

**KOSOVO ART ACADEMY**  
INSTITUTIONAL AND PROGRAM EVALUATION

**DISCIPLINARY PROCEDURES**  
Section II of the Code of Ethics and Conducts

*6<sup>TH</sup> of March, 2020, Prishtina*

## DISCIPLINARY PROCEDURES

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## Student discipline

### Part A: Introduction, Definitions and General Principles

#### Introduction

- 1.1 The Academy's disciplinary rules and procedures as set out in this document of the Academy's General Regulations (referred to hereafter as the Disciplinary Procedure) apply to all registered students of the Academy. In addition, students attending Kosovo Art Academy programmes in franchise or associate colleges or undertaking placement with approved providers as part of their programme will be subject to codes of conduct and disciplinary regulations per paragraph 1.7 of this document.
- 1.2 The use of the Disciplinary Procedure against a student is a serious matter. Any student subject to the Disciplinary Procedure is strongly advised to seek assistance from the Students' Union.
- 1.3 The President C.E.O. or Deputy C.E.O. may delegate to a designated senior member of staff his powers under the Disciplinary Procedure, generally or in respect of a particular case.
- 1.4 A student will be deemed to have been notified of any actions arising from the operation of the Disciplinary Procedure within 2 working days of a letter of notification having been sent by first class post to his/her last known address, together with any supporting information. Notification will also be sent to the student email account. Each student is responsible for ensuring that the Academy is notified promptly of any change of address.
- 1.5 Penalties should be appropriate to the offence committed and decided only following the Disciplinary Procedure. All decisions made under the Disciplinary Procedure shall be made only by those persons with authority to do so. No negotiations or discussions between the Academy and the student shall take place outside the processes set out in the Disciplinary Procedure.
- 1.6 In circumstances where students demonstrate behavioural problems about which it would be inappropriate to take disciplinary action under the Disciplinary Procedure, the procedure set out in chapter 3 of these Regulations may be followed.
- 1.7 For students registered with the Academy studying in franchise or associate colleges or undertaking a placement with approved providers as part of their programme the following shall apply:

- 1.7.1 Any academic disciplinary procedures affecting student performance or progression shall be dealt with under Kosovo Art Academy's General Regulations and Procedures Affecting Students in force at the time.
- 1.7.2 The Academy's General Regulations and Procedures Affecting Students shall apply in all cases apart from minor matters concerning the use of the college premises or facilities, in which case local college regulations shall take precedence.
- 1.7.3 Expulsion or suspension of a student can only be invoked through the Academy's General Regulations, following the regulation and method expressed in the Academic Offences and Bad Academic Practice policy.
- 1.7.4 In disciplinary cases considered under college regulations findings against students shall be reported to the Academic Director or to Authorised Officer such as Head of Department (for minor offences) who shall then inform if appropriate the Head of the Senate, the HR officer the Head of Student Assembly (or Deputy) and the Quality Assurance office.

## **2 Definitions**

- 2.1 The Disciplinary Procedure shall apply to all locations and premises of the Academy and subject to paragraph 1.7 of this document, shall cover Kosovo Art Academy students at associate and franchise colleges
- 2.2 Definitions and some examples of minor and major offences are given in Paragraphs 7 and 13 below.
- 2.3 For the purposes of the Disciplinary Procedure criminal convictions shall include convictions in court, and police cautions, and fixed penalty notice for any offence involving violence, antisocial behaviour, drunkenness, dishonesty or drugs and restorative justice.

## **3 General principles**

- 3.1 Whenever the Disciplinary procedure is used the following general principles shall apply.
  - 3.1.1 Disciplinary incidents may be identified by staff, students or members of the public. Any person who has reason to believe that a student has breached the

Disciplinary Code set out in Part C of this document should notify the relevant Authorised Officer.

- 3.1.2 Each case should be addressed as promptly and efficiently as possible and at the level appropriate to the nature of the offence.
- 3.1.3 There should be the consistency of approach across the Academy concerning major and minor disciplinary cases.
- 3.1.4 Each case should be handled fairly and equitably with due regard to the individual circumstances of each case.
- 3.1.5 It is accepted that in addressing cases of student discipline, issues relating to the pastoral care and welfare of the student may arise and that these shall be handled with sensitivity.
- 3.1.6 Deans of Departments will be fully informed of all disciplinary matters affecting students within their respective areas of responsibility and will keep a record for the duration of that student's registration with the Academy of students who have been found to have committed disciplinary offences.

## **Part B: Criminal offences**

### **4 Criminal offences**

4.1 Where it comes to the Academy's attention that a registered student has been convicted of or is being investigated by other authorities for a criminal offence or has been formally charged with a criminal offence which took place prior to any period of registration with the Academy and was not disclosed to the Academy, such a student may be subject to disciplinary action under these regulations where the offence is of:

- a) such a nature that the Academy reasonably believes that the presence of the student in the Academy is likely to put the safety or wellbeing of other members of the Academy at risk or that the offence;

