

Procedure 4.7 Student Disciplinary Procedure					
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Procedure owner: Principal / CEO

- ❖ This procedure is shared with our students and/or can be obtained:
 - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
 - on the desktops of all computers in the library on the top floor,
 - by emailing us at info@docklandsacademy.co.uk.
- ❖ Also, our students are informed about the main aspects of the procedure in the Student Handbooks, Induction Seminar and Learning Agreement.
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of DAL Procedure 1.9 Review and Revision of Policies and Procedures.

1. Overview

Students may be disciplined by the Academy on the basis of a range of misdemeanors and this Procedure and also the procedures listed in “Relevant Policies and Procedures”,

2. Purpose of this Procedure

- 2.1** Docklands Academy London (‘the Academy’) sets out its main objectives of education in DAL Policy 2 Academic Management and also in the relevant procedures. These can be met only if students, staff and visitors can conduct their business in conditions that permit freedom of thought and expression and in which they show respect to one another. The Academy has put this disciplinary procedure (“the Procedure”) in place to maintain such conditions and to protect the Academy from actions that may harm it or its members and Community.
- 2.2** It will be an offence under the Procedure if a student is found to have breached one or more of the Academy’s terms or conditions, policies or procedures, codes, rules, regulations and any Acts. This list includes, but is not limited to, DAL Policy 4 Student Admissions, DAL Procedure 5.3 Equality, Diversity and Special Needs, DAL Procedure 5.1 Student Code of Conduct, DAL Procedure 1.6 Ethics Protocols, DAL Procedure 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behavior) and/or Data Protection Act 2018, the UK GDPR and the General Data Protection Regulation (GDPR) and the Equality Act 2010.

3. Status

The CEO/Principal is responsible for the content of the Procedure.

4. Application

This Procedure will apply to allegations of misconduct against students of the Academy. For the avoidance of doubt, this procedure will apply to the following:

- 4.1 A registered student is a student that is pursuing a programme of study for which they are receiving teaching and/or supervision, or from which they have an authorised temporary absence that does not require interruption or an extension to the length of their programme of study.
- 4.2 This Procedure also applies to a student who is on a period of authorised interruption or has been temporarily suspended from their programme of study.
- 4.3 This Procedure will not normally apply to students of the Academy who have been expelled, had their registration terminated or have withdrawn from the Academy or to students who have completed their programme of study (whether successfully or unsuccessfully).

5. Applications to Other Parties

- 5.1 Students who are studying at Partner Universities or for a specified period of time will fall under the remit of that institution's disciplinary procedures unless alternative arrangements regarding disciplinary procedures have been agreed. Likewise, students who come from Partners to study at the Academy for a specified period of time will be subject to this Procedure. The Academy and any Partners/institutions may share information on student disciplinary and complaints. Any major misconduct committed by a student of the Academy at another Partner University which is upheld by them will be shared with the Academy who may then consider any consequences of this on the student's registered status at the Academy.
- 5.2 This Procedure will apply to incidents of alleged misconduct that occur on and off the Academy's premises (including via social media) where it affects the Academy's reputation in the local community or more widely or as part of activities organised or authorised by the Academy (such as placements, field trips, where students are studying at partner organisations/Institutions) and where the alleged victim could be the Academy itself, a student or employee of the Academy or others visiting, working or studying at the Academy as well as members of the Public.
- 5.3 The Academy reserves the right to consider third party allegations and/or historic allegations of serious alleged student misconduct that are raised formally with it and where the Academy assesses that there may be a continued risk to other members of the Academy community if a matter is not investigated.
- 5.4 Deviations from this Procedure will not invalidate any action taken against a student unless the integrity of the process is compromised. The person who is overseeing an investigation at different stages, usually the CEO/Principal or their nominee; the Academic Head will decide when and how to deviate from this Procedure and explain to the affected parties the reason for doing so.

6. Equality and Diversity

- 6.1 Members of staff involved in a potential or actual disciplinary case must give thought to any equality and diversity matters which may be relevant, particularly in relation to the following diversity strands which are referred to in the Equality Act 2010: age, disability (including mental health and wellbeing), race, gender, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation. At different stages of the Procedure, requests for reasonable adjustments should be made to the CEO/ the Principal or their nominee.
- 6.2 In some instances, the CEO/ the Principal or their nominee may decide to postpone, interrupt or not pursue a disciplinary case because a key person is, for medical or other reasons, unfit to participate in it. This type of decision must be based on evidence that the CEO/Principal or their nominee considers relevant and adequate. The CEO/Principal reserves the right to reject or ask for an independent assessment of evidence if its relevance or adequacy is doubted.

7. Confidentiality and Data Protection

- 7.1 The Academy will handle disciplinary cases in accordance with its own relevant confidentiality and data protection procedure, *DAL Procedure 1.7 Data Protection*, as well as the Data Protection Act 2018, the UK GDPR and the General Data Protection Regulation (GDPR). Information relating to any disciplinary matter shall be kept confidential and will only be shared with other relevant members of Academy staff, the Academy Student Representative (in certain cases where the Academy assesses there is a need to inform them) only where it is strictly necessary in order to

investigate and/or determine an outcome of an alleged breach of discipline, dealing with any complaint arising out of it and/or implementing any sanctions or measures following a decision.

- 7.2** The relevant members of Academy staff, include but are not limited to certain members of the Admissions Department and Welfare Service may also be notified of the outcome of a disciplinary procedure on a need-to-know basis. Information on the student's disciplinary misconduct offence and any penalty imposed will be included on the student's record. The Academy may also use anonymous data regarding the outcome of disciplinary cases internally for reporting, learning, training, and evaluating cases or externally with regulators in the higher education sector.
- 7.3** Personal data will not usually be shared with any third party unless the Academy has express consent to do so. However, there may be instances where the Academy may have to disclose confidential information to the police without student's consent (where in exceptional circumstances the Academy considers that there is a high risk of continuing harm to a reporting student(s) or others (members within the Academy Community or to prevent a further incident which constitutes a criminal offence from occurring), to regulatory bodies, professional bodies or other organisations with whom the student may be connected and where it might be appropriate to do so, to the civil and criminal courts if requested formally or to the Office of the Independent Adjudicator (OIA).

