

## **Student Sexual Violence and Misconduct Policy and Procedures**

### **1. Scope and purpose**

- 1.1 This policy and its procedures are for use in student disciplinary matters that meet the definition of sexual violence and misconduct between students enrolled at the University College. If a member of staff was accused of sexual violence and misconduct, this would be dealt with under staff procedures. If a student is accused of sexual violence or misconduct by a staff member, this policy and procedure is used.
- 1.2 The University College recognises that incidents of sexual violence and misconduct occur within the University College, and that an increase in incidents disclosed by students reflects the trend across higher education and beyond.
- 1.3 The University College acknowledges that sexual violence and misconduct can be experienced by any individual, regardless of sex, gender identity, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status.
- 1.4 AECC University College and AECC University College Students' Union are committed to ensuring that all interpersonal interactions will demonstrate dignity and respect, and personal relationships will be grounded upon mutual respect, open communication, and clear consent.
- 1.5 As part of our collective responsibilities, the University College encourages the reporting of incidents. The academic, welfare and support needs of those affected by an alleged incident will be considered, and the University College will fulfil its duty of care to all involved parties, with support from Student Services being offered to both parties.
- 1.6 This policy and its procedures apply to all current students enrolled on courses at the AECC University College, regardless of awarding body.

### **2. Key responsibilities**

- 2.1 Under the University College's Articles of Association, responsibility is delegated by the Board of Governors to the Principal for the maintenance of student discipline.
- 2.2 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.3 The Chief Operating Officer conducts the preliminary investigation.
- 2.4 The University College's Appeals Panel for Disciplinary matters is chaired by the Vice-Chancellor.
- 2.5 Academic Standards and Quality Committee considers the effectiveness of the student disciplinary procedures and recommends changes to current policy to Academic Board via the Education Committee.
- 2.6 AECC Students' Union support and represent students reporting and incident or accused of an incident, if desired.
- 2.7 Student Services will be able to offer advice and support, and will help students contact appropriate external professional bodies who also provide specialist support.
- 2.8 Academic Board approves new policies or amendments to existing policies relating to student disciplinary procedures.
- 2.9 Under this policy and associated procedures any University College role or officeholder or officer of the Students' Union may act through her or his appointed nominee.

### **3. Introduction and context**

- 3.1 The Student Sexual Violence and Misconduct Policy and Procedure is intended to provide a clearly formulated and impartial process for dealing with problems of student misconduct of a sexual nature within a reasonable timescale and having due regard to the spirit of natural justice.
- 3.2 The University College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio- economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. The University College will seek to ensure that the consideration of issues raised under these procedures is conducted transparently and in a way which is fair to all parties concerned. All cases will be considered in accordance with the Dignity Diversity and Equality Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 3.3 As members of the AECC University College community all students are expected to conduct themselves with due regard for the good name and reputation of the University College. They are required to comply with the University College's current Rules, Regulations, Policies and Procedures at all times including those relating to Learning Services and the Students' Union.
- 3.4 Where relevant, alleged misconduct relating to professional practice shall be dealt with in accordance with the University College's Fitness to Practise regulations and procedures.
- 3.5 Once proceedings have been instituted against a student under these procedures, normally no other disciplinary action may be taken against the student under other disciplinary rules or regulations within the University College for the same alleged misconduct.
- 3.6 Where proceedings have been instigated by a student ('reporting student') in relation another student ('accused student'), the University College has a duty of care to both parties and will take all necessary steps to protect both students from harm and to continue to provide education to both students.
- 3.7 The University College will not act on allegations of misconduct which it considers to be vexatious, spurious or malicious.
- 3.8 The AECC University College Sexual Violence and Misconduct Policy and Procedure is an internal policy and procedure and not a legal process. AECC University College does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such the engagement of legal professionals by students in relation to disciplinary procedures is not normally permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Disciplinary Panel Chair.
- 3.9 Students may be accompanied and supported at all stages of this procedure by a friend or representative not acting in a legal capacity.

