

Student Disciplinary Procedures

1. Introduction

1.1 These procedures are made by the ACLT Management Board in accordance with the authority delegated by the ACL in the Terms of Reference approved by the ACL Council. Impartial advice about these procedures may be sought from the ACL Office.

1.2 The Chair of the ACLT Board is ultimately responsible for maintaining discipline among students of ACLT. However, the Chair has generally delegated his/her power under these procedures to the Head of Education.

1.3 These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the ACLT Management Board. The procedures apply to those students who are enrolled at the ACLT, including those who have postponed their studies for whatever reason.

1.4 The purpose of the procedures is to regulate student behaviour in order to secure the proper working of ACLT in the broadest sense.

2. Definitions

2.1 A breach of discipline is, for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all ACLT rules and regulations including local regulations and the ACL Trainee Code of Conduct. The essence of misconduct under this code is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of ACLT, or those who work or study with ACLT. It also includes conduct which otherwise damages ACL or ACLT. Misconduct can include, but is not limited to:

- a) disruption of, or improper interference with the academic or administrative activities of ACLT, whether on ACLT premises or elsewhere;
- b) obstruction of, or improper interference with, the functions, duties or activities of any
- c) student, member of staff or other employee of ACLT or any authorised visitor;
- d) assault;
- e) threatening behaviour;

- f) damage to, or defacement of ACLT property or the property of other members of ACLT community caused intentionally or recklessly, misappropriation of such property or assisting/permitting others to do so;
- g) misuse or unauthorised use of ACLT property;
- h) theft whilst on ACLT courses;
- i) fighting whilst on ACLT courses;
- j) conduct which constitutes a criminal offence where the conduct:
 - (i) involves other students directly or indirectly;
 - (ii) took place on ACLT premises;
 - (iii) affects the interests of ACLT ;
 - (iv) affects or concerns other members of the ACLT community;
 - (v) damages the good name of ACLT;
 - (vi) is an offence of dishonesty, where the student holds an office of responsibility in ACLT;
- k) sexual harassment;
- l) racist or other discriminatory activity or behaviour;
- m) misappropriation or misuse of ACLT funds or assets;
- n) abusive or unreasonable behaviour;
- o) behaviour which causes fear or distress to others;
- p) behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of other students or members of staff or which disrupts or interferes with ACLT processes and procedures;
- q) a serious breach of ACLT Regulations, code of conduct or codes of practice;
- r) any action likely to cause injury to any person or impairing the safety of the premises;
- s) attempts to subvert ACLT procedures by means of fraudulent claims or documents;
- t) conduct, which brings ACLT into disrepute;
- u) failure to disclose name and other relevant details to an officer or employee of ACLT in circumstances when it is reasonable to require that such information to be given;
- v) false pretences or impersonation in connection with admission, academic attainments or financial awards;

2.2 Cheating is defined as:

a) taking unauthorised materials into an examination/test. This includes any calculator or dictionary not permitted under specific examination/test rules. Also, mobile telephones, and equipment with telephone communication facilities, MP3 players, CD players, radios, computing devices (including watches with additional functionality), must not be brought into any examination/test room, whether switched off or not. The definition of unauthorised material extends to pencil cases, manuals for calculators, revision notes (including notes written on arms and other parts of the body) and spare paper. This list is not exhaustive.

b) any attempt to gain an unfair advantage in an assessment (including examinations/tests). This includes (but is not confined to):

- I. copying from other candidates;

- II. collusion;
- III. impersonation;
- IV. plagiarism i.e. presenting the work of others as if it is one's own (this includes buying or acquiring work/effort/programming code from another party (in full or in part) for the completion of an assessment);
- V. the unacknowledged or un-referenced re-presentation of one's own work (the submission of work presented previously or
- VI. simultaneously for summative assessment at this or any other institution);
- VII. unauthorised access to unseen examination/test papers;
- VIII. attempted or proven bribery;
- IX. falsification of data in projects, surveys or other assessed work;
- X. the act of uploading assessment tasks, or work on a website and inviting contributions without proper acknowledgement, referencing, or identification of such contributions.

c) assisting another student to do any of the above.

3. Scope

3.1 These procedures apply to ACLT student behaviour, and this extends to behavior by students in all buildings and grounds belonging to or leased by or to ACLT. These procedures shall also apply to acts of misconduct committed outside ACLT when a student is away in an ACLT context (for example at seminars), or when it is found that there is some link to the ACLT, ACL or its reputation.

3.2 This policy also covers examination and other assessment irregularities in accordance with ACLT's Assessment Regulations.

3.2 The Student Disciplinary Procedure shall apply to any ACLT student enrolled on a programme of study and studying at ACLT. Disciplinary proceedings will be deferred in the instance that a student is on a break from studies, but the matter will normally be considered upon the student's return to ACLT.

3.3 Any allegations of misconduct should be reported within 15 days of the incident, or the last in a series of incidents; allegations will only be considered outside of this timeframe in exceptional circumstances.

