

STUDENT DISCIPLINARY CODE

2026/27

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STUDENT DISCIPLINARY CODE

SD1 General Principles

SD1.1 The Royal Academy of Music expects all students to conduct themselves in an honest, courteous and considerate manner, make satisfactory academic progress, and abide by the *Regulations*. This is underpinned by the governing principles as outlined at G2.8 and G2.9 of these Regulations and are designed to regulate the behaviour of students as members of the Academy's community.

SD1.2 The Student Disciplinary Code outlines the process that the Academy will use to investigate and deal with cases where a student is suspected to be in breach of the Academy's Regulations and Policies.

SD1.3 Scope of the Student Disciplinary Code

All students are obliged to comply with the Regulations including the Student Disciplinary Code. Students are bound by the Regulations from the point of enrolment until their studentship comes to an end either through graduation or withdrawal from a programme.

The following may be dealt with under the provisions of this Code:

- (i) Any breach of the Academy's Regulations or Policies,
- (ii) Suspected misconduct resulting from a student complaint,
- (iii) Suspected misconduct identified by the Academy,
- (iv) Any notification by a member of the public, external partner, or agency that a student's conduct may constitute a breach of these Regulations.

SD1.4 The Principal, as the accountable officer of the Academy, is ultimately responsible for the Student Disciplinary Code. The Principal delegates their responsibility to the following individuals at each stage of the procedure:

Stage 1: Programme Tutors, Heads of Year, Heads of Department and Heads of Programme

Stage 2: Senior Case Manager

Stage 3: Registrar and Director of Student Operations

Stage 4: Deputy Principal

SD1.5 Any named officer may delegate their responsibilities to another member of the Academy and the procedure shall not be invalidated by this (except SD2).

SD1.6 The Student Disciplinary Code is an internal civil procedure. Its purpose is to define the circumstances where the Academy will investigate and decide whether a breach of the Regulations and/or Policies has occurred. A disciplinary process instigated against a student must be proven on the balance of probabilities. The burden of proving whether a breach has occurred is on the Academy and the most serious sanction that can be applied is permanent expulsion from the Academy.

SD1.7 A formal disciplinary investigation can be instigated or authorised by any member of the Senior Management Team who will appoint an investigator.

SD1.8 The Academy, as a Higher Education provider, has a general duty of care to deliver educational and pastoral services to the standard of an ordinarily competent institution and, in carrying out these services, to act reasonably to protect the health, safety and welfare of their students. In complying with this duty, the Academy will take steps to balance the potentially conflicting rights and interests of individuals during the course of an investigation and when taking any action including precautionary measures.

SD2 Emergency Powers and Precautionary Measures

SD2.1 The Dean of Students or another member of the Senior Management Team can instigate immediate precautionary measures in response to suspected student misconduct. Precautionary measures are discretionary and will be taken where a risk assessment indicates that they are necessary to protect one or more members of the Academy's community when:

- (i) An internal disciplinary process has been instigated,
- (ii) The student is the subject of a criminal investigation, for example there are arrested or interviewed under caution, bailed, charged, or found guilty of a criminal offence (see SD4 in relating to the duty to notify),
- (iii) A serious safeguarding or health and safety concern has arisen in relation to the student.

SD2.2 Precautionary Measures

Precautionary measures that may be taken but are not limited to:

- (i) Immediate removal or withdrawal of studentship from the Academy,
- (ii) Suspension until the end of a disciplinary process or another specified period,
- (iii) Conditions on the student including limiting the scope of access to the Academy, its services, activities, facilities or contact with specified members of its community.

SD2.3 Precautionary measures are not a penalty or outcome to a disciplinary procedure but are instigated where there is an urgent need, or to the extent that they are necessary, reasonable and proportionate in the circumstances.

SD2.4 When precautionary measures are instigated, the student will be notified in writing. The notification will include any conditions imposed, the extent of the measures and a timeframe including review periods (normally on a monthly basis or when there are significant changes that should be considered).

