



NEST ACADEMY
OF MANAGEMENT EDUCATION

STUDENT DISCIPLINARY POLICY

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Introduction

Nest Academy is committed to offering a safe, supportive and stimulating environment to enable all learners the opportunity to learn and achieve Higher Education qualifications and to progress their personal and professional lives. Students are expected to engage and behave with peers and staff in a professional, respectful and sensitive manner at all times. In cases of alleged student misconduct, behaviour that undermines the standards or reputation of Nest Academy or, activity that disrupts the learning environment of others, the Academy will instigate this process. In all cases, incidents of student misconduct and indiscipline will be considered with full confidentiality of the student and Academy officers where ever possible.

Scope

Student discipline relates to the following of and obedience to a set of rules and regulation within a prescribed community. It is expressed as good/positive or poor/negative behaviour or conduct. Student Discipline considers the physical, verbal and social activity of a student as it enhances or detracts from the learning environment. By consequence, any interventions undertaken by Nest Academy staff are deployed to:

- Support students in their academic achievement,
- Limit any negative effects on or disruption of other students learning opportunities,
- Protect the welfare of Academy staff and other visitors,
- Limit any damage to the reputation of the Academy.

The Academy will refer to the Police any disciplinary issues where it considers it appropriate to do so. In all criminal investigations, Nest Academy will cooperate fully with any authorities if a student is involved. Poor behaviour that may breach academic standards or could be generally considered as cheating would be investigated. General disciplinary issues could be collated within the following categories:

- General social and behavioural conduct including harassment • Damage to the local learning environment.
- Breach of Health, safety and security expectations.
- Misuse of Academy resources including theft, Nest Academy expects that all students promote positive behaviour and activity that enhances the learning environment for all students.

Where a student displays disruptive behaviour or attitudes, the Academy will always attempt a positive change in the student through support and guidance from Academy staff. Nest Academy will administer this through the following 3 stage process. The point of entry will be dependent on the severity of the misdemeanour or the regularity of previous occasions of poor behaviour.

Informal

- Early resolution with particular Academy staff (often lecturers, programme leaders or administration colleagues)

Formal

- Stage A: Major Misconduct allegation to be investigated by Academic Manager/Campus Manager.
- Stage B: Gross Misconduct allegation to be investigated by Director of Studies/Centre Head

Student Disciplinary Policy In all cases Student Disciplinary investigations will be considered in a fair, consistent and timely manner. No student will be disadvantaged by raising a complaint of student misconduct in good faith. If at any point of an investigation it is discovered the student is suffering from mental health, psychological or emotional issues, this policy may be paused and the Fitness to Study policy invoked.

Formal (stage A and B) Student Disciplinary investigations will be dealt with by staff members not involved in the daily operation of the subject of misconduct to mitigate against perceived bias and any potential conflicts of interest. Where this is not possible due to operational constraints, other staff members will be co-opted for the purpose of the investigation. Nest Academy reserves the right to suspend a student from the Academy or learning environment if an alleged offence has potential risk of suffering or anguish of others whilst an investigation is under way. The student disciplinary process is not intended to be a court of law. For the avoidance of doubt, the standard of proof to be used in these investigations or in imposing disciplinary penalties is the ‘balance of probabilities’: that it is more probable than not that the alleged misconduct or poor performance occurred. At all stages the Academy wishes to support the student through this process and to this end they may be supported by a student or class representative, subject to appropriate safeguards being considered.

Penalties following Student Misconduct

The outcomes of a Student discipline investigation is likely to vary depending on severity of the offence and the potential or actual damage to welfare, property or reputation of the wider Academy community and whether the student has received previous student disciplinary penalties. Penalties may include the following:

- ✓ Give the student a verbal warning that reoccurrence of the offence is not acceptable.
- ✓ Give the student a written warning that the offence is not acceptable and reoccurrence of it will lead to further investigation.
- ✓ Require the student to undertake a Student Learning Contract with respect to disruption to the learning community.
- ✓ Give the student a notice to provide a verbal or written apology to those affected by their behaviour or actions.
- ✓ Request the student to make good any loss or damage to Academy property or to the property of affected staff, students or visitors.
- ✓ Impose a fine.
- ✓ Impose a good conduct penalty for a certain time that will come into effect if the student breaches Student Disciplinary again.
- ✓ Suspend the student from the Academy for 2 weeks to 6 months.
- ✓ Recommend the termination of the student's registration and fully expelled from the Academy. Credit for modules completed and passed will be honoured.

Student Misconduct and Relevant Penalties

Given below are sets out examples of the student misconduct and also relevant penalties. Note that this is not comprehensive but should be read as a guide:

Poor Behaviour and Minor Misdemeanour: Behaviour which is annoying but has a small, localised or temporary impact on the community. The following are the examples of offence:

- Continuous disturbance to others in class.
- Making significant noise or disruption outside of classrooms.
- Dropping litter and defacing Academy environment.
- Suspicion of being under the influence of alcohol or drugs in Academy or work placement.

- Behaviour likely to disturb other students in the Library (i.e. eating, use of mobile phone, broadcasting music etc).
- Anti-social behaviour in the local community.
- Departure from the class rules.

The following are the examples of penalties:

- Verbal warning
- Verbal or written apology
- Learning Contract
- Written warning

Major Misconduct - Behaviour which has a significant impact or has the potential to have a significant impact on the community. The following are the examples of offence:

- Small scale but intentional misconduct.
- Interfering with fire and safety equipment.
- Damage to Academy or placement provider property (up to the amount of USD100).
- Misuse of Academy resources.
- Unauthorised access to IT resources of students, staff or the Academy business.
- Failure to respond to a reasonable instruction by a member of staff.
- Repeated instances minor misdemeanours.
- Running a business on Academy property without the written permission of the Principal.
- Bringing the Academy into disrepute through actions or communications, physical or digital.
- Theft and fraud– where the consequences may be relatively limited.
- Possession, use or distribution of illegal substances (eg drugs, alcohol, weapons) on Academy or work placement premises.
- Behaviour or language (physical or digital) which is violent, indecent, disorderly, threatening, offensive or causes fear or distress to staff, students or visitors.
- Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face.
- Harassment of any kind – sexual, racial.
- Harassment on the grounds of sexual orientation.
- Vexatious complaints, including allegations of harassment that are found to be mischievous or malicious.

- Consistent or significant conduct which prevents, obstructs or disrupts the holding of, or orderly conduct of, any meeting or other lawful assembly in the Academy.

The following are the examples of penalties:

- Verbal or written apology
- Learning Contract
- Written warning
- Make good any damage
- Impose a fine Impose a good conduct penalty
- Temporary Suspension (severity of penalty may increase if incidences of the offence are repeated during the full term of study).

Gross Misconduct Behaviour - which represents a fundamental breach of behavioural standards. The following are the examples of offence:

- Fraud or impersonation.
- Major damage to Academy or placement provider property (over the amount of USD1000).
- Theft of Academy or placement provider property.
- Major misuse of or damage to Academy resources.
- Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face.
- Any criminal activity on Academy or work placement provider's property including distribution of drugs.
- Assault or threatening behaviour.
- Sexual Abuse.
- Racist activity or behaviour.

The following are the examples of penalties:

- Verbal or written apology
- Learning Contract
- Make good any damage
- Impose a fine Impose a good conduct penalty
- Temporary Suspension

- Termination of registration and expulsion

Process of Student Disciplinary Investigation

Notification of Suspected Disciplinary Misconduct (SDM)

When details and/or evidence of SDM have been identified or witnessed, Nest Academy are determined to treat the situation confidentially by all who are informed about them.

Where the misdemeanour is discussed informally with the student during the initial stage, the Academy staff member must make a record of the offence and outcome of the discussion including any activity or penalty on the SDM Notes Record. This record is to be submitted to the Student Administration department for recording against the student record and also for annual monitoring within 10 working days of the discussion. Where the severity of the misconduct is such that Stage A or B is instigated, then the relevant investigator must provide an initial record to the Administration department for the student

In all cases the student is informed that they have the opportunity to respond to the allegation according to this process and the case will be treated confidentially and without bias or perceived bias.

Investigation of Suspected Disciplinary Misconduct (SDM)

Informal:

Early Resolution

- Allegation of offence witnessed or identified by Academy staff is recorded on SDM Notes Record.
- Member of staff discuss the concern with the student within 10 working days.
- Member of staff to investigate and make decision of activity or penalty relating to allegation or no-case within 15 working day.
- Where allegation is found true an outline of concern and penalty is provided to Centre Head (or Nominee) for student records update and annual monitoring (without complainant details) within 20 working days.

Formal –

Stage A

- Allegation of offence is submitted to the Academic Manager/Campus Manager using Nest Academy Student Disciplinary Notes Record.
- Student receives a written acknowledgement of the allegation within 3 working days (Notification of Suspicion of Disciplinary Misconduct letter)
- Alleged offence is reviewed by Academic Manager/Campus Manager (Stage A Chair), or Nominee, within 10 working days.
- The Stage A Chair will convene a panel of at least 3 members – Chair plus 2 additional colleagues to assist in the investigation.
- The Investigation panel will invite the student and other parties to make representation as part of the investigation process.
- The Student Disciplinary investigation meeting will proceed along key areas of investigation and all relevant evidence or documentation shall be made available to the student at least 24 hours prior to the meeting.
- The Student will be kept informed of the progress of the investigation every 10 working days.

Stage B

- Allegation is submitted to the Centre Head.
- Student receives a written acknowledgement of the allegation within 3 working days (Notification of Suspicion of Disciplinary Misconduct letter).
- Alleged offence is reviewed by Centre Head, or Nominee, within 10 working days.
- The Stage B Chair will convene a panel of at least 3 members – Chair plus 2 additional colleagues to assist in the investigation.
- Nest Academy reserves the right to suspend a student from the Academy or learning environment if an alleged offence has potential risk of suffering or anguish of others whilst an investigation is under way. The student will be notified accordingly.
- The Investigation panel will invite the student and other parties to make representation as part of the investigation process.
- The Student Disciplinary investigation meeting will proceed along key areas of investigation and all relevant evidence or documentation shall be made available to the student at least 24 hours prior to the meeting.

General Points regarding the Student Disciplinary Process

If a student is unsure about the student disciplinary process, it may help to discuss the issue with someone confidentially and independently. The Student Representatives may be familiar with your experience and suggest ways to deal with the concern or support you through the process. Furthermore, a student may receive support and assistance by being represented by a (Lead) Student Representative during the process and at investigation meetings. Nest Academy is not liable for financial or other consequences facing the student as a result from action pertaining to this policy.

Complaints Annual Review

All comments, concerns and offences are reviewed, considered and investigated to inform improvements for the student experience and the learning community as a whole. These are collated and logged by the Centre Head in line with strict confidentiality and data protection protocols. This is formally reviewed each semester resulting in a report and Action Plan presented to the Academic Standards and Quality Committee for discussion, and the Academy operation and student learning experience enhanced accordingly. The Academy welcomes student feedback through a number of published opportunities including: module evaluations, Student Representatives, Quality Circle Activity, and access to Campus and Academic Managers, in addition to direct access to all Senior Managers. As such Nest Academy welcomes the opportunity to work with students to enable such enhancements throughout the Academy operation.