



# **Central Film School**

## **Non-Academic Disciplinary Policy**

## **1. Introduction**

1.1 Central Film School is committed to upholding the highest standards and to carrying on its activities fairly, honestly, openly and in compliance with all applicable laws. As members of Central Film School's community, all students are required to comply with the School's current Regulations, Policies, Procedures and Codes of Practice at all times and in all places.

1.2 Allegations that students have failed to comply with the standards outlined in this document may result in the School taking disciplinary action that it considers reasonable and appropriate.

1.3 The CEO is responsible for the maintenance of student discipline.

1.4 There may be occasions where the CEO appoints a member from the School's Registry or Academic departments to act as a nominee.

## **2. Scope and Purpose**

2.1 The Non-Academic Disciplinary Policy applies to all students of Central Film School from enrolment up to completion of their programme of study at the School.

2.2 This policy applies to all students of the School at all times (term time, placements and field trips) on or off School premises.

2.3 This policy may be initiated in response to reports from staff, other students or third parties.

2.4 A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being dealt with under this procedure.

2.5 This policy is intended to apply to current students; however, where a student withdraws or otherwise leaves the School once the procedure has been initiated, the School may choose to continue with the case or not at its sole discretion. The School may or may not also determine it to be appropriate to initiate the procedure after a student has left the school should an incident subsequently come to the School's attention.

2.6 This policy does not apply to allegations of academic misconduct, such as plagiarism, cheating in examinations, etc. Provision is made within the School's academic policies for consideration of such matters.

2.7 Students who are the subject of an allegation of misconduct whilst on placement or within a workplace setting which is linked to their programme of study will normally be subject to the conduct/discipline policy and procedures of the employer in the first instance. However, the School may also decide to take action under these or other relevant School policies and procedures.

### **3. Criminal Offences and Legal Proceedings**

3.1 If an allegation of misconduct constitutes a criminal offence or where police, criminal or other legal investigations or legal proceedings are likely or underway, the Head of Registry may give formal notice to the student of an intention to invoke the Disciplinary Procedures but may postpone further action until the investigation and/or proceedings have been concluded. However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to the student or others.

3.2 The School will cooperate in any Police enquiry and shall report any matter which appears to constitute a serious criminal offence, or where otherwise the School sees fit to do so, directly to the Police.

3.3 The School reserves the right to consider the consequences of convictions for criminal acts incurred by a student in regard to the suitability of that person to continue as a student of the School, or to impose other penalties as are permitted within the terms of this document or other relevant School Procedures.

3.4 The School is not bound by the outcome of any criminal or other legal proceedings and is not precluded from taking action under any School procedures regarding the matter, particularly where there is a risk to members of staff or other students.

### **4. Custodial Sentences and Students on Remand**

4.1 Where information is provided to the School that a student is convicted of an offence and given a custodial sentence or is remanded in custody pending the outcome of criminal proceedings, the matter is to be reported to the Head of Registry as soon as possible.

4.2 The Head of Registry will liaise with key colleagues and determine:

- whether or not to invoke the School's disciplinary procedures either at the time or deferred, and
- the student's registration status, i.e. to consider if the student should be withdrawn (and if so whether temporarily or permanently)

4.3 Such matters will be decided on a case-by-case basis taking into account the length of the sentence, the crime committed and the academic position of the student. In reaching their decisions, the Head of Registry will take advice as appropriate in the circumstances, but this will usually include the CEO, Head of School and programme leaders. The Head of Registry will notify the student in writing of their decisions and whether the student may be eligible to apply for re-admittance or an interruption of study.

4.4 A former student who has served a custodial sentence or period of remand may wish to return to the School to complete their studies. They are required formally to request re-admittance in writing to the Head of Registry and to provide as much information as

possible about the conviction and terms of release. The Head of Registry will arrange for other information to be gathered as necessary, including the student's previous academic position and advice regarding risks.

4.5 The Head of Registry will consider the nature of the offence, any particular circumstances, any potential risks to the School and its members, and any other pertinent issues and decide

- (1) on re-admittance and the timing of it, and
- (2) any conditions associated with re-admittance.

They may wish to meet with the student concerned to discuss the issues (where possible). They will also consult with the CEO, Head of School and others as appropriate.