8. Criminal Offences

- 8.1** Where appropriate, the Academy will consider referring incidents to the Police, or if necessary, UK Visas and Immigration or the Home Office. Although the Academy would not ordinarily pursue disciplinary action against a student while they are the subject of a Police investigation, it reserves the right to do so; particularly if a student's registration is due to expire before the conclusion of any criminal proceedings, or the safety of one or more members of the Academy is at risk. The Academy's disciplinary procedure is not an alternative to investigations carried out by the Police.
- 8.2** Where a student is acquitted of a criminal offence or where the criminal investigation has been dropped, the Academy may still take action under this Procedure. If a student is imprisoned, the Academy may still take action against them, but will need to take into account whether it is possible for a student to continue with their studies and whether disciplinary action is necessary or proportionate.
- 8.3** Students should use their best endeavours to keep the Academy informed of any change of details, and/or progress or change of status regarding their case.

9. Precautionary Measures

- 9.1** The Academy can take precautionary measures against a student who is alleged to have committed a criminal offence or a breach of discipline at an early stage pending the outcome of criminal and/or disciplinary proceedings. For the avoidance of doubt, the taking of such action does not indicate that the student is guilty of misconduct. It is just a precautionary measure taken whilst a full investigation is carried out and completed.
- 9.2** The grounds for initiating precautionary measures are:
- to ensure that a full and proper investigation can be carried out by the Police/Academy and/or,
 - to protect the reporting student or others whilst the allegation is being dealt with as part of a criminal/disciplinary process,
 - in cases which may involve serious harm to the reporting student and/or others within the Academy Community,
 - where a student's mental health is at risk or where the student displays significant distress,
 - in issues of a highly sensitive nature,
 - cases involving an ongoing threat of disruption to other students or to the Academy's activities,
 - to address any refusal to comply with a health and safety requirement (including that related to epidemics/pandemics) as set out by the Academy (including but not limited to self- isolation and quarantine where required) by putting measures in place to prevent students from accessing either part or all of the Academy Premises, facilities or events.
- 9.3** In considering what precautionary measures will be taken, the Academy will consider amongst other factors, the nature of the misconduct committed, the circumstances of the individuals

involved, the views of the Police and any input from witnesses, precautionary measures can include but is not be limited to:

- excluding the student from areas/facilities of the Academy and /or halls of residence,
- suspending the student from their studies,
- suspending the student from attending Academy events/activities,
- imposing conditions on the student such as requiring the student to have no contact with the reporting student(s) or certain witnesses.

9.4 The student will be informed of any decision that is made and the reasoning behind the decision. They will also be informed of what steps the Academy has taken to ensure that any disruption to their studies is minimised and what support is available to the student. The Student will then be given an opportunity to:

- where possible, make representations to the decision-maker before the decision is made. For the avoidance of doubt, this will not be possible in cases of an urgent, sensitive nature and/or where it is perceived that there is a high risk to a reporting student(s) or others within the Academy Community,
- appeal the decision within ten (10) working days of the date of decision,
- request a review at any stage if there is a material change in the circumstances of the case. Precautionary measures that have been imposed will be reviewed every six weeks and reconsidered as the case progresses. If an appeal is successful, then the Academy will notify the reporting student of this.

9.5 The Academy will take steps to prevent any student or member of staff from being victimised as a result of their involvement in a disciplinary matter. This may involve taking disciplinary action against the reported student and/or giving support to a reporting student.

10. Types of Misconduct

The following list is indicative (but not exhaustive) of the type of offences which would constitute misconduct:

- engagement in any act that will, or is likely, to disrupt teaching, study, research or administrative work of the Academy,
- failure to comply with the reasonable instructions provided by the Academy or by any individual or body authorised to act on behalf of the Academy,
- failure to inform the Academy if a student is subject to criminal proceedings; i.e. police investigation and/or court proceedings during their registration at the Academy. They must notify the Head of Academic Administration and update them on the outcome of any investigation and/or proceedings,
- cause, or threaten to cause, injury to, or endanger the safety of, a member of the Academy Community, including but not limited to members of staff, students, visitors or other third parties,
- dishonest behaviour and/or fraudulent actions, which include submitting incorrect or misleading information to the Academy,
- engagement in any form of conduct or communication, including that on social media, that can reasonably be considered to be abusive, bullying or harassment of another student, member of staff, any other member of the Academy Community and/or any visitor to the Academy as it is defined by the DAL Procedure 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour),
- engagement in any act that will, or is likely to, damage or deface property of the Academy,
- cause a Health and Safety concern which includes failure to comply with Academy or UK government guidance,
- engagement in any conduct or communication that will, or is likely to, bring the Academy into disrepute or unjustifiably harm the reputation of a member of it,
- breach of one or more of the Academy's terms or conditions, policies or procedures, or rules and regulations, which includes but is not limited to, DAL Procedure 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour), DAL Procedure 1.6 Ethics Protocols, and any penalties or measures that have been put in place under the Academy's disciplinary or any other procedure breach,
- commitment of a criminal act(s) which may or may not be punished in a court of law, and/or an alleged breach of discipline, which occurs on or off any of the premises that the Academy owns,

or in any way administers (including on social media) where the alleged victim is the Academy itself, a student or member of staff of the Academy or others, including but not limited to: those visiting, working or studying at the Academy, and to alleged misconduct occurring during Academy approved and authorised activities (such as placements or fieldtrips). For the avoidance of doubt, the Academy may also consider third party allegations made against a student that is raised formally with it and where the Academy assesses there may be a risk to other members of the Academy Community,