SD2.5 In the event of immediate suspension or withdrawal of studentship, the Principal will be informed, and the student will have the right to make written representations. In these rare circumstances, a student will not be eligible to resume study until a full disciplinary process has been concluded or the case is closed and a review takes place.

SD2.6 If the Academy is notified that a prospective student has been or is involved in alleged serious misconduct including suspected criminal behaviour, the Academy reserves the right to investigate, review, suspend or rescind the offer, or instigate precautionary measures at the start of their studentship. Attention is also draw to SD4 which outlines the processes in relation to allegations of misconduct which may constitute a criminal offence.

SD3 Definition of Misconduct

SD3.1 Definitions

Misconduct is defined in its broadest sense as improper interference with the proper functioning or activities of the Academy by a student.

SD3.2 There are three forms of student misconduct that are dealt with under these procedures:

- (i) operational obstruction: disruption of, or improper interference with any activities of the Academy, whether on or off Academy premises, by a student; including any activities or services carried out on behalf of the Academy;
- (ii) breach of Academy Regulations, Policy or UK laws and legal obligations: including UKVI compliance, Health and Safety at Work Act 1974, Data Protection Act 2018, Equality Act 2010, Intellectual Property and Copyright laws;
- (iii) obstruction of, or interference with, the functions, duties or activities of any student, member of staff or other employee of the Academy or any visitor to the Academy, by a student. This includes any student interfering with the health, safety and welfare of any member of the Academy community.

SD3.3 Misconduct can be committed by a student whether directly or indirectly, in person or online including social media, individually or in collaboration with others, or through a third-party. It can be physical, verbal or psychological.

SD3.4 Misconduct that may also constitute a criminal offence will be reviewed and handled in accordance with the procedures at SD4.

SD3.5 Examples of Misconduct include, but are not limited to:

- (i) Abusive behaviour: threats intimidation, hostility, malice or anti-social behaviour.
- (ii) Harassment, discrimination or victimisation in relation to an individual's sex, sexuality, age, disability, race, religion, marriage/civil partnership, gender reassignment, pregnancy, maternity; (as defined by the Equality Act 2010).; Stalking and harassment (as defined by the Protection from Harassment Act 1997). See [Harassment and Sexual Misconduct Policy](#) and further information is available on the Student Support Hub.
- (iii) Bullying: the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power (as defined by the Anti-Bullying Alliance).
- (iv) Hate incidents or crimes: this relates to the victim or any other person's perception of prejudice in relation to an incident or whether a crime is motivated by hostility based

on race, religion, disability, sexual orientation, or transgender identity (as defined by the CPS and police).

- (v) Anti-Semitic behaviour: Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities (as defined by the International Holocaust Remembrance Alliance (IHRA)).
- (vi) Physical misconduct: punching, kicking, slapping, restraint, biting, pushing, shoving, pulling hair, other unwanted and unreasonable physical contact.
- (vii) Sexual misconduct is, in its broadest sense, any unwanted conduct of a sexual nature. See [Harassment and Sexual Misconduct Policy](#) and further information is available on the Student Support Hub.

Examples of sexual misconduct can include:

- Sexual harassment (as defined by the Equality Act 2010),
- Unwanted sexual attention including jokes, flirting, sexualised comments, demeaning, derogatory or sexually explicit remarks, spreading false or malicious rumours, asking about someone's sex life, asking for sexual acts in promise or exchange for something, giving gifts of a sexual nature.
- Any direct or attempted unwanted physical contact of a sexual nature, whether this does or does not involve aggravating factors such as violence, coercion, exploitation, threats, pressure, malice, bullying, harassment, victimisation or manipulation.

Some allegations of sexual misconduct may constitute a criminal offence. The Academy will consider whether it is appropriate for the allegation to be referred to the police in consultation with the complainant (as outlined in SD4).

Consent may be relevant when considering sexual misconduct. It is a complex area defined in criminal law and requires consideration of a number of factors. For the purposes of sexual misconduct allegations, consent to sexual activity is whether a person agreed by choice and had the freedom and capacity to make that choice.

