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STUDENT DISCIPLINARY POLICY

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Aims & Objectives

The aim of this policy is to ensure that allegations of non-academic misconduct at Applied Business Academy (ABA) are dealt with fairly and appropriately.

The objective of this policy is to define the types of actions that would be considered by ABA to constitute acts of non-academic misconduct, and to provide clear information to staff and students on how allegations of such actions are to be dealt with.

The Student Disciplinary Policy relates to matters of non-academic misconduct. Procedures relating to matters of academic misconduct can be found in the Academic Regulations.

Implementation of policy

At ABA, all students and staff are expected to be responsible for implementing this policy. This policy is available to access by all students including prospective students and staff.

Policy statement

This policy applies to all students who are enrolled or provisionally enrolled on a programme of study offered by ABA. This includes programmes which are externally validated, as well as all programmes leading to a ABA programme offered as progression.

This policy is applicable to all in any circumstances regardless of location in which the student has been granted access by virtue of his or her status as a member of ABA or is acting as a representative for the institution.

Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Where there is concern that mental health, illness or disability may have directly impacted on the behaviour and/or conduct of a student, the matter will be considered under the Fitness to Study Policy as an alternative to disciplinary action. Where necessary, reasonable adjustments will be made to the Fitness to Study or Student Disciplinary procedures in respect of any disability experienced by the student.

Guiding Principles

This policy is concerned with providing clear and defined processes and procedures for dealing with allegations of non-academic misconduct, which are both fair and transparent. Where issues concerning student conduct and behaviour arise in the day to day running of the institution, it is hoped that these issues will be resolved at through an early intervention by a member of staff or appropriate member of the institution. If it is not possible and/or appropriate to deal with the issue at the early intervention stage then the procedure outlined below shall apply.

Misconduct Definitions

ABA would explore the following actions as an constitutional act of non-academic misconduct, that could lead to disciplinary proceedings. The list detailed below is not in any form exhaustive:

1. Acts of fraud, dishonesty, deceit relevant to the institution or any member of the institute.
2. Violence, threatening, disorderly or offensive behaviour whilst engaged in an institutional activity or on institutional premises.
3. Failure to adhere to and respect the rights of others to belief, freedom of speech, practices, or orientation.
4. Misuse of ABA equipment, including using the computers to tamper with the network or to view unauthorised websites or information.
5. Forceful or intentional defacement or damage for any of the institutional rules including those that pertain to the institution grounds.
6. As defined by the UK law, prohibited possession, selling or use of illegal substances or drugs.
7. Bullying, harassment or intimidating behaviour towards any student, staff member or visitor of ABA.
8. Promotion of or selling tickets to non-academic events which have not undergone organisation or authorisation by ABA, and which are therefore not endorsed by ABA branding regulations and approvals.
9. Inappropriate disruption and/or interference with administrative, social, academic or any other activities of ABA.
10. Defacement or intentional damage towards any property to ABA, buildings, or grounds as well as any other properties in the local community.
11. Found in possession of any dangerous objects or weapons including knives, explosives, firearms as defined by UK law.
12. Unauthorised use of ABA address and logos.
13. Smoking within the premises (the UK law states it is illegal to smoke in any enclosed work or public space.) this includes the use of e-cigarette devices.
14. Irresponsible amount of alcohol consumption that results in way of an individual being drunk, having a disorderly conduct or dangerous. Any misconduct committed under the influence of alcohol will be deal with utmost equal severity to acts committed while sober.
15. Any actions that can lead to bringing ABA's name and reputation into disrepute.

Procedure and processes involved

Consideration on the acts of misconduct

Where a student engages in any form of activity which may constitute misconduct under the definition outlined above, and if it is not possible and/or appropriately dealt with the issue during an early intervention phase then this would be drawn to the attention of the Registry Department or a member of the Senior Leadership Team in writing and the student should be informed of this. ABA will report all alleged offences in the first instance to the Police.

The Disciplinary Panel shall consider severity of the misconduct and determine from there whether:

1. The offence conducted is minor and a warning in written format needs to be issued and logged appropriately on student file. The student would retain the right to request for the matter to be taken forward to a full disciplinary panel.
2. Investigation is required to gather further details and evidences.
3. Dismissal of allegation
4. A meeting is held with the disciplinary panel as sufficient evidence is found for the allegation to be dealt with.

