



Disciplinary Policy

Policy Management

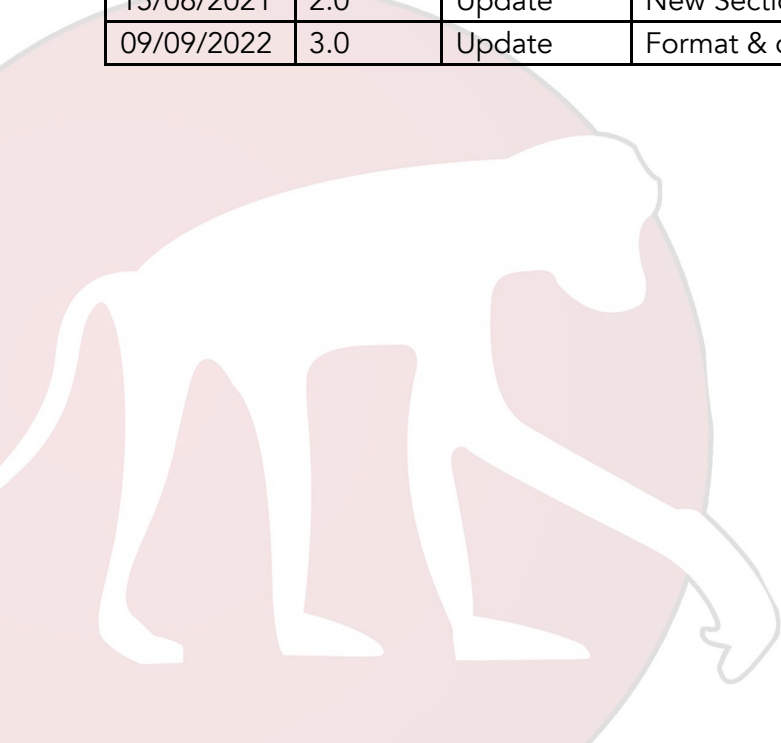
Policy Scope:	Fourth Monkey accredited and vocational courses
Policy Application:	All students on accredited and vocational courses at Fourth Monkey
Policy Availability:	https://www.fourthmonkey.co.uk/policies/
Policy Manager:	Richard Delaney, Head of Undergraduate Studies
Policy Approval:	Charleen Qwaye, Director of Training & Deputy CEO

Document Control

Policy Implemented:	
Review Frequency:	Annual
Next Review Date:	August 2023
Policy Version:	3.0
Policy Storage:	Office Shared Drive / Policies
Related Documents:	N/A

Version Control

Date	Version	Action	Amendment	Staff
01/09/2019	1.0	Created	n/a	PS
15/06/2021	2.0	Update	New Sections / draft edit	DH
09/09/2022	3.0	Update	Format & draft edit	SG