### **4. Sexual Violence and Misconduct – Definitions**

- 4.1 For the purpose of this policy and procedure, sexual violence and misconduct is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media.
- 4.2 Each case of sexual violence and misconduct will be determined to be either major or non-major and will be dealt with accordingly. The categorisation of major/non-major is made by the professional judgement of the staff involved in investigating the case, in considering the mitigating, aggravating and compounding factors of each situation.
- 4.3 Consent is the most important factor in determining sexual violence and misconduct. It is defined in the Sexual Offences Act 2003 for England and Wales says that a person consents to something if that person 'agrees by choice and has the freedom and capacity to make that choice'.

- 4.4 The following table outlines some examples of sexual violence and misconduct and how they are likely to be considered (the grey text provides examples of non-major and major under the same heading). The list is non-exhaustive.

<b>Misconduct</b>	<b>Non-Major</b>	<b>Major</b>
a) Engaging, or attempting to engage in a sexual act with another individual without consent	x	✓
b) Sexually touching another person without their consent	✓	✓
Example 1) Kissing another person on the hand or cheek without consent where there is no element of force or other harassment behaviours involved	✓	
Example 2) Kissing another person without consent where there is any element of force involved		✓
c) Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature; Examples:	✓	✓
Example 1) Making a single remark of a sexual nature where there was clearly no intention to cause offence	✓	
Example 2) A number of 'non-major' behaviours, with intent to cause offence		✓
d) Inappropriately showing sexual organs to another person Examples:	✓	✓
Example 1) Inappropriately showing sexual organs to others where the act is not focused upon any individual	✓	
Example 2) Inappropriately showing sexual organs to others where the act is focused upon any individual		✓
e) Following another person without good reason Examples:	✓	✓
Example 1) Single incident of following another person without good reason where there is no threatening or abusive behaviour involved	✓	
Example 2) Repeatedly following another person		✓
f) Recording and/or sharing intimate images or recordings of another person without their consent	x	✓
g) Arranging or participating in events aimed at degrading or humiliating those who have experienced sexual violence, for example inappropriately themed social events or initiations	x	✓
h) failure to comply with previously imposed sanction(s) under this Policy;	x	✓
i) repetition of non-major misconduct offences	x	✓
j) failure to comply with any reasonable instruction(s) relating to discipline issues	x	✓

## 5. Misconduct that is also a criminal offence

- 5.1 Some incidents of Sexual Violence and Misconduct may also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or, in some cases, both criminal and internal proceedings.
- 5.2 The University College respects the rights of the reporting individual to determine if they will report the matter to the police and will support their decision. The University College may, in exceptional circumstances, report the alleged crime to the police contrary to the wishes of the victim, if justified on grounds of protecting the reporting individual (or others) from harm
- 5.3 If the offence is reported to the police, the Academic Registrar will defer action until the police and courts have dealt with the matter to allow the criminal proceedings to take priority. However, the University College may still take precautionary measures as outlined in section 6.

## 6. Precautionary measures pending a hearing

- 6.1 A student, who is the subject of a complaint of misconduct under this policy and procedure, may be subject to precautionary action by the Academic Registrar pending a disciplinary hearing and/or conclusion of the criminal proceedings. Any decision will be taken after a risk assessment on a case-

by-case basis. Any such measures shall be reported to Registry, the relevant Framework/Course Leader and the Manager of the Students' Union.

