

## Student Disciplinary

<b>Version</b>	<b>1.1</b>
<b>Effective date</b>	<b>June 2016</b>
<b>Date for review</b>	<b>September 2016</b>
<b>Policy owner</b>	<b>Registrar</b>
<b>Reference points</b>	<b>Middlesex University Regulations; Guildford College Student Disciplinary Policy &amp; Procedures; ACM Student Handbooks, Prevent Duty</b>
<b>Audience / handling notes</b>	<b>Public</b>
<b>Dissemination and implementation plan</b>	<p>This Student Disciplinary 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>26.5.16</b>

<b>Version</b>	<b>Date</b>	<b>Activity</b>
1.1	25.5.16	Updated to reflect Prevent Duty



**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 transgressions of the Student Disciplinary policy in an academic year in order to identify trends, evaluate the effectiveness of and make enhancements to the Student Disciplinary 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.

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## Student Disciplinary

### 1. Policy Statement

- 1.1. This policy describes how the Academy of Contemporary Music (ACM) looks upon the behaviour and conduct of ACM students, specifically any instance where a student is not meeting the required standards outlined by ACM or that could be reasonably expected from a student.
- 1.2. This policy applies to all students in ACM buildings, on off-site visits or at other locations while undertaking work placement. The policy also applies to ACM activities outside of timetabled teaching activities, such as events or activities put on by students that involve or are promoted by ACM. The policy 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 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:
  - Academic Misconduct
  - Acceptable Use of IT
  - Bullying & Harassment
  - Drugs & Alcohol
  - Equality & Diversity
  - Health & Safety
  - Participation & Attendance
  - Safeguarding
  - Social Media
  - Student Disciplinary Appeals
  - Withdrawal and Interruption

### 2. Objectives

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

### 3. Student Disciplinary Principles

- 3.1. This Student Disciplinary policy and procedure was developed with the following principles in mind:
  - 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 complaint against them and be given the opportunity to state their case before a decision is made.
  - The procedure may be implemented from any stage, 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. For more information, students should refer to ACM's Student Disciplinary Appeals Policy and Procedure.
  - If the student is over 18 the student has the right to be accompanied by another person at formal disciplinary meetings and at any subsequent appeal (please refer to ACM's Student Disciplinary Appeals Policy and Procedure). Students under the age of 18 or vulnerable adults must be accompanied by a parent/ guardian.
- 3.2. ACM will thoroughly investigate all transgressions of student discipline and in making judgements as to the appropriate course of action apply the principle of "balance of probability" based on the evidence available – ACM is not required to prove "beyond reasonable doubt".
- 3.3. 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 (please refer to ACM's Drugs & Alcohol Policy).
- 3.4. No student shall be suspended, excluded or expelled unless he or she has 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, he or she shall be allowed to make written representations.

#### **4. Student Discipline Expectations**

- 4.1. The welfare and well being of all users 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 and appropriate manner at all times while involved in ACM activities.
- 4.2. 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 standards slip, measures are put in place to support students to continue their studies in a responsible manner.
- 4.3. The standards of student conduct are covered in separate policies and procedures and are also referred to in the Student Handbook. Relevant Programme / Course Handbooks provide details of any additional or specific standards relevant to those areas.

- 4.4. All students are made aware of their responsibilities and ACM's expectations of them as part of their induction to ACM.

## 5. Definition of Misconduct

- 5.1. The conduct covered in this section shall constitute misconduct if it takes place on ACM property or premises or elsewhere 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, including any work placement.

It shall also constitute misconduct in any location whatsoever if the actions bring the good name of ACM into disrepute.

Any actions that contravene the principles of the Prevent Duty shall also be considered as misconduct and appropriate action taken, which may result in a charge of gross misconduct and subsequent dismissal. This activity may also lead to criminal proceedings. Refer to Appendix 1 for details of the Prevent Duty.