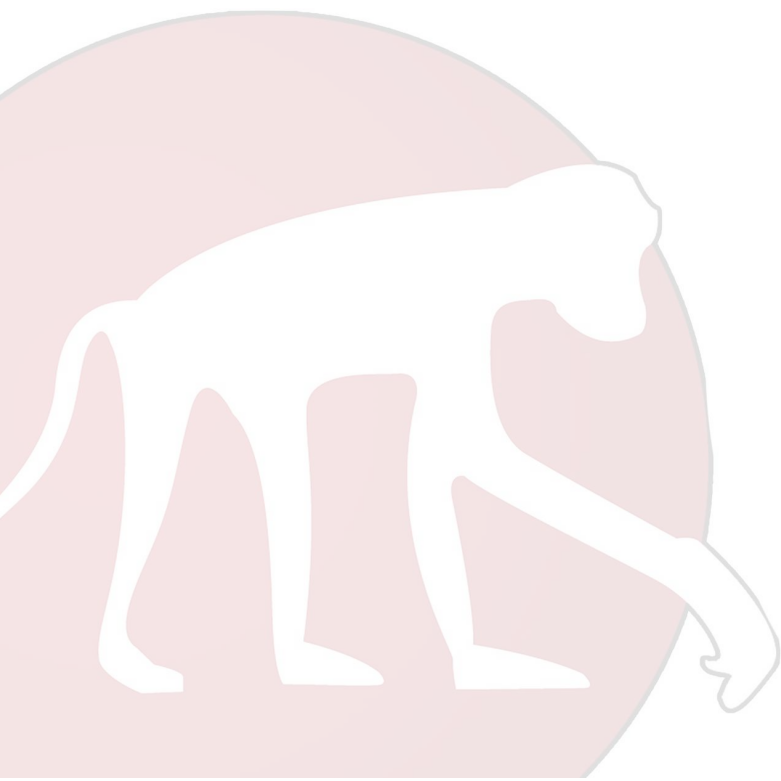




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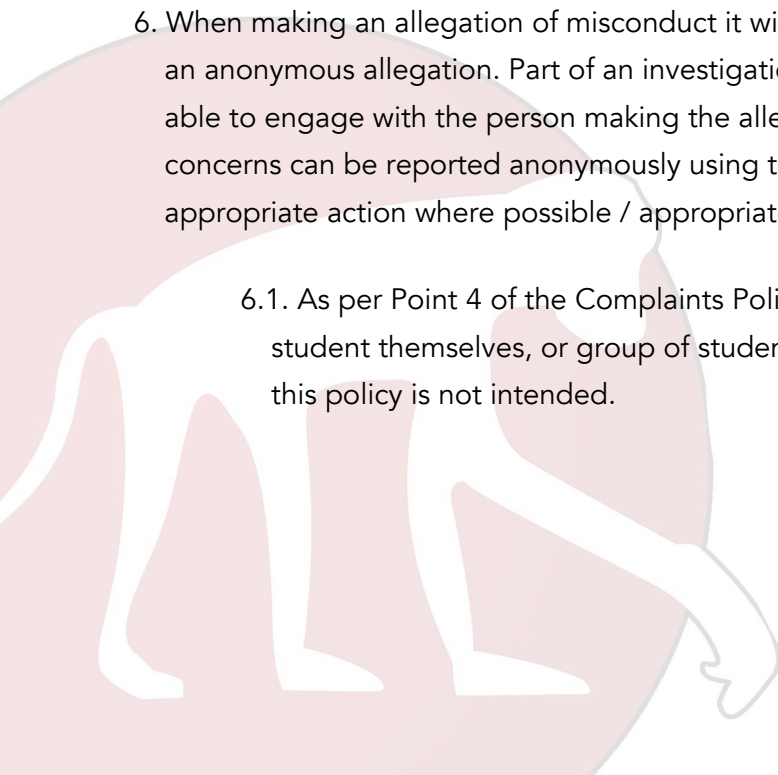




Introduction

This policy outlines and details the approach taken at Fourth Monkey regarding disciplinary issues, misconduct, and the procedures Fourth Monkey will follow should matters of disciplinary action arise.

1. This policy and procedure relates to non-academic misconduct.
2. This policy seeks to ensure that allegations of misconduct concerning a student are treated seriously and, if found to be valid after investigation, are acted upon to ensure that the interests of students and staff are protected as far as it is possible for Fourth Monkey to do so.
3. This policy applies to all students registered on full time and part time accredited and vocational courses.
4. The responsibility for maintaining discipline among students is with the Head of Undergraduate / Postgraduate Studies / Head of Centre of Excellence and Director of Training / Artistic Director. Students can expect the Senior staff to be assisted in maintaining the discipline among students by all members of Fourth Monkey staff.
5. The burden of proof of the allegation of misconduct lies with the person or persons alleging the misconduct. The judgement of the allegation will be based on the balance of probabilities. The seriousness of the offence will be considered in assessing the cogency, weight and quality of evidence presented.
6. When making an allegation of misconduct it will not be possible for Fourth Monkey to investigate an anonymous allegation. Part of an investigation into misconduct requires Fourth Monkey to be able to engage with the person making the allegation to substantiate their claims. However, concerns can be reported anonymously using the *Monkey Thinks Box* and Fourth Monkey will take appropriate action where possible / appropriate.
 - 6.1. As per Point 4 of the Complaints Policy, allegations should be raised directly by the student themselves, or group of students, rather than a third party on their behalf to which this policy is not intended.