Principles to consider in relation to consent:

- Consent can change over time and can be withdrawn at any time.
- There is no requirement on the part of a complainant to communicate a lack of consent.
- It should be considered whether the subject of a complaint had a reasonable belief in consent at the time when the sexual activity took place.
- Consent cannot be implied, assumed, or coerced.
- Intoxication may be a factor but is not a defence.

Vulnerability (of the alleged victim) may be considered as an aggravating factor and can include:

- A power dynamic including seniority, status of studentship or professional status.
- Physical or mental health including disability or impairment.

- Sexual orientation, age, gender or cultural vulnerability.
 - Emotional, financial or career dependency.
 - Voluntary or involuntary intoxication (alcohol, drugs or medication).
 - Isolation or limited access to support.
- (viii) Fraud, bribery, deceit, deception, or dishonesty by a student in relation to being a student of the Academy or involvement in any activity, use of any facility, any role or position, including external activities.
- (ix) Radicalisation, terrorism and extremism: any conduct that encourages extreme views or beliefs or expresses support for terrorist groups and activities. This includes accessing materials, sharing extreme views, fundraising or providing money to prescribed groups. This relates to the Academy's Prevent duties under the Counter Terrorism and Security (CT&S) Act 2015.
- (x) Possession of the following prohibited items while on Academy premises or whilst engaged in Academy activity elsewhere:
- Illegal drugs
 - Weapons
 - Fireworks or other explosive substances
 - Anything that can cause injury or be used to commit an offence.
- (xi) Falsification or serious misuse of records, such as transcripts and degree certificates.
- (xii) Engaging in any Academy activity whilst under the influence of alcohol or illegal drugs.
- (xiii) Causing a Health and Safety concern including action by a student or students likely to cause injury or impair safety on Academy premises.
- (xiv) Damage to, theft, or defacement of, Academy property or the property of other members of the Academy community or property available for the use of the Academy community (e.g. rented or leased equipment) caused intentionally or recklessly, and misappropriation of such property by a student or students;
- (xv) Misuse or unauthorised use of Academy premises or items of property by a student or students, including the inappropriate use of IT services or facilities by a student or students.
- (xvi) Reputational damage: behaviour by a student or students which brings the Academy into disrepute.
- (xvii) Failure by a student or students to comply with a previously imposed penalty under this Code.
- (xviii) Any other behaviour that may constitute a criminal offence.

SD3.6 All allegations of misconduct will be reviewed and taken seriously. An assessment will be carried out by the Academy to determine how the misconduct will be dealt with. Any formal complaint of misconduct will automatically be investigated at Stage Two of the procedure.

SD4 Allegations of misconduct which may constitute a criminal offence

SD4.1 In dealing with cases of misconduct which may constitute a criminal offence, the criminal process will take priority. A disciplinary process may be suspended until the criminal process has concluded.

SD4.2 The Academy may take precautionary measures pending the outcome of criminal proceedings as outlined at SD2.

SD4.3 If the matter is not dealt with under a criminal process, or where the criminal process has concluded, the Academy will consider whether a breach of the Student Disciplinary Code has occurred.

SD4.4 If a criminal investigation is instigated at any stage during an Academy's disciplinary procedure, including after an outcome has been reached, the procedure will be paused. Any documentation including emails, reports, letters and other evidence may be disclosed as part of criminal investigation or other legal obligation.

SD4.5 Where a finding of misconduct is made and the student has also been convicted and sentenced by a criminal court in respect of the same facts, the penalty set by the court shall be taken into consideration in determining an outcome under this code.

SD4.6 If a student becomes the subject of a police investigation during their studies, they must inform the Dean of Students immediately, so that the Academy can exercise its duties in relation to both safeguarding and student support to all students.

SD4.7 Failure by a student to disclose that they are being or have been investigated, arrested, interviewed, charged, or convicted of a criminal offence while enrolled will result in disciplinary action under this code.

