disciplinary Appeals Policy and Procedure;
- If the student is over 18 they have the right to be accompanied by another person at formal disciplinary meetings and at any subsequent appeal of the disciplinary outcome. Students under the age of 18 or adults at risk must be accompanied by a parent, guardian or adult who assumes responsibility for the student's welfare. All students invited to attend a disciplinary meeting or hearing will be consulted regarding a mutually convenient time for the meeting;
- Following three scheduled meeting opportunities where there is no attendance from

the student, the meeting and/ or hearing may be held in absentia.

2.2 ACM will thoroughly investigate all transgressions of student discipline brought to its attention, and in making judgements as to the appropriate course of action will apply the principle of balance of probability based on the evidence available.

2.3 ACM reserves the right to take disciplinary action against students for incidents not directly related to ACM that could be considered to put other students or staff at risk or bring ACM into disrepute e.g. allegations of assault or involvement in illegal drugs.

2.4 No student shall be suspended or terminated from their studies unless they have been given an opportunity to make representations in person to a member of the Executive Team or nominee from the Senior Management Team (SMT). Where for any reason it appears to the Executive Team or nominee from SMT that it is not possible for the student to attend in person, they will be allowed to make written representations.

2.5 In the case of suspected gross misconduct, ACM reserves the right to temporarily suspend the student with immediate notice.

2.6 The welfare and wellbeing of all students of ACM depends upon the reasonable and disciplined behaviour of ACM students. ACM expects students to take responsibility for their learning and actions and behave in a mature, responsible and appropriate manner at all times while involved in ACM activities.

2.7. The need for disciplinary action is kept to a minimum by ensuring that students are made fully aware of their responsibilities as students and ensuring that when a student's behaviour appears to be causing distress, or is considered unacceptable, measures are put in place to support students to continue their studies in a responsible manner.

2.8. All students are made aware of their responsibilities and ACM's expectations of them as part of their induction and re-induction to ACM, and through ongoing communication and support from all members of ACM staff.

## **Alcohol and Drugs**

2.9 ACM has a 'zero tolerance' approach to drug and substance misuse.

2.10 Drugs that are prescribed for medical conditions can also have adverse side effects, which can be detrimental to the health and safety of the prescribed individual. The warning 'This drug causes drowsiness - do not operate machinery' is common on prescription tablets but not always heeded. There can be other effects, which can also cause a hazard.

2.11 Smoking, including the use of e-Cigarettes, is not permitted anywhere on ACM premises.

2.12 ACM has a zero-tolerance approach to alcohol misuse. Students are not permitted to consume alcohol during lessons. Students are not permitted to bring alcohol onto ACM premises or to come into ACM in an unfit state to participate in lectures or other timetabled learning activities. Any breach of this rule by students or staff will be treated as a case of

misconduct. Even a small amount of alcohol consumed can reduce reaction times and may cause errors of judgement, and in addition the perception of risk can be reduced.

2.13 If a student feels they are experiencing alcohol or drug related dependencies or thinks they are at risk of developing one, they should seek advice, support and help through ACM. ACM has a number of various support services that we can refer a student to.

2.14 Any student found under the influence of substances (in an unfit state to participate in lectures or other timetabled learning activities), or in possession, under the influence of or supplying illegal drugs will be subject to full ACM Student Disciplinary proceedings, and ACM will normally refer all offences relating to drugs to the police.

## **Bullying and Harassment**

2.15 ACM is committed to maintaining a working and learning environment free from any form of bullying or harassment. ACM operates a zero-tolerance policy towards bullying, harassment, and threatening or antagonistic behaviour from staff and students. Matters relating to bullying and harassment will be subject to this policy, in order for a resolution and outcome to be reached.

2.16 Bullying is the abuse of power or position to, for example, threaten, abuse, intimidate, insult, ridicule or criticise; to humiliate and undermine a person so that their confidence and self-esteem is destroyed. This can range from violence, shouting and sarcasm to more subtle forms such as setting a person up for failure with impossible workloads and deadlines.

2.17 It may be difficult to identify whether name calling is banter or bullying. A student may feel intimidated or under pressure not to raise a complaint or discuss the incident with a member of staff because others are saying it is just a joke. If it is a one-off incident then it may be that it is banter with no harm intended.

2.18 Harassment may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious.

2.19 The terms bullying and harassment are often used interchangeably, and many definitions include bullying as a form of harassment. Harassment tends to have a strong physical component and is usually linked to gender, race, disability or physical violence; bullying tends to be a large number of incidents (individually trivial) over a long period comprising constant unjustified and unsubstantiated criticism.

