POLICY 004
STUDENT CONDUCT & DISCIPLINE

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Policy 004: STUDENT CONDUCT & DISCIPLINE

1. Introduction

1.1 Statement of Student Conduct – as an ACM student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the institution, your fellow students and its staff. You are an ambassador for the institution and you are expected to behave in a way that enhances the reputation of ACM and all of its students and graduates, and in a way that is sensitive to our culturally diverse environment. You are encouraged, with the support of ACM, to engage actively in the learning process, to be fully committed to your studies and determined to succeed.

1.2 This policy describes the procedure ACM uses for dealing with incidents of **non-academic misconduct** (hereafter referred to as 'misconduct'). Within the rules, types of misconduct and consequences are described as the warning and sanction system.

2. Rationale for the Rules

2.1 These Rules are intended to provide fair and orderly procedures for maintaining reasonable student conduct and behaviour whilst enrolled at ACM. The rules and regulations of the institution, which require students to conduct themselves appropriately and which enable ACM to discipline students in the event of misconduct, form part of the terms of the contract between the parties, which students become a party to on enrolment to ACM.

2.2 These Rules should also be read in conjunction with the Student Charter (Code of Conduct) which sets out what a student can expect from ACM and what ACM expects of its students.

2.3 The Rules will be used to protect the right of all students to pursue freedom of speech within the law, argument, discussion and activities proper to their study in further and higher education, whichever is applicable to their status. All students are encouraged to participate in debate and in a wide range of activities, whether this is directly related to their own study programmes or to matters of wider community and public interest. Equally, all students are expected to respect the rights of others to study, to work and to participate freely in the life of the institution. This is consistent with ACM's values, with the traditions of further and higher education, and with freedoms of speech and association in a democratic society.

2.4 ACM is committed to treating all students fairly and to not make presumptions prior to collating evidence. ACM recognises the various duties and obligations it has to all students, including applying the principles of natural justice, i.e. the right of students to a fair hearing before an impartial decision-maker or decision-makers.

2.5 It is the intention of these Rules to encourage the development of mutual respect between all members of the ACM community. To this end, it is important that students exercise their rights responsibly and with respect for others, thereby contributing to the

orderly running of the institution as a whole. This is the context in which these Rules and procedures should be read and used.

2.6 The Rules are set out in clear stages so as to be a guide to students and to staff. Except in the case of serious offences, the penalties are intended to operate as a series of warnings.

2.7 ACM seeks to process disciplinary cases in a timely manner through considered escalation of concerns as outlined in this procedure. Cases will normally be completed **within 90 calendar days**, including any appeal stage. If the normal timeframe needs to be extended, ACM will inform the student, explain why and update them regularly on progress.

3. Types of Student Misconduct and Consequences

3.1 The table below sets out the types of behaviours which ACM defines as non-academic misconduct. These are separated into misconduct against ACM, misconduct against property, misconduct against a person, and misconduct against the community. It is important to note that the behaviours listed in the table are not exhaustive.

3.2 ACM uses a system of sanctions (warning points) ranging from 0-4 to quantify the level of consequence as a result of the misconduct. The final column in the below table gives an indication of the range of the number of warning points such a behaviour is likely to carry. The number of warning points indicated next to the behaviour is *for guidance purposes only* as an indication to the gravity of the misconduct. Section 9 provides further information on the warning system.

3.3 Table of types of misconduct and consequences

	Misconduct against ACM	
Types of Misconduct	**Examples of Misconduct**	**Level of Warning**
Obstruction of the working of ACM	● Acts/omissions/statements intended to deceive the institution (e.g. withholding information required for statutory purposes).	0 - 2
	● Disruption of the functions, duties or activities of any student or employee of ACM or any authorised visitor to the institution	0 - 4
	● Disruption of the workings of ACM:	
	- Administrative (e.g. refusal to present a student ID card when requested by an employee of the institution or misuse of a student ID card	0 - 2
	- Breach of booking/guest policies/procedures	0 - 4
	- Breach of exclusion/suspension conditions	0 - 4
	- Academic (e.g. disruption of teaching or learning environment through the usage of a mobile phone)	0 - 4
	- Extra-curricular or social (e.g. disruption at an	0 - 4

