

## Student Non-academic Disciplinary Policy and Procedures

### About this procedure

1. The Student Non-academic Disciplinary Policy and Procedures set out here are intended to provide a clear and impartial process for dealing with allegations relating to student discipline or behaviour within a reasonable timescale, and with due regard to the spirit of natural justice.
2. Backstage Academy is committed to upholding the highest ethical standards and to carrying on its activities fairly, honestly, openly and in compliance with all applicable laws. As a member of the Backstage Academy community, you are expected to conduct yourself with due regard for its good name and reputation and to comply with all its current regulations, policies and procedures at all times, including those of the University of Bolton as Backstage Academy's partner institution.
3. This policy and procedures **do not** cover complaints relating to:
  - Academic misconduct;
  - Failure in assessment, attendance or lack of diligence in your studies
  - Failure to meet other academic requirements

These matters are dealt with under the **Student Attendance and Engagement Policy** and the University of Bolton's **Academic Conduct, Policies and Procedures**.

4. This policy and procedures follow the guidance published by the Office for the Independent Adjudicator and aligns with both the OIS Good Practice Framework (2016) and with the expectations of the UK Quality Code for Higher Education (2018).

### Definition of misconduct

5. The definition of misconduct under this procedure is improper interference, in the broadest sense, with the proper functioning or activities of Backstage Academy, or those who work or study here. The following are examples of misconduct although this is not intended to form an exhaustive list:
  - Disruption of academic, social, sporting or other activities;
  - Failure to comply with reasonable and legitimate instructions;
  - Disruption of the functions, duties or activities of any other student, or employee of Backstage Academy or visitor to Backstage Academy;
  - Minor verbal abuse;
  - Failure to comply with Backstage Academy's non-disclosure rules;
  - Any conduct which brings Backstage Academy into disrepute;
  - Misuse of the Backstage Academy's computer systems, including hardware, software, email, intranet and internet;
  - Conduct detrimentally affected due to alcohol, drug, or substance misuse;
  - Any bullying or harassment of any student or employee of Backstage Academy or visitor to Backstage Academy;
  - Theft, misappropriation, damage or misuse of Backstage Academy property, or the property of Backstage Academy students, employees or visitors caused intentionally or recklessly;
  - Misuse or unauthorised use of Backstage Academy premises;

- Action likely to cause injury or impair safety to others;
  - Breach of any Backstage Academy policy, regulation, procedure or code of practice;
  - Failure to respect the rights of others to freedom of belief and freedom of speech;
  - Fraud, deceit, deception or dishonesty, either verbal written or by other means, in relation to Backstage Academy or the Backstage Academy's employees, students or visitors;
6. This list is not intended to be exhaustive, and it is for the Head of Institution to decide to investigate if misconduct falls outside the categories listed above.

## General Principles

7. In all cases the principles of natural justice will be applied.
8. No formal disciplinary action will be taken against a student until the initial investigation stage has been completed. It is expected that minor issues of misconduct can normally be resolved informally between those involved either, student and student or student and member of staff.
9. If criminal proceedings have been taken against the student, the Backstage Academy disciplinary procedure will normally be suspended until the criminal proceedings are complete.
10. A student may be summarily excluded, i.e. excluded without notice, for serious misconduct after investigation and hearing.
11. A student shall have a right to appeal against any sanction issued as a result of disciplinary procedure.
12. A student will, at the formal procedure stage, have the right to be accompanied by a companion who shall not be a legal representative. If the student's choice of companion is unreasonable Backstage Academy may ask him/her to choose someone else. For example:
- a) If in Backstage Academy's opinion the companion may have a conflict of interest or may prejudice the hearing; or
  - b) b) If the companion is unavailable at the date/time a hearing is scheduled and will not be available for more than five working days
13. Only the Head of Institution or their nominee shall have the right to suspend a student for misconduct or any good and urgent cause
14. Only the Head of Institution shall have the right to expel a student for misconduct or any other good and urgent cause.
15. In undertaking any aspect of this procedure, Backstage Academy will seek to make reasonable adjustments for students with a disability.
16. During an investigation or any steps under this procedure, Backstage Academy aims to deal with matters sensitively and in confidence, to the extent that it is able to do so. All students will be required to treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Witnesses will be required to treat as confidential any information given to them during an investigation, including the identity of anybody under investigation.

## **Suspension**

17. Where the misconduct has resulted in criminal proceedings against the student or when the alleged misconduct is of such a nature that there are clear and compelling reasons or any other good and urgent cause why the student's continuing attendance at Backstage Academy cannot be justified or where it is felt the student's continuing attendance may hamper an investigation then the student may be suspended from studies by the Head of Institution or their nominee. The suspension will be confirmed to the student in writing.
18. The scope of suspension (if applied) will be at the discretion of Backstage Academy on a case by case basis and will be to protect those involved in any alleged incident.
19. Suspension is not in itself a disciplinary sanction and does not imply that any decision has already been made about the student's case. Normally during the period of suspension access to the VLE/Moodle and the student's online Backstage Academy account will remain available to the student.

