

Student Disciplinary Policy and Procedures for all students enrolled on programmes leading to AECC Awards

1. Scope and purpose

- 1.1 This policy and its procedures are for use in student disciplinary procedures that lie outside the scope of either the College's Academic Offences or Fitness to Study and Practise regulations.
- 1.2 This policy and its procedures apply to all current students enrolled on programmes leading to AECC awards. Chiropractic students on Bournemouth University (BU) awards should refer to the AECC Student Disciplinary Procedures – BSc/MSc and MChiro Programmes, available on the Virtual Learning Environment (VLE). Students on part-time MSc programmes leading to BU awards should refer to BU 11K - Student Disciplinary: Procedure.

2. Key responsibilities

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Executive Director of Administration conducts the preliminary investigation.
- 2.3 The College's Appeals Panel for Disciplinary matters is chaired by the Principal.
- 2.4 Academic Development and Quality Committee considers the effectiveness of the student disciplinary procedures and recommends changes to current policy to Academic Board via the Academic Audit Committee.
- 2.5 Academic Board approves new policies or amendments to existing policies relating to student disciplinary procedures.
- 2.6 Under this policy and associated procedures any College role or officeholder or officer of the Student Union may act through her or his appointed nominee.

3. Introduction and context

- 3.1 The Student Disciplinary Procedure is intended to provide a clearly formulated and impartial process for dealing with problems of student discipline or behaviour within a reasonable timescale and having due regard to the spirit of natural justice.
- 3.2 The College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio- economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. The College will seek to ensure that the consideration of disciplinary matters under these procedures is conducted transparently and in a way which is fair to all parties concerned. All cases will be considered in accordance with the Dignity Diversity and Equality Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 3.3 As members of the AECC community all students are expected to conduct themselves with due regard for the good name and reputation of the College. They are required to comply with the College's current Rules, Regulations, Policies and Procedures at all times including those

relating to Learning Services and the Students' Union.

- 3.4 This Disciplinary Procedure does not apply to decisions to withdraw students for reasons of academic failure. Such issues shall be dealt with by Assessment Boards and appeals against the decisions of Assessment Boards shall be dealt with using the appropriate Academic Appeals Procedures.
- 3.5 Where relevant, alleged misconduct relating to professional practice shall be dealt with in accordance with the College's Fitness to Practise regulations and procedures.
- 3.6 Once disciplinary proceedings have been instituted against a student under these disciplinary procedures, normally no disciplinary action may be taken against the student under other disciplinary rules or regulations within the College for the same alleged misconduct.
- 3.7 The College shall normally consider giving advice and guidance to improve conduct and behaviour before initiating the Student Disciplinary Procedure.
- 3.8 Minor breaches of student discipline should, where appropriate, be dealt with by means of an informal oral warning issued by any member of College staff.
- 3.9 The AECC student disciplinary policy and procedure is an internal policy and procedure and not a legal process. AECC does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such the engagement of legal professionals by students in relation to disciplinary procedures is not normally permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Disciplinary Panel Chair.
- 3.10 Students may be accompanied and supported at all stages of this procedure by a friend or representative not acting in a legal capacity.

4. Misconduct

- 4.1 Any student studying or registered at the College shall be subject to disciplinary measures if s/he is found to be guilty of misconduct. The essence of misconduct under these regulations is:
 - a) improper interference with the functioning or activities of the College, or of those who work in or study at or visit the College;
 - b) action which otherwise damages the College or its reputation.
- 4.2 In particular, the following examples shall constitute misconduct, whether occurring on College premises or elsewhere:
 - a) any conduct that constitutes a criminal offence;
 - b) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College;
 - c) obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the College, or any visitor to the College;
 - d) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
 - e) sexual, racial or other harassment, bullying or victimisation of any student or member of staff of the College, or any visitor to the College;
 - f) fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors;
 - g) repeated or aggravated academic offences including cheating or plagiarism in academic course work or in examinations;