- b) If proven, renders the student unfit to be admitted to and practise any particular profession or calling to which that student's programme directly leads.
- 4.2 Such students may also be subject to the provisions of paragraph 2.5 of Entry, Registration And Student Status document.
- 4.3 Where it is suspected that a student may have committed a criminal offence, regardless of whether or not the incident took place on Academy property, the Security, after consultation with the designated senior member of staff, will normally report the matter to the police. In reaching that decision, the Academy will take into account the opinions of those who might be directly affected but it will not be bound to accede to the wishes of any other person.
- 4.4 Whether or not a student suspected of committing a criminal offence has been reported to the police (or other relevant authority), the Academy may deal with any offence against the Disciplinary Code arising out of the same allegations in accordance with the Disciplinary Procedure.
- 4.5 The fact that the Police or other relevant authority is unable or unwilling to proceed does not preclude the Academy from taking its own disciplinary action.
- 4.6 Where a student is charged with a criminal offence, or has been dealt with by the Police as set out in paragraph 2.3 above, s/he is required to report the matter formally and immediately to Security. The matter will then be dealt with in accordance with these Disciplinary Procedures.
- 4.7 In serious cases and in cases where the student concerned has been suspended from the Academy under the Disciplinary Procedure the Security will discuss with the Police or other relevant authority whether in their opinion it would be appropriate for the Academy to conduct an investigation prior to the completion of criminal proceedings in the courts.
- 4.8 The decision to proceed with or suspend an investigation shall be made by the President C.E.O or Deputy C.E.O. after consultation with the designated senior member of staff and the Bod.
- 4.9 Notwithstanding the Academy's right to deal with any offence against the Disciplinary Code, the Academy may defer action under the Disciplinary Procedure if to proceed might in any way hinder a criminal investigation or prejudice the fair trial of the student concerned. The decision to defer an investigation shall be made by the President C.E.O or Deputy C.E.O. after consultation with the relevant external authorities. The Academy recognises that any offence which may attract a community penalty or custodial sentence should normally be dealt with initially by the courts.

- 4.10 Following a criminal conviction, if it has not already done so, the Academy may then continue with its own hearing. The court's verdict or the circumstances in which the caution was issued shall be taken into account in so far as they are relevant. The disciplinary hearing shall not become a re-run of a trial. There does not impede the imposition of a penalty by the Academy following a criminal conviction; however, the penalty imposed by the court or police shall be taken into consideration by the Academy in deciding its own penalty.
- 4.11 Where the Academy becomes aware that a registered student has been convicted of a criminal offence which is not already subject to a disciplinary investigation, for example, an offence which took place off-campus which has been reported in the press, the Academy will take action as follows.
- 4.11.1 Where the courts have imposed a custodial sentence the student shall be immediately suspended by the designated senior member of staff pending a review by the Chair of the Disciplinary Committee (ad-hoc Committee as largely explore in the Academic Offences and Bad Academic Practice document) of written submissions. The Chair will decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation. The exclusion would be the normal penalty in cases where the Chair believes the offence has rendered the student unfit to be a member of the Academy community. An exclusion will be automatically imposed if the student fails to make written representations within 16 calendar days unless the Chair is satisfied that there are exceptional circumstances why the student could not respond within the timescales.
- 4.11.2 Where a non-custodial sentence has been imposed following a criminal conviction, the Disciplinary Committee will decide whether a suspension should be imposed.
- 4.11.3 Such students would retain the right of appealing the committee decision.

## **Part C: The Disciplinary Code**

### **5 The Disciplinary Code**

5.1 Breaches of the disciplinary code set out in this Part C (the Disciplinary Code) may be determined by the Academy to be of a minor or major nature and will be dealt with under the appropriate section of the Disciplinary Procedure.

5.2 The Disciplinary Code applies when students are away from the Academy premises, including (but not limited to) in the following circumstances:

- ○ taking part in Academy activities related to a course of study, e .g. global trips, field trips, placements, study visits
- ○ representing the Academy, e.g. at sporting or cultural events;
- ○ taking part in voluntary activities recognised by the Academy;
- ○ using the Academy’s services remotely, e.g. Academy IT services;
- ○ using social media ;
- ○ in the community, if misconduct may harm the Academy community or damage the Academy’s reputation, e.g. antisocial behaviour towards neighbours or in public.

5.3 The standard of proof is the balance of probabilities, i.e. that based on the evidence available, then it is more likely that the alleged breach occurred than not. The following shall constitute misconduct under the Disciplinary Procedure:

- 5.3.1 disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the Academy, whether on Academy premises or elsewhere as detailed in point 5;
- 5.3.2 obstruction of, or improper interference with, the functions, duties or activities of any student, employee of the Academy or any authorised visitor to the Academy;
- 5.3.3 abusive, threatening, coercive, manipulative or aggravating behaviour which in the reasonable opinion of the designated senior member of staff or relevant Authorised Officer constitutes violent, indecent, disorderly, threatening, abusive or offensive behaviour or language including that relating to protected characteristics (verbal or written – including social media websites) to any student, employee of the Academy or the Students’ Union or any visitor to the Academy or any member of the local community;
- 5.3.4 sexual misconduct which includes (but is not limited to) assault, sharing sexual images and making inappropriate and unwanted sexual comments;
- 5.3.5 fraud, deceit, deception or dishonesty concerning the Academy or its staff or in connection with holding any office in the Academy or in relation to being a student of the Academy;
- 5.3.6 action likely to cause injury or impair safety on Academy premises;