The following shall constitute misconduct:

- 5.2. Disruption of, or improper interference with, the academic, administrative, social or other activities of ACM, whether on ACM premises or elsewhere;
- 5.3. 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;
- 5.4. Violent, indecent, disorderly, threatening, defamatory or offensive behaviour or language whilst on ACM premises or engaged in any ACM activity;
- 5.5. 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;
- 5.6. Action which causes or is likely to cause injury or impair safety on ACM premises; or when engaged in any ACM activity;
- 5.7. Breach of the provisions of the Policies, Codes, Rules and Regulations of ACM;
- 5.8. Behaviour which brings ACM into disrepute;
- 5.9. 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;
- 5.10. 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;
- 5.11. Misuse or unauthorised use of ACM premises or items of property, including computer misuse (see Acceptable Use of IT policy);
- 5.12. 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 the good name of ACM, or

(d) itself 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;

- 5.13. 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
- 5.14. Failure to comply with a previously-imposed warning under this Policy or any other Policies, Codes, Rules and Regulations of ACM;
- 5.15. The deliberate false activation of a fire alarm;
- 5.16. Academic Misconduct: Warnings issued under Academic Misconduct regulations will be considered when applying this Policy;
- 5.17. Consumption of alcohol in a teaching and learning environment unless explicit permission has been gained e.g. as part of a private view/ show;
- 5.18. Bringing alcohol onto ACM premises;
- 5.19. Coming into ACM in an unfit state to participate in lectures or other timetabled learning activities due to the consumption of alcohol, illegal or prescribed drugs;
- 5.20. Consumption of any food or beverages in a teaching area;
- 5.21. Unauthorised audio/video recording/ photography of a learning activity;
- 5.22. Excessive printing or copying, or other unauthorised use of printing or copying facilities.
- 5.23. The above list is indicative and not exhaustive. Other forms of behaviour which are not documented here may be considered misconduct.

## 6. Warnings and Misconduct Offenses

6.1. ACM will normally adopt the following procedure:

- Informal / Verbal Warning
- First Warning
- Second Warning
- Third/Final Warning (possible suspension/exclusion)

6.2. This is a progressive process, which means that **each time** an offence is committed, the student may move on to the next stage.

6.3. ACM may move immediately to the Second or Third/Final warning should it be felt the circumstances justify such action.

6.4. The following grading of offences is provided as guidance only and is not exhaustive:



**6.4.1. Stage 1: Minor Misconduct:**

- Failure to respond positively to informal warnings, requests or advice
- Bringing unauthorised visitors onto ACM premises
- General rowdiness and thoughtless behaviour or inappropriate behaviours or actions that do not cause a danger, threat or offence to others e.g. foul or abusive language or behaviour (non-discriminatory)
- Harassment: verbal / physical
- Spitting, littering, smoking in prohibited areas or other anti-social behaviour
- Repeated use of mobile phones or music-playing devices that disrupt scheduled teaching activities  
Unauthorised recording of a learning activity

**6.4.2. The possible outcome of a confirmed incident of minor misconduct is:**

- 6.4.2.1. Informal / Verbal Warning
- 6.4.2.2. First Written Warning

**6.4.3. Stage 2: Serious Misconduct:**

- Repeated minor misconduct
- Inappropriate behaviours or actions that cause a danger, threat or offence to others
- Petty theft of personal property excluding cash
- Bringing food or drink into designated 'no food' teaching areas
- Breaches of Health and Safety Regulations
- Damage to ACM property or equipment
- Deliberate false activation of a fire alarm
- Deliberate refusal to provide information required for statutory purpose
- Failure to disclose identity when reasonably requested for it or giving incorrect information
- Use / issue fraudulent documentation NOT relating to qualifications / academic performance
- Knowingly making a false and vexatious allegation against ACM or against any student or staff member

**6.4.4. The possible outcome of a confirmed incident of serious misconduct is:**

- 6.4.4.1. First Written Warning
- 6.4.4.2. Second Written Warning

**6.4.5. Gross Misconduct:**

- Previous serious misconduct
- Fraud/ attempted fraud
- Use / issue of fraudulent documentation relating to qualifications/ academic performance
- Major disruption of the academic programme or of the running of ACM
- Serious breaches of Health and Safety regulations
- Physical abuse or threat of physical abuse
- Carrying or possession of weapons
- Criminal activity - in or out of ACM - including theft, violence, sexual assault, deliberate damage to property/ goods and/or dealing, possession of, or under the influence of, illegal drugs
- Bringing alcohol/ other illegal substances onto ACM premises

- Unable to take part in lessons or activities due to consumption of alcohol or other substances
- Unauthorised publication of a recorded learning activity (e.g. on YouTube, Facebook, etc) with or without malicious or defamatory comment
- Deliberate misuse of the ACM computer network, e.g. hacking

6.4.6. The possible outcome of a confirmed incident of gross misconduct is:

6.4.6.1. First Written Warning

6.4.6.2. Final/Third Written Warning and Suspension / Permanent Exclusion

## 7. Suspension of Students

- 7.1. 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 him/herself, other students or staff, ACM, or the conduct of an investigation.
- 7.2. 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 Executive or nominee from SMT.
- 7.3. **Suspension should not be seen, or used as, a punishment in itself 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.**
- 7.4. ACM will inform the student, and parents/ guardians if the student is under 18 or a vulnerable adult, in writing within 24 hours of the reason for suspension and the restrictions this places on them.
- 7.5. Suspension and Exclusion bars a student from all 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, without prior written permission from the relevant member of the SMT.

## 8. Criminal Offences

- 8.1. 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.
- 8.2. The following procedures will apply where the alleged misconduct constitutes an offence under criminal law if proved in a court of law.
- 8.3. 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.
- 8.4. In the case of all other offences under the criminal law, no action (other than suspension or exclusion) 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 shall decide whether disciplinary action under this Policy should continue or be taken.

- 8.5. 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.
- 8.6. 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 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.
- 8.7. If the police or the Crown Prosecution Service decide not to prosecute, ACM may, exceptionally, proceed with action under this Policy depending on the reasons for the non-prosecution.
- 8.8. ACM will normally refer all offences relating to controlled drugs to the police.

## 9. Representation

### 9.1. Student Representation

All formal invitations to disciplinary meetings will outline the student's rights to bring with them a friend, parent, mentor or other representative. Students under the age of 18 or vulnerable adults must be accompanied by a parent/ guardian. Any other representation is not normally allowed except with express permission by the Chair of the disciplinary panel.

### 9.2. Advocacy

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. Students should be encouraged to make use of the support and guidance of the Student Union for this purpose during the appeals process.

- 9.3. Students will be offered a meeting with a member of Registry to outline the Student Disciplinary process.

- 9.4. Additionally, some young people, vulnerable adults and those who do not have English as a first language may need help to speak for themselves and to get other people to listen to what they say. This is particularly true when they are being disciplined by other people who are in a position of power over them. Students will be offered a meeting with a member of the Education Guidance team if student needs are identified.

## 10. Confidentiality

- 10.1. 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.

## Procedures (Student Disciplinary)

### 1. Student Disciplinary Framework

1.1. The framework consists of the following stages:

- Informal / Verbal Warning
- Stage One – Minor Misconduct
- Stage Two – Serious Misconduct
- Stage Three – Gross Misconduct

### 2. Informal Procedure

- 2.1. Any member of staff can, and should, discuss minor issues of misconduct or unsatisfactory standards of work with students advising them of the standards required and the possible consequences of further or repeated unsatisfactory behaviour or work.
- 2.2. Members of staff will only bring minor infringements to a student's attention for their benefit or the benefit of others; it is in everyone's interest for students to co-operate.
- 2.3. This advice is classed as informal or verbal warnings and does not require official documentation; however staff may be required to provide evidence that verbal warnings have been given in subsequent stages of the student disciplinary framework.

### 3. Formal Procedure

- 3.1. Most minor faults will be dealt with informally by members of ACM staff. In the event that a student fails to respond positively to informal warnings or advice, the formal student disciplinary procedure should be followed.
- 3.2. The responsibility for conducting and managing the formal ACM Student Disciplinary procedure lies with the areas detailed below. In the absence of the appropriate member of staff, a person in a similar role should be appointed to take on the process.
  - Minor Misconduct – Pathway Leader
  - Serious Misconduct – Pathway Leader
  - Gross Misconduct – Member of the Senior Management Team (SMT)
  
  - Appeals against Gross Misconduct outcome – Registrar / alternative Pathway Leader / another member of SMT

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.

- 3.3. A member of staff who identifies or who is made aware of the misconduct shall draw it to the attention of the student. This interaction may be recorded and should it be considered actually or potentially serious it will be drawn to the attention of the above member of staff in writing and the student informed that this is happening.

3.4. At each stage the following will be in place:

- 3.4.1. **Recorded** – All aspects of the formal process, including notification of a Final Written Warning, Suspension or Exclusion, will be recorded by Registry, filed centrally and the student's electronic record updated. The student will also be given a copy of the written record.
- 3.4.2. **Action Planned** – In all cases the outcome should identify any action that is required by the student to demonstrate sustained improvement.
- 3.4.3. **Additional Support** – In some cases it may be necessary to identify and recommend additional support, either from within ACM or from external agencies that may aid the student's progress.

### 3.5. Stage 1: Minor Misconduct

- 3.5.1. If a student is not meeting the expectations being placed upon him or her by ACM and there is a "cause for concern" (whether formally reported or not) it is the responsibility of the Pathway Leader to undertake a 1-to-1 meeting and:
  - Discuss why there is "Cause for Concern" (CFC) and the reason for the meeting;
  - Identify any support needs that may be required e.g. Additional Learner Support, Financial Support etc.;
  - Identify and agree the required actions and timescales for improvement.
- 3.5.2. This meeting will be recorded by a member of Registry, acting in a supporting role, filed centrally and the student's electronic record updated. The student will also be given a copy of the written record.
- 3.5.3. Where necessary a copy of this will be sent to other stakeholders / support services as appropriate.
- 3.5.4. It is the responsibility of the Pathway Leader in conjunction with tutors to monitor progress against the identified actions. To this end, the Pathway Leader should arrange another meeting within **six weeks** of the original meeting with the student to monitor progress. If the student has not made the required progress and is consistently failing to meet the required standards he /she should be referred to Stage 2.
- 3.5.5. **Possible Outcomes:**
  - No further action
  - Verbal Warning
  - First Written warning - If appropriate additional sanctions may be imposed such as restricted participation in ACM events or trips (including Students Union), loss of access to programme enrichment benefits, including tutorials, Masterclasses, access to Industry Link etc.

### 3.6. Stage 2: Serious Misconduct

3.6.1. In the event of alleged serious misconduct or if at Stage 1 no progress has been made, a Disciplinary Panel meeting will be convened within 10 working days consisting of, as appropriate:

- Pathway Leader and/or appropriate area manager
- Student
- Tutor / Mentor
- Advocate / representative – if appropriate
- Parent(s) / Guardian – if appropriate
- Other agencies / persons as appropriate e.g. Social Services / Connexions / Student Services, etc.

3.6.2. Participants must be given a minimum of **3 working days** notice of the meeting in writing.

3.6.3. Before the meeting, evidence should be gathered by the Pathway Leader, with support from Registry, as a part of an investigation of the alleged serious misconduct.

3.6.4. The allegation of serious misconduct will be put to the student by the Pathway Leader based on evidence collected as part of the investigation. The student will have an opportunity to respond and seek clarification.

3.6.5. This meeting will be recorded by Registry, filed centrally and the student's electronic record updated. The student will also be given a copy of the written record.

3.6.6. Where necessary a copy of this will be sent to other stakeholders (e.g. parents / employer) and support services as appropriate.

#### 3.6.7. Possible Outcomes

- No further action
- First Written warning - If appropriate additional sanctions may be imposed such as restricted participation in ACM events or trips (including Students Union), loss of internet access etc.
- Final Written Warning - If appropriate additional sanctions may be imposed such as restricted participation in ACM events or trips (including Students Union), loss of access to programme enrichment benefits, including tutorials, Masterclasses, access to Industry Link etc.

3.6.8. NB: Students cannot be removed from elected or representative positions without prior consultation and agreement of SMT.

### 3.7. Stage 3: Gross Misconduct

- 3.7.1. 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 him/herself, other students or staff, ACM, or the conduct of an investigation. If a member of staff observes behaviour which may be considered gross misconduct, this must be reported to the Pathway Leader and Senior Management Team (SMT) for a decision to be made as to whether the student should be suspended.
- 3.7.2. 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 Executive or nominee from SMT.
- 3.7.3. In the event of alleged serious misconduct or if at Stage 1 or 2 no progress has been made, a Disciplinary Panel meeting will be convened within 10 working days consisting of, as appropriate:
- Member of SMT/Executive
  - Pathway Leader and/or appropriate area manager
  - Student
  - Advocate / representative – if appropriate
  - Tutor / Mentor – if appropriate
  - Parent(s) / Guardian – if appropriate
  - Other agencies / persons as appropriate e.g. Social Services / Connexions / Student Services, etc.
- 3.7.4. Participants must be given a minimum of **5 working days notice** of the meeting in writing.
- 3.7.5. Before the meeting, evidence should be gathered by Registry in conjunction with the member of SMT as a part of an investigation of the alleged gross misconduct.
- 3.7.6. The allegation of gross misconduct will be put to the student by the Chair based on evidence collected as part of the investigation. The student will have an opportunity to respond and seek clarification.
- 3.7.7. This meeting will be recorded by Registry, filed centrally and the student's electronic record updated. The student will also be given a copy of the written record.
- 3.7.8. Where necessary a copy of this will be sent to other stakeholders (e.g. parents / employer) and support services as appropriate.
- 3.7.9. **Possible Outcomes**
- No further action
  - First Written warning - If appropriate additional sanctions may be imposed such as restricted participation in ACM events or trips (including Students Union), loss of access to programme enrichment benefits, including tutorials, Masterclasses, access to Industry Link etc.

- Final Written Warning - If appropriate additional sanctions may be imposed such as restricted participation in ACM events or trips (including Students Union), loss of access to programme enrichment benefits, including tutorials, Masterclasses, access to Industry Link etc.
- Temporary Exclusion – A period of up to 10 working days may be considered as an outcome. This is not to be confused with suspension.
- Permanent Exclusion – A student may be permanently excluded where it is considered that this would be in the best interests of ACM and other learners.

3.7.10. NB: Students cannot be removed from elected or representative positions without prior consultation and agreement of SMT.



## Appendix 1: Prevent Duty

### 1. Introduction: Legal Context and the Academy Approach

- 1.1. The Counter Terrorism and Security Act 2015 places a duty on all RHEBs (Relevant Higher Education Bodies) to have due regard to the need to prevent people from being drawn into terrorism. This legislation is given specific statutory force through the Prevent duty guidance for higher education institutions in England and Wales, referred to as the 'Prevent Duty'.
- 1.2. The underlying considerations adopted by the Academy in implementing the Prevent Duty are:
  - a commitment to the safety and wellbeing of our staff and students and all who interact with the Academy, including not being victims of, or complicit with any activities linked to radicalisation;
  - preserving equality and diversity as foundations of the Academy life, whilst ensuring these values are not threatened;
  - supporting campus cohesion and harmonious relations across all parts of the Academy community;
  - that the requirements described in this Policy are implemented in a proportionate and risk-based manner, relevant to the local context in which the Academy campus is based.
- 1.3. The legal definition of terrorism as defined in the Terrorism Act 2000 applies to the Prevent duty. The Academy acknowledges and upholds the position that the definition of terrorism in the Terrorism Act is broad, in describing it as “the use or threat of action which involves serious damage to property; or endangers a person’s life; or creates a serious risk to the health and safety of the public or a section of the public; or is designed seriously to interfere with or disrupt an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious, racial or ideological cause.”
- 1.4. Terrorism may take the form of extremist behaviour and acts. The statutory Prevent Duty Guidance defines extremism as “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs and calls for the death of members of our armed forces, whether in this country or overseas”.
- 1.5. In accordance with this definition, the Academy considers that extremist ideologies, and those who express them, undermine the principles of freedom of speech and academic freedom.
- 1.6. HEFCE is the principal regulator of the Academy and has established a monitoring framework to assess compliance of all Higher Education Providers with the Prevent Duty. The Academy has a legal duty to provide reports and evidence of its compliance with the Prevent Duty to HEFCE, including serious issues which arise related to the Academy’s Prevent responsibilities. HEFCE’s role does not extend to investigating terrorism-related incidents on campus.