- h) theft, misappropriation or misuse of College property, or the property of the College's staff, students or visitors, caused intentionally or recklessly;
- i) misuse or unauthorised use of College premises;
- j) damage to College property, or the property of the College's staff, students or visitors, caused intentionally or recklessly;
- k) action likely to cause injury or impair safety on College premises;
- l) failure to respect the rights of others to freedom of belief and freedom of speech;
- m) breach of the provisions of any College rule, regulation, policy, procedure or code of practice;
- n) failure to disclose personal details to a member of staff of the College in circumstances in which it is reasonable to require that such information be given;
- o) failure to comply with any reasonable instruction(s) relating to discipline issues within the Vice-Principal's (Undergraduate Studies and Quality) authority.

5. Misconduct that is also a criminal offence

- 5.1 Students are required to keep the AECC informed of any criminal investigations, charges or convictions in order that a risk assessment may be made as to the suitability of their continued enrolment at the AECC.
- 5.2 The following procedures apply where the alleged misconduct is reported to the Academic Registrar, and the misconduct, if proved, would also constitute an offence under UK criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved in a criminal court or one that can be tried as a criminal offence only at the Crown Court.
- 5.3 If a matter referred under this Procedure could be a criminal offence, the Academic Registrar will consult with senior colleagues before taking any action.
- 5.4 Where the Academic Registrar does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally. If the offence is reported to the police, the Academic Registrar may decide to defer action until the police and courts have dealt with the matter.
- 5.5 Where the Academic Registrar does regard the alleged misconduct as constituting a serious offence, no internal action other than suspension from the College shall normally be taken until the matter has been reported to the police, and any subsequent criminal proceedings have been completed or that the police advise that they do not object to the College dealing with the matter.
- 5.6 The College shall normally report any suspected criminal offence to the police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Academic Registrar may agree not to report the matter. In such circumstances the College shall not normally proceed with internal disciplinary measures for the alleged offence, although it may take disciplinary action over related offences.
- 5.7 Where a finding of misconduct has been made under these regulations, and a student has also been sentenced by a criminal court in respect of the misconduct, the penalty imposed by the criminal court shall be taken into consideration in determining the penalty under these regulations.

6. Suspension pending a hearing

- 6.1 A student, who is the subject of a complaint of misconduct or criminal proceedings, may be suspended by the Academic Registrar pending a disciplinary hearing and/or conclusion of the criminal proceedings. Any such suspension shall be reported to the relevant Programmes

Office, the relevant Framework/Programme Leader and the Manager of the Students' Union.

- 6.2 A student who is suspended may be wholly or partly forbidden from entering College premises and from participating in College activities including exercising their functions or duties of any office or committee membership in the College or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student. A suspension may include a requirement that the student shall have no contact with a named person or persons.
- 6.3 Suspensions pending a disciplinary hearing and/or criminal proceedings are to be used only where necessary to protect the College community or its members, or the property of the College community or its members or to facilitate an investigation into the facts. Written reasons for the decision shall be recorded and made available to the student.
- 6.4 Normally no student shall be suspended unless s/he has been given the opportunity to make representations to the Academic Registrar either in person or in writing, as the student chooses. Such representations may be put forward by the student or by his/her accompanying friend or representative (not acting in a legal capacity).
- 6.5 In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.
- 6.6 In any event any decision to suspend a student shall be subject to review after 20 working days. Such a review shall not involve a hearing but the student, either personally or through his or her friend or representative shall be entitled to submit written representations. The review shall be conducted by the Vice-Principal (Undergraduate Studies and Quality).
- 6.7 In addition to the initial review, the Vice-Principal (Undergraduate Studies and Quality) shall review the suspension or exclusion on receipt of evidence of altered circumstances, which might affect the decision.
- 6.8 A student may appeal to the Principal against an order of suspension or exclusion.

