

## Student Disciplinary Appeals

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| <b>Version</b>                               | <b>1.0</b>   |
| <b>Effective date</b>                        | <b>September 2015</b>  |
| <b>Date for review</b>                       | <b>September 2016</b>  |
| <b>Policy owner</b>                          | <b>Registrar</b>   |
| <b>Reference points</b>                      | <b>QAA Quality Code, Section B9; Middlesex University Regulations; Guildford College Student Disciplinary Policy &amp; Procedures</b>  |
| <b>Audience / handling notes</b>             | <b>Public</b>  |
| <b>Dissemination and implementation plan</b> | <p>This Student Disciplinary Appeals Policy and Procedure will be published on the My ACM area of the ACM website for reference by staff and all other stakeholders.</p> <p>Heads of School will be informed by email that this policy and procedure has been agreed and directed to where it is published. Heads of School will be responsible for the dissemination of the policy and procedures to academic staff; the Registrar will be responsible for the dissemination of the policy and procedures to support staff.</p> |
| <b>Approving Committee</b>                   | <b>Policy and Strategy Committee</b>   |
| <b>Date approved</b>                         |  |

| <b>Version</b> | <b>Date</b> | <b>Activity</b> |
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## Initial Equalities Impact Assessment (EIA) Questions for ACM Policies:

Equality Impact Assessments (EIA) are a legal requirement of public bodies and form part of the specific duties on universities and colleges to help them meet their general equality duties. For more information on EIA, please refer to the ACM Equality and Diversity Policy.

An EIA involves gathering and using evidence to make a judgement about how a particular policy or practice affects, or is likely to affect, protected equality groups of people when it is implemented. Protected groups<sup>1</sup> are identified in the Equality Act 2010 as sharing a particular characteristic against which it is illegal to discriminate. The assessment should identify whether the policy and its related procedures affect people from different equality strands in different ways and if they do then it should establish whether the differential impact is positive, negative or neutral.

This form is intended to provide a quick assessment of whether a policy requires a Full EIA. It is also intended to be used to EIA all new policies.

- a) Is there any aspect of the policy, procedure or practice that is likely to have a differential impact (negative or positive) on any of the protected characteristics?

No  
 Yes

If yes, identify how the impact would affect the specific equality strand:

- b) Is there a possibility of unlawful discrimination, directly or indirectly, on any of the protected characteristics?

No  
 Yes

- c) Could there be an effect on relations between certain groups?

No  
 Yes

- d) Can the above differences be justified?

No  
 Yes  
 N/A

- e) What mechanisms are in place to monitor the application of the policy, procedure or practice across people from all protected equality groups? Please explain:

Registry will record the number and type of student disciplinary appeals received in an academic year in order to identify trends, evaluate the effectiveness of and make enhancements to the Student Disciplinary Appeals Policy and Procedures.

<sup>1</sup> The nine protected groups are defined in the ACM Equality and Diversity Policy. In brief, they are: Age; Disability; Gender re-assignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion and belief; Sex; Sexual orientation.

## Student Disciplinary Appeals

### 1. Policy Statement

- 1.1. This policy describes how the Academy of Contemporary Music (ACM) looks upon the issue of appeals against a student disciplinary decision.
- 1.2. This policy applies to all students and is designed to ensure that students are treated in a fair and equitable manner.
- 1.3. The Registrar is responsible for managing and reviewing this policy and Registry is responsible for the effective operation of the Student Disciplinary Appeals policy and procedures outlined below.
- 1.4. The content of this policy aligns with government legislation, the regulations of ACM's validating partners and other external stakeholders to whom ACM must make reference.
- 1.5. The Student Disciplinary Policy has a link with the following policies and procedures:
  - Student Disciplinary

### 2. Objectives

- 2.1. To explain in an open, transparent and accessible way how ACM approaches the issue of student disciplinary appeals.
- 2.2. To describe the steps of the ACM student disciplinary appeals process.

### 3. Student Disciplinary Appeals

- 3.1. In matters of Student Disciplinary action, ACM attempts to treat all students in a fair and equitable manner. If they believe they have not been fairly treated students have the right to appeal against a disciplinary decision.

### 4. Grounds for Appeal

- 4.1. In the case of both items 5 and 6 below, the student's appeal letter should set out the grounds on which the appeal is based in as much detail as possible, e.g.
  - how the disciplinary process was not followed in an equitable way;
  - the evidence that was available to the Chair was not used during the hearing; or
  - any other mitigating factors not considered at the original hearing.
- 4.2. If the student intends to be accompanied at the appeal, they must provide full details of the representative (i.e. name and status of the person) in their letter. Students under the age of 18 or vulnerable adults must be accompanied by a parent/guardian.

### 5. Appeals against First and Second warnings

- 5.1. For both verbal and written first or second warnings, the student's appeal should be made in writing to the Registrar within **five working days** of the disciplinary action

decision. The student's appeal letter should clearly state the grounds on which the student will base their appeal.