- 6.2 Precautionary measures pending a disciplinary hearing and/or criminal proceedings are to be used only where necessary to protect the University College community, or the property of the University College community or to facilitate an investigation into the facts or to safeguard student wellbeing. Written reasons for the decision shall be recorded and made available to the student. Any action taken as a precautionary measure is not a penalty or sanction and does not indicate that the University College has concluded that the accused student has breached the conduct rules or committed a criminal offence.
- 6.3 Precautionary measures will be reasonable and proportionate and may include:
- a) Imposing conditions on the accused student, such as not contacting the reporting student or witnesses, move accommodation, keeping the details of the accusation confidential
  - b) Suspending the accused student pending investigation
  - c) Excluding the accused student from, for example, taking part in University College activities, using specific facilities and/or entering University College grounds/premises.
- 6.4 A student who is suspended may be wholly or partly forbidden from entering University College premises and from participating in University College activities including exercising their functions or duties of any office or committee membership in the University College or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student.
- 6.5 Normally no student shall be suspended unless s/he has been given the opportunity to make representations to the Academic Registrar either in person or in writing, as the student chooses. Such representations may be put forward by the student or by his/her accompanying friend or representative (not acting in a legal capacity).
- 6.6 In cases deemed to be urgent, particularly if the safety of others is at risk based on a risk assessment, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.
- 6.7 In any event any decision to suspend a student shall be subject to review after 20 working days. Such a review shall not involve a hearing but the student, either personally or through his or her friend or representative shall be entitled to submit written representations. The review shall be conducted by the Academic Registrar in consultation with senior colleagues.
- 6.8 In addition to the initial review, the Academic Registrar shall review the suspension or exclusion on receipt of evidence of altered circumstances, which might affect the decision.

## **7. Initiation of disciplinary procedure**

- 7.1 The Disciplinary Procedure shall be initiated by any person reporting an allegation of misconduct to the Academic Registrar. If the allegation arises from within the University College the Academic Registrar shall notify the student of the general nature of the alleged misconduct and that it has been reported to him/her under this procedure.
- 7.2 The University College reserves the right to take action under these procedures against an accused student if the reporting student does not wish to make a formal complaint.
- 7.3 Students and staff have the right to complain about behaviour they find personally offensive even when they are not the target of that conduct.

## **8. Investigation**

- 8.1 The Academic Registrar shall normally convene a preliminary investigative interview between the Chief Operating Officer (COO), and the relevant parties (including witnesses) before deciding whether any further action should be taken. Students who are party to the complaint are entitled to be accompanied by a friend or representative, not acting in a legal capacity. The preliminary interview shall normally

take place within 5 working days of the alleged misconduct being reported. The Academic Registrar shall be in attendance.

- 8.2 The offer of support from Student Services will be made explicitly to both parties at this stage.
- 8.3 Following the interview the COO may dismiss the allegations immediately if s/he believes that there is no case for the accused student to answer, or that it is for some other reason appropriate to do so.
- 8.4 Following the interview the COO may decide to refer the allegations to the University College's Fitness to Practise Committee in accordance with paragraph 3.4 above, where s/he has reason to believe misconduct relating to professional practice has occurred.
- 8.5 Following the interview the COO will determine if the alleged misconduct is considered major or non-major as outlined in 4.3 above. The alleged misconduct can only be dealt with summarily if it is considered non-major (see section 9).
- 8.6 All allegations deemed by the COO to be major misconduct must be heard by the Disciplinary Panel.
- 8.7 The COO may elect to suspend the student from some or all of their university activities pending further investigation either by the University College or the Police as outlined above.

## **9. Summary procedure**

- 9.1 In cases of non-major misconduct, if the COO considers it appropriate to do so, and if the accused student agrees, the matter may be dealt with summarily without calling a Disciplinary Panel. The COO will normally decide to deal with a case on a summarily basis only where there is an admission of guilt from the student. The student is entitled to be accompanied by a friend or representative, not acting in a legal capacity. The Academic Registrar will be present to record proceedings.
- 9.2 If the matter is dealt with summarily, the COO shall consider written or oral evidence as s/he thinks fit. The COO may impose any of the penalties set out at Section 11 of this Procedure other than expulsion from the University College.
- 9.3 At the close of the proceedings, the Academic Registrar shall write to the student setting out the alleged misconduct, a brief summary of evidence received, the grounds for finding guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report shall be placed on the student's file.
- 9.4 There is a right of appeal against both a finding of guilt and any penalty imposed under the summary procedure as set out in Section 13.
- 9.5 If the COO does not consider it appropriate to deal with the matter summarily, or if the student does not agree to it being dealt with in that way, then the matter shall be referred to a Disciplinary Panel under the procedure set out below.