## **5. Alcohol and Drugs**

5.1 Any student found having used or being suspected of having used controlled substances illegally will be provided with the necessary care and attention in relation to their health needs. The School's priority is to safeguard the wellbeing of the individual and all other students. Each case will be assessed individually, however, any student found in possession of, using, or dealing illegal drugs (or what are reasonably suspected to be illegal drugs) will normally be subject to disciplinary action. These disciplinary actions could include mandatory drugs awareness programmes, suspension or expulsion from the School.

5.2 The School also has a legal duty to inform the police of any incident involving controlled substances, which may result in criminal prosecution. If a student is convicted of a drug-related offence, there may be additional implications for their future employment and travel. Students should be aware of the potential implications for professional suitability, professional registration etc.

5.3 While the main aim of this Policy is to educate and support students rather than to impose penalties, disciplinary action will be taken against students where illegal activity is involved and may be taken depending on the nature of other incidents.

5.4 Central Film School prohibits the misuse of controlled substances on School's premises and students who fail to comply with the terms of the contract may be served with a 'notice to quit'. Students may be suspended, excluded temporarily or expelled from the School, or any of the School's facilities, in the following cases:

- where their continued presence constitutes a threat to themselves or others;
- where their behaviour disrupts other students in their studies, or in the wider use of the campus;
- where their behaviour seriously breaches the standards laid out in this document; and/or
- where their behaviour compromises the reputation of the School.

5.5 Any person who is not a member of the School found on School premises, possessing or suspected of being involved with controlled substances will be removed from the premises immediately. Where appropriate, the police will be informed and the person concerned will be banned from the School. Any member of the School who had invited them on to the premises will be subject to investigation themselves for allowing the incident to

take place.

## **6. Sexual Misconduct**

**6.1** As defined by the Office for Students; sexual misconduct relates to all unwanted conduct of a sexual nature, including, but not limited to:

- i. Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- ii. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii. Assault (as defined by the Sexual Offences Act 2003)
- iv. Rape (as defined by the Sexual Offences Act 2003)
- v. Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- vi. Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- vii. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

## **7. Anti-Social Behaviour (ASB)**

7.1 When instances of student anti-social behaviour are reported, the School may take action to address any concerns that arise as a result. Where appropriate (depending on the seriousness of the complaint) we will attempt to resolve the matter through informal means, by discussing with the student the impact of their behaviour and seeking assurances that they will desist from this behavior in the future.

7.2 Repeat and/or more serious allegations may require a more formal response and may result in referral to the School's Disciplinary Procedures.

7.3 Where appropriate, we will work in partnership with the police in responding to complaints regarding ASB. Should the anti-social behaviour be considered as potential criminal activity; the police may investigate and decide whether to launch criminal proceedings.

7.4 The School will gauge the seriousness of reported student anti-social behaviour based on one or more of the following factors:

### **The timing of the incident**

- Has the incident occurred at a time that has caused aggravation? (e.g. late into the evening or in the early hours of the morning?)

### **Community Impact**

- Have multiple calls been received from community members? Have any attempts been made to mitigate a disturbance? (e.g. advance consultation with neighbours?)

### **Involvement from other agencies**

- Has the incident placed a strain on the resources of other agencies? (e.g. The Police, Ambulance Service, Fire Service, Community Patrol?)

### **Level of cooperation**

- Has the student (or students) involved in an incident of anti-social behaviour been obstructive or obtrusive when reasonable concerns have been raised?

### **Repeat Offences**

- Has the student (or students) been involved in previous instances of proven anti-social behaviour? Have previous recommendations/conditions been breached?

6.5 Based on the above factors, a variety of interventions and sanctions can be considered by the CEO, Head of Registry, Head of School and Programme Leaders.

## **7. Application**

7.1 Any breach of the School's Rules and Regulations will be subject to an investigation.

7.2 Allegations of misconduct should be made to the CEO or Head of Registry. The CEO or Head of Registry will consider what action to take, with consideration of the circumstances facing the student at the centre of the allegations.

7.3 If the CEO or Head of Registry agree that there may be a case for the student to answer, then an investigation into the allegation will be launched after which, the CEO or Head of Registry may either close the matter or refer the student to meet with a Disciplinary Committee.