- 5.3.7 behaviour which in the reasonable opinion of the designated senior member of staff or relevant Authorised Officer is likely to be regarded as harassment, including racial or sexual harassment and harassment on the grounds of disability of any student, employee of the Academy or the Students' Union or any authorised visitor to the Academy. In this context harassment means any behaviour or action, spoken or written words, usually repeated or persistent, directed at a specific person, which annoys, alarms or causes substantial emotional distress to that person without any reasonable grounds;
  - 5.3.8 damage to, or defacement of, Academy property or the property of other members of the Academy community, or the local community caused intentionally or recklessly and misappropriation of such property;
  - 5.3.9 misuse or unauthorised use of Academy premises or items of property (including computer misuse);
  - 5.3.10 misuse or unauthorised use of the Academy's intellectual property (including the sale and sharing of essays or unauthorised sale of other work produced by a student as part of their programme with the Academy);
  - 5.3.11 conduct which constitutes a criminal offence (including a conviction for, or being formally charged with, an offence) where that conduct or the offence is such, in the reasonable opinion of the Academy, as to render the student unfit to continue as a member of the Academy community.
- 5.4 The following are examples of factors which might be taken into account when considering whether conduct covered under 5.3 has rendered a student unfit to continue in the Academy:
- 5.4.1 if the offence took place on Academy premises
  - 5.4.2 if the offence affected or concerned other members of the Academy community
  - 5.4.3 if the offence damaged the good name of the Academy
  - 5.4.4 if the offence in itself constitutes misconduct within the terms of this Code
  - 5.4.5 if it is an offence of dishonesty, where the student holds an office of responsibility in the Academy
  - 5.4.6 if the offence is such as to render the student unfit to practise any particular profession or calling to which that student's programme directly leads
- 5.5 Behaviour which could bring the Academy into disrepute; this may include the misuse or consumption of alcohol, "legal highs" or other psychoactive substances. This includes any misbehaviour that may occur whilst students are undertaking overseas travel as part of the global programme of events;

- 5.6 Possession, supply and production (or any attempt to do so) of illegal drugs and/or “legal highs” or other psychoactive substances;
- 5.7 Initiation Ceremonies of any kind. In this context an initiation ceremony is defined as a ceremony during which others are made to take part in demeaning activities to gain formal access to any sports clubs, societies or any student groups, or for the awarding of an emblem or other status associated with that club, e.g. a tie, trophy or club/society/group office. Any student who is involved in an initiation ceremony and/or the planning and preparation of an initiation ceremony or who participates in the improper coercion or manipulation of students during a ceremony will be found to be in breach of the Academy disciplinary code, whether under the influence or not of any intoxicating liquids, solids or gases, to their physical or mental detriment.
- 5.8 Failure by the student to disclose his/her name or other relevant details, or to surrender a student registration card, to an officer, or employee of the Academy in circumstances when it is reasonable to require that information be given;
- 5.9 Knowingly allowing the misuse or unauthorised use of a student ID by another student or another person; this may include (but is not limited to) unauthorised entry into the library or other Academy facilities;
- 5.10 The ID must be produced and surrendered to any member of Academy staff and/or a member of security staff requesting it. Failing to hand over the ID when requested is a disciplinary offence.
- 5.11 All Students (and visitors) must comply with a reasonable request to leave an area, room or building upon the request of a member of security.
- 5.12 Failure by the student under investigation to co-operate with the Academy, its officers or employees in the investigation of an alleged breach of the Disciplinary Code, and any subsequent disciplinary proceedings. Any student who assists, aids or abets the commission of a disciplined offence by another or, assists another to avoid or escape detection following the commission of an offence, will be treated as if they have committed the substantive disciplinary offence.
- 5.13 Failure to comply with Academy instructions, regulations and codes of practice for the use of all Academy equipment, services, property and facilities;
- 5.14 Failure to comply with all instructions, regulations and codes of practice in operation at any organisation where the student may be placed as part of his/her programme of study;
- 5.15 Failure to comply with terms and conditions set out in a contract for Academy-managed or nominated accommodation;

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- 5.16 Failure to immediately notify the Security of either a criminal conviction or any investigation which might lead to a criminal conviction, including being formally charged with such an offence by the police;
- 5.17 Failure to comply with any additional rules, regulations and codes of practice of the Academy made by the President C.E.O. or Deputy C.E.O. and approved by the Board of Directors, including, but not restricted to, concerning the following:
- Fitness to Practise
  - Ethical Approval for research projects
  - Freedom of Speech
  - Departments
  - Fire and emergencies
  - Health and safety
  - Libraries
  - Licensed bars on Academy premises
  - Smoking
  - Computer and other information technology
  - Placements
  - Illegal drugs or “legal highs”
  - Weapons
  - Students whose behaviour causes concern.
- 5.18 Failure to comply with a penalty previously imposed under the Disciplinary Code by an Authorised Officer or the Authorised Disciplinary Committee. Should a matter arise which the student considers justifying non-compliance or delay in compliance s/he should immediately inform the Authorised Officer or an Authorised Disciplinary Committee. The Academy’s Disciplinary Committee will then decide whether the student’s reasons are justified. If the Academy decides that the student’s reasons are not justified s/he may decide to impose a further penalty or to require the student to appear in person before the Disciplinary Committee. Deliberate non-compliance with a penalty imposed under the Disciplinary Code renders a student liable to expulsion from the Academy.
- 5.20 Student handbooks will provide further information about the standards of behaviour expected of students. The Academy expects all its students to demonstrate high standards of behaviour in their professional and student lives. It is the student’s responsibility to familiarise him/herself with the provision and requirements of professional bodies.
- 5.21 The members of the Students’ Union must comply with the following disciplinary rules made and approved by the Students’ Union and the Board of Directors. The Students’ Union may exercise discipline over its members under such rules as may be made under its Constitution.

- 5.22 The members of the Students' Union must:
- 5.22.1 Comply with the Union Regulations for the conduct of elections and meetings.
  - 5.22.2 Comply with the Union Regulations and with any decision on the use of Union funds made by proper consultation and voting by its members.
  - 5.22.3 Respect the property and services of the Union and comply with the regulations for areas of the Academy administered by the Students' Union.