- use of any of the Academy's facilities improperly,
- use of the Academy's name or address in a public statement, or business or other venture, without obtaining the permission of the Academy,
- use of any of the Academy's registered trademarks without seeking permission from a relevant person in the Academy's central administration,
- recording a lecture, meeting or other Academy event, or use such a recording, without the permission of the lecturer or person or group who organised the event. For the avoidance of doubt, the notes taken of lectures, meetings and Academy events can only be used for educational purposes and cannot be shared with a third party without the consent of the lecturer, meeting organiser or other Academy event organizer,
- Breach of the Data Protection Act 2018, UK GDPR, or the General Data Protection Regulation (GDPR), *DAL Procedure 1.7 Data Protection* and breach the conditions of their student visa.

11. Informal Resolutions

- 11.1** Informal resolutions can be made for minor disciplinary misconduct that takes place and are intended to be flexible with the aim of resolving matters as quickly and amicably as possible, and where possible normally within ten (10) working days from the alleged misconduct having been raised. As such, if an individual (s) of the Academy believes that a student or group of students of the Academy has acted in a way that warrants investigation under this Procedure they should first consider contacting the Head of Academic Administration as soon as they become aware of the alleged misconduct. Any excessive delay may impact on the subsequent consideration of the case.
- 11.2** If preferred, a reporting individual may speak to a relevant member of their academic department (e.g. their lecturer, or a senior academic or administrator), the Academy's administration, Welfare Service before an approach is made to the Head of Academic Administration to consider an informal resolution. It may be that an issue can be resolved at this local level in a prompt and proportionate way. For the avoidance of doubt, there may not always be a reporting student to trigger the informal resolution as it may be that a disciplinary matter arises from the acts of a student whereby the Academy may consider disciplinary action, independent of any reporting student. In all cases, disciplinary action will be considered as soon as possible after the event giving rise to the allegation.
- 11.3** Head of Academic Administration or their nominee will decide whether it is reasonable and proportionate to resolve a case informally, and, if so, how.
- 11.4** A student will be permitted to bring a silent observer, such as a friend to any meeting with Head of Academic Administration or their nominee. Any form of representation on behalf of the student is considered inappropriate unless there are exceptional circumstances, such as it is constituting a reasonable adjustment. In these circumstances, once notified of this and if accepted, the Head of Academic Administration or their nominee may permit the observer to actively contribute to the meeting. The Student will be informed of the allegation (s) against them and how their behaviour has breached expected standards and the student will be given a reasonable opportunity to respond to the allegation(s).
- 11.5** Head of Academic Administration or their nominee will consider whether it is necessary to ask a student not to attend part or all of the premises, or use particular facilities, of the Academy if they consider it to be in the interests of one or more of the parties involved in a case, or the wider Academy Community, while the informal resolution stage is ongoing. If a student objects to, or fails to cooperate with such a request, the Head of Academic Administration or their nominee will consider referring the case to the Board of Discipline under the formal stage of this Procedure.

- 11.6** The Head of Academic Administration will produce a report confirming the action/s taken to resolve a case informally and the outcome (including possible penalty as outlined in Appendix C) and will disclose a copy of this report to the student/s and/or member/s of staff directly involved in the case as well as to the reporting individual where applicable.
- 11.7** This report, either in full or any aspect of it, will not be recorded on a student's file, although it may be considered in any subsequent investigation under the formal stage of this Procedure or if there are any further disciplinary allegations against the Student.
- 11.8** If the reported student fails to co-operate in an attempt at informal resolution, this may be considered as grounds for initiating the formal stage of this Procedure and may also be taken into account as part of the formal investigation.
- 11.9** If it is concluded that the student's behaviour was misconduct, then the Student will have the right to appeal to Board of Discipline within ten (10) working days after the receipt of the decision.
- 11.10** An Appeal must normally be made on one or more of the following grounds:
- a significant procedural flaw or irregularity that compromised the fairness of the process,
 - new material evidence, which must be supported by an explanation of why it is being submitted at this late stage,
 - an outcome being unreasonable or disproportionate,
 - that there is bias or a reasonable perception of bias during the procedure.
- 11.11** The relevant member of the Board of Discipline will normally complete their paper-based review within twenty-one (21) working days of receiving the Appeal. If an appeal is received after the deadline for submitting appeal/requests and extension, then the student will be asked to provide good reasons why the appeal is late/need for an extension. A decision of the validity of the reason provided will be made by the relevant member of the Board of Discipline. If the reason provided is considered not a good reason, the appeal will not be considered, and the student will be given a Completion of Procedures Letter. The member of Board of Discipline may also decide that the matter be re-considered. They will convey their decision in writing in a Completion of Procedures Letter.
- 11.12** The Completion of Procedures Letter will contain the decision and the reasons for it, as well as a student's right of appeal to the OIA. The letter will also confirm any course of action or sanction, which may differ to the outcome of the original investigation at the informal resolution stage.