Disciplinary Procedure

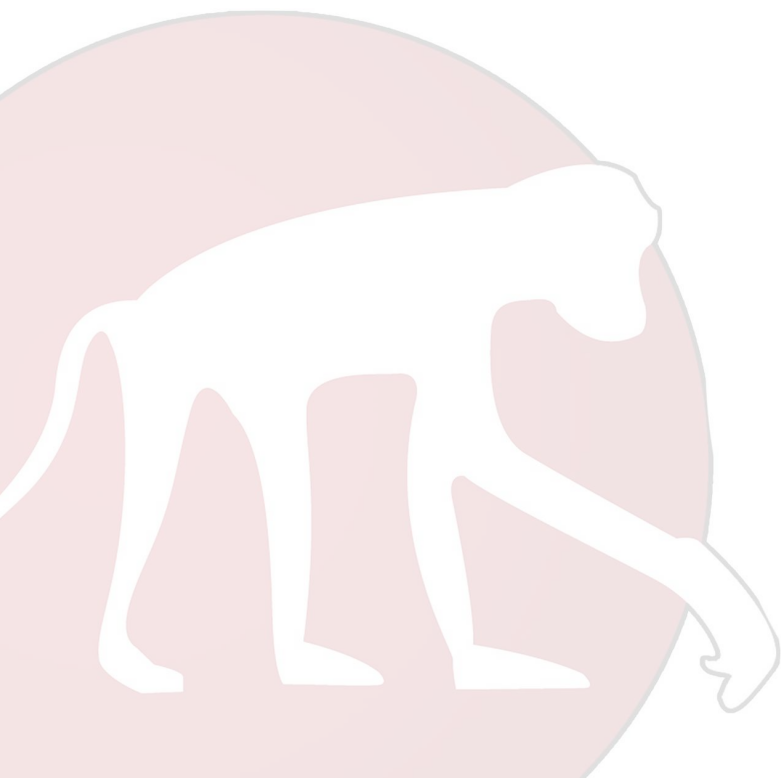
7. Any member of Fourth Monkey who becomes aware of what they consider to be misconduct by any student, should in the first instance report such a breach, normally in writing, to the Training & Academic Services Officer. The Training & Academic Services Officer will investigate the allegation and follow the Disciplinary Procedure below.
8. The Disciplinary Procedure outlines the stages taken by Fourth Monkey with students found of misconduct:
 - 8.1. Stage 1: Verbal Warning issued by the Course Leader and the Training & Academic Services Officer, followed up by an email to the student to record date given.
 - 8.2. Stage 2: Verbal and Written Warning issued by the Course Leader and the Training & Academic Services Officer. The Head of Undergraduate / Postgraduate Study / Head of Centre of Excellence will be copied into this correspondence.
 - 8.3. Stage 3: Meeting held with the Head of Undergraduate / Postgraduate Study / Head of Centre of Excellence and Training & Academic Services Officer. A Professional Conduct Agreement or Monkey Learning Support Plan may be agreed with the student to enable them to be retained, monitored and supported in their commitment to training.
 - 8.4. Stage 4: Meeting held with the Head of Undergraduate / Postgraduate Study / Head of Centre of Excellence and Director of Training / Artistic Director. This could result in dismissal from training at the discretion of the Director of Training / Artistic Director. Alternatively, a Professional Conduct Agreement or Monkey Learning Support Plan may be agreed with the student to enable them to be retained, monitored and supported in their commitment to training.
 - 8.4.1. The Training & Academic Services Officer will attend this meeting to minute any agreed further action.
9. The above steps are implemented for all actions considered to be misconduct as detailed in this policy.
10. Fourth Monkey reserves the right to implement any stage of the Disciplinary Procedure depending on the severity of a situation, especially in cases where an instance could put staff, practitioners, students, the individual(s) in question, the building and / or wider community at risk.