SD5 Handling of Disciplinary cases

SD5.1 The Academy will consider the principles of natural justice when managing allegations of misconduct and instigating disciplinary procedures:

- (i) No one should judge their own case: cases should be dealt with impartially and with fairness;
- (ii) The right to be heard: the subject of an allegation has the right to know the case against them and have the opportunity to respond;
- (iii) The right to an unbiased and impartial tribunal decision makers must operate without bias or reasonable perception of bias.

SD5.2 In all disciplinary proceedings a student is presumed innocent until the contrary is proved on the balance of probabilities.

SD5.3 Confidentiality

The Student Disciplinary Procedure is a confidential process and therefore everyone involved is expected to uphold the principles of confidentiality. Any information shared or

gathered as part of an investigation may be disclosed as part of a safeguarding risk assessment, internal review, or subsequent disciplinary procedure. Evidence gathered during the Student Disciplinary Code may be disclosed as part of the Student Complaints Process, internal disciplinary procedures, as part of an external OIAHE review or when legally required to do so.

SD5.4 Data Protection

Information provided by a student about themselves, or any other data subjects, will be stored and processed in accordance with the provisions of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR). Please see <http://www.ram.ac.uk/privacy> for more information.

SD5.5 The identity of those involved in disciplinary proceedings will only be shared with relevant staff and those involved in the process, at the discretion of the Academy.

SD6 Stage One: Early Resolution

SD6.1 Early resolution is designed to address straightforward concerns at a local level and in an informal way. This includes minor breaches of the Regulations, which may be dealt with by Programme Tutors, Heads of Year, Heads of Programme or Heads of Department

SD6.2 Programme Tutors or Heads of Year may issue up to two written warnings in relation to disciplinary issues. Examples of instances where a written warning may be issued are:

- a) Concerns raised by students that may indicate a breach of the Regulations including misconduct;
- b) Failure to comply with the Regulations without legitimate reason or breach of any of the Regulations;
- c) Absence without approved Leave of Absence;
- d) Failure to engage with or respond to instructions or requests on behalf of the Academy;
- e) Disruptive behaviour or failure to engage appropriately when in activities or on Academy premises;
- f) Pulling out of collaborative commitments such as performance projects, group assessments, or accompanying fellow students in recitals without due notice or good reason;

SD6.3 Programme Tutors, Heads of Year, Heads of Programme/Department may issue up to two written warnings in relation to disciplinary and misconduct issues at this stage.

SD6.4 The first written warning will be issued following a first misdemeanour or offending pattern of behaviour in line with the above. The student will be given a fair opportunity to address the issue at the discretion of the member of staff who issued the warning; however, if the problem persists or further problems arise, a second written warning may be issued or the issue escalated to Stage 2.

SD6.5 Written warnings will be issued via email. They will be circulated to a student's Head of Department, Head of Programme and the Registry. A first written warning will normally

remain on the student record for the remainder of the academic year. A second written warning will remain on the student's record for the duration of the student's enrolment at the Academy.

SD6.6 Through such warnings, students will be made aware in the correspondence with the Head of Year or Programme Tutor that any breach of the Regulations may cause the Student Disciplinary Code to be invoked, which could ultimately result in the termination of studentship if students do not take steps to address the issues that have been identified.

SD6.7 Following the issuing of two written warnings, any further or repeated offences will be referred by the Programme Tutor/Head of Year to the Head of Programme and the Head of Principal Study Department. In cases of alleged misconduct (as defined under SD3), they may be referred directly to the Senior Case Manager at Stage Two of the Student Disciplinary Code.

SD6.8 Where a case has been referred to the Head of Programme and Head of Principal Study Department, a disciplinary meeting will be held with the student in question and in the presence of a member of the Academic Secretariat, who will take notes.

SD6.9 If the Head of Programme or Head of Department concludes that the student requires a further warning, this will be placed on the student's record and will remain there for the duration of the student's enrolment at the Academy. If the Head of Programme or Head of Department concludes that no further offence has been committed, no further action will be taken.