4. Cheating

4.1 Disciplinary procedures may be invoked if it is alleged that a student has cheated in relation to an examination or any other piece(s) of assessed work. It is recognised that cheating in assessed or other coursework raises a number of different issues from cheating in a written examination/test.

Examinations

4.2 If an invigilator suspects that there is cheating, the attention of any other invigilator present should be drawn to the suspicious circumstances. If another candidate suspects that there is misconduct he or she should alert the invigilator(s).

4.3 The invigilators should approach the suspected candidate(s) and inform him or her of that suspicion, explain that they may complete the examination/test if they wish and that a statement can be made at the end of the examination/test.

4.4 The invigilators will annotate the candidate(s)' work to indicate the point at which the suspected misconduct was detected. Should the invigilators suspect any further attempt at cheating during the same examination/test the same procedure should be followed and the relevant section of the script also annotated appropriately. If any unauthorised material is discovered it will be confiscated by the invigilators at the point of discovery.

4.5 Written accounts of the incident by the invigilators and other candidate(s), if appropriate, will be forwarded with the script, any unauthorised material and the student's statement to the Head of Operations.

4.6 If, during the marking, moderating or other processing of examination/test material, an examiner suspects that cheating has taken place, the examiner must inform the Education Manager and the Chair of the relevant Assessment Board, and submit a written account to the Head of Operations. The student must be informed as soon as is practicable in accordance to ACLT's.

4.7 If, following an examination/test, another student has reason to suspect that cheating took place, they must present a written account to the Head of Operations. An anonymous statement shall constitute hearsay and not be deemed a legitimate allegation.

4.8 All materials confiscated from students in cases of cheating shall be retained by the ACLT until the conclusion of the case after which time the student may apply in writing to the Head of Operations for the return of items.

Assessments

4.9 Any Tutor, when marking student(s)' work, that suspects that there has been cheating should always inform the Education Manager. The Tutor is responsible for providing evidence of the alleged plagiarism. The Education Manager will refer the case to a Head of Operations, who will notify the student of the procedure to be followed.

4.10 Any student(s) wishing to make an allegation against another student should present a written account to the Head of Operations. An anonymous statement shall constitute hearsay and not be deemed a legitimate allegation.

4.11 The student(s)' scripts or other form of coursework should be forwarded to the Head of Operations, together with written statements from the member of staff or student(s) who made the original allegation.

5. Procedure: Decision of the Head of Education

5.1 In the event of an allegation of cheating or misconduct, the Head of Operations is the authorised person who is responsible for collecting the appropriate evidence to be referred to the Head of Education.

5.2 The Head of Operations will as soon as is reasonably practicable investigate the allegation (normally within ten working days) and collate the evidence found as a result of the investigation. The Head of Operations will inform the student of the allegation via the email address registered with ACL, attaching a copy of these procedures and any relevant evidence.

5.3 The student will be given the opportunity to admit or deny the allegation. Where the student admits responsibility there will be no right of appeal.

5.4 Where a student denies the allegation of misconduct, the information gathered will be reviewed and considered by the Head of Education who will decide to either dismiss the allegations or issue a Written Warning.

5.5 In a case that concludes with a Written Warning where there is already a Written Warning on file, the Head of Education must issue a Final Written Warning stating clearly that any further proven misconduct may result in their permanent exclusion from ACLT. Where the student already has a Final Written Warning on file, the details and outcome of the case must be referred to the Chair of the ACLT Management Board in order that the student may be permanently excluded.

5.6 The Head of Education may choose to interview the student; any student who has a Final Written Warning already on their record, and where a further proven case of misconduct will therefore result in the student's permanent exclusion from ACLT, must be invited to interview.

5.7 Students will be given at least five working days notice of any interview via email, and will be required to attend. The interview will be attended by the person bringing the allegation (e.g. the Tutor) as well as the Head of Education. The Head of Operations will also attend to take minutes of the interview. Should the student fail to attend an invitation to the interview, the Head of Education may question the individual who initiated the disciplinary in the absence of the student, and reach his/her conclusions accordingly.

5.8 The Head of Education will notify the student of the outcome, to their ACL registered email address, normally within 10 working days of the case being referred to them. If the

case is complicated, the Head of Education will provide the student with an indication of the likely timescale of the investigation.

5.9 In all instances students where students receive a Written Warning they will be required to complete a written undertaking as to their future conduct within five working days of the issuing of the sanction. A record of this action will be recorded against the student's record.

5.10 Any student wishing to appeal against the decision of the Head of Education must lodge his/her appeal within ten working days of the date of the decision as given on the email. The appeal should be made in accordance with the Appeal and Review Procedure.

5.11 A student submitting an appeal will receive an acknowledgment of receipt of their appeal normally within five working days of the documentation being lodged with the Office.

6. Procedure: Decision of the ACLT Management Board

6.1 Where the student already has a Final Written Warning on file, and the Head of Education decides that a further Warning would be appropriate, the details and outcome of the case must be referred to the ACLT Management Board in order that the student may be permanently excluded.

6.2 In the event of a referral, the Head of Education is responsible for sending the appropriate evidence and a copy of his or her findings to the Board. The Head of Education will notify the Head of Operations about the referral.