7. Initiation of disciplinary procedure

- 7.1 The Disciplinary Procedure shall be initiated by any person reporting an allegation of misconduct to the Academic Registrar. If the allegation arises from within the College the Academic Registrar shall notify the student of the general nature of the alleged misconduct and that it has been reported to him/her under this procedure. If the allegation arises from the investigations of an Academic Offences Panel, it shall be the responsibility of the Chair of the Panel to notify the student that the alleged offence is being reported to the Academic Registrar as a disciplinary issue.
- 7.2 The Academic Registrar shall normally convene a preliminary investigative interview between the Executive Director of Administration (EDoA), and the student before deciding whether any further action should be taken. Students are entitled to be accompanied by a friend or representative, not acting in a legal capacity. The preliminary interview shall normally take place within 5 working days of the alleged misconduct being reported. The Academic Registrar shall be in attendance.
- 7.3 Following the interview the EDoA may dismiss the allegations immediately if s/he believes that there is no case for the student to answer, or that it is for some other reason appropriate to do so.
- 7.4 Following the interview the EDoA may decide to refer the allegations to the College's

Fitness to Practise Committee in accordance with paragraph 1.6 above, where s/he has reason to believe misconduct relating to professional practice has occurred.

7.5 The EDoA may elect to suspend the student from some or all of their university activities pending further investigation either by the College or the Police as outlined above.

8. Summary procedure

- 8.1 If the EDoA considers it appropriate to do so, and if the student agrees, the matter may be dealt with summarily without calling a Disciplinary Panel. The EDoA will normally decide to deal with a case on a summarily basis only where there is an admission of guilt from the student. The student is entitled to be accompanied by a friend or representative, not acting in a legal capacity. The Academic Registrar will be present to record proceedings.
- 8.2 If the matter is dealt with summarily, the EDoA shall consider written or oral evidence as s/he thinks fit. The EDoA may impose any of the penalties set out at Section 11 of this Procedure other than expulsion from the College.
- 8.3 At the close of the proceedings, the Academic Registrar shall write to the student setting out the alleged misconduct, a brief summary of evidence received, the grounds for finding guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report shall be placed on the student's file.
- 8.4 There is a right of appeal against both a finding of guilt and any penalty imposed under the summary procedure as set out in Section 13.
- 8.5 If the EDoA does not consider it appropriate to deal with the matter summarily, or if the student does not agree to it being dealt with in that way, then the matter shall be referred to a Disciplinary Panel under the procedure set out below.

9. The Disciplinary Panel

- 9.1 If a matter is to be referred to the Disciplinary Panel, the Academic Registrar shall convene the Panel and shall notify the student in writing of the alleged misconduct and of the arrangements for further consideration of the student's case. If there is a series of related alleged misconducts the Panel may, at its discretion, deal with all allegations at one hearing.
- 9.2 The Disciplinary Panel shall be arranged as soon as is practicable after the preliminary interview between the student and the EDoA and normally within 20 working days. The student shall be given a minimum of 10 working days' notice before the meeting of the Disciplinary Panel except where s/he has agreed in writing that shorter notice is acceptable.
- 9.3 Membership of the Disciplinary Panel normally shall consist of the Vice-Principal (Undergraduate Studies and Quality) as chair, the Framework/Programme Leader of the programme on which the student is enrolled, one senior member of academic staff and a representative of the Students' Union Executive other than the President. Members of the disciplinary panel must remain, and be seen to remain, impartial at all time. The Academic Registrar shall act as Secretary to the panel but is not a decision-making member.
- 9.4 The student may be accompanied by a friend or representative, not acting in a legal capacity. The person who originally reported the allegations shall normally attend to present the case. That person may also be accompanied by a friend or representative not acting in a legal capacity. In exceptional circumstances the case may be presented by the friend or representative on behalf of the case presenter.
- 9.5 The Academic Registrar shall ask the case presenter to set out the allegation(s) in full in advance of the hearing. A copy shall be sent to the student at least 10 working days before the Hearing.