## **10. The Disciplinary Panel**

- 10.1 If a matter is to be referred to the Disciplinary Panel, the Academic Registrar shall convene the Panel and shall notify the accused student in writing of the alleged misconduct and of the arrangements for further consideration of the student's case. If there is a series of related alleged misconducts the Panel may, at its discretion, deal with all allegations at one hearing.
- 10.2 The Disciplinary Panel shall be arranged as soon as is practicable after the preliminary interview between the student and the COO and normally within 20 working days. The student shall be given a minimum of 10 working days' notice before the meeting of the Disciplinary Panel except where s/he has agreed in writing that shorter notice is acceptable.
- 10.3 Membership of the Disciplinary Panel normally shall consist of Head of School (that the accused student is not studying in) as Chair, the Framework/Course Leader of the course on which the student is enrolled, one senior member of academic staff, one other member of staff (professional or academic) and a representative of the Students' Union Executive, other than the President. Members of the disciplinary panel must remain, and be seen to remain, impartial at all time. The Academic Registrar shall act as Secretary to the panel but is not a decision-making member.

- 10.4 The accused student may be accompanied by a friend or representative, not acting in a legal capacity.
- 10.5 The reporting student shall normally attend to present the case but the Panel will not require for the allegation to be spoken again. The reporting student may also be accompanied by a friend or representative not acting in a legal capacity. If the reporting student wishes, the case may be presented by the friend or representative on their behalf.
- 10.6 In accordance to the sensitivities of such cases, the Panel will be convened to best support the reporting student and may include:
- Giving testimony remotely via Skype or teleconferencing
  - Provide testimony within the same room but screened from the view of the accused student
  - The Panel interviewing each party separately
  - Other arrangements as required.

Both students will be informed of the arrangements prior to the Panel.

- 10.7 The Academic Registrar shall ask the reporting student to set out the allegation(s) in full in advance of the hearing. A copy shall be sent to the accused student at least 10 working days before the Hearing.
- 10.8 The Academic Registrar will ask the accused student to respond to the allegation in writing at least 5 days before the Panel.
- 10.9 Both parties may call witnesses. Requests for witnesses to attend must be submitted to the Academic Registrar at least 5 working days in advance of the Hearing. If such statements are requested they are required to be submitted to the Academic Registrar **at least 5 working days** before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing.
- 10.10 The Academic Registrar or the Chair may also call for witness statements in support of the allegation in advance of the Hearing, requesting statements as above. The Academic Registrar or the Chair may also request that witnesses attend the Hearing.
- 10.11 Witnesses shall normally be required to attend to give evidence in person. The Panel may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interest of justice to do so. Only witness statements that are signed and dated by the witness, and include the witness's contact details, will be accepted.
- 10.12 All documentation (including statements from both parties, witness statements etc) to be considered at the Hearing will be circulated to all parties, by the Academic Registrar, **5 working days** before the Hearing.
- 10.13 The agenda for the Hearing shall normally be as follows:
- a) Introduction of those present;
  - b) The allegations of misconduct shall be set out by the reporting student or their representative;
  - c) The accused student, or his/her representative, shall respond to the allegations;
  - d) The Panel shall have the opportunity to question both the reporting and the accused students;
  - e) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Panel or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw;
  - f) The reporting student shall sum up the allegations. New evidence is not admissible at this time;
  - g) The accused student shall sum up. New evidence is not admissible at this time;
  - h) The Panel reach their decision in private.
- 10.14 The agenda for the Hearing may be varied at the discretion of the Chair.
- 10.15 The Panel may impose time limits on oral addresses and submissions.
- 10.16 The Panel shall rely only on evidence presented at the hearing, or in written format beforehand.

