

HE Student Disciplinary Policy & Code of Conduct

1. Introduction

- 1.1. All enrolled students are required to observe and act in accordance with the Code of Conduct for Higher Education Students and all associated codes and regulations. In addition, students on programmes validated by partner universities will also be subject to those universities' regulations and codes.
- 1.2. Conduct in relation to this code means conduct on BAJ premises or during BAJ activities, together with conduct that takes place elsewhere where the reputation of BAJ may be brought into disrepute.
- 1.3. Failure to observe these Codes may be regarded as a breach of discipline. Students found in breach of discipline will be subject to the procedures set out below.
- 1.4. This policy has been designed to meet the requirement of the QAA UK Quality Code for Higher Education and particularly Advice and Guidance on:
 - I. Assessment and Concerns
 - II. Complaints and Appeals

2. Purpose

- 2.1. The purpose of this policy is to outline the responsibilities and procedures involved in dealing with a student disciplinary concern that has been raised, together with possible outcomes that can be applied.

3. Scope

- 3.1. This policy applies to all Higher Education provision offered by the British Academy of Jewellery. This also applies to sub any contractual provision.
- 3.2. This policy and procedure are only intended for use where the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature.
- 3.3. This will include situations where a student appears unaware of the consequences of their behaviour on others e.g., causing disruption or distress, and/or where concerns exist about the safety of the student or of others.

- 3.4. Our response will aim to protect the interests of the student and balance these with the needs of other students and staff, ensuring that we continue to provide an appropriate environment for the purposes of higher education.
- 3.5. Where possible the usual support services available to students will be used before any response is made in line with this policy.
- 3.6. Where it is believed that a student's behaviour presents an immediate risk to themselves or others. In such situations the Emergency Services should be contacted by dialling 999 and BAJ Reception should also be contacted. A log of this action should be taken and reported immediately to Administrative Support. BAJ will also inform the student's next of kin.

4. Related Documents

4.1.

- I. BAJ HE Terms and Conditions of Admissions and Enrolment
- II. BAJ HE Fitness to Study Policy
- III. BAJ HE Academic Misconduct Policy
- IV. BAJ HE Student Charter

5. Responsibilities

- 5.1. Under BAJ's Policies and Procedures, the Principal is ultimately responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds. The Principal may delegate his or her authority to HE Managers or the Head of Academy HE with a level of seniority and experience appropriate to the circumstances of each particular situation.

6. Risk Analysis

- 6.1. This policy is required to ensure that any impact on a student's fitness to study is fairly evaluated and supported by the institution as bound by UK legislation. This policy is dependent on student communication and evidence.

Analyse risks of non-adherence to this policy

- 6.2. Failure to adhere to this policy could lead to academic failure of students, complaints and in extreme cases, legal action with regard to the Equality Act 2010.

Staff training needed

- 6.3. All staff involved in teaching, enrolling, supporting students and offering IAG are required to undertake annual training delivered by the HE Student Support Team to

outline the support that is available and the process by which students can be referred for support.

7. Data Protection

7.1. BAJ complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicant and student data are treated as confidential by all staff involved in this process and are not divulged unnecessarily or inappropriately. However, the aforementioned Act requires BAJ to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the Police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions. We may use anonymised data collected as part of an individual's application and enrolment for the purpose of fulfilling statistical and reporting requirements.

8. Procedure

8.1. We will deal with any complaint about students' behaviour in the following way

- a. Any complaint made by a student or a member of our staff or by a member of staff of an agency providing a placement will, in the first instance, be referred to the appropriate HE Manager of the student concerned. If this is not appropriate for any reason, it will be referred to another HE Manager or nominated Manager. Any complaint must normally be made within 20 working days of the incident.
- b. A complaint made by a member of the public will, in the first instance, be referred to the Principal.
- c. A complaint made by one student about another will be dealt with using this procedure.
- d. Unless there are exceptional circumstances, a member of staff can only make a complaint if they have previously given the student a warning, either face to face or in writing, about the behaviour the complaint relates to.
- e. Any complaint about a student must be made to us in writing. We will give or send by recorded delivery to both addresses on record, a copy of the complaint to the student. If the student is under 18 years of age, we will give, or send by recorded delivery, a copy to the parents or guardian of the student and explain the action taken.