	ACM-related internal or external event)	
Reputational damage	● Behaviour which could damage the reputation of ACM or bring ACM into disrepute (e.g. anti-social behaviour within the community). ● Behaviour which has damaged the reputation of the ACM or brought ACM into disrepute.	0 - 2 2 - 4
Fraudulent or deceitful behaviour	● Fraud/attempted fraud, bribery, deceit, deception or dishonesty in relation to ACM or its staff or in connection with holding any office in the institution or in relation to being a student of ACM. ● Knowingly making a false and vexatious allegation against ACM or against any student or staff member. ● Use or issue of fraudulent documentation relating to qualifications and academic performance. ● Use or issue of fraudulent documentation NOT relating to qualifications or academic performance. ● Coercion or attempted coercion. ● Blackmail or attempted blackmail.	0 - 4 2 3 4 4 4

	Misconduct against Property	
Types of Misconduct	**Examples of Misconduct**	**Level of Warning**
Damage to property	● Causing damage or defacement to ACM of associated property or the property of students, employees or visitors to ACM, caused by: - Misuse/inappropriate use of property - Negligence - Reckless behaviour - Intentional behaviour	 0 - 1 0 - 2 2 - 3 3 - 4
Unauthorised or Inappropriate Use of Property	● Misuse of ACM premises or property, for example, using a studio for a social gathering. ● Unauthorised use of/entry onto ACM premises or property, including computers and studio equipment. ● Unauthorised recording of a learning activity. ● Unauthorised publication of a recorded activity (e.g. on YouTube, Facebook etc.) including malicious or defamatory comment. ● False activation of a fire alarm. ● Deliberate misuse of the ACM computer network, e.g. hacking, uploading of unauthorised or inappropriate data.	0- 2 0 - 2 1 3 3 3 - 4

	● Unauthorised use of intellectual property. ● Infringement of copyright materials (e.g. selling or uploading materials to an essay mill).	2 - 4 2 - 4
Taking of property	● Taking property belonging to another person without permission. ● Stealing personal property, excluding cash. ● Stealing or non-return of ACM property ● Stealing cash and goods. ● Repeated act of stealing.	1 - 2 2 1 - 4 3 4
Causing a Health or Safety concern	● Act/omission that did cause or could have caused a health and safety concern on ACM premises, including external facilities used for ACM purposes (for example, smoking cigarettes in non-designated areas). ● Act/omission that did cause or could have caused serious harm, injury or impairment of safety on ACM premises, including external facilities used for ACM purposes, or during ACM activities (for example, disabling fire extinguishers, or covering up a smoke detector). ● Possession of an object which may cause harm, alarm and/or distress, including offensive weapons e.g. bladed articles, pepper spray, firearms, all replicas and any object intended or adapted for such purpose, such as the use of acid in a water pistol or a snooker ball. Note: possession is irrespective of intent to harm.	1 - 4 2 - 4 2 - 4
Illegal Substances	● Consumption of and/or possession of illegal substances or associated paraphernalia on ACM premises, including external facilities used for ACM purposes. ● Dealing, including intent to supply, illegal substances on ACM premises, or outside of ACM premises whilst a registered student, including external facilities used for ACM purposes.	0 - 2 4

	Misconduct against People	
Types of Misconduct	**Examples of Misconduct**	**Level of Warning**
Physical Misconduct	● Pushing and/or shoving ● Pulling hair ● Inappropriate physical contact ● Punching ● Kicking ● Slapping ● Biting	0 - 2 0 - 2 0 - 4 2 - 4 2 - 4 2 - 4 2 - 4