## **Early resolution/Informal procedure**

20. In cases of minor misconduct, Course Leaders or members of staff involved should initially seek to advise and support you on an informal basis with a view to affecting an improvement and thus to avoid using the formal procedure.
21. In these cases, the expected standards of conduct and the consequences of any further breaches will be made clear to you and a written record of the informal warning kept on your record. This record may be used in cases where further proceedings become necessary.
22. Where previous support, advice or warnings have been ineffective the College may wish to invoke their formal disciplinary procedure.

## **Investigation**

23. Where a complaint of misconduct has been made, the Head of Institution may determine that the complaint should not be the subject of further action under this procedure. Where the Head of Institution determines that the complaint should be the subject of further action, the following procedures will apply
24. No action will be taken before a proper investigation into the complaint has been undertaken by Backstage Academy. During the period of investigation, the Head of Institution may suspend you. This is not a punitive action but designed to better enable the investigation (see para 17-19 above.) In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, you may be suspended with immediate effect. Every effort will be made to ensure that the period of investigation is as short as possible.
25. Investigations will be undertaken in an open and transparent manner by a senior member of staff. In all but exceptional circumstances you will be made aware that an investigation will be undertaken and should be provided with a brief summary of the reasons for this and the practical measures involved. Investigators may give evidence at a disciplinary hearing

26. Investigations will be undertaken as quickly as possible and without unreasonable delay in order to decide whether there is a case to answer. Unavoidable delays shall be reported and wherever possible rectified as soon as possible
27. The investigation process will depend on the nature of the alleged misconduct, the initial evidence against the student, and whether they have admitted misconduct. In cases where the facts are very clear and not in dispute, the investigation will be very short.
28. If following investigation the Investigating Officer finds there is a case to answer, informal action may be recommended, or where appropriate a formal disciplinary hearing will be arranged.

## **Formal Procedure**

29. When a decision has been taken to initiate the formal disciplinary procedure, the student should be informed in writing of the decision to hold a disciplinary hearing and the individual who shall conduct the disciplinary hearing ("Disciplinary Officer"). The Disciplinary Officer will be a member of Backstage Academy Senior Leadership Team. Such notice will also detail the allegations of misconduct that will be considered at the disciplinary hearing, clearly state the date, time and place of the hearing, and state the entitlement to be accompanied by a companion.
30. At least 5 working days before the date of the disciplinary hearing (unless this is not reasonably practicable) the student should be provided with information and copies of any relevant documents and/or witness statements adduced as part of the investigatory stage that will be used at the hearing. In all cases where a witness' identity is to be kept confidential, the student will be provided with as much information as possible in relation to the evidence provided by the witness in question, whilst maintaining confidentiality. Reasonable time should be permitted for the student to arrange for the Students' Union Representative to attend and for the student to prepare for the hearing.
31. It is expected that the student should attend the hearing. If the student does not attend the hearing without giving notice and/or without good reason the Disciplinary Hearing will be held, and a decision made on the information and evidence available to the Disciplinary Officer.
32. The purpose of the disciplinary hearing is to review the evidence and to enable the student to respond to any allegations of misconduct that have been made against him/her. If the student is accompanied, that person may make representation and ask questions but should not answer questions on the student's behalf. The student may request to confer privately with their companion at any time during the hearing.
33. The disciplinary hearing may be adjourned if the Disciplinary Officer deems that further investigations are necessary. The student will be given reasonable opportunity to consider any new information obtained before a disciplinary hearing is reconvened.
34. When the outcome of the Disciplinary Hearing is that the Disciplinary Officer has satisfied themselves based on evidence that the case against the student is proven, the Disciplinary Officer will determine what the appropriate disciplinary sanctions(s) should be.
35. The sanctions can include requiring the student to make restitution for any damage, theft or loss of property that he/she may have caused

36. Where the recommendation from the Disciplinary Officer is expulsion, the recommendation will be considered by the Head of Institution for confirmation.
37. The Disciplinary Officer will confirm to the student in writing, usually within five working days of the hearing, the outcome of the disciplinary hearing including, where appropriate, the Head of Institution's confirmation of the recommendation of expulsion.