9. Role of Head of Academy HE

- a. The Head of Academy HE will appoint a member of staff to act on their behalf in the investigation or any other part of this procedure. This investigation will normally be carried out within 15 working days.
- b. The Head of Academy HE has the power to impose one of the following penalties.
 - i. A formal verbal warning in which the student will be told the reason for the caution and that it is a stage of the disciplinary procedure. This may be delegated to the relevant HE Manager.
 - ii. A written warning which will give details of the complaint, the improvement needed and, if appropriate, the timescale. The student must sign and return a copy of the written warning as a record that they have received and understood it. We will keep records of all warnings for 12 months after which time if there is no further breach or warnings this will be removed.
 - iii. A fine set by the BAJ Board
 - iv. A student may have to pay an amount toward any damage, loss or harm we have suffered or suffered by an agency providing a placement. The amount will not be more than a maximum set by the BAJ Board. If this amount has to be paid to another person or organisation, this will not affect the student's rights in law.
 - v. We will keep records of this for 12 months unless a further complaint is under investigation.

If the student does not accept the Head of Academy, HE's decision, the case will go to the Student Discipline Panel.

- c. If the Head of Academy believes the complaint is serious enough, they may do the following
 - i. They may decide that the complaint should be passed to the Secretary for the Student Discipline Panel to consider. The Head of Academy HE must identify which parts of the code of conduct the student has broken. The Head of Academy HE will provide:
 - a written record of the complaint which is signed by the person making the complaint
 - a report of the investigation
 - any evidence the report is based on
 - any statements that go with the report will normally be prepared by the individuals concerned and signed and dated by them.
 - ii. The Head of Academy HE may recommend to the Principal that the student is suspended. If the complaint is deemed serious enough the Principal may recommend that the student is excluded. If the

complaint warrants expulsion the complaint will be passed to the Student Discipline Panel for resolution. The student can appeal against a suspension of three weeks or more. When suspension is considered a risk assessment will be undertaken to determine the impact on all parties.

10. Procedure when a complaint is referred to the Student Discipline Panel

10.1. The Panel secretary will refer the complaint to the Student Discipline Panel as long as they are satisfied that the complaint is not of a trivial nature and does relate to student discipline or professional conduct.

10.2. At least 5 working days before the hearing, the Panel secretary will give the student, the HE Manager or designated other who undertook the investigation and the person making the complaint, a copy of any documents which will be placed before the panel.

10.3. The Panel secretary will do the following:

- I.* They will call a meeting of the Panel normally 25 working days from the day on which they have received a written report of the investigation (except in trivial cases or those relation to academic matters which may not be referred to the panel.)
- II.* They will ask the student if they object to the Student Officer, or their nominee being at the panel meeting.
- III.* At least 15 working days before the meeting, the panel secretary will give notice to the Student Officer of the date, time and place of the meeting.
- IV.* 15 working days before the meeting, the panel secretary will give notice, in writing and by hand, to the person making the complaint or, if this is not possible, by recorded or special delivery to their last known term-time and home address. The notice will explain that a sitting of the panel is being held to consider their complaint. It will give the date, the time and the place of the sitting. It will also explain that they need to attend, and they may bring a friend.
- V.* At least 15 working days before the meeting, the committee secretary will give notice, in writing and by hand, or, if this is not possible, by recorded or special postal delivery to the last known local and home address of the student the complaint is about. The notice will give details of the complaint and will explain that a sitting of the panel is being held to consider a complaint about them.

11. The Hearing

- 11.1.** The Panel will choose a Chair from among its members. The Chair will decide who can be at the hearing for the purpose of maintaining security or safety.
- 11.2.** The Panel secretary will keep a record of the proceedings and may appoint someone to take minutes.
- 11.3.** If two or more students are being complained about, the Panel will decide whether the interests of any one of them would be answered by hearing the complaint against them jointly. If the committee believes that the person's interests might be affected or that the proceedings could not be easily or fairly heard against two or more students together, they will hear the matter individually.
- 11.4.** The Panel will decide whether a witness will be called in alone or with others.
- 11.5.** We will take evidence in the following order
- I.* From the HE Manager or designated nominee who carried out the investigation.
 - II.* From the person making the complaint.
 - III.* From witnesses for the person making the complaint.
 - IV.* From the student the complaint is made about, or their friend or representative of the Student Council.
 - V.* From witnesses on behalf of the student the complaint is made about.

