

# ACADEMY OF MUSIC & SOUND

## STUDENT DISCIPLINARY POLICY

### 1. DISCIPLINARY STATEMENT

1.1 Students should behave appropriately at all times and shall maintain a standard of conduct which is not harmful to others or the work, good order and reputation of AMS. Students shall be responsible for familiarising themselves with the Student Code of Conduct, Plagiarism Policy, Anti-Bullying Policy and other policies to ensure that they are know what it is expected of them. All policy documents can be accessed from the AMS's Student Policy and Procedures section of MyAcademy.

1.2 Allegations of any breaches of the Student Code of Conduct shall be dealt with according to these Student Disciplinary Policy.

1.3 The Student Disciplinary Policy applies in relation to any activities engaged in, or services and facilities enjoyed, as a student at AMS, or in the vicinity of any premises owned, leased or managed by AMS. Disciplinary action may also be taken against a student in respect of any alleged misconduct wherever and whenever it may have taken place when it is considered necessary to protect the interests and reputation of the AMS and its members.

1.4 The Student Disciplinary Regulations shall apply to all students during term-time and vacation and during any periods of deferral, regardless of registration status.

1.5 Where concerns about a student may be considered under one or more sets of Regulations, the Regulations used will be those which are most appropriate, taking into account fairness to the student, the scope and purpose of the policies and the AMS's responsibilities to professional bodies.

### 2. Principles Governing Disciplinary Processes

Those involved in the disciplinary process will have regard to the following principles:

**2.1 Fairness:** both sides to any complaint of misconduct against a student will be dealt with fairly. The Disciplinary procedure is not intended to resolve disputes between individuals but to address misconduct by students. Fairness to a student responding to allegations of misconduct is important and any person complained against has the right to know the nature and sufficient details of the complaint and to have a proper opportunity to respond to the complaint.

**2.2 Confidentiality:** confidentiality must be respected. Those seeking advice and support, and those who wish to make an informal complaint, can expect confidentiality. Information about a complainant will not be released without their consent, save in exceptional circumstances. If a formal complaint is made, however, it will be necessary for information to be given to the other party or parties, and, to the extent necessary, to those involved in any subsequent investigation and in any appeals that might follow. Where a student withholds their consent to this, it may not be possible to pursue the complaint.

**2.3 Timeliness:** Normally misconduct should be dealt with without delay in order to allow investigations to commence promptly. A disciplinary procedure, once commenced, will be dealt with as quickly and expeditiously as possible, normally within 90 days and students will be kept informed during any delays. It may take longer if the issues are subject to a police investigation or criminal proceedings.

### 3. Breaches of Student Code of Conduct

3.1 Cases that would normally be regarded as disciplinary are breaches of Student Code of Conduct are set out below in what is a non-exhaustive list. These may include:

- violent, threatening, intimidating, harassing, abusive conduct, or conduct otherwise detrimental to the wellbeing of any person including Cyber bullying
- breach of the AMS Drugs Policy,
- breach of the AMS Plagiarism Policy,
- Serious breach of AMS Health and Safety regulations,
- possession or use of offensive weapon on AMS property,
- serious breach of Equality and Diversity Policy,
- behaviour that would comprise the integrity of AMS's activities by offering, promising, giving, receiving or soliciting a financial, academic or other advantage or favour as a means to influencing the actions of others, or otherwise securing a particular end.
- conduct within or without AMS that is disorderly, or which causes a nuisance (whether or not causing damage) and is seriously detrimental to the good name of the AMS
- conduct that interferes with the academic or administrative activities of the AMS, such as disruption of teaching, research, examinations, working of staff and other services,
- falsification or misuse of AMS records,
- false pretence or impersonation of others within or without AMS, in connection with academic attainments or financial awards,
- Theft of malicious damage to AMS property
- Criminal offences or gross negligence which affects AMS interests, staff or students
- Lack of attendance on course where full attendance is required.

The above examples are illustrative only and shall not prevent AMS from considering and adjudicating upon any other conduct which shall be referred to it as an alleged breach of discipline.

### 3.2 Students should note that:

- Being under the influence of alcohol or illegal drugs will not normally be accepted as a mitigating factor or an excuse and may be regarded as an aggravating feature.
- If an alleged breach takes place outside AMS-owned premises or via virtual mechanisms such as, website, email, social media platforms, this will not prevent the AMS from pursuing the breach of discipline nor will it constitute a mitigating factor.
- If a student under investigation for an alleged breach of discipline permanently withdraws from the AMS during the process, or has permanently withdrawn prior to the investigation, AMS reserves the right to continue to pursue disciplinary action in this situation. If a student found to have committed a breach of discipline permanently withdraws during or after a Disciplinary Panel hearing, AMS reserves the option to impose a sanction on the student (or former student). For example, it might rescind a degree if it were found that a student had misrepresented his/her qualifications.

## **4 Criminal Investigations and Convictions.**

4.1 The Student Disciplinary Regulations do not replace a police investigation. Where serious incidents have occurred, students should report these to the police.

4.2 In addition to the above, where a student has behaved in a manner which may lead to conviction under criminal law, provided that such conduct affects the interests of AMS, it may be reported to the police.

4.3 AMS will not normally investigate complaints about student behaviour while there is an on-going police investigation or court proceedings. However, AMS will consider whether any temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned.

4.4 A student who is under criminal investigation should keep AMS informed of any progress and/or change in status regarding his/her case.

4.5 Conviction by the police or in a criminal court will be taken as conclusive evidence that the alleged offence has occurred, and no further investigation will be required AMS. In these circumstances, the focus of any subsequent disciplinary proceedings will include an assessment of the risk posed to staff or students. Any penalty imposed by the criminal court will be taken into account.

4.6 Students are required to notify AMS immediately of any conviction of a criminal offence in a court of law or formal caution for a criminal offence by a police officer.

4.7 Where the victim of an alleged offence chooses not to report the matter to the police or does not co-operate with their inquiries, and irrespective of whether or not a preference for the matter to be dealt with internally has been indicated, AMS reserves the right not to invoke its own procedures but may investigate where it deems it to be appropriate in all the circumstances.

## DISCIPLINARY PROCEDURE

### 5. Minor Misconduct:

If the management of AMS are satisfied that a disciplinary procedure should be instigated, then provided the reason for doing so is not of a serious nature, and the format will be:

- Stage 1 - A verbal warning will be given by Course Coordinator (entered on personal record)
- Stage 2 – the student to be referred to the Centre Manager and will be given written warning (entered on personal record)
- Stage 3 - a formal 2<sup>nd</sup> written warning will be referred to a member of the college Senior Management Team and the college or University
- If unacceptable behaviour continues, the student will be suspended and/or dismissal from training at The Academy of Music & Sound.

### 6. Serious Misconduct:

Serious misconduct may include but is not restricted to the below misconduct:

- Assault or behaviour of a threatening, hostile, indecent or intimidating nature
- Serious breach of the AMS Drugs Policy
- Thief of malicious damage to AMS property
- Criminal offences or gross negligence which affects AMS interests, staff or students
- Serious breach of Safety regulations
- Possession or use of offensive weapon on AMS property
- Serious breach of Equality and Diversity Policy

Under these circumstances the procedure will be:

#### 6.1 Suspension

The student may be suspended while the accusations are investigated.

- I. The Principal may suspend a student from AMS during the investigation of an alleged offence if it is deemed that such suspension is in the best interests of the AMS, its staff or students, or of the student(s) concerned, or is necessary to ensure an effective investigation.
- II. The suspension does not mean that AMS has decided that any allegations are true.
- III. The suspension shall last until the outcome of the investigation of an alleged offence leads to the completion of procedure or until no longer required. The suspension will be reviewed at three week intervals.
- IV. Any decision to suspend a student from AMS will normally include the student's exclusion from all AMS activities including gigs, rehearsals and access to Mac suite.

#### 6.2 Investigatory Interview

- I. The Centre Manager or suitable member of staff will arrange an interview with the student against whom the allegations have been made to gather information regarding the case or allegation.
- II. The student shall normally be informed by way of this letter at least 5 working days prior to the date of the interview. The letter shall also confirm the statement of the allegation(s) to be considered and the purpose of the interview, details of the date, time and place of the interview and those who will be present and copies of any evidence or documents to be considered in connection with the allegation.
- III. The student may submit before the interview meeting a written statement of their perception of the events to the interview

- IV. The student shall be informed that they have a right to be accompanied by a friend or representative. The student must inform the Centre Manager or his/her nominee who will be attending at least 5 working days prior to the date of the interview. The student may not have legal representation.
- V. At the interview, the substance of the allegation shall be discussed with the student and the student shall be asked to present their perspective.

The purpose of the interview shall be to determine:

- whether any breach of the Student Code of Conduct has been committed;
- the seriousness of such a breach, taking into account all the surrounding circumstances, including any past penalties imposed on the student.

The following criteria may be used for classifying the seriousness of the breach and the appropriate action:

- Intent: an act which is planned in advance will normally be considered more serious than the one which is not.
- Extent: an act which is sustained and/or repetitive will normally be considered more serious than an act which is committed on a single occasion.
- Impact: an act which has an impact on other students will be considered more serious than an act which affects only the perpetrator.

The Investigator shall either:

- dismiss the allegation.  
or
- determine that a breach(es) may have occurred and either refer to the appropriate panel or impose one or more penalties as set out below;
  - I. If the Investigator believes that the breach(es) are of serious nature and should be considered by the Disciplinary Panel, they shall make such a recommendation to the Principal.
  - II. If the Investigator believes that the student should be suspended whilst the procedure is carried out, they shall make such a recommendation to the Principal.
  - III. If the breach of discipline considered by the Investigator is one for which the penalty would not require permanent or temporary exclusion from AMS, they shall make such a recommendation to the Principal.
  - IV. If the student fails or declines to attend, without good reason, the Investigator shall proceed to consider the matter, but in the student's absence and on the basis of the written evidence provided.

### **6.3 Disciplinary Panel**

- I. Where an alleged breach is referred to the Disciplinary Panel; the student will be invited to a Disciplinary Panel Hearing where they have the right to speak to the panel about the allegations.
- II. AMS will invite them to the hearing in writing giving 7 days' notice. The student may bring a friend or witness but must notify the panel of the names of these people at least 2 days before the hearing. The accompanying person may not be a practicing solicitor or barrister.
- III. If the student cannot or does not wish to attend, they can send in written evidence to be considered by the panel.
- IV. Prior to the hearing and as part of an investigation, a student shall be asked to present a statement of their version of events which is to be submitted to the Secretary of the Disciplinary Panel before the date of the hearing for their consideration.
- V. The Disciplinary Panel meetings shall be held in closed session
- VI. The Chair of the Panel shall have authority to act on behalf of the Panel, with their express agreement, in making a decision on the case where a student admits or does not deny an offence.
- VII. Should a student notify the Secretary of the Disciplinary Panel in advance of the hearing that he/she is unable to attend the hearing on the scheduled date, and has provided a satisfactory reason for their non-attendance; the Secretary or nominee will consider whether in all circumstances the hearing should be rescheduled. Under such circumstances, normally only one further attempt to reschedule the hearing will be made.
- VIII. If the student fails to attend this meeting, or to contact the Disciplinary Panel to make alternate arrangements within five working days of notification of the allegation, the Panel may decide to progress with the deliberations.
- IX. On completion of the hearing, the panel will make their decision in private and advise the student in writing within 5 working days.

### **6.4 Disciplinary Panel composition**

The Disciplinary Panel shall consist of at least three members and shall comprise:

- I. The student can be accompanied by a friend.
- II. a Chair, appointed by the Principal
- III. a member of the staff from the same or a different AMS centre
- IV. The Principal shall nominate a member of staff to act as Secretary to the Panel. The Secretary is responsible for advising the Panel on the Regulations. In the event of the Panel being divided over a decision to be taken, the Chair shall have a second and casting vote to determine the decision.

### **6.5 Conduct of Disciplinary Panel Hearing**

The hearing shall be conducted as follows:

- I. The Chair will open the proceedings.
- II. The Chair will explain the purpose of the hearing and the extent of his/her delegated powers in taking decisions on behalf of AMS.
- III. The Chair will explain the penalties which are possible outcomes of the hearing if the allegation of misconduct is upheld.
- IV. The Chair will establish names and identities of everyone present at the hearing and confirm the names of all witnesses who will be supplying evidence.

- V. The Secretary will keep a record of all persons attending the hearing and whether or not the student has elected to be accompanied by a friend or representative in accordance with these regulations; or if the student has failed or declined to attend the hearing and the Chair's decision, including the reasons for it.
- VI. If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s) or their representative(s).
- VII. The Chair shall invite all parties, except witnesses, into the room,
- VIII. The Chair will remind all parties of their duty towards maintaining confidentiality.
- IX. The Panel will not have access to the student's previous record unless and until the allegation has been upheld.
- X. The Chair will request the Senior Academic/Manager, responsible for investigating the case, to present the case against the student, including submission or written or oral statements from witnesses.
- XI. Any witness submitting a written statement may be asked to be in attendance to answer any questions. The witnesses will only be present for the presentation of their evidence.
- XII. The Chair will request the student to respond to the allegations, including their submission of written or oral statements from witnesses. The student's friend or representative may make this response if the student requests it.
- XIII. The Chair and Panel members may ask questions, through the Chair, of anyone present at the hearing at any time for the purposes of clarification.
- XIV. The Chair will invite the Senior Academic/Manager to make a final statement.
- XV. The Chair will invite the student to make a final statement. The student's friend or representative may make this statement if the students requests it.
- XVI. The Chair will ask everyone except the members of the Panel to withdraw from the room for deliberations to begin.
- XVII. The Chair is responsible for ensuring that the hearing is conducted in a fair manner but that the hearing does not replicate a court of law.
- XVIII. The Chair will inform the Panel that their reasons leading up to the final decision will be informed in writing to the student at the end of the proceedings.
- XIX. The Chair may adjourn the hearing at any time if it is required for the fair hearing of the case.
- XX. If the Panel has reached a decision, where the allegation against the student has been upheld and the application of penalties is to be considered, the Chair of the Panel may convene immediately a second meeting to determine the penalties to be applied. The Chair may decide to inform the student of the Panel's decision in writing.
- XXI. Where an allegation has been upheld the student's file/record will be made available to the Panel at this stage along with a short summary of the student's current academic position. In arriving at a decision on disciplinary penalties to be applied, the Panel will take account of any previous penalties on record and shall impose the penalties according to the outcome of the case.
- XXII. The record of the hearing and all proceedings will be kept by AMS and a copy will be placed on the student's file. This will normally be retained for six years after graduation but may be retained for longer in more serious cases in accordance with Data Protection Legislation.
- XXIII. The student will be informed in writing of the decision of the Panel within five working days.
- XXIV. Where a disciplinary case has been brought against a student as the result of the complaint of another student, the student bringing the complaint may be informed of the outcome of the disciplinary provided that this does not breach data protection

legislation and it is considered to be in the best interests of the complainant. Each case will be assessed on its own merit.

## **7. Penalties for breaches of Student Code of Conduct under Student Disciplinary Regulations**

Where the Disciplinary Panel find that a breach of discipline has been committed by the student or the student has admitted a breach the Panel will consider applying the penalties set out below. In imposing a penalty, the Panel will consider the seriousness of the breach and the proportionality of the penalty:

- I. No further action in respect of the breach of discipline;
- II. Oral reprimand from the Chair of Disciplinary Panel;
- III. Formal warning and a record of the warning will remain on the student's file for a period of 12 months;
- IV. Repair or restitution by the student to the property or equipment damaged or compensation to be payable of up to £250 (the amount imposed to be proportional to the damage suffered);
- V. Removal or restriction AMS benefits/facilities/privileges relevant to the offence;
- VI. Requirement for written undertakings that the Student Code of Conduct and AMS Regulations will be observed for the remainder of the student's studies by way of a contract for good behaviour/conduct;
- VII. Suspension either from the student's course of study and related academic privileges, for a specified period of time or until specified conditions have been met;
- VIII. Withdrawal from the student's course of study and related academic privileges;
- IX. Expel the student from AMS, which means that the student will not receive any credits achieved during their time and will not be allowed to return as a student to the AMS
- X. Recommend to the Assessment Board the withholding or rescinding the award of a degree or other qualification from an individual where there has been fraud or misrepresentation
- XI. If a student fails to comply in whole or in part with any order of the Disciplinary Panel, the Secretary may refer that non-compliance back to the Disciplinary Panel for further consideration. The Panel is entitled to escalate the sanction
- XII. All cases will normally be concluded within one month of the receipt of the case by the Secretary or his/her nominee.
- XIII. The outcome of all cases and full written reasons shall be communicated to the student in writing.

## **8. Appeal**

Any student or member of staff who is not satisfied with the decision following a disciplinary hearing is entitled to an appeal.

You have the right to appeal this decision on the grounds that:

- Procedural Error: Where the process leading to the decision being appealed against was not conducted in accordance with the AMS's procedure;

- Mitigating Circumstances: That exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason, or were not properly taken into account;
- Academic Offences Procedural Error: That the Disciplinary Panel was not conducted in accordance with the procedures set out

The following procedure should be adopted:

- I. All appeals to be received by AMS within 10 days of receiving written notification of the decision
- II. The Appeal should be given personally to a member of the management team or email or emailed to the below:  
Steve Ryan – Principal [steve.ryan@academyofmusic.ac.uk](mailto:steve.ryan@academyofmusic.ac.uk)
- III. The management team will investigate your appeal, and if they find unanimously in your favour, you will be notified within 14 working days.
- IV. If however, they do not feel that the appeal should be in your favour, an Appeals Tribunal will be arranged to enable you to “put your side of the story”. The Appeals Tribunal will consist of the elected AMS Board. A majority verdict will decide the outcome of your appeal once all evidence has been assessed. Any decision by the Appeals Tribunal is final.
- V. You are welcome to have legal representation at your Appeals Tribunal and call any witnesses that you feel are integral to your appeal.
- VI. Decisions by the Appeals Tribunal will be notified to you within 7 days from the date of the appeal.
- VII. Following an appeal AMS will issue the student with a Completion of Procedures letter.
- VIII. If a student has made an appeal and is still not satisfied with the outcome of the Appeal procedure, they may refer their case to the Office of Independent Adjudicator [www.oiahe.org.uk](http://www.oiahe.org.uk)

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**Agreed by;** Steve Ryan, Lewis Harding