## **Part D: Investigation of Offences**

### **6 Investigation Aims**

- 6.1 The Academy has a responsibility to approach disciplinary offences fairly, following processes that are easy to understand whilst retaining the right to make decisions on the merits of an individual case.
- 6.2 The procedure should give students and staff clear information about the process, and how to access advice and support.
- 6.3 The procedure allows the students to be accompanied by a companion if required.
- 6.4 The procedure should be clear and accessible, with access via the website or through programme handbooks.
- 6.5 The procedure should be easy to understand, with clear definitions and timelines.
- 6.6 The procedure should be proportionate with three stages; stage one will incorporate an investigation, referral and Outcome report. Stage two will incorporate an investigation, referral, invitation to panel and outcome and stage three is the student's right of appeal.
- 6.7 The procedure should be managed promptly wherever practical. (with the recognition that Fitness to Practise procedures need to be accommodated for in a timely manner with reference to any time limits imposed by Professional Statutory and Regulatory Bodies).
- 6.8 The procedure should be fair, ensuring that each party has an opportunity to present their case. Staff should be properly trained; this can include but is not exclusive to experiential experience and training were undertaken at another educational institution.

- 6.9 The procedure should be independent; free of any mutually agreed conflicts of interest.
- 6.10 The procedure should be confidential.

## **7 Authorised Officers and the Committee of Authorised Officers**

- 7.1 An Authorised Officer is a member of staff having responsibility for dealing with minor disciplinary cases. Each Faculty shall have at least one Authorised Officer appointed by the Senate. The Library officer and Learning Services (or an appointed nominee) shall act as Authorised Officer for minor cases within the Academy's libraries. At least one further Authorised Officer shall be appointed by the designated senior member of staff to deal with minor cases within the Academy's managed or nominated student housing.
- 7.2 The Disciplinary Commission is an ad hoc Committee of Authorised Officers, chaired by Director of Studies or its deputy or another designated senior member of staff or, and its membership shall be drawn from the Authorised Officers, Head of Departments, Students' Union Representatives (which shall compose at least the 25% of the committee), HR and other appropriate senior staff of the Academy.
- 7.3 The Committee is responsible for:
  - 7.3.1 Co-ordinating the processes associated with student discipline within the Academy for the purpose of ensuring consistency of approach to disciplinary matters.
  - 7.3.2 Reviewing the level of authority/powers delegated to individual Authorised Officers (eg the maximum level of sanction which could be applied in cases where there are no specific existing regulations).

## **8 Authorised Officer Procedures**

- 8.1 Breaches of student discipline may be investigated by the designated Authorised Officer, or by a senior member of Academy staff such as a Director or Head of Department in consultation with the HR and Quality assurance officer.
- 8.2 The investigating officer (or their nominated representatives) shall carry

out a full investigation into the allegation; this may include taking statements from the complainant, the accused student and any witnesses and discussing the investigation with the accused student.

## **9 Informal Investigation**

9.1 Where the Authorised Officer considers it appropriate, and before any formal procedure has been invoked, an Authorised Officer may invite a student alleged to have committed a very minor offence to meet with him/her to discuss the matter informally. The student may be accompanied to such a meeting by a student companion and/or member of the Student Assembly.

If the student admits the offence the Authorised Officer will seek to resolve the matter on an informal basis with the student's agreement by, for example, asking the student to make an apology or by the student giving an undertaking to be of good conduct in future. The Authorised Officer may not recommend a formal penalty as an outcome from such a meeting.

9.2 If the student refuses to attend an informal meeting or does not admit the offence or a resolution cannot be agreed, the Authorised Officer will invoke formal procedures as set out in paragraphs 10 to 11 below. Any attempt at informal resolution will not prejudice the outcome of more formal procedures.

## **10 Formal Investigation**

10.1 Following an investigation of an alleged offence the Authorised Officer shall arrange to meet with the student to discuss the allegations. The Authorised Officer shall give 7 days' notice of the date, time and location of the meeting in writing. The Authorised Officer shall inform the student in writing of the details of the alleged offence and invite the student to say whether s/he admits the offence and whether s/he wishes to offer any comments, including any mitigating circumstances. The student may choose to offer such comments either in writing or verbally at the meeting with the Authorised Officer.

10.2 If the student fails, without reasonable excuse, to attend the meeting convened by the Authorised Officer, the Authorised Officer may deal with the case in his/her absence. The Authorised Officer will then advise the student in writing within 7 days of his/her decision concerning the allegations and of any penalty.

10.3 The Authorised Officer shall determine the procedure to be adopted in the meeting, depending on the circumstances of the case. The procedure shall accord with common fairness and shall provide for the following:

- 10.3.1 The accused student has the right to be accompanied by a student companion (whose role is set out in the Glossary to these Regulations). If the student intends to be accompanied by a student companion, s/he shall inform the Authorised Officer in writing of the name and status of their representative in advance of the meeting.
- 10.3.2 The Authorised Officer shall advise the student of the evidence relating to the alleged offence and shall ask whether the student admits or denies the charge.
- 10.3.3 If the student admits the offence the Authorised Officer shall determine what penalty, if any, to impose, taking account of any statement the student makes in mitigation.
- 10.3.4 If the student denies the allegations s/he has the right to present a defence. S/he may call witnesses. The Authorised Officer and/or the investigating officer may ask questions of the student or any witness for the clarification of matters of fact.
- 10.3.5 The Authorised Officer and/or the investigating officer may call witnesses to present evidence. The student has the right to ask questions of the Authorised Officer and/or the investigating officer or of any witness for the clarification of matters of fact.
- 10.3.6 The Authorised Officer may temporarily adjourn the hearing to seek further information, evidence or advice. Where possible, at the time of adjournment, the Authorised Officer and the student shall agree a mutually convenient time for the hearing to be re-convened. Where it is not possible at the time of adjournment to set a time when the hearing shall be re-convened then the hearing shall be re-convened in accordance with section 10.1. The Authorised Officer will share any further information, evidence or advice s/he has obtained with the investigator and the student at the reconvened hearing and give both an opportunity to question any further information, evidence or advice for the clarification of matters of fact.
- 10.3.7 Having considered the evidence, the Authorised Officer shall advise the student at the end of the hearing whether the charge is found to be proven or not proven.
- 10.3.8 If the Authorised Officer finds the case proven s/he may determine what penalty, if any, to impose, taking account of any statement the student makes in mitigation.
- 10.3.9 However, if the Authorised Officer believes that his/her powers to deal with the offence under this provision and/or to impose a penalty are not sufficient or the Authorised Officer believes that the offence deserves a penalty other than

one of those available to him/her then s/he shall refer the case to the Disciplinary Committee. The Authorised Officer may indicate the penalty s/he believes might be appropriate.