We will then accept a final statement from:

- VI.* the person making the complaint
- VII.* the student about whom the complaint is made or their representative or,
- VIII.* the HE Manager or their representative

- 11.6.** The Panel will have the right to ask questions of any person at the hearing.
- 11.7.** All the above can be present while the evidence is taken and ask questions at this stage (but not after final statements).
- 11.8.** The Student Officer or a member of the Student Council or someone they have chosen, who must be another elected member of the student representative body, will have the right to be present while evidence is taken but not during the Panel's decisions.
- 11.9.** If the student the complaint is about does not go to the hearing, the Panel may still deal with the complaint. This can only happen if the Panel are satisfied that the Panel secretary has given proper notice about the hearing.

11.10. The Panel will sit in private to make decisions and the Panel secretary will be present.

11.11. At the end of the hearing, the Panel will give their decision. Normally within five working days, the Panel secretary will send the written decision to the student the complaint is made about, and let them know they have a right to appeal against the decision. If they decide to appeal, they must give notice to the BAJ Board within 10 working days of the date of the Panel's decision.

11.12. Normally, within 10 working days of the hearing, the secretary will send a formal set of minutes taken at the hearing.

12. Powers

12.1. The Panel will have powers to,

- a. recommend to the Principal that the student is suspended for a certain period or that they should award some other penalty (for example, a reprimand or fine);
- b. recommend to the Principal that the student is expelled
- c. decide that there is no case to answer; or
- d. recommend that the outcome of the procedure should or should not be published. If they give this recommendation, they will suggest what form the publicity should take.

13. Appeal

13.1. A student will have the right of appeal to the BAJ Board as shown in the Appeals Committee Procedure (appendix A) for appeals by students. We will only consider appeals if the student claims alleged maladministration or if new information is presented.

14. Footnote

- a. If we learn that a student has committed a criminal offence, we can report the matter to the police.
- b. If the offence committed is against us and there is no other victim, we will normally report the crime to the police, whether or not we know who is responsible.
- c. We have informal links with the local police and often ask their advice about whether an offence has been committed.

15. Student Discipline Panel Constitution

The Panel is made up of

- a. three members of staff of BAJ, chosen by the Principal, who are not Governors; and
- b. The secretary to the Student Discipline Panel.
- c. An elected Student Representative has the right to be at sittings of the Panel while taking evidence but not while the Panel make decisions, unless the student disciplinary proceedings relate to objects.

16. Quorum

- a. The quorum is the minimum number of Panel members needed to make decisions. For this Panel the quorum is three.
- b. If fewer than three Panel members are present and notice has been properly given, the secretary will call another meeting, normally within 20 days. At any further meeting, the quorum will be those members of the Panel (not necessarily those who attended the earlier meeting) who attend. However, at least one elected Student Representative chosen by the Student Officer / Student Council and one chosen by the Principal must be present.

17. Chair

- a. The Chair will be elected from among the members of the Panel.