12. Formal Resolutions

- 12.1** The Academic Head is responsible for deciding whether to resolve a case formally, regardless of how the matter is brought to their attention, and, if so, how. The Academic Head will also consider whether to alert the Police. The Alleged Misconduct Form at **Appendix A** should be used by anyone wishing to raise an alleged misconduct issue to The Academic Head under this Procedure.
- 12.2** On deciding to proceed to resolve a case formally, The Academic Head or their Nominee will decide whether to put in place any kind of precautionary measures while the formal investigation is ongoing. A student who is affected by a suspension or other measure/s may appeal in writing to the Board of Discipline. A member of Board of Discipline will respond to the appeal within ten (10) working days. Please see further information on precautionary measures outlined in "Section 9" of this Procedure.
- 12.3** The Academic Head may ask a relevant member of staff (their "Nominee") who has had no prior involvement in the case, to conduct an investigation, although the Academic Head will make the final decision on the case based on their consideration of the findings of the Nominee's investigation.
- 12.4** The form of any investigation will depend on a number of factors, such as the severity and complexity of the issue in question as well as the availability of evidence. However, the Academic Head or their Nominee must ensure that any investigation is conducted fairly and is of a reasonable level in depth and scope.
- 12.5** A student subject to an allegation ('the Student') will be given an opportunity to present their case to the person conducting the investigation and respond to any allegations made against them. In

certain circumstances, for example, when a Student's whereabouts are not known at the time of investigation, or if they are not engaging in the process or where there may be sufficient evidence to proceed without meeting the Student (if the student is not engaging in the process), then the Academic Head or their Nominee may decide to conduct the investigation in the Student's absence.

- 12.6** The Academic Head or Nominee must inform the Student of their right to be accompanied to any meeting relating to the investigation by a friend or a student representative. The friend or the student representative will accompany the Student as a silent observer. No representation will be permitted save in exceptional circumstances e.g. relating to a reasonable adjustment, and with the permission of the Academic Head or their Nominee.
- 12.7** The Academic Head or their Nominee may talk to other members of staff or students and consider documents and other evidence as part of their investigation.
- 12.8** The Academy will normally endeavour to complete the informal resolution stage (if applicable) and formal resolution stage of the process within sixty (60) days of the allegation being made. In some cases, for example where the case is complex, where the student and/or witnesses are unable to attend meetings, where proceedings are put on hold because of criminal investigation or where a student has impending assessments, they may need to extend this deadline and in these circumstances the Academic Head or their Nominee will inform the Student(s) involved of any delay, and the reason/s for the delay and when the investigation is likely to conclude, as soon as possible.

13. Outcome of a Formal Resolution

- 13.1** At the end of a formal investigation, the Academic Head will decide whether to:
- dismiss the allegation,
 - refer the case to other, more appropriate procedures in the Academy,
 - uphold the allegation and determine an outcome that is relevant and proportionate to the offence/s; or
 - refer the matter to the Board of Discipline (see below) to consider the allegation, and if necessary, determine an appropriate outcome.
- 13.2** The Academic Head will find an allegation of misconduct proven if it is considered that the evidence identifies, on a balance of probabilities that misconduct has occurred. When deciding on the appropriate penalty to be applied in cases of proven misconduct, the Academic Head will give due consideration to the following:
- the Student's previous disciplinary record,
 - if the Student had admitted the misconduct/expressed remorse,
 - the conduct of the Student following the misconduct,
 - any other mitigating factors, as applicable.
- 13.3** Multiple or repeated incidents of misconduct may be treated as being more serious than a single act of misconduct and previous findings may be taken into account when considering which penalty should apply.
- 13.4** The Academic Head will take into consideration the table set out at Appendix C which outlines the types of misconduct and possible penalties the Academic Head may put in place. This includes but is not limited to:
- take no action,
 - issue a formal verbal warning which shall not be recorded on the student's record,
 - issue a formal warning to be noted on the student's file for the duration of their registration at the Academy and any future proven misconduct will take such warning into account,
 - require the Student to make a formal written apology,
 - require the Student to take appropriate training,
 - a fine,
 - a requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss suffered by a party/(ies) or to the Academy,
 - an order of Service to the Academy for a specified period,
 - suspension from the whole Academy or defined areas and/or facilities of the Academy,

- imposing conditions on a student's access to facilities if the student has been convicted of a criminal conviction where such conditions are deemed necessary for the safety and security of members of the Academy.

13.5 The Academic Head has the discretion to decide on a combination of penalties and will convey their decision and the reason/s for it, in writing to the Student. The Academic Head will also convey their decision to member/s of staff or student/s of the Academy who have been directly involved in the case where it is considered reasonable and appropriate to do so. The Academic Head will also inform any other member of staff or student whom they consider has a relevant interest in the case. The Academic Head will not normally disclose their decision to people who are not members of staff or students of the Academy unless there is a legal requirement or as set out in this Procedure and where disclosure is made, it is only on a 'need to know' basis.

13.6 The Academic Head's written response must inform the Student of their right to an Appeal to Board of Discipline (see the "Appeal" section below).

14. Board of Discipline

The Academic Head or their Nominee will decide whether to refer the matter to the Board of Discipline for their assessment and decision. This route will normally be taken when an allegation of major misconduct is made and/or where the potential consequences are severe. For example, where an allegation may bring into question the Student's status in the Academy and as such may warrant expulsion from the Academy.

14.1 Memberships

14.1.1 A Board of Discipline consists of the following people:

- the CEO/Principal or in the absence of the CEO/Principal, their Nominee, will be the Chair of the Board,
- the Academy Student Representative,
- an academic member of staff appointed by the CEO/Principal who will have no prior knowledge or interaction with the student subject to the Board of Discipline and/or any reporting student who has raised the particular allegation of misconduct.

14.1.2 All members of a Board of Discipline must participate in the whole process for the final decision to be valid. For the avoidance of doubt, due to any extenuating circumstances, the Academy may convene a Board of Discipline of any two members instead of three. In these circumstances the Chair of the Board would have the casting vote.

15. Procedure

15.1 The Chair or their Nominee will appoint a "Clerk" to the Board of Discipline ("the Clerk"), who will have had no prior involvement in, and will have no decision-making powers on, the case. The Board of Discipline will, at all times, respect the rights of the individuals involved, particularly in terms of confidentiality and personal welfare.

15.2 The Board of Discipline must give due regard to the needs of the individuals involved in a disciplinary case with a view to making any reasonable adjustments where required to enable the individuals to properly participate in the process.