10.3.10 The Authorised Officer shall inform the student of his/her decision and any penalty s/he decides to impose at the hearing.

- 10.4 A record of both the incident and the penalty shall be retained by the Quality Assurance Office, Academic Senate and HR Office. The Authorised Officer will formally notify the student, the Dean of Department and the Security in writing of the outcome of the hearing.
- 10.5 In cases where the charge is not proven, the Authorised Officer shall ensure that documentation in the Faculty relating to the matter is destroyed.
- 10.6 If in the course of the investigation and the Authorised Officer's hearing, a matter related to the student's welfare is recognised, then the Authorised Officer may, instead of setting a penalty, require a student to comply with conditions designed to address positively or to resolve the welfare matter. This does not prejudice the student's right to appeal.
- 10.7 In circumstances where paragraph 10.6 applies, the Authorised Officer may, upon a student giving a firm undertaking to fulfil a condition or conditions, withhold the imposition of a penalty for so long as the student fulfils the condition or conditions. Alternatively, the Authorised Officer may waive setting a penalty upon a student giving a firm undertaking to fulfil a condition or conditions. This will allow the Authorised Officer to take account of any welfare or pastoral problems being experienced by the student and to direct the student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services staff who may then refer the student to appropriate assistance.
- 10.8 Any failure by the student to fulfil conditions or comply with a penalty imposed by the Authorised Officer shall be treated as a major offence and referred to the Disciplinary Committee.

## 11 Concluding Investigation

- 11.1 Once the investigation has been concluded, the Authorised Officer shall review the documentation and, taking account of advice from the Clerk to the Disciplinary Committee, shall submit a report with the recommended course of action to the Academic Senate and the Board of Directors.

11.2 The Academic Senate and the Board of Directors, will determine whether the offence is minor or major; and the following relevant procedures will commence:

Part E for Minor offences

Part F for Major offences

### **Part E: Minor offences procedures**

## **12 Minor offences**

12.1 Minor offences against the regulations relating to the operation of the Students' Union are dealt with by a standing committee of the Union.

12.2 Minor offences covered by other regulations (such as Libraries, etc) are dealt with under their local rules, which may allow designated members of staff to initiate immediate disciplinary action for minor, straightforward cases. Appeals against disciplinary findings and/or penalties under the Disciplinary Code are dealt with in the same way as appeals against Authorised Officers' decisions.

12.3 Disputed cases and more serious offences may be referred to the Academic Senate and Board of Directors who will then follow the steps set out in paragraph 10.3.9 above.

12.4 All other minor offences are dealt with under the Authorised Officers' Procedures as set out in paragraph 8 of these Disciplinary Procedures.

12.5 Minor offences are divided into two categories:

minor anti-social behaviour (including drunken behaviour), minor damage, minor offensiveness to staff;

any repetition of behaviour already identified to the student as a minor offence not covered by the Disciplinary Code.

12.6 Where the investigation of an apparent minor offence under any Academy regulations leads to a determination that the offence was a major offence, the matter shall be dealt with under the procedure for major offences under the jurisdiction of the Disciplinary Committee.

12.7 Any attempt by a student to interfere with, harass or otherwise influence in any way any complainant or witness in a minor disciplinary case shall be considered a major disciplinary offence and grounds for immediate transfer of the case to the Disciplinary Committee. Under these circumstances, the Authorised Officer shall write formally to

the Clerk to the Disciplinary Committee requesting that a hearing of the Disciplinary Committee be convened.

### **13 Minor Offences Penalties**

13.1 An Authorised Officer may impose one or more of the penalties set out below:

13.1.1 That the student is prevented from undertaking certain Academy activities. This penalty will only be imposed after consultation with the Clerk to the Disciplinary Committee and/or Head of Senate and Head of Student Assembly.

13.1.2 A formal reprimand (verbal warning), confirmed in the form of a written note, which will be kept on the Authorised Officer's file for three full terms. This penalty will be most appropriate in cases which can be resolved relatively informally, where the accused student admits the charge, expresses genuine regret at having committed the offence and where the complainant is satisfied that the matter has been satisfactorily resolved.

13.1.3 A written warning which will be kept on the Authorised Officer's file and the students' Academy record for a period of three full terms.

13.1.4 A requirement that the student makes an apology to any person or persons named (usually the complainant). This may either be made in writing or verbally, depending on the circumstances of the case, wording to be approved by the Authorised Officer.

13.2 Notwithstanding any penalty imposed by the Authorised Officer, the Authorised Officer may also order a student found to have committed a disciplinary offence to reimburse the Academy for any costs reasonably incurred by the Academy in carrying out any necessary repairs or replacing any items requiring replacement arising from any damage caused by the student or for which the student is responsible.

### **14 The appeal against a minor offence decision**

14.1 A student has the right to appeal against the decision of an Authorised Officer on certain specific grounds only. The grounds for appeal and the appeal process are explained in Part G below.