Appendix A

A Procedure for appeals by students to the BAJ Board

Procedure

1. If you want to appeal against a decision of the Student Discipline Panel or those of the Fitness to Practise Committee for reasons of maladministration (other than in cases where you have failed to make a payment where the appeal will be to the Principal) you must make your appeal in writing within 10 working days of the decision and send it to the clerk / secretary to the BAJ Board.
2. Your request should clearly give the reasons for the appeal.
3. When they receive your request, the clerk / secretary to the BAJ Board will
 - a. call a meeting of the committee as soon as possible.
 - b. make available to the members of the committee copies of all papers to do with the case.
 - c. ask you if you object to an elected Student Representative being at the committee hearing.
 - d. at least five working days before the meeting give notice to the Member of the Student Council of the date, time, and place of the meeting.
 - e. invite you and our representative, at least seven working days before the hearing, to give a statement of your and our case and reveal any relevant documents you want to rely on at the hearing (if you or we miss the deadline or do not limit the size of documents you provide, it may lead to an adjournment or other delays); and
 - f. at least 15 working days before the meeting, give you notice in writing and by hand or if this is not possible by recorded or special delivery to your last known address. The notice will give details of:
 - i. the date, time, and place of the committee hearing.
 - ii. The names of the witnesses to be called by our representative.
 - iii. your right to be accompanied by a friend or elected Student Representative (but they may not also be a witness).
 - iv. your right to decide whether or not to attend the hearing.
 - v. your responsibility to give witnesses, that you plan to call, details of the hearing, and to make sure they attend.
 - vi. your responsibility to let the committee secretary know, as soon as possible and in any case not less than two working days before the hearing, the names of the witnesses you plan to call: and
 - vii. your responsibility if you want to be accompanied by a friend, to give the name of the friend or elected Student Representative to the committee secretary.

4. The sides may agree to change the time limits to suit the circumstances of the case.

The Hearing

5. The committee will choose a Chair from among its members
6. The committee secretary will keep a record of the proceedings and may appoint a record clerk for this purpose
7. The committee will consider any written evidence
8. Your and our witness will receive equal treatment throughout the proceedings
9. The committee will hear representations and evidence in the following order
 - i. From you or your friend or elected Student Representative
 - ii. From our witness
 - iii. From our representative
 - iv. From our witness
10. You or your friend or your elected Student Representative can give a final statement. We will give a final statement.
11. Members of the committee will have the right to put questions to any person at the hearing.
12. You and our representative will have the right to be present when taking evidence. You and our representative will have the right to put questions to the other and to witnesses. However, you and our representative cannot ask questions relating to final statements.
13. A member of the Student Council or their representative will have the right to be present, as an observer, when evidence is taken but not during the committee's decision.
14. The committee may call for other documents, explanations, or evidence they decide they need. The committee may seek any other advice in the hearing and in any subsequent consideration from BAJ's solicitors and/or any such other source as the committee may determine.
15. If you or our representative do not appear at the hearing, the committee may go ahead, as long as they are satisfied that the committee secretary has given you notice properly
16. In considering its decision, the committee will sit in private. The committee secretary will be present.

17. The committee secretary will tell you the committee's decision at the end of the hearing. Normally within five working days of the end of the hearing, the committee secretary will confirm in writing the committee's decision and send you a letter of 'completion of procedures.
18. Following this notice, normally within 10 working days, the committee secretary will send you a formal set of minutes taken at the hearing.

Powers

19. The committee will, by majority, have the power to:
 - i. confirm the decision of the Principal
 - ii. withdraw the decision of the Principal; or
 - iii. change the decision of the Principal.

The Decision

19. The decision of the appeals committee of the BAJ Board will be final. However, you may have a right of complaint to the Office of the Independent Adjudicator (OIA) and your rights as an individual in law.

Appendix B

Appeals Committee

The Appeals Committee will be made up of the following

- i. A member of the BAJ Board
- ii. Two other members who are either members of the BAJ Board or members of the Board of Governors.
- iii. Staff Governors, student Governors and the BAJ Principal cannot serve as members of this committee

1. The aims of the committee are to:

- a) consider, hear, and decide on appeals in line with procedures approved by the BAJ Board.
- b) confirm, cancel, or amend decisions which are referred to the committee in line with appeals procedures approved by the BAJ Board.
- c) consider, hear, and decide on appeals to do with maladministration when applying university rules, regulations, or procedures; and
- d) use all powers shown above, for complaints or appeals made to the committee by students at university member institutions in line with the rules of those institutions.

2. The committee will not deal with appeals which dispute the academic or professional judgement of a member of our staff or an External Examiner. It will also not deal with judgements pertaining to the Fitness to Study Committee.

Quorum

The quorum will be three members of the committee

Rules for the committee

The committee will be governed by the rules for the committees of the BAJ Board.

Chair

The Chair will be elected from among the members of the committee