	The above includes where actions have been motivated for self-defence reasons though this may be taken into account as a mitigating factor when considering sanctions.	
Abusive Behaviour	● Use of inappropriate language (violent, aggressive, abusive, threatening, defamatory or offensive language), directly or indirectly or online.	0 - 4
	● Sending inappropriate messages by email, text or on social media.	0 - 2
	● Acts of stalking, including following a person, watching or spying on them or forcing contact directly, indirectly or online.	1 - 4
	● Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person.	1 - 4
	● Any form of bullying or harassment* directly, indirectly or online, including acting in an intimidating and hostile manner.	2 - 4
	● Any form of repeated harassment in person, writing, by email, via the internet (including social media) or otherwise.	4
	● Threats to hurt another person or retaliate, directly, indirectly or online.	2 - 4
	● Abusive comments relating to an individual's sexual orientation, religion or age, directly or indirectly or online.	2 - 4
	● Intimidation: verbal or physical, directly, indirectly or online.	3 - 4
Sexual Misconduct	● Making unwanted remarks of a sexual nature, directly, indirectly or online.	0 - 4
	● Inappropriately showing naked or semi-naked images to another person, for example, via social media.	1 - 4
	● Intimate contact without consent (e.g. touching, kissing, invading another person's personal space).	1 - 4
	● Indecent public exposure (e.g. flashing).	3 - 4
	● Sharing sexualised materials of another person (whether fully naked or not) without consent, directly, indirectly or online.	3 - 4
	● The taking or making of images of a person of a sexualised nature (e.g. photographs or AI-generated images).	2 - 4
	● Sexual harassment, stalking or persecution (virtual or real) of someone with unwanted and obsessive attention.	2 - 4
	● Bullying or harassing behaviour (physical or non-physical) based on a person's sexuality or gender, directly, indirectly or online.	4
	● Attempted sexual assault or rape.	4

	● Sexual assault.	4
	● Sexual intercourse or engaging in a sexual act without consent.	4

*harassment – unwanted conduct which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

	Misconduct against the Community	
Types of Misconduct	**Examples of Misconduct**	**Level of Warning**
Antisocial behaviour on campus	● Smoking/E-smoking on ACM premises, other than in designated smoking areas.	1 - 2
	● Consumption of alcohol in a teaching/learning environment unless explicit permission has been granted (e.g. as part of a private viewing or event).	1 - 2
	● Excessive printing or copying, or other unauthorised use of printing or copying facilities.	1
Antisocial behaviour in any location	● Environmental damage including littering, dumping of rubbish, inappropriate usage of bins, fly-tipping.	0 - 2
	● Inconsiderate or inappropriate use of vehicles or travel conveyances, including e-scooters, bicycles and motorcycles, inconsiderate or inappropriate parking and vehicle noise.	0 - 2
	● Misuse of fireworks.	2
	● Repeated inconsiderate behaviour towards others, including the use of e-scooters, bicycles and motorcycles.	2 - 4

3.4 Penalties are determined depending upon the gravity of the case and/or the ongoing nature of the misconduct. The greater the severity of the misconduct, the greater the number of warning points and the greater the severity of the penalty. The range of penalties available include: a formal warning, restrictions/conditions, a written apology, suspension or deregistration.

4. Rationale and Scope of the Rules on Student Conduct and Discipline

4.1 Action taken under these Rules shall supersede any action taken under any other rules relating to the conduct of those enrolled with ACM.

4.2 Students accept, subject to their signed agreement as part of the enrolment process, that they will comply with the policies and procedures of ACM, and the academic regulations of ACM and, where applicable, its validating partners (e.g. in the case of FE).

4.3 Students shall observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of ACM acting by authority of the Executive. Breach of the provisions of the Policies, Codes, Rules and Regulations of ACM or failure to comply with a previously imposed warning under this Code or any other Policies, Codes, Rules and Regulations of ACM may result in disciplinary action.

4.4 Students shall observe all lawful regulations or directions in relation to the effective organisation and management of ACM, which may be made or given by staff of, or contractors to, the institution, acting on the authority of the Executive (for example, regulations or directions in relation to health and safety, the use of facilities, the use of computers, refreshments, entertainment events and the payment of fees and charges).

4.5 The conduct covered within these Rules shall constitute misconduct if it takes place on ACM property or premises or elsewhere if the student concerned was involved in an ACM activity, was representing ACM or was present at that place by virtue of their status as a student of ACM, including any work placement.

4.6 It shall also constitute misconduct in any location whatsoever if the actions bring or have potential to bring ACM into disrepute, through reputational damage or other harm.

4.7 The Student Conduct and Discipline rules extend to alleged misconduct by a student occurring on or off ACM premises (including via social media) where the alleged victim is ACM itself, a student or employee of ACM or others visiting, working or studying at the institution and to alleged misconduct occurring during institution activities (including placements and field trips).

4.8 ACM is committed to putting in place measures to ensure students are dealt with fairly and impartially. Part of this commitment includes the ability to bring representation to meetings under this policy, and our commitment to enable students to continue with their studies wherever possible.