15.3 As soon as is reasonably possible, and normally within ten (10) working days, the Clerk will inform the Student of:

- the membership of the Board of Discipline, and the Student's right to object to the CEO or their Nominee about the participation of one or more of those members, provided the objection and the reason/s for it is presented to the CEO in writing by no later than five (5) working days from the date of the Clerk's communication;
- the procedural and logistical arrangements of the Board of Discipline ("the Hearing");
- a summary of relevant evidence gathered during the investigation;
- whether the Hearing will take place in person or online (i.e., via teams, zoom) and if in person whether the student is permitted to attend the hearing by alternative means (i.e., video call, zoom, teams)
- whether the Hearing will proceed if the student chooses not to or is unable to attend

- whether other witnesses will be called and whether the student can ask them questions directly or through the Chair (the Board will need to know names of witnesses in advance of the hearing and in any case no less than five working days before the scheduled Board of Discipline Hearing)
- Whether any witnesses can attend by alternative means (e.g., video call)
- a copy of any relevant documents which will be relied on by either party at the disciplinary hearing;
- in cases where this would apply, the identity of the reported student, other witnesses or other attendees at the Hearing; In limited circumstances (e.g. a risk of harm to the reporting student /witness) a reporting student/ witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings;
- the Student's right to be accompanied to the Hearing, normally by a friend or by a student representative who will be expected to silently observe the process. No representation is permitted unless there is a strong and justified reason for the student to be represented i.e. as a reasonable adjustment. This will need to be assessed and approved by the Chair,
- the Student's right to request to submit and/or present any evidence before or at the Hearing in accordance with the procedure set out by the Board of Discipline.

15.4 If the Student is unable to attend the Board of Discipline hearing date, then they should inform the Chair immediately providing reasons why they cannot attend, and an alternative hearing date will be provided. The Student must make every effort to attend the Hearing, and failure to attend without good reason may be treated as a disciplinary offence in itself. If the student fails to attend without good reason, or is unable to do so on two occasions, then the Board of Discipline reserves the right to proceed with all the available evidence and then make a decision on the case. The Chair shall decide in their discretion what constitutes "good reason".

15.5 The disciplinary hearing may be adjourned at the discretion of the Chair in the interests of fairness e.g. new evidence which has come to light which could not have reasonably been disclosed at an earlier time under this procedure. The Chair must be presented with sufficient reasons why the party presenting the new evidence did not submit it earlier.

15.6 The Board of Discipline will make its decision by majority vote. It must decide:

- whether a disciplinary offence has been committed; and,
- an appropriate outcome.

15.7 The range of penalties that a Board of Discipline may put in place includes, but is not limited to:

- issue a formal warning to be noted on the student's file for the duration of their registration at the Academy and any future proven misconduct will take such warning into account,
- require the Student to make a formal apology,
- require the Student to take appropriate training,
- a fine,
- a requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss suffered by a party(ies) or the Academy,
- an order of Service to the Academy for a specified period to be determined by the Board of Discipline,
- suspension from the whole Academy or defined areas and/or facilities of the Academy including Halls of Residence for a specific period of time,
- imposing conditions on a student's access to facilities if the student has been convicted of a criminal conviction where such conditions are deemed necessary for the safety and security of members of the Academy,
- expulsion from the Academy.

15.8 The Board of Discipline will take into consideration the Table set out in Appendix C when making its decision and will convey its decision and the reason/s for it, in writing to the Student within ten (10) working days and to relevant member/s of staff or student/s of the Academy who have been directly involved in the case where they consider it is reasonable and appropriate to do so. It will also inform any other member of staff or student where it considers they have a relevant interest in the case. It will not normally disclose its decision to people who are not members of staff or students of the Academy.

15.9 The Student will be informed of their right to appeal to the **Board of Governance**

16. Appeal

- 16.1** An Appeal against the Academic Head's or a Board of Discipline's decision must be made using the Appeal Form set out at **Appendix B**, no later than ten (10) working days from receipt date of the Academic Head's or a Board of Discipline's written decision. If an appeal is received after the deadline for submitting appeal requests an extension, then the student will be asked to provide good reasons why the appeal is late/need for an extension. A decision of the validity of the reason provided will be made by the relevant member of the Board of Governance. If the reason provided is considered not a good reason, the appeal will not be considered and the student will be given a Completion of Procedures Letter. If no appeal is lodged, then the Academy will close the matter and notify the student in writing. A Completion of Procedures letter will be issued to the student on their request.
- 16.2** An Appeal must normally be made on one or more of the following grounds:
- a significant procedural flaw or irregularity that compromised the fairness of the process,
 - new material evidence, which must be supported by an explanation of why it is being, submitted at this late stage,
 - an outcome being unreasonable or disproportionate,
 - that there is bias or a reasonable perception of bias during the procedure.
- 16.3** The member of the Board of Governance will do a paper-based review of the decision. For the avoidance of doubt, an appeal may be automatically dismissed if it is not made in accordance with the grounds set out in this Procedure.
- 16.4** The member of the Board of Governance will normally complete their review within twenty-one (21) working days of receiving the Appeal. In determining an appeal of a decision by the Academic Head or the Board of Discipline, they may confirm, amend or overturn the outcome imposed by the Academic Head or the Board of Discipline. The member of the Board of Governance may refer the case back to the formal stage for reconsideration or request a re-hearing of the case (if the case had been considered by a Board of Discipline). They will convey their decision in writing in a Completion of Procedures Letter.
- 16.5** The Completion of Procedures Letter will contain the decision and the reasons for it. The letter will also confirm any course of action or penalty, which may differ to the outcome of the original investigation.

17. Office of the Independent Adjudicator for Higher Education

The Completion of Procedures Letter will inform the student of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education ("the OIA"). The Complaint will need to be submitted to the OIA within two (2) months of the date of the Completion of Procedures letter.

18. Related Documents

18.1 Policies

- **2** Academic Management
- **4** Admissions
- **5** Student Support, Engagement and Learning Resources
- **6** Human Resources
- **7** Information

18.2 Procedures

- **1.5** Equal Opportunities
- **1.7** Data Protection
- **1.9** Review and Revision of Policies and Procedures
- **2.4** Appeals
- **2.5** Complaints
- **2.6** Self-Assessment and Programme and Annual monitoring
- **2.13** Access and Participation Statement

- 4.4 Attendance Monitoring
- 4.6 Student Induction
- 4.11 Student Protection Plan
- 5.1 Student Code of Conduct
- 5.2 Welfare Services and Pastoral Care
- 5.3 Equality, Diversity and Special Needs
- 6.15 Safeguarding
- 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour)
- 7.1 Review and Sign off PI
- 7.4 HE Public Information
- 8.3 Links with Other Educational Institutions and Businesses

18.3 Terms and Conditions

18.4 External Reference Points

- **Office for Students (OfS) Requirements and Guidance** at <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/>
- **UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- **UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- **UK Quality Code Advice & Guidance – Partnerships** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/partnerships>
- **Higher Education Code of Governance** (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- **Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers** at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>
- **OIA The Good Practice Framework for Complaints and Appeals** at <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>
- **OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals** at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>
- **OIA Disciplinary Procedures** at <https://www.oiahe.org.uk/media/2045/good-practice-framework-disciplinary-procedures-section.pdf>
- **Pearson Recognition of Prior Learning Policy** at https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Recognition_of_prior_learning_and_process_policy.pdf
- **Competition and Markets Authority Guidance for HE Providers** at <https://www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers>
- **UKCISA Code of Ethics** at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
- **UK Visa & Immigration (UKVI) regulations** at <https://www.gov.uk/government/organisations/uk-visas-and-immigration> & <https://www.gov.uk/study-visit-visa>
- **Student Loans Company Regulations** at <https://www.gov.uk/government/organisations/student-loans-company>
- **Equality Act – 2010** at <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- **Rehabilitation of Offenders Act 1974** at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945449/rehabilitation-of-offenders-guidance.pdf
- **Data Protection Act 2018** at <https://www.legislation.gov.uk/ukpga/2018/12/contents>
- **Keeping Children Safe in Education Jan 2021 Guidance** at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- **Sex Offences Act 2003** at <https://www.legislation.gov.uk/ukpga/2003/42/contents>
- **Terrorism Act 2006** at <https://www.legislation.gov.uk/ukpga/2006/11/contents>

APPENDIX A: ALLEGED MISCONDUCT FORM

Student ID	
Family Name	
Given Name	
Address/Email	
Telephone	
Date of incident	
<p>Type of Misconduct <i>(When completing this please Choose from one or More of the categories of misconduct found at Appendix C of this Procedure and/or add the specific misconduct as defined in the Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour) (where it relates to or in any other relevant policy, which may be applicable)</i></p>	
<p>Summary of alleged misconduct <i>[This should include what the incident is that is referred to, where the incident happened, the parties involved, the basis of the alleged misconduct and, where appropriate, the outcome sought.]</i></p>	
Signed:	Dated:

APPENDIX B: APPEAL FORM

APPEAL AGAINST THE DECISION OR OUTCOME OF A DISCIPLINARY INVESTIGATION

Student ID	
Family name	
Given Name	
Address/Email	
Telephone	
Date of incident	
Date decision was received	
Summary of grounds for Appeal <i>[This should include what is being challenged (e.g. the decision or measures put in place as a result of the decision). This should also set out the grounds for the appeal (e.g. procedural error in the formal investigation or new evidence). You should also include a copy of the Academic Head/Board of Discipline's decision and any relevant evidence (e.g. emails or medical report/s), as well as explain why any new evidence is being presented at this late stage of the procedure.]</i>	

Signed:

Date:

APPENDIX C: TABLE OF TYPES OF MISCONDUCT AND POSSIBLE PENALTIES

PLEASE NOTE: The following table sets out examples of misconduct which may fall under the various types of misconduct outlined under in this procedure and the corresponding penalties which are non-exhaustive. The possible penalties that may be applied if a specific misconduct occurs is illustrative only i.e. there will be cases where certain behaviours which would usually be considered major breaches of discipline are minor and will require a less serious penalty and vice versa. In addition, several types of misconduct may apply to a same example.

TYPES OF MISCONDUCT	POSSIBLE PENALTIES
<p>Physical Misconduct/Violence and Anti-social behaviour:</p> <p>Usually this would fall within one or more misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Punching • Slapping • Biting • Kicking • Pulling hair • Alcohol misuse related offences <p>Minor:</p> <ul style="list-style-type: none"> • Pushing • Shoving • Kicking • Pulling hair • Alcohol misuse related offences 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restrictions/Conditions placed on the Student • Formal written warning • Final written warning • Training • Formal written apology • Require the student to have no contact, or restricted contact, with a specified person or persons <ul style="list-style-type: none"> • Formal verbal/written warning • Training • Formal written apology • Suspension/Exclusions/Restrictions/ Conditions placed on student
<p>Sexual Misconduct:</p> <p>Usually this would fall within one or more misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Sexual intercourse or engaging in a sexual act without consent • Domestic abuse • Attempting to engage in sexual intercourse or engaging in a sexual act without consent; • Sharing (including on social media) private sexual materials of another person without consent; • Kissing without consent; • Touching inappropriately through clothes without consent; • Showing sexual organs to another individual; • Stalking another individual <p>Minor:</p> <ul style="list-style-type: none"> • Making unwanted remarks of a sexual nature 	<ul style="list-style-type: none"> • Expulsion • Suspension/Exclusion • Expulsion • Suspension/exclusion • Restrictions/Conditions placed on the Student • Require the student to have no contact, or restricted contact, with a specified person or persons • Formal written warning • Verbal warning • Training • Formal written apology <ul style="list-style-type: none"> • Formal verbal/written warning • Training • Formal written apology • Suspension/Exclusions/Restrictions/Conditions placed on student
<p>Harassment and Bullying</p>	

Behaviour/hate incident or crime:

Usually, this would fall within one or more misconduct types found in this Procedure.

