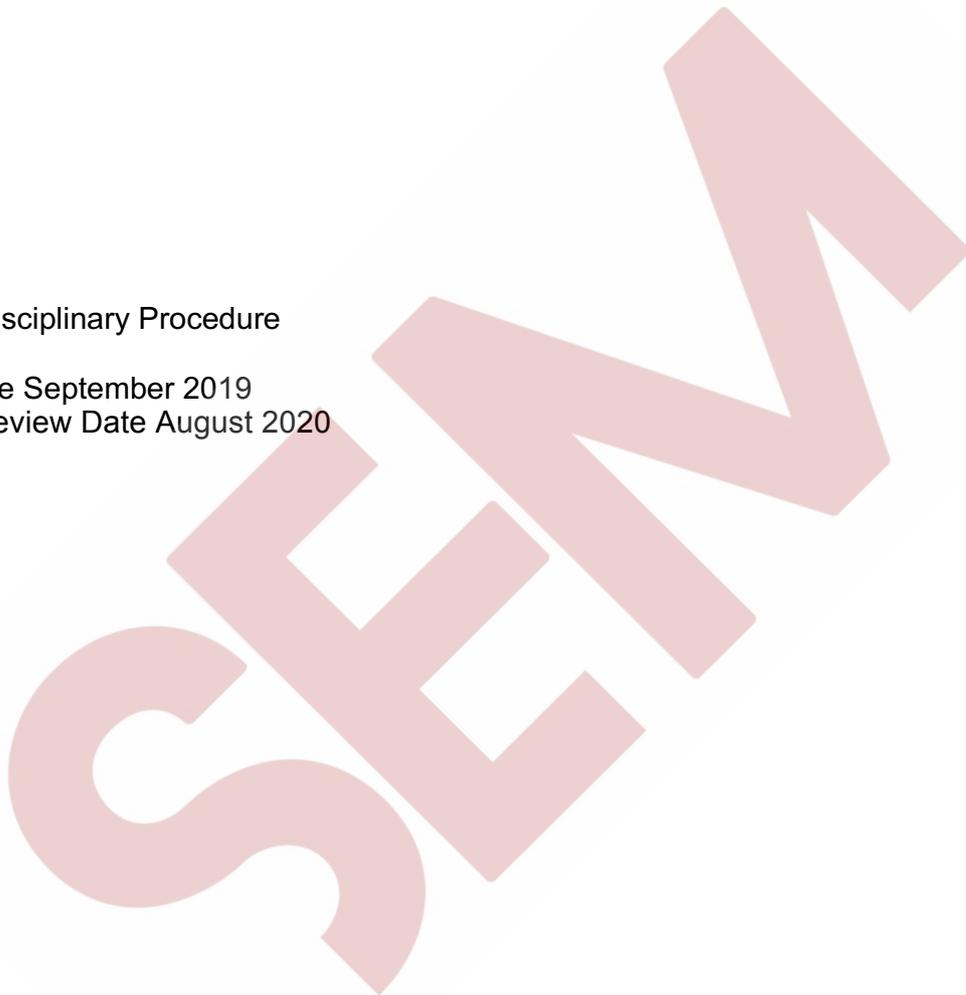


SEM

SEM Disciplinary Procedure

Effective September 2019
Next Review Date August 2020



Introduction

The School of Electronic Music (SEM) in partnership with The University of Central Lancashire (UCLan) is committed to providing a safe and fair learning environment for all students. This disciplinary procedure is in place for the protection of all students and staff.

In the event of any uncertainty about the scope of this procedure or who to contact in the first instance, the Head of Student Services and Administration will be happy to help with any advice or support needed:

Lawrence Allen
School of Electronic Music
Bexley Chambers
Manchester
M3 6DB
Tel: 0161 833 4722
E-mail: lawrence@semmanchester.com

Definitions of disciplinary measures

- **Withdrawal**

The student will be withdrawn from the register and unable to continue their current course, but may be allowed to register for other SEM courses in the future.

- **Expulsion**

The student will be permanently prohibited from attendance or access to SEM and will be unable to register for any further courses.

- **Suspension**

The student will be prohibited from attendance or access to SEM for a limited period. Where appropriate, a student may be expected to engage with SEM to facilitate continuation of studies during a period of suspension.

- **Partial exclusion**

Selective restriction on attendance or access to SEM will be imposed, the exact details of which will be specified in writing. Partial exclusions may relate to particular classes, facilities, events, or contact with a named person.

Examples of Unacceptable Conduct

The following are examples of conduct that may result in some disciplinary measure being taken. It is not an exhaustive or exclusive list.

- Poor attitude to studies
- Swearing /unacceptable language
- Persistent lateness
- Unsafe behaviour
- Misuse of any college computer system or facilities
- Cheating and Plagiarism
- Refusal to comply with college rules

Examples of Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to damage working relationships and trust between the college and the student, and may result to escalating the disciplinary procedure directly to later stages. Gross misconduct shall include, but not be limited to:

- Threatening behaviour
- Attendance at college being under the influence of alcohol or drugs
- Theft or fraud
- Deliberate damage to property
- Possession of illegal substances
- Fighting or physical assault
- Bringing the college into disrepute
- Conduct which endangers others
- Misuse of email or the internet, including downloading or transmission of material which is defamatory, offensive, obscene, malicious, sexist or racist

Stage 1: Verbal warning

A verbal warning may be given for any action or behaviour which is considered to be unsatisfactory; for example:

- Poor attendance
- Poor quality of work
- Poor attitude to studies and/or group work
- Disruptive behaviour
- Smoking
- Eating or drinking in undesignated areas

Stage 2: Written warning

If this action persists, or in the case of more serious misconduct, a written warning will be issued. This may advise that if the behaviour continues there will be a further final written warning, or in the case of a final written warning, that a disciplinary measure will be taken.

Disciplinary Hearing

In the event of misconduct that is disputed, a disciplinary hearing may be scheduled to determine if disciplinary measures are appropriate.

Examples of misconduct that may require a disciplinary hearing:

- Accusations of threatening behaviour that has not been witnessed by SEM staff
- Accusations of assaulting another student outside of SEM grounds

Notice of a Disciplinary Hearing

- The student will be given at least 5 working days' notice of the date, time and location of the Interview/Hearing.
- The notice will state the allegation(s), the names of the Disciplinary Committee members, the range of possible outcomes if the allegation(s) are proven and will identify the rights of the student to be accompanied by any one person at the disciplinary interview/hearing and to bring forward any additional evidence including oral or written statements of witnesses not previously considered
- The following will be included with the notice: 13 a) a copy of this policy b) a copy of the disciplinary report, including copies of all the evidence.
- The student will normally be expected to attend the disciplinary interview/hearing. If the student does not attend without good cause, the interview/hearing may proceed and a penalty may be imposed in her/his absence and the Disciplinary Committee/Interviewer will consider any representations made on behalf of the student at the appropriate point in the interview/hearing.
- The procedure is intended to be fair, and to comply with the rules of natural justice. The procedure is not a formal court process. A student who appears before a Disciplinary Interviewer or Disciplinary Committee is entitled to be accompanied by a person of their choosing, providing that notice is given 3 days beforehand, and there is no objection if that person happens to be legally qualified, so long as that person understands and respects the nature of the interview/hearing, and does not adopt an overly adversarial or legalistic stance.
- The student will be permitted to submit a statement and any additional evidence including witness statements not previously considered no later than three days before the interview/hearing. Witnesses may be invited to give evidence in person at the discretion of the Disciplinary Committee

Protocol for a Disciplinary Hearing

- The Disciplinary Committee will normally comprise the head of student welfare, one of the student's tutors, and a director of SEM.
- The Disciplinary Committee will introduce themselves and will explain the purpose of the interview/hearing and clarify the procedure to be followed, maximum sanction and standard of proof.
- A member of the Disciplinary Committee will present the case on behalf of SEM
- The student (or representative) will present her/his response.
- Witnesses will be invited to give evidence where applicable and if previously agreed by the Disciplinary Committee.
- The Disciplinary Committee will have the opportunity to question the student and any witnesses.
- Summing up by the Committee
- Summing up by the student (or representative).
- The Disciplinary Committee may: retire to consider its decision; or seek further information; and/or adjourn to a later date.
- The Disciplinary Committee will reach a decision based on the facts and on the evidence presented. The standard of proof will be the civil standard of proof which is whether 'on a balance of probabilities', the facts of an allegation are more than likely than not to have happened.
- The outcome imposed by the Disciplinary Committee should be one which satisfactorily addresses the allegation, whilst taking into consideration the wider SEM community and taking account of previous allegations or findings and any mitigating factors provided by the student.

Criminal Offences

Where the alleged misconduct would constitute a criminal offence, SEM may defer such action pending the conclusion of any police investigation and/or prosecution.

Interim measures such as suspension or partial exclusion may be taken during this time before a final decision is made.

Where a student has been found guilty of a criminal offence, the penalty shall be taken into consideration in determining the sanction.

Appeals Procedure

For any disciplinary measures taken, the student may appeal against:

- The decision that the allegations are proven (except in cases when the allegation has been found proven by a Criminal or Civil Court or where the student admitted the misconduct in writing)
- The outcome or penalty imposed

The grounds for appeal are:

- That new evidence or extenuating circumstances has become known, which the student could not have reasonably made known at the time of the original hearing
- That the original hearing/interview was not conducted fairly and/or in accordance with the published procedure
- That the original decision was unreasonable in all of the circumstances

An appeal should be submitted to the Head of Administration in writing within ten working days of being formally notified of the disciplinary decision. The written statement should set out what is being appealed, the grounds for appeal in reasonable detail and include any new evidence that was not available at the time of the original interview/hearing.

A committee of SEM staff will meet in private to determine whether there are valid grounds for appeal in accordance with this policy. If so, an appeal hearing will take place which will follow the same protocol as a disciplinary hearing. Following this there will be no entitlement to a re-hearing of the case.

Payment of fees

A private students' agreed payment plan will still apply if they are not able to complete the course due to withdrawal, suspension or expulsion. At SEM's discretion there may be opportunity to defer their course place if available and appropriate.

For BA foundation students, the partner university's regulations on the fee implications of student withdrawal will apply.