- 9.6 The case presenter and the student may call witnesses. Requests for witnesses to attend must be submitted to the Academic Registrar at least 5 working days in advance of the Hearing.
- 9.7 The Academic Registrar or the Chair may also call for witness statements in support of the allegation in advance of the Hearing. If such statements are requested they are required to be submitted to the Academic Registrar at least 5 working days before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing. The Academic Registrar or the Chair may also request that witnesses attend the Hearing.
- 9.8 All documentation to be considered at the Hearing will be circulated to all parties, by the Hearing Secretary, **5 working days** before the Hearing.
- 9.9 The agenda for the Hearing shall normally be as follows:
- a) Introduction of those present;
 - b) The allegations of misconduct shall be set out by the case presenter;
 - c) The student, or his/her representative, shall respond to the allegations;
 - d) The Panel shall have the opportunity to question both the case presenter and the student;
 - e) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Panel or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw;
 - f) The case presenter shall sum up the allegations. New evidence is not admissible at this time;
 - g) The student shall sum up. New evidence is not admissible at this time;
 - h) The case presenter and the student shall withdraw whilst the Panel reach their decision in private.
- 9.10 The agenda for the Hearing may be varied at the discretion of the Chair.
- 9.11 Witnesses shall normally be required to attend to give evidence in person. The Panel may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interest of justice to do so. Only witness statements that are signed and dated by the witness, and include the witness's contact details, will be accepted.
- 9.12 The Panel may impose time limits on oral addresses and submissions.
- 9.13 The Panel shall rely only on evidence presented at the hearing, or in written format beforehand.
- 9.14 The Panel may ask for additional enquiries to be undertaken and may call for additional witnesses to attend. If two or more students are involved in related allegations of misconduct, the Panel may at its discretion deal with their cases together.
- 9.15 At the discretion of the Panel, proceedings may be adjourned for a period not exceeding 20 working days in the first instance, and its findings or decision deferred accordingly.
- 9.16 The Panel shall find a student guilty of misconduct only if, on the evidence before it, it is satisfied on the balance of probability of the student's guilt. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members.
- 9.17 Wherever possible, the decision of the Disciplinary Panel shall be communicated verbally to

the student and to the case presenter within one hour of adjourning to consider the evidence. Where this is not possible the decision of the Disciplinary Panel shall be communicated in writing to all parties, normally within 5 working days. All verbal communications regarding the decision of the Disciplinary Panel shall be confirmed in writing, normally within 5 working days. The Academic Registrar will issue the student with a Completion of Procedures letter.

9.18 Except with the authority of the student the proceedings of the Panel shall remain confidential, with the exception of its decision.

9.19 For students on first qualification chiropractic programmes the decision of the Disciplinary Panel shall be communicated to the relevant PSRBs.

10. Penalties

10.1 If a student is found guilty of an allegation of misconduct, penalties may be imposed by the EDoA in matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or his or her representative shall be entitled to make representations in mitigation before the penalty is decided.

10.2 When determining penalties, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student.

10.3 If the Panel finds that there is no case to answer then no further action will be taken. It may be that the panel finds there is a case to answer but that it is more appropriate to offer advice and guidance rather than impose a penalty. In this circumstance the details of the case will be kept on the student's file and may be referred to in the event of any subsequent disciplinary actions.

10.4 The penalties that may be imposed are one, or a combination of, the following:

- a) A First Written Warning. This shall give details of the complaint, the outcome of the Hearing, the improvement required and the timescale. It shall warn that further disciplinary action will be considered if there is no satisfactory improvement. It shall also advise of the right of appeal. A copy of the written warning shall be placed on the student's file, but will be removed from the file and disregarded for disciplinary purposes after a period of 12 months, or for a lesser period as specified by the Panel, subject to satisfactory conduct and performance within that period.
- b) A Final Written Warning. This shall be issued if there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the complaint, shall warn that expulsion is likely to result if there is insufficient improvement and shall advise of the right to appeal. A copy of this Final Written Warning shall be placed on the student's file. Final Written Warnings shall be removed from the file and disregarded for disciplinary purposes after a period of 24 months, subject to satisfactory conduct and performance within that period.
- c) A Fine of up to a maximum of £500 (amount subject to periodic review by the College's senior management team).
- d) Compensation of a reasonable sum in respect of identified and quantified loss.
- e) The Performance of Unpaid Services for the College community to a maximum of 40 hours.
- f) Suspension from the College for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering College premises, and from participating in College activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be

notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.