- 10.17 The Panel may ask for additional enquiries to be undertaken and may call for additional witnesses to attend. If two or more students are involved in related allegations of misconduct, the Panel may at its discretion deal with their cases together.
- 10.18 At the discretion of the Panel, proceedings may be adjourned for a period not exceeding 20 working days in the first instance, and its findings or decision deferred accordingly.
- 10.19 The Panel shall find a student guilty of misconduct only if, on the evidence before it, it is satisfied on the balance of probability that misconduct occurred. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members.
- 10.20 The decision of the Disciplinary Panel shall be confirmed in writing, normally within 5 working days.
- 10.21 Except with the authority of both parties, the proceedings of the Panel shall remain confidential, with the exception of its decision.
- 10.22 For students studying courses with a Professional Statutory and Regulatory Bodies, outcomes will be communicated in annual monitoring reports.

## 11. Penalties

- 11.1 If a student is found guilty of an allegation of misconduct, penalties may be imposed by the COO in matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or his or her representative shall be entitled to make representations in mitigation before the penalty is decided.
- 11.2 When determining penalties, consideration shall be given to the seriousness of the misconduct (major or non-major), the circumstances of the misconduct, if there are any mitigating, aggravating or compounding factors involved. The Panel may also refer to the ATIXA Guide to Sanctioning Student Sexual Misconduct Violations 2018.
- 11.3 If the Panel finds that there is no case to answer, or it is not possible to determine if misconduct occurred, the Panel cannot impose sanctions. However, in exercising its duty of care to the reporting and accused students, the University College may decide that it is appropriate to put in place arrangements to support the ongoing interactions between parties. This may take the form of mediation, non-contact arrangements or other arrangements.
- 11.4 It may be that the Panel finds there is a case to answer but that it is more appropriate to offer advice and guidance rather than impose a penalty. In this circumstance the details of the case will be kept on the student's file and may be referred to in the event of any subsequent disciplinary actions.
- 11.5 The penalties that may be imposed are one, or a combination of, the following:

Sanctions	Non-major	Major
a) <u>A First Written Warning</u> . This shall give details of the complaint, the outcome of the Hearing, the improvement required and the timescale. It shall warn that further disciplinary action will be considered if there is no satisfactory improvement. It shall also advise of the right of appeal. A copy of the written warning shall be placed on the student's file, but will be removed from the file and disregarded for disciplinary purposes after a period of 12 months, or for a lesser period as specified by the Panel, subject to satisfactory conduct and performance within that period.	✓	✗
b) <u>A Final Written Warning</u> . This shall be issued if there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the complaint, shall warn that expulsion is likely to result if there is insufficient improvement and shall advise of the right to appeal. A copy of this Final Written Warning shall be placed on the student's file. Final Written Warnings shall be removed from the file and disregarded for disciplinary purposes after a period of 24 months, subject to satisfactory conduct and performance within that period.	✗	✓

c)	<u>Written apology.</u> Instruct the student to provide a written apology inclusive of a reflection on behaviour(s) and action(s) to the aggrieved party/parties.	✓	✓
d)	<u>Non-contact order</u> with specified person/persons for a defined period.	✓	✓
e)	<u>Suspension</u> from the University College for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering University College premises, and from participating in University College activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. In the event of ongoing criminal proceedings relating to the same matter, the University College may extend the period of suspension until proceedings concluded.	✗	✓
f)	<u>Exclusion order</u> to prohibit access to services/facilities for a defined period.	✓	✓
g)	<u>Expulsion from the University College</u> , which means that the student ceases to be a member of the University College, and loses all rights and privileges of membership. The Panel should also determine to withhold or withdraw any award, final or interim, from the University College.	✗	✓

## 12. III Health

- 12.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness the proceedings may be adjourned for the preparation of a medical report.
- 12.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

## 13. Appeals stage (excluding Access Diploma students)

- 13.1 **An AECC University College registered accused student** may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Academic Registrar within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based. An appeal may be made on the following grounds:
- the procedures outlined in this document were not followed
  - new evidence has become available which was not available at the time of the Disciplinary Hearing (appeals based on evidence that was available but not presented at the time will not normally be accepted)
  - the penalty is disproportionate in the circumstances of the case.
- Disagreement with the decision of the Disciplinary Panel is not grounds for appeal and appeals made solely on this basis will be dismissed.
- 13.2 **A BU registered accused student** may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Academic Registrar within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based.
- 13.3 The Appeals Panel shall comprise the Principal, one senior member of academic staff and the Students' Union President. The Academic Registrar shall act as Secretary but will not be a decision-making member. Any person who was a member of the Disciplinary Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report).
- 13.4 There shall be no entitlement to a rehearing of a case. The Panel hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular a finding may be overturned in the light of new evidence; or where it was considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The accused student may present the appeal in person or in writing as s/he chooses and may be accompanied by a friend or representative, not acting in a legal capacity.



- 13.5 The Chair of the Disciplinary Panel shall also be entitled to make written submissions or oral representations to the Appeals Panel.
- 13.6 The Panel hearing an appeal against a penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances, may determine there is no case to answer or that there is a case to answer but that the student should be given advice and guidance instead of a penalty.
- 13.7 Where an appeal is pending against a decision of the Disciplinary Panel to suspend or expel an accused student the Chair of the Disciplinary Panel shall have power to defer the operation of the suspension or expulsion pending the appeal, taking into account the specific circumstances of the case.
- 13.8 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the appellant's notice.
- 13.9 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose. The Appeals Panel shall consider its decision in private and shall notify the student of the outcome in writing (normally within 5 working days) but shall not be obliged to advise the appellant of the reasons for it.
- 13.10 **For AECC University College** registered students, the decision of the Appeals Panel shall be final and no further appeal may be permitted within the University College. The Academic Registrar will issue the student with a Completion of Procedures letter.
- 13.11 **For BU registered students**, the decision of the Appeals Panel shall be final and no further appeal may be permitted within the University College. Students believing there to have been an error of judgement, or that due process has not been followed may take their complaint to higher adjudication with the awarding body, Bournemouth University (BU), through BU's Student Administration Office.

#### 14. **Access Diploma Validating Body Appeals Procedure**

- 1.1 Students believing there to have been an error of judgement, or that due process has not been followed may take their complaint to higher adjudication with the HE Access Diploma Validating Body.

#### 15. **Further action: Referral to the Office of the Independent Adjudicator**

**(Not applicable to students on the Access Diploma – available to BU registered students after BU review)**

- 1.1. If, after exhausting the internal procedures the student remains dissatisfied, s/he may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

OIA Second Floor,  
Abbey Wharf  
57-75 Kings Road  
Reading  
RG1 3AB Tel: 01189 599813  
Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

#### 16. **Monitoring and review of student disciplinary cases**

- 16.1 The Academic Registrar will prepare an annual review of student disciplinary cases, including those dealt with under this policy and procedure, across all awards. This annual review will be considered by Academic Standards and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

## 17. How we collect and process personal data under this policy

17.1 The nature of matters dealt with under this policy will often require the collection and processing of sensitive personal information. This information will be used for the purposes of implementing this policy only and will be kept in accordance to the AECC University College Records Retention Policy which requires records to be kept for 6 years after the last action on the case.

## 18. Links to other AECC University College documents

- Student Agreement (terms and conditions)
- University College Student Charter
- Dignity Diversity and Equality Policy
- Fitness to Study Policy for all students enrolled on courses leading to AECC University College awards
- Health and Safety Policy
- Computer Acceptable Use Policy
- Email and Internet Use Policy
- University College Student Handbook
- Harassment Policy and Procedure
- Student Disciplinary Policy and Procedures

Version:	1.0
Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Durham University UUK report "Changing the Culture"; UUK/Pinsent Masons Guidance for HEI "How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence" The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations 2018
Date approved	25 June 2018
Effective from	1 September 2018
Review date	POSTPONED UNTIL SPRING 2022.
Target	All staff and all students enrolled on AECC University College
Policy location	SIP/VLE/ public website
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases
Amendments	Role/committee titles updated April 2021