4.9 This policy/procedure relates to all ACM provisions, including at our London, Guildford and Birmingham campuses.

4.10 Definitions

(a) ‘Suspension’ is a temporary precautionary measure that refers to forbidding attendance at, or access to, any parts of ACM and any participation in ACM activities. The suspension may be subject to qualification, such as permission to attend for the purpose of assessment. The exact details of the exclusion will be specified in writing.

(b) ‘Exclusion’ involves selective restriction on attendance at, or access to ACM, or forbidding carrying out the functions or duties of any office or committee membership in ACM or the Student Voice Committee. The exact details of the exclusion will be specified in writing.

(c) ‘Deregistration’ involves the permanent withdrawal of the student from all activities concerned with ACM.

(d) ‘Risk Assessment’ is an assessment carried out in accordance with section 4.13 below, to evaluate what if any risks there might be in allowing a former student to be readmitted to ACM for any course offered by the institution.

(e) 'Reporting’ student, person or party refers to the person who reports the alleged breach of the Student Conduct and Discipline rules.

(f) 'Reported' student, person or party refers to the person who is alleged to have breached the Student Conduct and Discipline rules.

4.11 Evidence

Evidence is:

(a) any statement(s) and other supporting information received from the reporting student(s) or reporting party;

(b) any statement(s) and other supporting information received from the reported student(s);

(c) any statement(s) and other supporting information received from other witnesses.

Normally, unless the reporting student objects, their evidence will be shared with the reported student. If the reporting student does not wish to have their evidence shared, ACM will respect that decision and the report will then be viewed as an anonymous report, which may affect the investigation and the outcome.

ACM does not consider character references as evidence.

If the matter has been referred to the police, the reporting student should provide their crime reference number or CAD number to ACM within 10 working days of reporting the incident. The reporting student should keep ACM updated on the police investigation.

Failure to provide the requested information may result in ACM being unable to investigate the alleged misconduct. It is the responsibility of the reporting student to cooperate fully with ACM.

4.12 Timeliness

ACM will normally conclude the procedure pertaining to the alleged misconduct within 90 calendar days of the start of the investigation stage.

4.13 Readmission Risk Assessment

(a) The Academic Registrar (or nominee) will identify an appropriate panel of staff to carry out the Risk Assessment.

(b) The panel's evaluation will take into account all information that it considers is relevant to the Risk Assessment, including how serious the previous misconduct was. The panel may request a meeting with the former student, and/or other relevant individuals. The panel may decide the following outcomes when it has completed the Risk Assessment:

- Conclude that there is no risk to the applicant being readmitted;
- Reject the student's application for admission based on the assessed risk(s) to admission, and the conclusion that the risks cannot be adequately managed if the student was readmitted. Such a decision is final;
- Conclude that there are risks, but that the student may be readmitted taking into account actions that ACM can take to manage the risk.

5 The Disciplinary Procedure

Stage 1: Early Resolution and Reporting

• Misconduct resolved at local level by a member of staff (by sanctioning a penalty of 0 warning points, i.e. a warning letter).

• If resolution at local level is not possible or inappropriate, the misconduct is reported to the Student Conduct Investigatory team.

Stage 2: Investigation

• The Student Conduct Investigatory team gathers evidence (e.g. written statements, reports, emails).

• The student may attend an investigatory meeting to answer questions and present their version of events.

• The Academic Registrar (for HE) or the Principal of Further Education (for FE) (or their nominee) considers the evidence and determines the following:

- o To take no further action;
- o To issue a Formal Written Warning, including sanctions;
- o To order the making good or restitution of damage or loss;
- o To suspend, pending further investigation, or to exclude;
- o To set up a disciplinary panel.

Stage 3: Disciplinary Panel

• The student is advised in writing that a disciplinary panel will be formed to consider the alleged misconduct.

• The student is invited to a disciplinary hearing in front of a panel to answer questions about the alleged misconduct and give an account of their version of events.

• The student has the right to be accompanied for the purposes of support (see paragraph 6.5).

• Within 5 working days of the disciplinary hearing taking place, the disciplinary panel convenes to consider all evidence presented before it and to decide an outcome (more than one of the following may apply):

- o To take no further action;
- o To issue a written warning, including sanctions;
- o To order the making good or restitution of damage or loss;
- o To suspend or exclude the student;
- o Where 4 or more warning points have been reached or exceeded, a verdict decision of suspension or deregistration to be reached.

Stage 4: Appeal

• The student has the right to appeal to the Executive Dean of Education (or nominee) via appeals@acm.ac.uk and within 10 working days if aggrieved by the verdict made by the disciplinary panel, the decision to suspend, exclude or deregister, or by an order to make good of damage or loss.

• The Executive Dean of Education (or nominee) will consider the case.

• The verdict of the Executive Dean of Education (or nominee) marks the completion of ACM's internal procedures. At this point, the student will be issued with a Completion of Procedures letter, which allows recourse to the Office of Independent Adjudicator (OIA).

Stage 1: Early Resolution and Reporting

5.1 Where a student engages in any activity which may constitute misconduct under the ACM's Student Conduct and Discipline rules, the following procedures shall apply.

5.2 Where issues concerning student conduct and behaviour arise in the day to day running of the institution, where possible, these issues are to be resolved at a local level by a member of staff or a contractor normally within 21 working days of the date of the incident.

5.3 With respect to student conduct and behaviour in a learning or teaching environment, appropriate managers are empowered, on an individual basis, to issue a written warning (0 warning points). Managers do not have the authority, on an individual basis, to impose sanctions greater than 0 warning points. All sanctions greater than 0 warning points shall only be imposed by a disciplinary panel.

5.4 If it is not possible and/or appropriate to deal with an issue at a local level or the issue concerns misconduct which appears to be actually or potentially serious i.e. is deemed to warrant a sanction greater than 0 warning points (warning letter), the matter shall be reported to the attention of the Student Conduct Investigatory team.

5.5 If a concern is reported to the Student Conduct Investigatory team, the student will normally be informed of this.

5.6 Depending on the nature of the concern and the information available, a decision will be made by the Academic Registrar (or nominee) on whether or not to suspend or exclude the student pending further investigation. A risk-based approach may be used to inform this decision.

5.7 ACM is committed, where possible, to ensuring students can remain engaged with their studies whilst disciplinary proceedings are ongoing.

5.8 ACM will consider any reasonable adjustments for investigatory meetings and disciplinary hearings if they are provided by the student not less than 24 hours prior to the meeting.

5.9 Suspension/De-registration is most likely to be used only if the seriousness of the case warrants it.

5.10 A student who is suspended or excluded during an investigation into their conduct will have the opportunity to request a suspension/exclusion review. The panel will not normally enter into discussion about the substantive nature of the allegation with the student as this will be reserved for the Investigation stage of the Disciplinary process. A request for a suspension/exclusion review should normally be made in writing and will normally take place within 5 working days from the date of the request.. In addition, the student may at any stage request a review of the suspension/exclusion decision by the Academic Registrar (for HE) or Principal of Further Education (for FE) (or their nominee) if there is a material change in circumstances.

5.11 In a suspension/exclusion review, the panel will consider:

- any relevant reports, documents and records;
- the student's response to the allegation;
- any relevant witness statements; and
- the seriousness (and frequency) of misconduct.

It is the panel's responsibility to determine the outcome of the suspension/exclusion review and to decide one or more of the following options:

- to lift suspension and take no further action;
- to lift the suspension and impose exclusion conditions;
- to keep the suspension/exclusion conditions in place, pending further investigation;
- to progress to a disciplinary hearing.

A risk-based approach may be used to inform any of the above outcomes.

5.12 Should the student not attend a review when requested, the review panel shall continue in the student's absence. The Academic Registrar (for HE) or Principal of Further Education (for FE) (or their nominee) will contact the student in writing thereafter regarding the panel's decision.

5.13 When a concern is reported, the Student Conduct Investigatory team will progress the disciplinary process to Stage 2 and commence investigatory proceedings.

6 Stage 2: Investigation and Investigatory meeting

6.1 The Student Conduct Investigatory team will commence the investigation stage, which constitutes gathering information and collating evidence relating to the allegation of misconduct.

6.2 Evidence is likely to be, but not exclusively, in the form of a written statement from the reported party/parties; statements from other parties, for example, from a member of staff; reports from, for example, Security; other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots. In addition, a student may be invited to attend an investigatory meeting where they will be asked questions relating to the alleged misconduct and provided the opportunity to present their version of events.

6.3 In the absence of a written statement from the reporting party and/or where permission to share a statement with other parties has not been given, the investigation can proceed on the basis of the evidence that is available. At the investigatory meeting, the investigatory officers may pose questions based on the available evidence (i.e. a statement that has not been shared). The reporting party will be advised that, in them not consenting to sharing a statement, the investigation may be impaired to a degree. Depending upon the severity of the case, investigations would normally be completed within 21 working days. Parties will be updated if the timescale cannot be adhered to.

6.4 If an investigatory meeting is required, the student will be requested in writing to attend. The purpose of the investigatory meeting is for the student to answer questions pertaining to the alleged misconduct.

6.5 At an investigatory meeting, students are entitled to be accompanied by a friend, parent, mentor, or other representative. Students under the age of 18 or adults at risk must be accompanied by their parents, guardians or adults who have a position of responsibility for the student's welfare. Any other representation is not normally allowed except with express permission from the lead investigator or Chair of the Disciplinary panel. Legal representation is not permitted.

6.6 Helping a student to speak for themselves during the disciplinary procedure and ensuring that they are heard is known as 'advocacy'. It is the responsibility of ACM to ensure that a student is provided with appropriate support where it is needed. Students are encouraged to make use of the support and guidance of Student Services.

6.7 On conclusion of the investigatory proceedings, the Academic Registrar (for HE) or the Principal of Further Education (for FE) (or their nominees) shall consider the gravity of misconduct and determine the following (more than one may apply):

- To take no further action;
- To issue a written warning including sanctions;
- To order the making good or restitution of damage or loss i.e. to impose a fine;
- To exclude or suspend the student;
- To set up a disciplinary panel.

A risk-based approach may be used to inform any of the above outcomes.

6.8 Further breaches of the Student Conduct & Discipline rules will be considered at a Disciplinary Panel.

7 Stage 3: Disciplinary Panel

7.1 A disciplinary hearing is a meeting whereby a student will be required to discuss allegations against them in front of a panel and answer questions relating to the allegation of misconduct.

7.2 The panel will be made up of stakeholders with the suitable expertise to fairly, impartially and carefully consider the case and will be comprised as follows:

- Chair (Academic Registrar or nominee)
- Education representative
- Student Services representative (e.g. Safeguarding or Additional Needs and Disabilities team member)

7.3 The disciplinary panel will consider the evidence before it, including any statements that have been made and any evidence that has been submitted by the reported student at the investigatory meeting or in writing.

7.4 At the disciplinary panel, the panel will consider:

- the evidence presented before them;
- the student's response to the allegation;
- any witness statements, including those provided to the panel in person;
- and, the gravity (and frequency) of misconduct.

It is the panel's responsibility to determine the outcome of the disciplinary hearing and to decide one or more of the following options:

- to take no further action;
- to issue a written warning including sanctions;
- to order the making good or restitution of damage or loss
- to exclude or suspend the student;
- to revoke Alumni benefits;
- to deregister the student.

A risk-based approach may be used to inform any of the above outcomes.

7.5 The student will normally be informed of the panel's decision within 5 working days of the disciplinary hearing.

7.6 Should the student choose not to attend the panel they have the right to provide representation in the form of a written statement.

7.7 Should the student choose not to attend, the disciplinary panel shall continue in the student's absence. The Academic Registrar (or nominee) will contact the student in writing thereafter regarding the panel's decision.

7.8 Meetings are not normally recorded. Should a recording of the meeting be required, it may take place only with the consent of all attendees.

8 Stage 4: Appeal

8.1 The student shall have the right of appeal to the Executive Dean of Education (or nominee) by submitting their appeal in writing within 10 working days, giving the grounds for the appeal, if:

- The student is aggrieved by the decision reached at the investigatory stage (see section 6.5);

- The student is aggrieved by the panel's decision from a disciplinary hearing (see section 7.7);

- The student is aggrieved by the decision to suspend or exclude (see section 5.11);

- The student considers that the procedures were not followed properly;

- The student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;

- There is bias or reasonable perception of bias during the procedure.

8.2 If the Executive Dean of Education (or nominee) considers for any reason that the panel's decision needs to be referred back for further consideration (for example, student provides new material evidence or there is evidence of bias during the disciplinary procedures) the Executive Dean of Education (or nominee) may refer the matter back to the Academic Registrar or nominee to consider the evidence and to decide whether or not it would result in a change to the outcome.

8.3 The Executive Dean of Education (or nominee) may seek clarifications to enable them to make a decision on whether to uphold or amend the decision. The purpose of the clarifications would not be to consider any new evidence; rather, it would be to help the reviewer at the appeal stage to understand any information that exists that is not clearly understood by the reviewer.

8.4 Working day refers to a day on which ACM is normally open: it does not include Saturday, Sunday, Bank Holidays or other designated periods of closure outside the academic terms.

8.5 The Executive Dean of Education (or nominee) shall consider the appeal and shall decide whether to uphold or amend the decision made. The decision of the Executive Dean of Education or nominee shall be final.

8.6 Following an appeal to the Executive Dean of Education (or nominee), these procedures will now be complete. For FE students, the procedure will now be complete. For HE students, they may wish to consider approaching the Office of the Independent Adjudicator (OIA).

8.7 Where the student is an HE student, an appeal to the Office of the Independent Adjudicator should be made in writing to the address below within one year of the student receiving notification that the internal procedures of ACM have been completed. They should enclose a copy of ACM's final decision and state the reasons for seeking redress from the Higher Education Independent Adjudicator.

Email enquiries may be sent to enquiries@oiahe.org.uk. The website address is www.oiahe.org.uk.

9 Warning Points System

9.1 Where a student's behaviour is being considered by the Academic Registrar (or their nominee), either at Stage 2: Investigation or Stage 3: Disciplinary hearing, then warning points may be used as a penalty (either alone or in combination with other penalties), if

considered reasonable and proportionate in the circumstances. Warnings, where considered appropriate, are recorded according to the seriousness and nature of the behaviour. There is no requirement that ACM apply warnings where a warning is considered inappropriate to the circumstances and an alternative penalty is applied.

9.2 Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four-point scale: minor — serious — grave — suspension/deregistration.

9.3 A guide to the type of warning which might be issued is provided in paragraph 3.4 'Table of types of misconduct and consequences'. However, this is only a guide and it is expected that the Academic Registrar (or their nominee) will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly.

9.4 Warnings recorded remain on the student record for the duration of the student's enrolment at ACM.

Accumulation of warnings

9.5 Each level of warning is scored on a 0 to 4 basis as follows:

Number of Warning Points:

0 Written
1 Minor
2 Serious
3 Grave
4 Suspension and/or Deregistration

9.6 Where the student has reached or exceeded 4 warning points on their student record, a decision about suspension, exclusion or deregistration must be made, and the student should normally be notified within two months after the most recent warning point is awarded.

Relationship with other penalties / warnings

9.7 ACM, independent of these Rules, separately has financial and other penalties which may be imposed such as library fines, use of facilities for which a charge is made, refusal to provide information required by law, reimbursement for loss or damage to ACM or personal property of staff, students or visitors, and whereby the use of facilities is regulated. Action taken by ACM under those arrangements does not automatically, but may, lead to reference to the Academic Registrar (or their nominee) for consideration of a warning or for other action under the Rules on Student Conduct and Discipline, with any such warning to be additional to any of the foregoing penalties, charges or reimbursement.

9.8 ACM may record the existence of warnings on any reference supplied.

9.9 If an applicant has had previous study terminated as a result of misconduct, ACM reserves the right to not consider their application to any programme of study.

10 Misconduct which is also a criminal offence

10.1 There may be instances where an alleged act of misconduct may also constitute a criminal offence.

10.2 The nature and scope of ACM's internal disciplinary process and the nature and scope of a criminal process are fundamentally different. It is important to maintain a clear distinction between them:

- Under the criminal process, the allegations will be treated as a potential criminal offence; under the disciplinary process, the allegations will be treated as a potential breach of discipline.

- The criminal process is an external procedure. It deals with allegations that a student has committed a criminal act. The allegation has to be proven beyond reasonable doubt. A judge can impose a wide range of sanctions on an individual who is found to have committed a criminal offence, the most serious sanction being imprisonment.