- 5.2. The student may bring a friend, parent, mentor or other representative to the interview. If the student intends to be accompanied at the appeal, they must provide full details of the representative in their letter. Students under the age of 18 or vulnerable adults must be accompanied by a parent/ guardian.
- 5.3. The student will be interviewed by the Registrar (or another member of the Senior Management Team) within five working days of receiving the written appeal.
- 5.4. Following this, a decision will be given, in writing, within five working days of the interview.
- 5.5. The decision of the Registrar or nominee shall be final.
- 5.6. The member of staff hearing a student's appeal will never be the same person who has been involved in the application of the original disciplinary action against them.

## **6. Appeals against Final Written Warning and Exclusion**

- 6.1. The student's appeal should be made to the head of the institution within **ten working days** of the student being notified formally in writing of the decision of the disciplinary action. The student's appeal letter should clearly state the grounds on which the student will base their appeal.
- 6.2. Appeal hearings will be chaired by the head of the institution (or in his absence another member of Senior Management Team) and arranged within ten working days of receipt of the student's appeal letter.
- 6.3. The student may bring a friend, parent, mentor or other representative to the appeal hearing. If the student intends to be accompanied at the appeal, they must provide full details of the representative in their letter. Students under the age of 18 or vulnerable adults must be accompanied by a parent/ guardian.
- 6.4. Where for any reason it appears to the Executive Team or nominee from the Senior Management Team that it is not possible for the student to attend in person, he or she shall be allowed to make written representations.
- 6.5. The Chair's decision will be sent in writing to the student within five working days of the appeal hearing taking place.
- 6.6. The decision of the Chair shall be final. These procedures are now complete.

## **7. If the student is dissatisfied with the outcome of ACM's Student Disciplinary Appeal procedure:**

- 7.1. If the student is dissatisfied with the outcome of ACM's Student Disciplinary Appeal procedure, they can appeal to external bodies:

- 7.1.1 **The awarding body or academic partner:** Students studying either Further Education or Higher Education awards can appeal to either the awarding body or the academic partner for their programme, depending on the nature of the appeal. Information on the awarding body's procedures can be requested from Registry via [registry@acm.ac.uk](mailto:registry@acm.ac.uk).
- 7.1.2 **The Office of the Independent Adjudicator:** Students on Higher Education programmes are entitled to approach the Office of the Independent Adjudicator immediately after the ACM Student Disciplinary Appeal procedure is complete or after the appeal to the awarding body is complete.

The student should write, within three months of receiving notification that the internal procedures of either ACM or the awarding body have been completed, to: OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA, United Kingdom.

The student should enclose a copy of the final decision of ACM or the awarding body and state the reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). The website address is [www.oiahe.org.uk](http://www.oiahe.org.uk)

## **Procedures (Student Disciplinary Appeals)**

### **1. Verbal and First Written Warnings**

The student will be interviewed by the Registrar (or nominee) with a member of Registry present to act as a note-taker. The note-taker will record the main points of the meeting. The student may be accompanied by a friend, parent, mentor or other representative.

- 1.1. The Registrar (or nominee) will obtain details about the warning from:
  - the student's record;
  - written evidence from the person who has issued the warning.
- 1.2. The Registrar (or nominee) will use this to outline to the student why they have been given a warning.
- 1.3. At this stage the student will present their appeal, citing the reason/s why the warning should be revoked.
- 1.4. The Registrar (or nominee) will then make a decision which will be conveyed in writing to the student within five working days. The decision of the Registrar is final.

### **2. Final Written Warning / Exclusion**

This appeal will be chaired by the head of the company (or in his absence another member of the Senior Management Team) and he / she may be accompanied by other staff acting in an advisory capacity, where appropriate. A member of Registry will also be present, to produce a brief written record of the appeal. The student may be accompanied by a friend, parent, mentor or other representative.

- 2.1. Registry will compile supporting documentation from the student's record e.g. copies of previous warnings, records of attendance etc.
- 2.2. The person who has issued the final warning / excluded the student will present their case, demonstrating why the action was taken.
- 2.3. The student (and their representative) will have the opportunity to ask for clarification. At this stage the student will have the opportunity to present their appeal, citing why ACM should overturn the final warning or exclusion.
- 2.4. The Chair may ask the student for clarification or further information and then summarise the points that have been made.
- 2.5. The student is then asked if they wish to add anything further before the meeting is closed. They are informed that a decision will be given in writing and will be posted to them within the next five working days.
- 2.6. The Chair will then make a decision which will be conveyed in writing to the student. The Chair's decision is final. Copies of this letter will be forwarded to the Registrar, the Head of School and the decision recorded on the student's record on the ACM MIS.
- 2.7. The written record of the meeting is confidential