2.20 Hate crime is any offence committed against a person or property which is motivated by the offender's hatred of people because they are seen as being different. People do not have to be a member of a minority community to be a target of hate crime. Any incident where an individual or group of people are targeted because they are believed to be of a different race, religion/belief, sexual orientation, gender identity or have a disability can be reported as a hate crime.

2.21 Bullying and harassment can come in different forms and may not necessarily occur face to face; they may be written communications (such as notes, emails, SMS texts or posts on social networking sites); other visual communications (such as photos, pictures or

videos); or verbal communication (including via the telephone).

## Misconduct

2.22 The conduct covered in this section shall constitute misconduct if it takes place on ACM property or premises, or if the student concerned is involved in an ACM activity, is representing ACM or is present at that place by virtue of his or her status as a student of the ACM. It will also constitute misconduct in any location if the actions brings ACM into disrepute. Any actions that contravene the principles of the Prevent Duty shall also be considered as misconduct and appropriate action taken (including referral to the appropriate Multi Agency Safeguarding Hub (MASH), which may result in a charge of gross misconduct and subsequent programme termination. This activity may also lead to criminal proceedings.

2.23 The following will constitute as misconduct:

- Disruption of, or improper interference with, the academic, administrative, social or other activities of ACM, whether on ACM premises or elsewhere;
- Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of ACM or any contractor or visitor to ACM;
- Violent, indecent, disorderly, threatening, defamatory or offensive behaviour or language whilst on ACM premises or engaged in any ACM activity;
- Fraud, deceit, deception or dishonesty in relation to ACM or its staff or in connection with holding any office in ACM or in relation to being a student of ACM;
- Action which causes or is likely to cause injury or impair the safety of others;
- Breach of the provisions of other Policies, Codes, Rules and Regulations of ACM;
- Behaviour which brings ACM into disrepute;
- Any form of harassment of any student, member of staff or other employee of ACM or any contractor or visitor to ACM whether in person, in writing, by email, via the internet (including social media) or otherwise;
- Damage to, or defacement of, ACM or associated property or the property of other members of the ACM community caused intentionally or recklessly or by negligence, and misappropriation of such property;
- Misuse or unauthorised use of ACM premises or items of property, including computer misuse. The improper use of ACM's IT facilities is outlined in ACM's Acceptable Use of IT Policy.
- Failure to disclose name and/or other relevant details to an officer or employee of ACM or its contractors in circumstances when it is reasonable to require that such information be given; or

- Failure to comply with a previously imposed warning under this Policy or any other Policies, Codes, Rules and Regulations of ACM;
- The deliberate false activation of a fire alarm;
- Bringing alcohol onto ACM premises and/or consumption of alcohol in a teaching and learning environment unless explicit permission has been gained e.g. as part of a private view/show;
- Coming into ACM in an unfit state to participate in lectures or other timetabled learning activities due to the consumption of alcohol or illegal drugs;
- Consumption of any food or beverages in a teaching area;
- Unauthorised audio/video recording/photography of a learning activity;
- Excessive printing or copying, or other unauthorised use of printing or copying facilities.
- Falsifying, or attempting to falsify, evidence of their own or other students' attendance at timetabled activities;
- Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct:
  - (a) took place on ACM premises, or;
  - (b) affected or concerned other members of the ACM community, or;
  - (c) damages ACM's name or reputation or;
  - (d) otherwise constitutes misconduct within the terms of this Policy, or;
  - (e) is an offence of dishonesty, where the student holds an office of responsibility in ACM, or; (f) brings into question whether ACM can safely and responsibly allow the student to remain a member of our community.

2.24 The above list is indicative and not exhaustive. Other forms of behaviour which are not documented here may be considered misconduct.

## **Academic Misconduct**

2.25 Warnings issued under Academic Integrity investigations will be considered when applying this Policy.

## **Suspension and Termination of Students**

2.26 ACM may choose to suspend a student with immediate effect in the event of *alleged gross misconduct*, and where it is considered that the student may pose a risk to themselves other students or staff, ACM, or the conduct of an investigation.

2.27 The period of suspension will last until information has been gathered surrounding

the incident of misconduct. In this instance, the student will subsequently be given opportunities to make representations in person to a member of the Senior Management Team (SMT).

2.28 Suspension should not be seen or used as a punishment and is a neutral act. It is a means of removing a student from a potentially difficult or dangerous situation whilst an investigation is carried out.

2.29 ACM will inform the student, and their parents, guardians or adults who have a position of responsibility for the student's welfare if the student is under 18 or an adult at risk, in writing within 24 hours of the reason for suspension and the restrictions this places on them.

2.30 Suspension and Termination prohibits a student from participating in any ACM activities (on or off-site and including those organised by Industry Link, the Marketing team or Students' Union), prohibits access to ACM facilities and premises and any external events or activities held on ACM premises.

## **Criminal Offences**

2.31 If there is a genuine reason to believe that a student has committed a criminal offence, ACM will refer the matter to the Police as appropriate.

2.32 The following procedures will apply where the alleged misconduct would constitute an offence under criminal law if proved in a court of law.

2.33 Where the offence under criminal law is considered not to be serious, action under this Policy may continue, but such action may be deferred pending any police investigation or prosecution.

2.34 In the case of all other offences under criminal law, no action (other than suspension or termination) will be taken under this Policy unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Executive or Senior Management Team nominee will decide whether disciplinary action under this Policy should continue to be taken.

2.35 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any disciplinary action.

2.36 Except in cases considered not to be serious, if the victim will not report the matter to the police or will not co-operate in their enquiries ACM will not normally use its internal procedures to proceed with the matter. Only in exceptional circumstances will ACM report an alleged crime to the police contrary to the wishes of the victim. ACM reserves the right to make its own determination relating to the responsible measures it should take to ensure the safety and cohesion of its community.

2.37 ACM's Safeguarding and Prevent duties may also require us to act upon information,

despite a victim of a crime not choosing to refer the incident through formal proceedings.

2.38 If the police or the Crown Prosecution Service (CPS) decide not to prosecute, ACM may, exceptionally, proceed with action under this Policy depending on the reasons for the non-prosecution.

2.39 ACM will normally refer all offences relating to controlled drugs to the police.

2.40 ACM will work with the police and other local agencies in regards to substance abuse and drugs issues within the local community

### **Referrals to Multi Agency Safeguarding Hub (MASH)**

2.41 Where investigations relating to student misconduct are found to raise concerns relating to a student's behaviour, or actions, due to the perceived risk of radicalisation and/or extremism, ACM will work in close partnership with relevant partners including HEFCE/the Office for Students' HE/FE Prevent Lead, local police, local authorities, academic partners and work to establish networks for sharing good practice in approaches and information where this is a necessity.

### **Representation**

2.42 All formal invitations to disciplinary meetings will outline the student's right to bring with them a friend, parent, mentor, or other representative. Students under the age of 18 or adults at risk must be accompanied their parents, guardians or adults who have a position of responsibility for the student's welfare. Any other representation is not normally allowed except with express permission from the Chair of the disciplinary panel.

2.43 Helping a student to speak for themselves during the disciplinary procedure and ensuring that they are heard is known as 'advocacy'. It is the responsibility of ACM to ensure that a student is provided with appropriate support where it is needed. Students are encouraged to make use of the support and guidance of Student Services.

2.44 Students will be offered a meeting with a member of staff to outline the Student Disciplinary process.

2.45 Additionally, some young people, adults at risk and those who do not have English as a first language may need help to articulate themselves and to get other people to listen to what they say. This is particularly true when they are being interviewed by members of staff who have are in a senior position of responsibility. Students will be offered a meeting with a member of the Education Guidance team if such needs are identified.

### **Confidentiality**

2.46 Some aspects of discussions or evidence may be confidential or inappropriate to share amongst a wider audience. The person Chairing the meeting will make a decision as to the appropriateness of what information should be disclosed e.g. names of witnesses where there is a concern about their welfare or safety.

### 3. Responsible Parties

3.1 The policy lead is responsible for the cyclical monitoring and review of the policy in liaison with the Quality Assurance and Enhancement Manager. The Student Disciplinary Policy lead is:

- Head of Student Services

3.2 Decisions and appropriate actions in support of the implementation of the Policy will be authorised by the following designated staff:

- Programme Managers
- Group Head of Education
- Quality Assurance and Enhancement Manager
- Head of Quality and Student Experience
- Education Strategist
- Director of Strategy and Innovation
- Education Staff
- Industry Link Staff
- Student Services Staff

### 4. Reference Points

#### 4.1 Internal:

- Student Disciplinary Procedure
- Academic Integrity Policy
- Acceptable Use of IT and E-Safety
- Equality & Diversity
- Health & Safety Policy
- Participation & Attendance Policy
- Safeguarding
- Student Charter
- Good Neighbour Guidance
- Prevent Policy

#### 4.2 External:

- Middlesex University Regulations 2016-2017 'Student Conduct and Discipline'
- UALab Regulations 2016 - 2017: Disciplinary Code For Students
- East Surrey College Student Disciplinary Policy & Procedures
- The Prevent Duty

### 5. Date of Approval and Next Review

Version: 1.2

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