Major:

- Repeated abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age made in person or via social media;
- Threats to hurt another person;
- Acting in an intimidating and hostile manner;
- Stalking another individual/group of individuals;
- Hate incident/crime.

Minor:

- Use of inappropriate language/abusive comments made in person or via social media;
- Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person;
- Acting in an intimidating and hostile manner;
- Making a threat to another individual;
- Stalking another individual/group of individuals.

- Expulsion
- Suspension
- Training
- Formal written warning
- Final written warning
- Formal written apology
- Restrictions/Conditions placed on the Student
- Require the student to have no contact, or restricted contact, with a specified person or persons

- Formal verbal/written warning
- Final written warning
- Training
- Formal written apology
- Restrictions/Conditions placed on student

Damage to Property:

Usually, this would fall within one or more misconduct types found in this Procedure

Major:

Causing significant damage to The Academy property or the property of other students, employees and/or visitor of The Academy.

Minor:

Causing minor damage to The Academy property, the property of other students, employees and/or visitor of The Academy

- Expulsion
- Suspension
- Restrictions/Conditions placed on the Student
- Training
- Formal written warning
- Final written warning
- Formal written apology
- Restitution to the parties affected by this misconduct
- A fine
- A requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to The Academy
- An order of Service to The Academy for a specified period
- Formal verbal/written warning
- Final written warning
- Training

	<ul style="list-style-type: none"> • Fine • Formal written apology • Suspension/Exclusion/Restrictions/Conditions placed on student
<p>Unauthorised Use of taking of Property Usually, this would fall within one or more misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Unauthorised entry onto or unauthorised use of The Academy Premises. This includes Halls of Residences; • Taking property belonging to The Academy, another student, employee of The Academy and/or visitor of The Academy without permission • Misuse of The Academy property including computer equipment; • Internet access abuse, such as visiting inappropriate websites, uploading /downloading inappropriate content, propagation of computer viruses. <p>Minor:</p> <ul style="list-style-type: none"> • Misuse of The Academy property including computer equipment; • Unauthorised entry onto or unauthorised use of The Academy Premises. This includes Halls of Residences; • Using The Academy's name, address or trademarks without the Permission of The Academy 	<ul style="list-style-type: none"> • Expulsion • Suspension/Exclusion • Restrictions/Conditions placed on the student • Restitution to the parties affected by this misconduct • Formal written Apology • Formal written warning • Verbal warning • Training • Fine • Requirement to return property in the same condition it was taken repay/make good any financial loss to The Academy • An order of Service to the The Academy for a specified period <ul style="list-style-type: none"> • Formal verbal/written warning • Training • Formal written apology • Suspension/Exclusion/Restrictions/Conditions imposed on student
<p>Causing a Health or Safety Concern/possession and use of illegal substances and/or items Usually, this would fall within one or more misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Act/omission that did cause or could have caused serious harm on The Academy Premises or during The Academy activities (outside of The Academy 	<ul style="list-style-type: none"> • Expulsion • Suspension/Exclusion • Restrictions/Conditions placed on the student • Training

<p>Premises);</p> <ul style="list-style-type: none"> • Setting off fire alarms or obstructing access to buildings or rooms. • Drug offences contrary to the Misuse of Drugs Act 1971 and The Academy’s Student Alcohol and Drugs Policy-use, possession and/or supplying, dealing/distributing drugs; • More specifically the following: <ul style="list-style-type: none"> a) Supply or possession of a controlled drug b) Supply or repeated possession of a psychoactive substance c) Production of a controlled drug or psychoactive substance d) misuse of controlled substances and where the prescription medicines have not been prescribed for the person possessing or using them and/or such prescription medicines which are not taken in accordance with an appropriate practitioner’s (as defined under UK Law) direction. e) Possession of a Class A controlled drug f) Possession/repeated possession of a Class B or C controlled drug or psychoactive substance • Failure to declare a criminal investigation, conviction, charge or caution related to alcohol or drug use • Anti-social behaviour resulting from drug or alcohol misuse • Being in possession and use of illegal items on The Academy Premises (including in halls of residence) or during The Academy activities/events; • Third occurrence of refusing to comply with a health and safety requirement (which includes but is not limited to those relating to illnesses/contagious diseases/epidemics/pandemics) or instruction as set out by The Academy, which includes but is 	<ul style="list-style-type: none"> • Formal written warning • Verbal warning • Fine • Formal written apology • An Order of Service for a specified period
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not limited to not wearing a mask (save for those individuals who can show that they are exempt from wearing a mask), in all indoor THE ACADEMY premises (including but not limited to classrooms, departments, workplaces, places of worship, dining facilities (unless eating), shared spaces in residential halls) and at indoor events, not observing appropriate physical distancing of at least two metres where possible in all THE ACADEMY Premises or as set out by The Academy (this includes respecting and complying with signs set out on The Academy

- Premises in relation to this) and refusing to comply with any other instruction provided by The Academy regarding conduct and expected behaviour in relation to requirements following changes in government guidelines/legislation;
- Second occurrence of breaching the requirements of observing self –isolation and the quarantine period;
- Not taking appropriate and swift steps, as required, in dealing with (and informing relevant members of The Academy) of any suspected illness/contagious disease symptoms and thus potentially putting others at risk

Minor:

- Act/omission that did cause or could have caused a health and safety concern on The Academy premises or during The Academy activities (outside of The Academy Premises);
- Failure to declare a criminal investigation, conviction, charge or caution related to alcohol or drug use
- Anti-social behaviour resulting from drug or alcohol misuse
- Setting off fire alarms or obstructing access to buildings or rooms;

- Formal verbal/written warning
- Training
- Fine
- Formal written apology
- Suspension/Exclusion/Restrictions/Conditions imposed on student

<ul style="list-style-type: none"> • First or Second occurrence of refusing to comply with a Health and safety (including that relating to any epidemic/pandemic) requirement or instruction as set out by The Academy which includes but is not limited to not wearing a mask (save for those individuals who can show that they are exempt from wearing a mask), in all indoor THE ACADEMY premises (including but not limited to classrooms, departments, workplaces, places of worship, dining facilities (unless eating), shared spaces in residential halls)and at indoor events, not observing appropriate physical distancing requirements of at least two metres where possible in all THE ACADEMY premises or as set out by The Academy (this includes respecting and complying with signs set out on The Academy Premises in relation to this)and refusing to comply with any other instruction provided by The Academy regarding conduct and expected behaviour in relation to arising requirements following changes in government guidelines/legislation; • First occurrence of breaching the requirements of observing self – isolation and the quarantine period; • Not taking appropriate and swift steps, as required, in dealing with (and informing The Academy of) any suspected contagious disease/illness symptoms and thus potentially putting others at risk. 	
<p>Operational Obstruction Usually this would fall within one or more misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Acts/omissions/statements 	<ul style="list-style-type: none"> • Expulsion • Suspension/Exclusion • Restrictions/Conditions placed on the Student

<p>intended to deceive The Academy. Committing fraud.</p> <ul style="list-style-type: none"> • Submitting or relying on forged, falsified or fraudulent documentation and other forms of deception that are intended to gain an advantage for example submitting fraudulent, mitigating circumstances /claims or falsifying evidence in support of mitigating circumstances claims. • Disruption of the activities of The Academy (including academic, administrative, sporting and social) on The Academy Premises or The Academy where • Disruption of the functions, duties or activities of any other student, employee or visitor of The Academy • Breach of the relevant data protection legislation • Breach one or more of The Academy's terms or conditions, policies or procedures, or rules and regulations • Third occurrence of refusing to comply with a Health and Safety (including that relating to epidemics/pandemics) requirement or instruction as set out by The Academy, which includes but is not limited to not wearing a mask (save for those individuals who can show that they are exempt from wearing a mask), in all indoor THE ACADEMY premises (including but not limited to classrooms, departments, workplaces, places of worship, dining facilities (unless eating), shared spaces in residential halls) and at indoor events, not observing appropriate physical distancing of at least two metres where possible in all THE ACADEMY Premises or as set out by The Academy (this includes respecting and complying with signs set out on The Academy Premises in relation to this) and refusing to comply with any other instruction provided by The Academy regarding conduct and expected behaviour in relation to arising requirements; • Second occurrence of breaching the requirements of observing 	<ul style="list-style-type: none"> • Restitution to the parties affected by this misconduct • Training • Formal written warning • Verbal warning • Formal written Apology • An Order of Service to The Academy for a specified period
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self –isolation and the quarantine period;

- Not taking appropriate and swift steps, as required, in dealing with (and informing relevant members of The Academy) of any suspected illness/disease symptoms and thus potentially putting others at risk;
- Dishonestly concealing symptoms or not complying with the requirement to self-quarantine (as notified by track and trace where applicable).
- Spreading rumours or knowingly making The Academy claims, via any kind of communication, that individuals have contracted contagious disease (such as Covid/any other illness.

Minor:

- Improper interference with the activities of The Academy on The Academy premises or The Academy.
- Improper interference with the functions, duties or activities of any other student, employee or authorised visitor of The Academy;
- Recording a lecture, meeting or other The Academy event, or use such a recording, without the permission of the lecturer or person or group who organised the event;
- First or Second occurrence of refusing to comply with requirements or instructions as set out by The Academy which includes but is not limited to not wearing a mask (save for those individuals who can show that they are exempt from wearing a mask), in all indoor THE ACADEMY premises (including but not limited to classrooms, departments, workplaces, places of worship, dining facilities (unless eating), shared spaces in residential halls)and at indoor events, not observing appropriate physical distancing requirements of at least two metres where possible in all THE ACADEMY premises or as set out by The Academy (this includes

- Formal verbal/written warning
- Training
- Fine
- Formal written apology
- Suspension/Exclusions/Restrictions/ Conditions placed on student

<p>respecting and complying with signs set out on The Academy Premises in relation to this)and refusing to comply with any other instruction provided by The Academy regarding conduct and expected behaviour in relation to arising requirements;</p> <ul style="list-style-type: none"> • First occurrence of breaching the requirements of observing self – isolation and the quarantine period. Not taking appropriate and swift steps, as required, in dealing with (and informing The Academy of) any suspected contagious disease or illness (such as Covid) symptoms and thus potentially putting others at risk; • Spreading rumours or knowingly making of The Academy claims, via any kind of communication, that individuals have contracted an illness or disease (such as Covid)/any other illness. 	
<p>Reputational Damage Usually this would fall under the misconduct types found in this Procedure.</p> <p>Major:</p> <ul style="list-style-type: none"> • Behaviour which has caused serious damage or could have caused serious damage to the reputation of The Academy <p>Minor:</p> <ul style="list-style-type: none"> • Behaviour which has damaged or could have damaged the reputation of the The Academy 	<ul style="list-style-type: none"> • Expulsion • Suspension/exclusion • Formal written warning • Fine • Training • Restrictions/Conditions placed on Student • An order of Service to The Academy specified period <ul style="list-style-type: none"> • Formal verbal/written warning • Training • Formal written apology • Suspension/Exclusions/Restrictions/Conditions placed on student