## **Part F: Major offences and the Disciplinary Committee**

## 15 Major offences

- 15.1 Major offences include for example (but not limited to):
- 15.1.1 repetition or systematic repetition of minor offences;
  - 15.1.2 offences other than academic offences in connection with Academy assessments;
  - 15.1.3 actions and/or omissions in breach of the Academy's Code of Practice on Freedom of Speech;
  - 15.1.4 attempts to influence complainants and/or witnesses in minor or major disciplinary cases;
  - 15.1.5 other serious offences eg possession of class drugs, damage to or on Academy premises, theft, assault;
  - 15.1.6 obstructing or harming the operations, safety and discipline of the Academy.
- 15.2 All major offences are dealt with by the Disciplinary Committee other than those offences committed in connection with Academy assessments which are dealt with by the Academic Offences Panel or the appropriate Assessment Board. Appeals against a decision of the Disciplinary Committee are dealt with by the Disciplinary Appeals Committee.
- 15.3 The student's disciplinary record of cases found proven by a Disciplinary Committee may be referred to in any confidential reference which is provided by a member of Academy staff.

## 16 Suspension

- 16.1 The Academy reserves the right to suspend a student who is the subject of a disciplinary investigation arising from an allegation that s/he has committed a major offence or who is the subject of an investigation carried out under Faculty Fitness to Practise procedures. Additionally, the Academy may suspend a student in other extraordinary situations where the suspension is deemed appropriate and necessary by the designated senior member of staff. In such cases, the Board of Governors will be notified of the decision at an appropriate meeting.
- 16.2 The Academy reserves the right to issue a full suspension or a partial suspension.
- 16.3 Only the designated senior member of staff has the power to immediately suspend a student from the Academy or to exclude the student from particular

facilities or activities or to require that the student have no contact with a named person or persons if there is good and sufficient cause. This may include students against whom criminal charges are pending or who are the subject of a police investigation. The decision of the designated senior member of staff shall normally be taken following receipt of a report from the Security (or nominated Deputy) or, in matters relating to fitness to practise, from the Head of the relevant School.

16.4 In particular, the designated senior member of staff has the authority to suspend any student where, in his/her reasonable view, the student's continued presence as a member of the Academy community:

16.4.1 represents a threat to the safety or well-being of students, staff or visitors to the Academy, or colleagues and/or clients where the student is in practice placement, or

16.4.2 represents a potential hazard in accordance with the Academy's policies on health and safety, or

16.4.3 would be prejudicial to the student's best interests, safety or well-being, or

16.4.4 would jeopardise a full and proper investigation being carried out by either the police or an Academy investigator, or

16.4.5 would disrupt or interfere with the academic, administrative or other activities of the Academy, or

16.4.6 is liable to bring the Academy into disrepute.

16.5 The suspension/exclusion shall be reviewed every 4 weeks (or earlier if new evidence becomes available) by the designated senior member of staff who may confirm, revoke or vary the suspension/exclusion in the light of any developments or of any representations made by the student or anyone on his/her behalf.

16.6 If the suspension/exclusion is for more than 14 days' duration, the suspended/excluded student has the right to appeal, through written representation, to the President C.E.O. or Deputy C.E.O..

## 17 The Disciplinary Committee

17.1 The Disciplinary Committee consists of:

- Chair: the Director of Studies, Head of Academic Senate
- The Ethics Committee

- In the case of students on taught courses, a member of academic staff who has either been trained or is already experienced in such matters
- The President of the Student Assembly and/or the Student Ambassador/Secretary and the Student representative of the Department.
- The HR Officer
- Head of the Quality Assurance office or Deputy.

17.2 All members of the Disciplinary Committee shall be present at a hearing.

## **18 The Disciplinary Committee hearing**

18.1 The Head of the Committee or other investigating officer shall lodge a formal written complaint immediately on completion of a disciplinary investigation in cases where the student might be required to appear before the Disciplinary Committee.

18.2 Where a student admits, in writing, an offence which would normally be put to the Disciplinary Committee, the Chair of the Disciplinary Committee will undertake a review of written submissions. The Chair alone may decide what penalty, if any, is to be imposed, taking into account any written statements in mitigation provided by the student. If the Chair believes the case to be sufficiently serious as to require a hearing s/he may decide that a hearing should be convened. The Chair may consult the designated senior member of staff in reaching his/her decision on penalty or other matters. The student retains the usual right of appeal to the Disciplinary Appeals Committee.

18.3 If the student denies the offence, or if the Chair of the Disciplinary Committee believes that a hearing should be convened in the case of a student who admits the offence, the Clerk to the Disciplinary Committee shall arrange a hearing of the Disciplinary Committee. The accused student and the complainant will be given notice in writing of the hearing date, the charge and statements and the members of the Disciplinary Committee who will attend the hearing. Due notice of the hearing date will be deemed to have been given 2 working days from the date when a letter of notification was sent to the student's last recorded address. The student will be given not less than 16 calendar days' notice of the date of the hearing.

18.4 If the date of the hearing is too soon to allow a student's student companion to attend, the student may request a new suitable date to be set.

18.5 If the student fails, without reasonable excuse, to attend the hearing, the Disciplinary Committee will deal with the case in his/her absence.