SD6.10 Students in receipt of scholarships and/or bursaries who have a Tutorial warning on file at the time of the Bursary Review meeting will be informed that their ongoing scholarship or bursary funding will be subject to a formal review process. The Academy may decide to withdraw or reduce scholarship or bursary funding either at this stage or in the event of any further disciplinary issues during the remainder of the academic year.

SD6.11 Students should be aware that Academy staff may be required to disclose disciplinary warnings that are live and on file when writing external references.

SD6.12 Students have the right of appeal against any of the decisions resulting from Stage One (including those under SD6.9), which can be made via the [Academic Appeals Procedure](#) (see Regulation AA1).

SD7 Stage Two: Formal Disciplinary Procedure

SD7.1 Formal disciplinary procedures may be instigated in the following circumstances:

- (i) When a formal student complaint has been made, and student misconduct is alleged;
- (ii) When suspected misconduct is identified following an internal review or investigation;
- (iii) When a student is subject to criminal proceedings;

- (iv) On referral by a Head of Year, Tutor, Head of Programme or Principal Study or professional services department;
- (v) Following unsuccessful early resolution or when a pattern of behaviour is suspected.

SD7.2 Where details of a potential formal disciplinary case have been received, an investigation, if not already instigated, will be commenced by the Senior Case Manager or assigned investigator. The duration of the formal investigation will depend on the nature and severity of the case and every effort will be made to conduct the investigation in a timely way.

SD7.3 A student who is identified as part of a formal disciplinary procedure will be notified in writing that an investigation has commenced, the nature of the alleged misconduct, their right to support under the Regulations, any precautionary measures where imposed and reference to the Regulations.

SD7.4 Investigation of Misconduct

A misconduct investigation may take the following steps:

- (i) Gathering of evidence including witness statements, digital information including internal data, internet and social media posts, CCTV or written documentation;
- (ii) An account from the student who is subject to the disciplinary procedures;
- (iii) Any other relevant evidence submitted or identified during the course of the investigation.

SD7.5 Disciplinary meeting

The subject of a disciplinary process will be invited to attend a meeting with the Senior Case Manager or nominated deputy. The student will be informed of the following:

- (i) There is no obligation on a student to attend a disciplinary meeting or provide any statement or account in response to an allegation of misconduct. A meeting will usually be scheduled within 7 working days of the written notification.
- (ii) A student is entitled to be accompanied to the meeting by a student representative, member of the Student Union or ULU. The name of the person attending should be provided 48 hours before the meeting. If another person is requested to attend, approval is at the discretion of the Registrar and Director of Student Operations.
- (iii) Notes will be taken at the meeting. The notes will be sent to the student following the meeting in order to confirm that they are accurate and if necessary, clarify any points mentioned. The notes will be expected to be confirmed within 14 days and if a response is not received without reasonable explanation, they will be assumed to be correct.
- (iv) A student's failure to attend the meeting, lack of response to correspondence or in responding to timeframes set, does not prevent the Academy from proceeding with a disciplinary process including referral to Stage 3.
- (v) The Academy aims to complete disciplinary procedures within 90 days of the commencement of the investigation.

SD7.6 At the conclusion of the formal investigation the Senior Case Manager or the nominated investigator will write a report detailing the findings, whether or not a case for misconduct exists and if there are any mitigating or aggravating factors to consider.

SD7.7 Misconduct outcomes

The following outcomes may be held at the conclusion of a Stage 2 investigation:

- (i) No case to answer. That there is insufficient evidence to show that misconduct took place. In this case the Senior Case Manager will record the rationale and whether any other action is recommended in the circumstances;
- (ii) Case to answer. If a case of misconduct exists, the investigation report and evidence will be referred to Stage 3 Disciplinary Committee for a decision to be made;
- (iii) If a case of misconduct exists and the student accepts full responsibility for their actions, then the matter may be dealt with at Stage 2 and the Senior Case Manager will refer the case to the Stage 3 Chair with a recommended outcome.

SD7.8 If a case is referred to be considered by the Disciplinary Committee, the student will be informed in writing.