## **Disciplinary Action**

38. Backstage Academy aims to treat all students fairly and consistently. Each case will be assessed on its own merits. A non-exhaustive list of examples of what may constitute misconduct is set out in Appendix 1. This is provided by way of guidance for the Disciplinary Officer.
39. Depending on the seriousness of the matter any of the following stages detailed below may be omitted.
40. **First Formal Action for Misconduct – Formal Verbal Warning**
  - i. A verbal warning will normally be given for first acts of misconduct where there are no other active warnings on the student's disciplinary record depending on the nature of the misconduct.
  - ii. The warning will set out the nature of the misconduct.
  - iii. The student may be required to give a written undertaking as to his/her future conduct.
  - iv. The student may be required to make restitution for any damage, loss and/or theft they have caused by the misconduct.
  - v. A record of the warning will be placed on the student's record and will remain active for six months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. The student's conduct may be reviewed at the end of this period and if it has not improved sufficiently Backstage Academy may decide to take further disciplinary action
41. **Second Formal Action for Misconduct – Written Warning**
  - i. A written warning will normally be given for acts of misconduct where there is a record of a verbal warning or where there are no other active warnings on the student's disciplinary record depending on the nature of the misconduct.
  - ii. The warning will set out the nature of the misconduct.
  - iii. The student may be required to give a written undertaking as to his/her future conduct.
  - iv. The student may be required to make restitution for any damage, loss and/or theft they have caused by the misconduct.

- v. The warning will be placed on the student's record and will remain active for twelve months from the date it is given, after which time it will be disregarded in deciding the outcome of future disciplinary proceedings. The student's conduct may be reviewed at the end of the period and if it has not improved sufficiently Backstage Academy may decide to take further disciplinary action.

**42. Final Formal Action for Misconduct – Expulsion**

- i. Students may be expelled from Backstage Academy for the following circumstances:
  - a) Misconduct where there is an active written warning on the student's record;  
or
  - b) Serious misconduct regardless of whether the student has received any previous warnings.
- ii. A decision to expel a student may only be taken by the Head of Institution and will be with immediate effect with cessation of any contractual obligations thereafter. A student who is expelled continues to be liable for any outstanding fees.

**Your right to review**

- 43. You have the right to request a review of the decision made under these procedures. Reviews will be considered by the Appeals and Review Board. The Appeals/ and Review Board will not rehear the case afresh but shall:
  - i. review the procedures followed to date
  - ii. establish whether any new evidence that is material and substantial has been presented which for valid reason was not available to the Disciplinary Officer;
  - iii. Consider whether the outcome was reasonable and appropriate under the circumstances.
- 44. Notice of your request for review should be sent to the Registry Manager at [studentadmin@backstage-academy.co.uk](mailto:studentadmin@backstage-academy.co.uk) within writing within **five** working days of the dispatch of the decision of the original hearing. You may submit a written statement for consideration by the Appeals and Review Board.
- 45. The Appeals and Review Board will normally meet usually within **five** working days of receipt of your request for review. The manner in which the review shall be conducted, and the evidence heard will be entirely at the discretion of the Chair of the Board and in accordance with the terms of reference for the Appeals and Review Board.
- 46. Having reviewed the case, the Appeals and Review Board may:
  - i. confirm the original decision
  - ii. uphold your appeal and substitute its own decision for the original one.
- 47. You will be notified in writing of the Appeals and Review Board's decision within 5 working days of that decision being made.

48. The decision of the Appeals and Review Board is final and there is no further process for review within Backstage Academy. You will be issued with a Completion of Procedures letter. This provides you with formal confirmation that you have completed all available stages of the Academy's internal procedures.

## **Further action**

49. If after your review by the Appeals Board, you are still dissatisfied with the decision, you may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) provided the complaint is eligible under its rules. Should you decide to make a complaint to the OIA, the OIA Complaint Form must be received by the OIA within 12 months of the date of the Completion of Procedures letter
50. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

## **Monitoring**

51. A report of all appeals is presented annually to Academic Board and the Backstage Academy Board for the purpose of monitoring, quality assurance and enhancement

## Appendix A

### An illustrative, non-exhaustive list of unacceptable behaviours and conduct

The aim of this appendix is to give illustrations, which are not exhaustive, of behaviours and conduct which will normally be deemed by Backstage Academy to constitute serious breaches of discipline for the purposes of this Policy, whether expressed orally, in writing or electronically, occurring on Backstage Academy premises or elsewhere, including social networking sites, blogs, websites or other media.

In investigating the circumstances surrounding a particular incident, and being presented with any other mitigating factors, Backstage Academy may choose to impose sanctions less than those outlined in this appendix.