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11. A temporary measure of suspension of a student may be required while an investigation of misconduct takes place or to protect the Fourth Monkey community due to an allegation of misconduct. Suspension is a non-judgmental and temporary step taken before deciding on disciplinary action.

11.1. A temporary measure of suspension will be communicated with the student both verbally and via email. The suspension notice will confirm the reasons why the suspension decision has been made and will detail the rules of suspension.





Criminal Offences, the Police & Action Under this Procedure

12. Fourth Monkey will refer concerns to the police where it considers it appropriate to do so and will co-operate with the police in their investigation of an alleged breach of the law or of any matter that may involve a student of Fourth Monkey.
13. Conduct which may constitute a criminal offence may also amount to misconduct under this procedure. There, in addition to any criminal process, this conduct may also be dealt with under this procedure.
14. Where a student's conduct comes under investigation by the police, Fourth Monkey's own investigations into alleged misconduct or proceedings under this procedure may be deferred until such time as the police and / or courts have completed their investigations and proceedings. Fourth Monkey may also, as appropriate to the circumstances, at any time, suspend a process already underway under this procedure. In determining whether to commence or proceed with any action or process under this procedure, Fourth Monkey is not bound by the outcome of any police or criminal investigation or prosecution. However, where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under this procedure.
15. Should it be considered that there is an immediate and serious risk to the Fourth Monkey community and / or Fourth Monkey's reputation as a result of a student's actual or alleged misconduct, the Head of Training / Head of Centre of Excellence or the Director of Training / Artistic Director may suspend the student with immediate effect pending the outcome of the court case.
16. Fourth Monkey will not investigate complaints about student behaviour in privately managed properties but will work closely with the police and / or environmental health to help their investigation as appropriate. If the police and / or environmental health identify individual students as being persistently involved in noise complaints or anti-social behaviour, then Fourth Monkey will take appropriate disciplinary action.



Misconduct

The following are indicative types of misconduct but are not intended to be exhaustive:

17. Engaging in conduct, both on or off Fourth Monkey premises, which is in breach of any statute, ordinance, regulation, policy, procedure, code of practice, or other rule of Fourth Monkey, or the law of the land. This includes but is not limited to Fourth Monkey's policies on equality and diversity, health and safety, and not following instructions or procedures relating to the prevention of the spread of disease.
18. Behaviour or language (whether in a physical or digital environment) which is violent, indecent, disorderly, threatening, offensive, or causes fear or distress to others (for example, deliberately disrupting or facilitating the disruption of a scheduled activity).
19. Malicious or reckless damage to or theft of Fourth Monkey property or the property of any student or member of staff.
20. Harassment or bullying of any member of Fourth Monkey or any visitor to Fourth Monkey (whether in a physical or online environment).
21. Vexatious complaints or allegations of misconduct that are found to be mischievous or malicious.
22. Misappropriation of Fourth Monkey's funds or assets.
23. Fraudulent activity of claims - academic, personal, and / or financial - including the non-disclosure of any previous unspent criminal convictions.
24. Conduct which prevents, obstructs or disrupts the holding of, or orderly conduct of, any meeting or other lawful assembly at Fourth Monkey (e.g. preventing a speaker from lawfully expressing their views).
25. Any action likely to cause injury to any person or impair the safety of the premises, including the interference with health and safety access routes, equipment and / or materials.
26. Possession, use, buying or selling of an offensive weapon on Fourth Monkey premises.
27. Possession, use, buying or selling of illegal drugs or other illegal intoxicating substances on Fourth Monkey premises.



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28. Any behaviour or action which is likely to bring the name of Fourth Monkey into disrepute or which reflects adversely on the relationships which Fourth Monkey seeks to maintain with the local community.
29. Extremist views (whether in a physical or online environment) that risk drawing people into terrorism.

Complaints

30. When Fourth Monkey enacts one of the stages of the Disciplinary Action Procedure with a student, the student has the opportunity to appeal the decision that is made. The Complaints Procedure is in accordance with our Complaints and Appeals Policy and should be referred to for more information. Academic appeals and complaints in relation to the students learning will follow the Falmouth University Academic appeals policy.