- The internal disciplinary process is a civil matter conducted internally at the institution. It is based upon an allegation that a student has breached the ACM's rules and regulations. The allegation has to be proven on the balance of probabilities. The most serious sanction that can be applied is permanent expulsion from the institution (deregistration).

- Any adverse finding in the criminal process could result in the student having a criminal record and that subsequently could have a serious, detrimental effect on the future of the individual concerned at ACM.

10.3 The criminal process takes priority. If the matter is being dealt with under the criminal process, then save for taking any necessary precautionary action, the disciplinary process will be suspended until the criminal process is at an end. In that way, the disciplinary process does not duplicate the criminal process.

10.4 If the matter is not being dealt with under the criminal process or where the criminal process has concluded, then ACM will consider whether a breach of discipline has occurred and, if so, will consider the matter through ACM's Student Conduct and Discipline procedure.

11 Procedures for Misconduct which may constitute a criminal offence

Reporting Incidents

11.1 Anyone can make a report of criminal activity to the police. Where the victim of a criminal offence is the reporting student, ACM will usually take the position that the decision

to report a criminal offence is a matter for the reporting student. It is not the responsibility of ACM to inform a student about a police investigation.

Precautionary Measures

11.2 Where an offence under criminal law is reported to ACM, action under this Policy will be deferred pending any police investigation or prosecution (the student will be required to provide ACM with a written update of any police investigation) save for taking any necessary precautionary measures:

- to ensure that a full and proper investigation can be carried out (either by police or by an ACM investigator); and/or

- to protect the reporting student or others while the allegation is being dealt with as part of a criminal process or a disciplinary process.

Such precautionary measures would be considered by ACM at the point at which the reported student is made aware that a police investigation is being pursued. These measures would remain in place whilst the police investigation is ongoing.

11.3 Precautionary measures may be put in place if they are reasonable and proportionate and may include:

- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/or certain witnesses)

- Suspending the accused student from his/her studies on a full, qualified or partial basis

- Excluding the accused student (for example, prohibiting the accused student from attending certain ACM events or activities, or exclusion from specified locations).

11.4 ACM has the right to review a case if no information has been forthcoming from the student and/or the police regarding the progress of the case. ACM may come to a conclusion based on the evidence available.

Criminal Investigation / Prosecution

11.5 Where the offence under criminal law is reported to the police, action under this Policy will be deferred pending any police investigation or prosecution. Where ACM makes a finding of misconduct and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any warning points under this Policy. A risk-based approach may be used to assess whether a student may return to study.

Disciplinary Investigation / Charge

11.6 If the reporting student will not report the matter to the police or will not cooperate in their enquiries, or the accused student is acquitted following a criminal process, ACM may consider the matter as a potential breach of student conduct and may consider sanctions. Only in exceptional circumstances will ACM report an alleged crime to the police contrary to the wishes of the reporting student.

11.7 Depending on the nature of the concern, ACM may refer the misconduct which constitutes a criminal offence to the police.

11.8 Sanctions for misconduct involving an illegal act include the following:

- Consumption of and/or possession of illegal substances on ACM premises or at an ACM event or activity (0-2 Warning Points)

- Dealing illegal substances on ACM premises or at an ACM event or activity (4 Warning Points)

Supporting Students

11.9 ACM will make available appropriate assistance and relevant information and support to all students involved in disciplinary matters which may constitute a criminal offence, from the time when the incident is first reported to ACM up until the time when the relevant criminal and/or disciplinary process has been concluded and, in some cases, beyond that.

11.10 In cases involving allegations made by one student against another student, ACM will afford the same duties and obligations to both students so as to ensure both are treated fairly. Due regard will be taken, for example, to exercise a duty of care, apply the principles of natural justice, i.e. the right to a fair hearing before an impartial decision-maker, comply with equality law duties and uphold human rights and freedom of speech.

11.11 It is ACM's priority to ensure, where possible, that the disciplinary process does not impinge a student's academic studies. This may mean, for example, the implementation of no-go areas on the ACM campus, in place of suspending a student.

11.12 Advice and support is available to all students involved in disciplinary matters, in which they may reach out to the ACM's Student Support services, such as the wellbeing or safeguarding teams. These teams are available at wellbeing@acm.ac.uk and safeguarding@acm.ac.uk

12. DOCUMENT HISTORY AND REVIEW

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Approved by	Student Experience and Opportunity Board

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