- 18.6 In the case of a complaint concerning a student's conduct concerning his or her suitability for admission to and/or to practise a profession or calling, the Clerk to the Disciplinary Committee may seek, through the Dean of Faculty, a written opinion on the severity of the alleged offence from a relevant external practice area or professional body, before the hearing. Such written opinion shall be presented to the accused student before any disciplinary hearing and taken into account by the Disciplinary Committee in deciding whether the charge is or is not proven and imposing any penalty.
- 18.7 If the student wishes to object to any member of the Disciplinary Committee, the student shall submit his/her objections in writing including the grounds for the objection, to be received by the Clerk to the Disciplinary Committee at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Committee will be identified.
- 18.8 The procedure adopted by the Disciplinary Committee shall provide for the following:
- 18.8.1 The accused student has the right to appear, be heard, to call witnesses and to question the complainant for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair.
- 18.8.2 The student has the right to be accompanied by a student companion. If the student wishes to exercise the right to have a student companion present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least 7 days before the hearing.
- 18.8.3 If the student wishes to call witnesses it is his/her responsibility to make arrangements for their attendance at the hearing. The student must inform the Clerk to the Disciplinary Committee in writing of the names of witnesses he/she will be calling at least 7 days before the hearing. If he/she does not do so, the complainant may request that the hearing is adjourned.
- 18.8.4 The complainant has the right to appear, be heard, to call witnesses and to question the student for the clarification of matters of fact. Such questioning should be addressed through the Committee Chair.
- 18.8.5 The complainant has the right to be accompanied by a companion (whose role is set out in the Glossary to these Regulations). If the complainant wishes to exercise the right to have a companion present, then s/he shall inform the Clerk to the Disciplinary Committee in writing at least 7 days before the hearing.
- 18.8.6 The Disciplinary Committee has the right to question the complainant, the accused student and their witnesses and representatives.

18.8.7 The Disciplinary Committee has the discretion to limit the number of witnesses, and control and limit questioning to matters which are strictly relevant or to adjourn the hearing.

18.8.8 The Committee will retire to decide, on the balance of probability, whether the charge is or is not proven and any penalty and will reconvene on the same day and inform the student, giving their reasons. No later than 5 working days after the hearing, the Clerk to the Disciplinary Committee will confirm to the student in writing the outcome and the reasons for the Committee's decision.

18.9 Subject to the student's right of appeal, the Clerk to the Disciplinary Committee will inform the appropriate members of the Senior Staff of the Committee's decision. If a student is to be expelled from the Academy the Clerk to the Disciplinary Committee will issue the notification of expulsion. Copies of the notification shall be sent to the appropriate Head of Department, the Academic Senate, the BoD, The president and CEO and other relevant senior members of staff.

## 19 Penalties

19.1 The Disciplinary Committee will impose, an appropriate penalty or penalties on a student found to have committed a disciplinary offence by the Disciplinary Committee.

19.2 Some **examples** of penalties are:

19.2.1 Expulsion from the Academy; the student/s will not be eligible for readmission to the Academy at any time in the future.

19.2.2 Suspension for up to a year.

19.2.3 Expulsion from Academy managed accommodation.

19.2.4 Exclusion from particular Academy facilities, premises, services or activities.

19.2.5 A severe reprimand to remain on the student's record until the completion of their studies at the Academy. Any further minor or major breaches of the Academy's disciplinary code must be dealt with by the Disciplinary Committee and if proven will normally result in expulsion from the Academy.

19.2.6 A reprimand to remain on the student's record until the completion of their studies at the Academy. Any further minor or major breaches of the Academy's disciplinary code must be dealt with by the Disciplinary Committee which may impose an appropriate penalty, which, depending on the merits of the case, may be expulsion.

19.2.7 Compulsory attendance at a workshop or training/coaching session.

- 19.3 Notwithstanding any penalty imposed by the Disciplinary Committee, it may also order a student found to have committed a disciplinary offence to:
- Reimburse the Academy for any costs incurred in hearing a case, for example, costs of obtaining a memorandum of conviction;
  - Reimburse the Academy for any costs reasonably incurred by the Academy in carrying out any necessary repairs or replacements arising from any damage caused by the student or for which the student is responsible;
  - make an apology to any named person or persons, either in writing or verbally depending on the circumstances of the case, wording to be approved by the Chair of the Disciplinary Committee;
- 19.4 Any sum ordered to be paid under this provision shall be a debt owed to the Academy and therefore subject to the Academy's normal debt collection procedures unless quashed on appeal.
- 19.5 The Disciplinary Committee may, upon a student giving a firm undertaking to fulfil a condition or conditions, suspend the imposition of a penalty for so long as the student fulfils the condition or conditions. This will allow the Disciplinary Committee to take account of any welfare or pastoral problems being experienced by the student and to direct the student to seek appropriate assistance. This may be by arranging an interview with a member of Student and Academic Services staff who may then refer the student to appropriate assistance. Any failure by the student to fulfil such condition(s) shall be treated as a major offence and referred to the Disciplinary Committee.
- 19.6 Where it is found proof that a student has acted in such a way as to render them unfit for admission to and/or to practise the profession or calling to which that student's programme directly leads, the student will not normally be permitted to continue on that programme. In such cases the Academy reserves the right to inform the relevant professional or regulatory body of the outcome and reasons for the Disciplinary Committee's decision.
- 19.7 The Academy has a statutory duty to refer a student to the Independent Safeguarding Authority where that student has been terminated from training because their behaviour is believed to pose a risk of harm to children and/or other vulnerable people. Only the designated senior member of staff may make such a referral on the recommendation of the Disciplinary Committee.
- 19.8 In cases where the penalty imposed by the Disciplinary Committee is not expulsion from the Academy, the student will be permitted to transfer to another programme within the Academy provided that:
- 19.8.1 The student's conduct would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads;

19.8.2 The student meets the normal entry requirements for the new programme and/or meets any other appropriate academic requirements for entry to the new programme;

19.8.3 There is a place available on the new programme;

19.8.4 The student is accepted as a suitable candidate by the Faculty for the new programme.

19.9 Where such a case is found not proven or, for an exceptional reason the Disciplinary Committee believes the student should be allowed to continue on their programme, the Academy will make reasonable endeavours to find a suitable practice or professional placement to enable the student to complete their qualification where satisfactory completion of a professional placement is a requirement.