### **During an Investigation or Meeting with a Disciplinary Committee**

- The student may be accompanied by a friend or a Student Representative. The student may not be accompanied by a legally trained individual or anyone acting in a legal capacity.
- If the CEO considers it appropriate to do so, and if the student agrees, the matter may then be dealt with summarily without recourse to a disciplinary committee.

7.4 The CEO and Head of Registry may decide that due to the nature of the allegations, the student(s) should be suspended from the School during the period of time in which the procedures are being applied until final decisions have been reached. Such a suspension may be wholly (i.e. from the grounds of the institution) or in part (i.e. student may be able to access the grounds for their studies, but may be suspended from other parts or activities of the institution)

## **8. Timescales**

8.1 In the interests of ensuring that any matter is resolved as speedily as possible, time limits are given within the appropriate School procedures. Once it has been decided to invoke the disciplinary procedures outlined here the School will seek to conclude the process within 30 calendar days. There may be occasions when the timescale needs to be extended due to extenuating circumstances, for example, where key individuals are unavailable, or if key information needs to be obtained from an external organisation/agency. In such occurrences the School will inform all parties in writing if it is not practicable to adhere to the timescales, outlining that they may be amended, after having attempted to gain the agreement of all parties.

8.2 Students will be given at least 2 working days' notice of meetings related to the procedures and the School will seek to take account of the availability of individuals and, if applicable, chosen representatives. It is expected that meetings related to the disciplinary matters will be given high priority by all involved individuals.

## **9. Summary Procedure**

9.1 In dealing with a matter summarily, the CEO will consider written and/or oral evidence. The CEO will find the student guilty of misconduct only if, on the evidence provided they are satisfied beyond reasonable doubt of the student's guilt. If a finding of guilt is made, the CEO may impose any of the penalties set out in this document.

9.2 At the termination of the proceedings, the CEO will formally write to the student to outline the final decisions within 5 working days. In the event of a finding of guilt, the letter will set out the misconduct alleged, and the terms of any penalties imposed. A copy of the letter will be sent to the student and will be circulated to appropriate members of the school staff.

9.3 There is no right to appeal within the School against any decision issued through the summary procedure. Notwithstanding this, a student may submit a case to the Office of the Independent Adjudicator for Higher Education (OIA).

## **10. Referral to a Disciplinary Committee**

10.1 If the CEO directly refers the student to a Disciplinary Committee, or after the interview does not consider it appropriate to deal with the matter summarily, or if the student does not agree to its being dealt with in this way, then the matter shall be referred to a Disciplinary Committee.

10.2 The Disciplinary Committee should be comprised of the following:

- CEO
- Head of Registry
- Head of School
- Programme Leaders

10.3 If a finding of guilt is made, the Disciplinary Committee may impose any of the penalties set out in these procedures, including expulsion from the School.

10.4 The Head of Registry will manage the administration of the committee.

## **11. Penalties**

11.1. A student found guilty of misconduct may be:

- Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to their actions
- Issued with a Written Warning; this warning will be attached to their Student Record. Should the student be found guilty of misconduct on a subsequent occasion during the remainder of their School career there will be consideration of all offences
- Issued with a Final Written Warning; this warning will be attached to their Student Record. Should the student be found guilty of misconduct on a subsequent occasion during the remainder of their School career there will be consideration of all offences
- Required to pay a reasonable sum by way of compensation for identified and quantified loss
- Suspended from the School for a fixed period of time, up to a maximum of two academic years. A student who is suspended is prohibited from entering School premises, and from participating in school activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will 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
- Expelled from the School, which means that the student ceases to be a member of the School, and loses all rights and privileges of membership. (*Expulsion can only be decreed by a Disciplinary Committee*).

## **12. Non-Attendance**

12.1 In every case the School will ensure all efforts are made to agree to the scheduling of meetings to ensure that all parties can attend.

12.2 If a student fails to attend meetings related to either the Summary Procedures or those related to the Disciplinary Committee then the School reserves the right to issue penalties in absentia.



### 13. Rights of Appeal

13.1 If a student wishes to appeal against the verdict issued by a Disciplinary Committee they must write to the CEO within 10 working days of receiving the outcome from the Committee.

13.2 Upon receipt of the letter, the CEO will respond to the student within 10 working days. The decision of the CEO will be final. Notwithstanding this, a student may submit a case to the Office of the Independent Adjudicator for Higher Education (OIA).

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