SD8 Stage Three: Disciplinary Panel Hearing

SD8.1 The Disciplinary Panel hearing constitutes the formal decision-making stage of a non-academic misconduct process to consider an alleged breach of Academy Regulations or Policy by a student. This includes, but is not limited to, conduct contrary to the [Harassment and Sexual Misconduct Policy](#) as well as examples of misconduct outlined at SD3.

SD8.2 A Disciplinary Panel is comprised of members selected from the Disciplinary Committee, a group whose membership and training is renewed every 3 years. The Chair of the Disciplinary Committee will also convene and Chair a Disciplinary Panel unless there are circumstances that require another senior member of staff to chair the Panel.

The Chair and panel members will be independent and have had no prior active role in the investigation, case management, or initial decisions regarding the circumstances or specific students.

All members of the Disciplinary Panel involved in the process are trained and expected to act within the principles of fairness, confidentiality, impartiality and natural justice.

A Disciplinary Panel will be convened by the Chair following referral of a Stage 2 formal investigation outcome, in order to consider the facts of the case and reach an outcome.

Where two or more students face similar allegations arising out of the same incident or circumstances, the Chair will determine whether the cases will be heard at the same time or separately to ensure fairness for all involved.

SD8.3 The Chair, in consultation with the Senior Case Manager and the Academic Quality Officer, will set a time and place and convene the members of the Disciplinary Panel. The hearing

will normally be held within 10 working days of notification to the Chair of completion of a referral from Stage 2 (or within a reasonable timeframe).

SD8.4 The timeframe for holding the panel hearing may vary outside of the term owing to staff availability. In some cases, alternative staff may be selected from outside the membership of the Disciplinary Committee at the discretion of the Chair and in the interests of avoiding undue delay to the process. Staff will be suitably trained and briefed on the disciplinary panel procedures.

SD9 The Disciplinary Panel

SD9.1 Terms of reference: It is for the Disciplinary Panel, as convened by the Chair of the Disciplinary Committee, to decide on consideration of the facts of the case and on the balance of probabilities:

- (i) whether or not a breach of the Academy Regulations and/or Policies including misconduct has occurred, and if found,
- (ii) determine a suitable outcome on behalf of the Academic Board.

SD9.2 The membership of the Disciplinary Panel will be:

SD9.2.1 The Chair, who is the Registrar and Director of Student Operations, Dean of Students or another member of the Senior Management Team.

SD9.2.2 The membership of the Disciplinary Committee shall usually be:

- a. one Head of Principal Study or professional services department,
- b. one Tutor, Head of Year or instrumental teacher,
- c. one student representative (or the Student Union President),
- d. the Academic Quality Officer or staff member (clerk)

SD9.2.3 The Senior Case Manager or Stage 2 investigator will usually attend for the purposes of presenting the case on behalf of the Academy.

SD9.3 Disciplinary Panel members will not be from the same department as any students involved in the hearing be required to disclose any potential conflicts of interest to the Chair to mitigate the risk of procedural bias. The Chair will make a final determination if reasonable concerns are raised. An external panel member may be selected at the discretion of the Chair.

SD9.4 Full attendance in person will be required by panel members for the disciplinary hearing to go ahead. In exceptional circumstances or where reasonable adjustments are required, it is the discretion of the Chair to permit members to join online and notice must be received within 48 hours of the meeting date.

SD9.5 The Disciplinary Panel hearing is confidential and will be heard in private. No member of the panel or attendee is permitted to audio or video record the meeting and a written record will be made by the Clerk.

SD9.6 The Disciplinary Panel is an internal process and will not normally have external legal advice unless the respondent is legally represented, which is subject to SD10.1.

SD9.7 All parties will be expected to have read the Disciplinary Panel terms of reference and protocols in advance of the hearing. The Chair reserves the right to terminate the hearing if any member fails to observe them.

SD9.8 Alternative formats of the written record may be provided upon request, provided the request is made at least 48 hours prior to the meeting.