6.3 The Head of Operations will inform the student of the referral to the Management Board via their registered email address, setting out the reason the referral has been made.

6.4 The Management Board may affirm the decision or refer the matter back to the Head of Education for reconsideration setting out their reasons and advice. In the event the decision is affirmed the student will be permanently excluded.

6.5 The Management Board may choose to interview a student; any student who is at risk of permanent exclusion from ACLT, must be invited to interview.

6.6 Students will be given at least five working days notice of any interview via email, and will be required to attend. The interview may be attended by the person bringing the allegation (e.g. the Tutor), the Head of Education as well as the student. The Head of Operations will also attend to take minutes of the interview. Should the student fail to attend an invitation to the interview, the Management Board may question the other individuals in the absence of the student, and reach his/her conclusions accordingly.

6.7 The Management Board will notify the student of the outcome, to their ACL registered email address, normally within 10 working days of the case being referred to them. If the case is complicated, the Management Board will provide the student with an indication of the likely timescale of the investigation.

6.8 In all instances students where students receive a Written Warning they will be required to complete a written undertaking as to their future conduct within five working days of the issuing of the sanction. A record of this action will be recorded against the student's record.

6.9 Any student wishing to appeal against the decision of the Management Board must lodge his/her appeal within ten working days of the date of the decision as given on the email. The appeal should be made in accordance with the Appeal and Review Procedure.

6.10 A student submitting an appeal will receive an acknowledgment of receipt of their appeal normally within five working days of the documentation being lodged with the Office.

7. Offences under Criminal Law

7.1 The following shall apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law. Where ACLT considers that a criminal offence has been committed, it may refer the case to the Police in addition to the below:

- (i) where the act of misconduct is an offence under the criminal law, action under these disciplinary procedures may continue or such action may be deferred pending any police investigation or prosecution dependent upon the severity of the offence.
- (ii) ACLT shall not be precluded from invoking its disciplinary procedures more immediately in relation to offences, which may be related to an allegation of a criminal offence if it considers this to be appropriate. The alleged victim and perpetrator will be advised that the ACLT is conducting an internal review into the related offences only.
- (iii) where a finding of misconduct is made 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 the penalty under these procedures. As a general principle ACLT is not bound by the outcome of any Police investigation or trial in deciding whether an offence has been committed.
- (iv) exceptionally, where a criminal offence has occurred and the student has received a custodial or suspended sentence, the Head of Education has the power to permanently exclude the student immediately without the Disciplinary Procedure being invoked where a Risk Assessment conducted indicates that the student would present an ongoing and unacceptable or unmanageable risk to the ACLT or wider community should they remain enrolled. The student shall be informed of his/her

right of appeal to the Management Board on the ground that the nature of the criminal offence does not justify the severity of the sanction. The request for such an appeal shall be made in accordance with the Appeals Procedure.

8. Suspension

8.1 A student who is the subject of a complaint or allegation of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be suspended by the Head of Education pending the disciplinary hearing or the legal hearing. A student will normally remain suspended until the conclusion of the disciplinary process which includes the appeal stage. In cases of urgent or sufficient cause, the Head of Education shall be empowered to suspend a student with immediate effect, provided that the matter is reviewed within five working days.

8.2 Suspension may involve a total prohibition on access to ACLT and on any participation in ACLT activities. Suspension may also involve selective restriction on access to the ACLT or prohibition on exercising the functions or duties of any office or committee membership in ACLT.

8.3 An order of suspension may include a requirement that the student should have no contact of any kind with a named person or persons.

8.4 Suspension shall not be used as a sanction. The power to suspend under this provision is to protect the members of ACLT community in general or the ACLT reputation, or a particular member or members, and the power shall be used only where the Head of Education is of the opinion that it is urgent and necessary to take such action. The decision and the reasons for the decision shall be written down and made available to the student.

8.5 In all cases the Head of Education shall review the suspension every four weeks in the light of any developments and of any representations made by the student or anyone else on the student's behalf. The student will be responsible for informing the ACL Office of any developments which may have implications for the terms of the suspension. In cases where the student has been formally charged and is awaiting a court hearing, the suspension will only be reviewed when new information is brought to ACLT's attention.

8.6 In the absence of the Head of Education, suspension under these procedures may only be authorised by the Head of Operations. Authority to carry out this Regulation may not be devolved to any other nominated individual.

8.7 Following a period of suspension, if the outcome of the case is to permit the student to return to ACLT, this will be subject to the student's academic status and return to the course/programme being at a time deemed academically appropriate. The decision will be taken within ACLT.

8.8 Students should be aware that following a period of suspension, a return to their course might incur additional financial costs in relation to their tuition fees.

9. Misconduct and Fitness for Professional Practice

9.1 As part of the function of ACLT graduation from certain courses entitles a graduate to practice in a profession or to obtain professional status. The Chair of the ACLT Management Board, in addition to applying these procedures, shall be entitled to refer disciplinary cases involving such students to the ACL Education Committee.

10. Acceptance of the above responsibilities

Enrolment as a student of the ACLT will be held to denote the acceptance of the above responsibilities.