19.10 However, it should be noted that the Academy cannot compel practice or placement providers to take students whom they believe are not suitable. If the Academy acting reasonably cannot find a suitable placement the student will not be able to continue on their programme. The student will, therefore, be permitted to transfer to another programme within the Academy provided the conditions in 19.6 to 19.9 are met.

19.11 The Academy will where possible share relevant investigation findings, the reasoned determination and relevant sanctions with the Complainant and Witnesses. ‘Relevant’ investigation findings and sanctions are those which have a direct impact on the Complainant or Witness.

## **20 The appeal against a decision of the Disciplinary Committee**

20.1 A student has the right to appeal against the decision of the Disciplinary Committee on certain grounds only. The grounds for appeal and the appeal process are explained in Part G below.

### **Part G: Appeals against a disciplinary decision**

## **21 A student’s right of appeal**

21.1 A student has the right of appeal to the Disciplinary Appeals Committee against

- a) an Authorised Officer’s decision or
- b) the decision of the Disciplinary Committee or

## **22 The Disciplinary Appeals Committee**

- 22.1 Subject to paragraph 22.2, the Disciplinary Appeals Committee consists of:
- 22.1.1 a member of the Board of Directors who shall be the Chair, and
  - 22.1.2 another external or recently retired Director of Studies, or Deputy or Head Professor;
  - 22.1.3 a designated senior member of staff; and
  - 22.1.4 a member of the Student Assembly
- All three members of the Disciplinary Appeals Committee shall be present at a hearing.
- 22.2 No person who has been previously consulted or involved in the particular case shall act as a member of the Disciplinary Appeals Committee.

## **23 Grounds for appeal**

- 23.1 A student has the right to appeal only on the following grounds:
- 23.1.1 There is new and relevant evidence which the student was demonstrably and for exceptional reasons unable to present at the Disciplinary Hearing or Authorised Officer's Hearing or during a Faculty fitness to practise investigation. This may include evidence in mitigation. Such new evidence must be submitted with the student's written notice of appeal or, if it is not possible to include the evidence at the time the notice is submitted, the notice must be accompanied by a note explaining the evidence the student wishes to submit.
  - 23.1.2 The Disciplinary Committee, Authorised Officer or Faculty fitness to practise investigation did not comply with their stated procedures.
  - 23.1.3 The penalty made was too severe or was inappropriate or disproportionate to the breach of the Disciplinary Code or fitness to practise standards.

## **24 The Disciplinary Appeals Committee's procedures**

- 24.1 Any student wishing to appeal against a decision of an Authorised Officer or the Disciplinary Committee or Faculty fitness to practise investigation shall give notice of

the appeal in writing, stating clearly the specific grounds on which the appeal is based as listed in paragraph 23 above, and providing appropriate documentary evidence. This notice of appeal (in writing) should reach the Clerk to the Disciplinary Appeals Committee within 10 working days of the formal notification of the decision.

- 24.2 In the event of an appeal, the decision of the Disciplinary Committee (or Authorised Officer or Faculty fitness to practise investigation) will not be carried out until the appeals process is concluded.
- 24.3 The Chair of the Disciplinary Appeals Committee may dismiss an appeal without holding a hearing on consideration of the appeal papers if in his/her reasonable opinion it appears that the grounds of appeal are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other Academy panel.
- 24.4 If the Chair directs that an appeal should be heard, the Clerk to the Disciplinary Appeals Committee shall arrange a hearing of the Committee.
- 24.5 The appellant and the complainant will be given notice in writing of the hearing and the members of the Disciplinary Appeals Committee. Due notice of the hearing date will be deemed to have been given 2 working days from the date when a letter of notification was sent to the student's last recorded address. The student will be given, not less than 16 days' notice of the date of the hearing.
- 24.6 If the student fails, without reasonable excuse, to attend the hearing, the appeal shall be dismissed.
- 24.7 If the student wishes to object to any member of the Disciplinary Appeals Committee, the student shall submit his/her objections in writing including the grounds for the objection to be received by the Clerk to the Disciplinary Appeals Committee at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Disciplinary Appeals Committee will be identified
- 24.8 The procedure adopted by the Disciplinary Appeals Committee shall provide for the following:
- 24.8.1 The appellant has the right to appear and be heard and to be accompanied by a student companion.
- 24.8.2 The complainant has the right to appear and be heard and to be accompanied by a companion).
- 24.8.3 The Disciplinary Appeals Committee has the right to call witnesses, examine any documentation it considers necessary and question the complainant and appellant.

- 24.8.4 The Disciplinary Appeals Committee may set aside, vary or confirm the Disciplinary Committee's (or Authorised Officer's or Panel's) findings and/or may set aside, vary (including increasing) or confirm the penalty imposed.
- 24.8.5 The Disciplinary Appeals Committee shall inform the appropriate members of Senior Staff and the Chair of the Disciplinary Committee of its decision.
- 24.9 The Disciplinary Appeals Committee may suspend any penalty for a given period of time and may set terms for the suspension of the penalty.
- 24.10 The decision of the Disciplinary Appeals Committee is final and not subject to review by any other Academy panel.
- 24.11 The outcome of the Disciplinary Appeals Committee will be communicated through a Completion of Procedures Letter no later than 31 working days from the date of the offence, subject to change as a result of events outside of the Academy's control.

Date and Place

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President CEO

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Chairman of the BoD

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Head of Academic Senate

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## General Regulations and Procedures Affecting Students 2019/2020