SD10 Support and attendance

SD10.1 A student is entitled to be accompanied by an independent staff member, student representative, member of the Student Union or ULU for the purposes of support. The name of the person attending must be provided 48 hours before the meeting. If another person is requested to attend, or the person is not a member of the Academy, this will only be permitted at the discretion of the Chair. A student will not normally be permitted to be accompanied by a family member or legal representative, if this is requested then a determination will be made by the Chair in consideration of all the circumstances.

SD10.2 A student is not obliged to attend a Disciplinary Panel hearing, and they are not entitled to be represented by another person at the meeting. If a hearing has been convened and the student does not attend, the hearing may still proceed in their absence. If the student is unable to attend due to extenuating circumstances beyond their control and their notification is received by the Clerk in a reasonable time before the hearing, at the discretion of the Chair the hearing may be rescheduled.

SD11 Disciplinary Panel Hearings: Protocols and Procedures

SD11.1 The Disciplinary Panel will receive and consider all documentation relevant to the case. The Academic Quality Officer will arrange for the case file containing relevant documents to be made available to the Disciplinary Panel and student subject to the disciplinary proceedings within 5 working days of the meeting. This will include the investigation report except where information is sensitive and/or not considered relevant for determination on the facts of the case. For the purpose of the meeting, a decision by the Chair on any point of procedure will be deemed to be final, subject to an appeal under regulation SD13.

SD11.2 The hearing will start by the Chair reading out the alleged breach(es) and the relevant sections of the Student Disciplinary Code and/or Academy Policy as outlined. The subject of the hearing will then be asked whether these are accepted.

SD11.2(a) If the student accepts the breaches have occurred, the hearing will then focus on determining a suitable outcome(s) as outlined at SD13. The student will be given the opportunity to make representations to the panel in relation to any mitigating factors they wish to be considered.

The complainant will also be given the opportunity to make representations to the Panel. Alternatively, an impact statement will be read to the Panel on behalf of the complainant.

SD1.2(b) If the student does not accept the breaches have occurred, the hearing will commence with a summary of the case by the Senior Case Manager, an opportunity for the complainant to make a statement directly to the Panel, any witness evidence and finally the student subject to the hearing will have the opportunity to make representations including impact statements. Any questions for witnesses will usually be asked through the Chair who will also require the subject to put any questions they have in writing.

SD11.3 At the conclusion of the presentation of facts and questions, the Chair will ask the parties to leave the room while the panel considers their decision. The Chair may ask the student who is subject to the hearing to wait in a suitable location pending the result of the hearing or that they will be informed at a later date/time depending on the circumstances of the hearing.

The Panel will then be asked to determine whether or not a breach of the Student Discipline Code and/or policy has been found. If a breach is found, at the discretion of the Chair, the Panel may be provided with details of any relevant previous breaches or warnings by the subject and consider relevant mitigating and aggravating factors, for the purposes of deciding a suitable outcome.

Mitigating factors may include, but are not limited to:

- a) an admission of breach, acknowledgment of wrongdoing, apology, sincerity and at what stage of the process this was made,
- b) any compelling personal circumstances that are evidenced and considered relevant to be taken into account,
- c) the seriousness of the breach in the context of the full circumstances.

Aggravating factors may include, but are not limited to:

- a) the seriousness of the breach in the context of the full circumstances including the impact on complainant and witnesses, as well as any relevant disruption to the functions of Academy,
- b) a hate element or relevant factor relating to a protected characteristic (Equality Act 2010),
- c) level of vulnerability or factors that indicate grooming, exploitation or abuse of a power including domestic abuse, threats of violence, coercive or controlling behaviour,
- d) attempts to pressure or intimidate a complaint or witness that may indicate victimisation.

SD11.4 The Disciplinary Panel will reach their decision on the basis of a balance of probabilities test, whether on the facts of the case it is more likely than not that the events occurred. A decision of the Disciplinary Panel is reached by a majority vote of the members of the Panel present at the hearing and will be recorded as a decision of the Disciplinary Panel.