- g) Exclusion from the award of degree or other academic award. This may be either permanent or for a stated period, and may be absolute or subject to compliance with stipulated requirements. This penalty shall normally only be imposed in cases where the misconduct relates to examinations or other assessed work.
- h) Expulsion from the College, which means that the student ceases to be a member of the College, and loses all rights and privileges of membership.

11. **Illness**

- 11.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness the proceedings may be adjourned for the preparation of a medical report.
- 11.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

12. **Appeals stage**

- 12.1 A student may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Academic Registrar within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based. An appeal may be made on the following grounds:
 - the procedures outlined in this document were not followed
 - new evidence has become available which was not available at the time of the Disciplinary Hearing (appeals based on evidence that was available but not presented at the time will not normally be accepted)
 - the penalty is disproportionate in the circumstances of the case.

Disagreement with the decision of the Disciplinary Panel is not grounds for appeal and appeals made solely on this basis will be dismissed.

- 12.2 The Appeals Panel shall comprise the Principal, one senior member of academic staff and the Students' Union President. The Academic Registrar shall act as Secretary but will not be a decision-making member. Any person who was a member of the Disciplinary Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report).
- 12.3 There shall be no entitlement to a rehearing of a case. The Panel hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular a finding may be overturned in the light of new evidence; or where it was considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The student may present the appeal in person or in writing as s/he chooses and may be accompanied by a friend or representative, not acting in a legal capacity.
- 12.4 The Chair of the Disciplinary Panel shall also be entitled to make written submissions or oral representations to the Appeals Panel.
- 12.5 The Panel hearing an appeal against a penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances, may determine there is no case to answer or that there is a case to answer but that the student should be given advice and guidance instead of a penalty.

- 12.6 Where an appeal is pending against a decision of the Disciplinary Panel to suspend or expel a student the Chair of the Disciplinary Panel shall have power to defer the operation of the suspension or expulsion pending the appeal, taking into account the specific circumstances of the case.
- 12.7 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the appellant's notice.
- 12.8 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose. The Appeals Panel shall consider its decision in private and shall notify the student of the outcome in writing (normally within 5 working days) but shall not be obliged to advise the appellant of the reasons for it. The decision of the Appeals Panel shall be final and no further appeal may be permitted within the College. The Academic Registrar will issue the student with a Completion of Procedures letter.

**13. Further action: Referral to the Office of the Independent Adjudicator
(Not applicable to students on the Access Diploma)**

- 13.1 If, after exhausting the internal procedures the student remains dissatisfied, s/he may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

5th Floor

Thames Tower Reading

Berkshire

RG1 1LX

Tel: 01189 599813

Email: enquiries@oiahe.org.uk

14. Monitoring and review of student disciplinary cases

- 14.1 The Academic Registrar will prepare an annual review of student disciplinary cases across all awards. This annual review will be considered by Academic Development and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

15. Links to other AECC documents

- Student Agreement (terms and conditions)
- College Student Charter
- Student Complaints Policy for all students enrolled on programmes leading to AECC awards
- Dignity Diversity and Equality Policy
- Academic Offences Policy and Procedure for all students enrolled on programmes leading to AECC awards
- Fitness to Study Policy for all students enrolled on programmes leading to AECC awards
- Fraud Policy
- Student Events Policy

- Policy on the provision and use of electronic learning resources via Moodle and the recording of lectures
- Copyright policy
- PREVENT policy
- Health and Safety Policy
- Learning Services Rules relating to Library Use
- Computer Acceptable Use Policy
- Email and Internet Use Policy.
- College Student Handbook

Version:	1.0
Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Internal and BU
Date approved	16 November 2016
Effective from	1 September 2017
Review date	Spring 2019
Target	All staff and all students enrolled on AECC awards
Policy location	SIP/VLE/ public website
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases