

## **ACADEMY OF CONTEMPORARY MUSIC: DISCIPLINARY POLICY AND PROCEDURES**

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### **ACM London Student Disciplinary Policy and Procedure**

#### **1. Introduction**

- 1.1. This policy describes how ACM London looks upon the behaviour and conduct of its students. ACM London may invoke its disciplinary procedure when a student's conduct is deemed to be offensive, obstructive, and/or disruptive whether on campus or through online activity. ACM London also reserves the right to invoke its disciplinary procedure for misconduct off campus that has the potential to bring ACM London into disrepute.
- 1.2. This Policy and Procedure relates to non-academic misconduct. Academic misconduct is addressed under Falmouth University's Academic Integrity Policy ([www.falmouth.ac.uk/student-regulations](http://www.falmouth.ac.uk/student-regulations)), which applies to students registered on courses being studied at ACM London.
- 1.3. The burden of proof of the allegation of misconduct lies with the person or persons alleging the misconduct. ACM London will thoroughly investigate all transgressions of student discipline and in making judgements as to the appropriate course of action will apply the principle of 'balance of probability' based on the evidence available; ACM London is not required to prove 'beyond reasonable doubt'.
- 1.4. The Programme Manager is ultimately responsible for maintaining discipline among students of ACM London, and in this, students can expect the Programme Manager to be assisted by all ACM London staff.

#### **2. Procedure**

- 2.1. The following is indicative of types of serious breaches of discipline but is not intended to be exhaustive:
  - Engaging in conduct either on or off ACM London premises or through the Virtual Learning Environment (VLE) which is in breach of any regulation, policy, procedure, code of practice or other rule applied by ACM London or the law of the land.
  - Assault or threatening behaviour.
  - Behaviour or language (whether in a physical or virtual environment) which is violent, indecent, disorderly, threatening, offensive or causes fear or distress to others.
  - Malicious or reckless damage to or theft of ACM London property or the property of any student or member of staff.
  - Sexual harassment.
  - Racist activity or behaviour.
  - Harassment on the grounds of sexual orientation.
- Vexatious complaints, including allegations of harassment that are found to be mischievous or malicious.

- Misappropriation of ACM London funds or assets.
  - Conduct which prevents, obstructs or disrupts the holding of, or orderly conduct of, any meeting or other lawful assembly at ACM London.
  - A serious breach of the Student Regulations.
  - Any action likely to cause injury to any person or impair the safety of the premises, including the parking of vehicles in unauthorised areas and interference with health and safety equipment and/or materials.
  - Use, possession, buying or selling of illegal drugs or other illegal intoxicating substances on ACM London premises.
  - Abuse of alcohol or other legal substances on ACM London premises.
  - Any behaviour or action of a kind which is likely to bring the good name of ACM London into disrepute or which reflects adversely on the good relationships which ACM London seeks to maintain with the local community.
  - Conduct which may constitute a criminal offence (see section 5).
- 2.2. Any member of ACM London who becomes aware of what s/he considers to be a serious breach of discipline (see section 2.1) by any student, shall in the first instance report the allegation of misconduct, normally in writing, to the Programme Manager, who will investigate the matter in accordance with this policy.
- 2.3. During the course of any enquiry, the student will be informed about what is alleged against him/her and be afforded the opportunity to make such reply as they may wish, normally in an investigatory meeting conducted by the Programme Manager and/or the Head of Education. The written report of the meeting will be shared with the student.
- 2.4. If the enquiry reveals that the student may be suffering from mental health, psychological, personal or emotional difficulties the Health, Wellbeing and Fitness to Study Policy of Falmouth University ([www.falmouth.ac.uk/student-regulations](http://www.falmouth.ac.uk/student-regulations)) may be invoked as a more appropriate mechanism, depending on the individual circumstances of the case.
- 2.5. Typically, minor and/or first offences will elicit a written warning from the Head of Education to the student concerned. The student will be asked to confirm their receipt of the warning letter, which must include a written statement to the Head of Education demonstrating that they understand why the warning was issued and stating their agreement to abide by the Student Code of Conduct from hereon in.
- 2.6. However, where there is a repeat offence, or there is perceived to be a serious transgression (see section 2.1), ACM London may request that the student in question attend a disciplinary hearing (see section 3) without recourse to a written warning.
- 2.7. If the student in question is causing serious distress and/or offence to other students and/or staff, ACM London may suspend the student with immediate effect. Where a student has been suspended, their status as a registered student remains current, but their access to campus facilities and the VLE is restricted or prohibited. The student will be informed of any suspension in writing, to their home address, and via an appropriate email address or telephone call. In such cases, Falmouth University will be notified within 48 hours of any student suspension and a Disciplinary Hearing will be convened (see section 3).

### **3. Disciplinary Hearing**

- 3.1. The student will be notified in writing that their attendance at a disciplinary hearing has been requested. Disciplinary hearings are convened on the ACM London campus, and the student will be notified of the date and time that the event will take place. ACM London will endeavour to arrange a date and time that is mutually convenient for all persons concerned. However, where the student does not make reasonable efforts to be available for a hearing, the Head of Education may determine to convene the hearing in the student's absence.
- 3.2. Disciplinary hearings are carried out before a Panel. The Panel consists of:
- Chair (Head of Education, or Programme Manager)
  - Two academic tutors (with no direct connection to the case)
  - Two registered students (from a different course and not closely related to the student in question in terms of family and/or friendship)
  - The Senior Programme Officer will be in attendance as Secretary to the meeting.
- 3.3. The student against which the offence charge has been brought is entitled to be accompanied by one of the following if he or she wishes:
- A currently enrolled student of ACM London
  - An ACM Students' Union representative
  - An accessibility or academic support worker
- 3.4. Quorum for the Panel is the Chair, one academic tutor, and one registered student.
- 3.5. The Panel will determine which one or more of the following outcomes may be taken, and will inform the student in writing:
- Dismissal of the case (no further action required)
  - Formal reprimand, which may include one or more of the following:
    - the signing of a code of conduct agreement;
    - the payment of a fine not exceeding £250;
    - a requirement to pay for any damage to property they have caused.
  - Exclusion for a defined period and/or on specified terms;
  - Expulsion from ACM London and Falmouth University.
- 3.6. The decision of the Panel and the grounds for the decision will be given to the student in writing, by the Senior Programme Officer, within seven (7) working days of the hearing.
- 3.7. The Senior Programme Officer will maintain a register of student disciplinary procedures and outcomes.

### **4. Appealing the outcome**

- 4.1. If the student is dissatisfied with the outcome of a disciplinary hearing then they may submit an appeal. The appeal must be made in writing, **within twenty (20) working days** of the date of issue of the outcome letter, to: Falmouth University's Quality Assurance & Enhancement team using the postal and/or email address given below:

Falmouth University  
Quality Assurance & Enhancement  
Falmouth Campus  
Woodlane  
Falmouth  
TR11 4RH  
[qae@falmouth.ac.uk](mailto:qae@falmouth.ac.uk)

- 4.2. Any exclusion or expulsion ordered by the Disciplinary Panel shall remain in force pending the outcome of the appeal.

## **5. Criminal offences, the police and action under this procedure**

- 5.1. ACM London will refer concerns to the police where it considers it appropriate to do so and will co-operate with the police in their investigation of an alleged breach of the law or of any matter that may involve a student of ACM London. The Programme Manager must be notified of any such referrals as soon as possible.
- 5.2. Conduct which may constitute a criminal offence may also amount to a serious breach of discipline. Therefore, in addition to any criminal process, this conduct may also be dealt with under this procedure.
- 5.3. Where a student's conduct comes under investigation by the police, ACM London's own investigations into an alleged serious breach of discipline or proceedings under this procedure may be deferred until such time as the police and/or courts have completed their investigations and proceedings. ACM London may also, as appropriate to the circumstances, at any time, suspend a process already underway under this procedure.
- 5.4. In determining whether to commence or proceed with any action or process under this procedure, ACM London is not bound by the status or outcome of any police or criminal investigation or prosecution and may elect to proceed with its disciplinary procedures in advance of any police and/or court outcome becoming available. However, where a finding of a breach of discipline 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 penalty under this procedure.
- 5.5. Should it be considered that there is an immediate risk to the ACM London community and/or to ACM London's reputation as a result of a student being charged with a criminal offence, the Head of Education may suspend the student with immediate effect pending the outcome of any court case. Recommendations regarding immediate suspension may be made by the Programme Manager to the Head of Education.

- 5.6. Any student receiving a custodial sentence of four weeks or more will be unlikely to be able to satisfy the academic demands of a course of study, and in accordance with the Academic Regulations, this will result in intermittence, withdrawal or the application of the Health, Wellbeing and Fitness to Study Policy ([www.falmouth.ac.uk/student-regulations](http://www.falmouth.ac.uk/student-regulations)).
- 5.7. The University cannot investigate complaints about student behaviour in privately managed properties, but will work closely with the police and/or environmental health to help their investigation as appropriate. If the police and/or environmental health identify individual students as being persistently involved in noise complaints or anti-social behaviour, then the University will take appropriate disciplinary action.
- 5.8. It is deemed a disciplinary offence for a currently enrolled student at ACM London to withhold information of a previous unspent criminal conviction. Should such information subsequently come to light, the student, as a registered student of Falmouth University, will be subject to the provisions of Falmouth University's Criminal Convictions Policy ([www.falmouth.ac.uk/student-regulations](http://www.falmouth.ac.uk/student-regulations)).

## 6. Definition of terms

- 6.1. **Expulsion** is compulsory, permanent withdrawal from ACM London and Falmouth University. A student who is expelled ceases to be a member of ACM London and Falmouth University and does not retain their student status from the date of expulsion. From that date, the student may not have any access to ACM London facilities (academic, social or professional) or premises. No further assessment activity will be undertaken regarding the student.
- 6.2. An order of **exclusion** involves a permanent or time-limited sanction or sanctions imposed as the outcome of the disciplinary procedure. The sanction(s) may include either or both of the following:
  - a) That the student may be forbidden to use all or specified facilities of ACM London (academic, social or professional) but remains a member of ACM London expected to fulfil their academic commitments. The student formally retains their student status.
  - b) That the student, whilst retaining their student status, should have no contact of any kind with a named person.
- 6.3. Suspension is not a punishment; it is a temporary measure taken in response to an allegation of misconduct. It is not meant to be punitive but rather to facilitate an investigation to proceed unimpeded or to protect the student or other members of the ACM London community. Suspension is therefore a non-judgemental process and alternatives to suspension will be considered where appropriate.