SD11.5 The Clerk to the committee will communicate the decision of the Panel to the subject of the hearing, usually within 5 working days (or a reasonable timeframe). This will include a summary of the findings of the Panel and the breaches found to have occurred, as well as the mitigating or aggravating factors considered, and outcome(s) reached with reference to

SD13 and sources of support as appropriate. The student will also be notified of their right to appeal.

SD11.6 If the Disciplinary Panel determines that misconduct was not found on the facts of the case, the reasons for this will be recorded and the decision will be communicated to the subject of the hearing by the Academic Quality Officer usually within 5 working days.

SD11.7 In relation to the decision and outcome, it is for the Chair to determine what information is shared with the complainant and any other relevant persons to ensure that they understand the decisions of the panel and outcomes reached. This may also include other relevant members of staff.

A complainant will usually be informed whether or not a breach has been found to have occurred by the Panel, brief reasons but will not include a fully summary of the hearing or confidential discussions, any outcomes imposed where it directly relates to the complainant, any additional steps the Academy is taking as a result of the findings, and sources of support and advice. It will not usually be possible for a complainant to dispute the findings or outcome of the hearing.

SD12 Stage Four- Appeal against findings or outcomes of a Disciplinary Panel

SD12.1 An appeal of the findings of misconduct by the Disciplinary Panel will be considered subject to the discretion of the Deputy Principal/ Dean of Students in relation to:

- a) the finding of misconduct by the Panel, and/or
- b) the outcome imposed by the Panel.

SD12.2 An appeal must be submitted in writing to the Academic Quality Officer within 7 days of the Stage 3 outcome notification letter. The request to appeal must include sufficient information to outline the basis for the appeal (SD12.1) and the grounds of the appeal as outlined in SD12.3. If insufficient information is provided, the appeal is likely to be rejected on review.

SD12.3 The appeal will only be considered if there is sufficient evidence that one or more the following criteria apply:

- a) new evidence can be produced that could not have reasonably been made available prior to or at the Disciplinary Panel at the hearing;
- b) evidence can be produced of significant administrative error, including prejudicial procedural error, made before, during or after the original hearing;
- c) any other relevant grounds that are likely to have had a material effect on the outcome except where the opportunity to make representations existed at the hearing.

SD12.4 If the appeal is considered, the case file and summary of the decision-making process will be made available to the Deputy Principal/ Dean of Students for consideration. The Deputy Principal/ Dean of Students will not normally request further representations unless exceptional circumstances indicate that an additional hearing is required.

The Academic Quality Officer will inform the student of the outcome usually within 14 days of receipt of the appeal request. This will specify whether:

- a) the appeal submission is rejected due to insufficient grounds or evidence;
- b) the appeal has been considered, and not upheld meaning that the original decision and/or outcome of the Disciplinary Panel remains,
- c) the appeal has been considered, and partly or fully upheld, including the reasoned decisions for this.

SD12.5 The appeal stage is final and concludes the Academy's internal disciplinary procedures. At this point, the student will also be informed that a Completion of Procedures (CoP) letter will be issued. If the Disciplinary Panel reaches a final decision that results in the exclusion or suspension of a student, a COP letter will be issued, regardless of whether or not they submitted a Stage 4 appeal.

A student who remains dissatisfied may make a referral to the Office of the Independent Adjudicator for Higher Education.

SD13 Outcomes to a Disciplinary Procedure

SD13.1 If a Disciplinary Panel decides that misconduct has been found on the balance of probabilities, the Panel may impose one or more of the following outcomes:

- (i) A fine and/or requirement to compensate the cost of whole or part of a financial loss to the Academy (to cover any damages to items or property as appropriate);
- (ii) A formal written warning with regard to future conduct for a specified period of time, including signposting to resources or relevant support and training;
- (iii) A requirement to apologise either in person or in writing to any individuals directly or indirectly impacted by the misconduct;
- (iv) Part or full suspension of access to Academy facilities, premises, activities or use of equipment as outlined and for a specified period of time.
- (v) Suspension of studentship for a specified period of time (usually one academic year).
- (viii) Expulsion from the Academy.