Sanctions which warrant expulsion from Backstage Academy for the first breach are considered to be examples of serious misconduct

	<b>Breach</b>	<b>First Formal Sanction</b>	<b>Second Formal Sanction</b>	<b>Final Formal Sanction</b>
<b>1</b>	<b>Conduct to Others</b>			
1.1	Use of violent, aggressive, disorderly, threatening, intimidating, defamatory, derogatory, offensive, indecent/ sexual/inappropriate language and/or behaviour exhibited during the academic, administrative, sporting, social or other activities whether directed to other students, staff, visitors or members of the public which would be deemed by common consent likely to cause fear, distress or-offence;	Up to and including expulsion		
1.2	Harassment of any student, member of staff or Backstage Academy visitor whether of a racist, sexual or bullying or intimidating nature, including defamation of character or slander or disruption of any student or member of staff or authorised visitor exercising their right, within the law, to freedom of speech, lawful assembly or expression of ideas;	Up to and including expulsion		



1.3	Harassment or intimidation and/or discrimination towards people on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including non-belief), gender, sexual orientation or gender reassignment;	Up to and including expulsion		
1.4	Disruption of, or improper interference with the academic, administrative, social/recreational or other activities of Backstage Academy or of those who work, study or visit Backstage Academy	Verbal Warning	Written Warning	Expulsion
1.5	Obstruction of, or improper interference with the functions, duties or activities of any student, staff member, or visitor to Backstage Academy	Verbal Warning	Written Warning	Expulsion
1.6	Offering or giving money, gifts or other advantage to an employee of Backstage Academy with the intention of inducing that employee to perform his/her job improperly or of rewarding that employee for performing his/her job improperly;	Verbal Warning	Written Warning	Expulsion
1.7	Failure to comply with previously-imposed measures under this procedure.	Verbal Warning	Written Warning	Expulsion
<b>2</b>	<b>Backstage Academy Interests</b>			
2.1	A serious breach of Backstage Academy or University of Bolton regulations, policies, procedures and codes of practice;	Up to and including expulsion		
2.2	Behaviour or action which, in the opinion of Backstage Academy, brings Backstage Academy disrepute;	Up to and including expulsion		
2.3	Breach of the provisions of Backstage Academy's Code(s) of Practice for Freedom of Speech;	Verbal Warning	Written Warning	Expulsion
2.4	Distribution of leaflets and displaying posters without the express consent of Backstage Academy	Verbal Warning	Written Warning	Expulsion

2.5	Selling and/or distributing goods, materials, services without the express consent of Backstage Academy	Verbal Warning	Written Warning	Expulsion
2.6	Involvement in unauthorised gambling activity Backstage Academy premises;	Verbal Warning	Written Warning	Expulsion

2.7	Communicating information confidential to Backstage Academy to anyone outside of Backstage Academy	Verbal Warning	Written Warning	Expulsion
2.8	Misuse, inappropriate or unauthorised use of Backstage Academy premises, facilities, equipment, or property, including the unauthorised possession of a key to Backstage Academy premises;	Up to and including expulsion		
2.9	Misuse of Backstage Academy electronic facilities including email and internet;	Up to and including expulsion		
2.10	Theft, misappropriation, misuse or damage of Backstage Academy property (including copyright and other intellectual property) or the property of staff, students or visitors caused intentionally or recklessly;	Up to and including expulsion		
2.11	Misappropriating any funds or assets of Backstage Academy or of any member of Backstage Academy;	Up to and including expulsion		
2.12	Making frivolous, vexatious and/or malicious allegations or complaints against Backstage Academy, students or staff of Backstage Academy;	Up to and including expulsion		
2.13	Deliberate falsification of records including documents used to attain entry to Backstage Academy	Up to and including expulsion		

2.14	Misrepresentation at the application stage or within the students personal statement;	Up to and including expulsion		
2.15	Fraudulent documents presented for entry to Backstage Academy (immigration, qualifications, identification etc);	Up to and including expulsion		
2.16	Failure to disclose a criminal record;	Up to and including expulsion		
2.17	Any conduct which constitutes a criminal offence where that conduct: <ul style="list-style-type: none"> <li>a. takes place on Backstage Academy premises or premises hired in Backstage Academy name; or</li> <li>b. affects or concerns other members of Backstage Academy community; or</li> <li>c. damages the good name of Backstage Academy; or</li> <li>d. itself is a breach of this procedure; or</li> <li>e. Any conduct where that conduct encourages terrorism and/or invites support from a proscribed terrorist organisation.</li> </ul>	Up to and including expulsion		
<b>3</b>	<b>Health and Safety of self and others</b>			
3.1	Actions likely to cause harm, endanger safety or cause false fire alarms and actions in breach of Backstage Academy Health and Safety Policy.	Verbal Warning	Written Warning	Expulsion
3.2	Wilful and deliberate contravention of a safety rule or instigating/inciting a breach of a safety rule.	Up to and including expulsion		

3.3	Using or knowingly possessing within Backstage Academy, including residential accommodation, controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act;	Up to and including expulsion		
3.4	Introducing students, members of staff or visitors to the use of or sale of illegal substances on and off the premises.	Up to and including expulsion		