

Arab Open University Criminal Conviction Policy and Process

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The Arab Open University (AOU) will make every effort to create and maintain a safe learning and work environment for all its students and staff. In line with its mission, AOU is keen on widening access to higher education opportunities without compromising on its safeguarding values and safer recruitment approaches.

Policy Statement

The AOU recognizes its responsibility to protect all members of its community from harm and any form of unacceptable risks. The AOU thus commits itself to adopting a criminal conviction policy to be applied within the legal framework of each AOU country and any other branch local accreditation requirements.

Scope

The Policy applies to all applicants for a university undergraduate or postgraduate programme.

Policy Objectives

To set out the requirements to study at AOU whilst in receipt of a relevant unspent criminal conviction, the process for applying, considerations that AOU make whilst determining whether to accept an enrolment and outlining any restrictions that may be put in place, and the process by which that is determined.

Policy Implementation

With respect to AOU's commitments and its obligation towards the safety of its students and staff, AOU will employ due diligence processes in the recruitment and admission of students. It requests all prospective students/applicant to complete a criminal conviction declaration form during the application process to disclose any relevant, unspent criminal convictions.

Relevant Definitions:

Criminal Convictions

Unspent Criminal Convictions

The outcome of a criminal prosecution that concludes in judgment that the defendant is guilty of the crime charged. Guidance on what constitutes a

relevant unspent criminal conviction is available from the Rehabilitation of Offenders Act 1974 – or equivalent in-country legislation.

Spent Convictions

A conviction becomes spent after successful completion of a rehabilitation period, i.e., when the sentence has been served. There is no requirement for an applicant to disclose a conviction which is 'spent'.

Assessment & Follow-up Committee:

In each AOU Branch, a Criminal Conviction review and follow up committee will be formulated. The committee constitutes the following:

1. Senior Academic Staff member of the respective programme(Chair)
2. Head of Admissions & Registration Department
3. The Head of Student Affairs Department
4. The Safeguarding team Lead
5. A Staff member of the Counselling Unit
6. The Legal Advisor(for consultation if necessary)

The Committee duties and Functions

- To process unspent criminal conviction declaration forms.
- To consider the measures to be put in place to facilitate effective support for the student /or to protect other students and staff from perceived risk.

When considering unspent criminal conviction declarations, the committee will take into consideration the following factors:

- The nature of the offence(s).
- The time that has passed since the offence was committed.
- If more than one offence was committed, whether each was a separate offence or part of a series of similar offences.
- The potential impact on students, staff and others other members of the community.
- Any additional information provided by the applicant or a third party (police /court reports).

AOU will review the disclosure to ensure that:

- The applicant meets the requirements for the course of study, where applicable.
- The applicant or student will be able to meet the requirements of the course within any constraints imposed by the conviction.
- The offer of a place on the course or the participation in a course will not in any way compromise the safety and wellbeing of the AOU student community.
- AOU can successfully support the applicant or student within their course.

General Principles

- All applicants who accept an offer to study at the University are required to disclose to the University any relevant, unspent criminal conviction during the application process.
- The University only requires disclosure of convictions that are considered 'relevant' and which are 'unspent'.
- The disclosure of any unspent, relevant criminal conviction will not normally exclude an applicant or student from studying on an AOU course.
- Confidentiality will be maintained for all cases and the relevant information will only be disclosed to the committee members or relevant staff.
- Information about an unspent criminal conviction will be retained in the student record throughout the duration of study until graduation.
- The purpose of assessing an applicant's criminal conviction(s) is to determine whether, based on evidence, an applicant poses an unacceptable risk to the safety of the community members and to recommend a course of action.

- Decisions regarding the entry or continued study of students with relevant unspent convictions, are taken with due consideration for the safeguarding and wellbeing of the applicant or student themselves, and of the AOU student body. In addition, the AOU will also consider AOU's ability to fully support any applicant or student. AOU reserves the right to refuse entry to a programme if there is an identified immitigable risk to any group at AOU.

- A risk based approach will be adopted to review unspent criminal conviction cases to ensure that there are reasonable justifications to exclude the applicant from certain privileges' for example exclusion from University accommodation, banning from chairing students' councils/clubs or to place any specific conditions on admission.

- The Committee has the right to call for an interview with any student/students if deemed necessary before making any recommendations.

- In the event that an applicant fails to declare information as required, the University reserves the right to withdraw an offer or terminate the place, as appropriate.

The committee may recommend the following:

- To recommend that conviction does not pose any threats to the safety of the university community members and no further actions are required.
- To recommend that the student put on a close probation throughout the period of study.
- To suggest means and methods for supporting the student including special arrangements and counselling sessions.

Failure to disclose

Applicants or students, who fail to disclose a relevant unspent conviction, including withholding information, will be considered under the Student Code of Conduct

Appeals

Applicants or students who have disclosed a relevant unspent criminal conviction do not have an automatic right to appeal against a decision as to whether or not they are offered a place on a course at AOU or in relation to any special conditions attached to an offer. The exception to this is where they believe an administrative error has been made. Applicants or students may request an administrative appeal as set out in AOU's Appeals & Complaints Process & Procedures.

Support for the Policy

Should any student needs help with this policy whilst enrolling on an AOU programme, the student is advised to contact the Admission and Registration staff at the Admission & Registration Department in the respective AOU Campus.

Other Policies and legislations

1. This policy is subject to AOU Terms & Conditions
2. This policy should be read in conjunction with other AOU policies including AOU Admission policy, Safeguarding Policy and Student Code of Conduct and Disciplinary Procedures.
3. This policy references the British Rehabilitation of offenders Act 1974.