If an allegation requires further investigation, the appropriate staff member will seek further evidence or interview witnesses as required. Prior to any investigative meetings, it will be made clear to any person whose co-operation is sought that questions, answers, comments, or the production of documents, relate to an investigation into a student misconduct investigation. Any student participating in an investigation arising under this procedure has the right to be accompanied by parent, friend, or disability advocate.

The investigating officer determines that the allegation of misconduct should be dealt with at a meeting of a Disciplinary Panel, then the student will be informed of the following in writing:

- Date of allegation made
- An allegation has been made against them and what this relates to
- Hearing of the Disciplinary Panel will take place to ascertain the validity of the allegation
- The possible decisions that would be considered and the consequences for the student
- Two tentative dates for the Disciplinary Panel hearing to take place
- Evidence relevant to the allegation including documentation
- It is a requirement that the student must respond to the allegation within 7 working days from receipt of notification and confirm a date for the meeting of the panel to take place.
- Right to be accompanied to the panel hearing by one person who is not attending in a legal capacity
- Disciplinary Panel's right to hear the allegation and review evidence in the student's absence if they fail to respond within the time allowed and no extension has been requested in writing with satisfactory reasons provided
- Right to provide a written submission relating to the allegation
- Right to be accompanied to the panel hearing by one person who is not attending in a legal capacity

In the event that student does not respond within the 7 working days timescale provided from the date of notification, a hearing will be scheduled by the Registry Department or a nominee from their team. The student shall

be provided reasonable notice of the confirmed hearing date as well as a statement informing if they do not attend this, this will proceed in their absence and they will not be entitled to any further notice in the proceedings.

If a student has disabilities that has been provided with a Student Support plan through Student Services and requires reasonable adjustments to be arranging during the disciplinary process, they must contact a member of the Student Services team or inform of this in their response to hearing confirmation.

Membership of Disciplinary Panel

1. A member from the Senior Management Team
2. Programme Leader (as applicable)
3. A member of Student Services (nominated)
4. Independent member of staff (as applicable)

Any potential conflict of interest between any panel member and the student(s) to appear before the panel will result in that panel member being replaced by an alternate with whom there is no such conflict.

All members of the panel will be provided with all the evidence from the allegation or investigation and any statements from the student that the allegation is against.

At all stages the student(s) shall have the right to be present while evidence is being heard, to receive copies of all documentary evidence to be presented, and to be accompanied by a representative who is not attending in any legal capacity. If, after hearing the evidence, the panel decides that the evidence does not support the allegation against the student; all documentation related to the case will be destroyed. The student will be informed that the allegation has been withdrawn and that the matter is closed in writing by the chair of the panel.

If, after hearing the evidence, the panel concludes that the evidence does support the allegation, they will determine the number of warning points that should be issued to the student's record, as outlined below.

The chair of panel will confirm the recommendation to the Registry Department who would notify the student of the recommendations within 7 working days.

Outcome grading System

If the allegations from the disciplinary panel have been supported by sufficient evidence, the final outcomes will be decided between grades 1-4. These are allocated as follows:

Grade 1: No further action / not proven

Grade 2: Conditional

Grade 3: Grave

The panel will under discretion take into account the individual circumstances of each offence (if more than one) and make a decision on what grade is issued accordingly.

Outcome grading System

A student has the right to appeal when they believe that the Disciplinary Procedures have not been followed correctly or the outcome decided is unreasonable. New evidence may be considered at the discretion of ABA on the basis that there is a justified reason as to why the evidence was not provided at the beginning of the disciplinary proceedings.

In such cases, the grounds for appeals should be clearly stated in writing and sent with full support evidence and statement to the Principal and Head of Student Services by responding to the outcome notification within 5 working days of this being issued. ABA reserves the right not to progress any appeal which is submitted out of this deadline. Any appeals received without adequate grounds and evidence will be dismissed.

The appeal will be acknowledged within 5 working days from receipt. After reviewing the appeal, if it deemed the student has sufficient grounds and sufficient evidence has been provided then one of the following shall be considered:

- Reconvene the Disciplinary Panel considering appeal and inform the student of this in writing.
- Convene an Appeals Panel in circumstances where due processes have not been followed correctly and inform the student of this panel in writing.

Policy Monitoring, Review & Effectiveness

A Disciplinary Log of all cases brought under the Disciplinary Policy will be maintained. An annual report will be accessible by the Senior Leadership Team on:

- Number of disciplinary panels held and the outcomes
- Number of appeals made and the outcomes of these
- Any recommendations for amendment to the policy and procedures.

The number of disciplinary panels, outcomes and appeals received will be used to measure the success of the policy.