

STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCEDURE 2017-18.

1 Introduction

- 1.1 This Code and Procedure form part of the University Regulations and are made under the University's Articles of Government (Article 12.2): The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.
- 1.2 The purpose of the Code and Procedure are to regulate student behaviour in order to seek to maintain a safe environment which is conducive to teaching, learning, research, study and work and the enjoyment of a positive student experience, and to secure the proper functioning of the University in its broadest sense.
- 1.3 The Student Code of Conduct is appended to the Procedure.

2 Scope and Context

- 2.1 The Code and Procedure are applicable to all students of the University in term-time and vacation. They extend to alleged misconduct by a student on or off University premises (including via social media) whether the alleged victim is the University itself, a student or employee of the University or others visiting, working or studying at the University, or a member of the public; and to alleged misconduct occurring during University activities (including on placements and field trips) or which affects or concerns the safety or interests of other members of the University community or the University itself. The Code of Conduct (Appendix 1) elaborates upon this general definition of misconduct at UCA.
- 2.2 The University is committed to meeting the requirements of the Equality Act 2010: to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people from different groups and to foster good relations between people from different groups.
- 2.3 Students' behaviour may be affected by some health conditions or disabilities. However, the University has a duty to ensure that members of the University community are not subjected to unacceptable behaviour and any allegations of inappropriate behaviour will be investigated. Where health conditions or disabilities may be a contributing factor, evidence of these will be taken into account as is appropriate in the circumstances. Where student conduct is found to be unacceptable as a result of a health condition or disability, the University will try to offer appropriate support to assist the student via the Support to Study Policy, but, at the discretion of the University Secretary, the University may take action under this Student Code of Conduct and Disciplinary Procedure.

- 2.4 This Code and Procedure should be read together with specific regulations covering academic requirements, including the requirements of particular physical areas of the University, and the Terms and Conditions of Residence which govern the University's residential accommodation.
- 2.5 They should also be read in conjunction with the policies and procedures relating to equal opportunities, freedom of speech and bullying and harassment.
- 2.6 The Student Code of Conduct and Disciplinary Procedure does not deal with issues relating to academic misconduct or behaviour. These are addressed in the Academic Misconduct Regulations.
- 2.7 The University's requirements regarding the prompt payment of tuition fees and other charges, together with sanctions for non-payment, are found in the University's Debtor's Regulations. The terms of payment for the University's residential accommodation are contained in the Terms and Conditions of Residence.
- 2.8 Students found in breach of the Student Code of Conduct may be subject to a disciplinary hearing that could put their study and/or their accommodation at the University at risk.

3. Overview of the Disciplinary Procedure

- 3.1 The University may initiate the disciplinary procedure where it considers there has been an alleged act of misconduct, howsoever that concern has been brought to the University's attention.
- 3.2 Whenever possible, the University believes that allegations that a student has committed a minor breach of the Student Code of Conduct should be dealt with informally between the individuals involved. Where a satisfactory resolution is not possible by this approach or the allegation is of a serious nature, the allegation should be brought formally to the attention of the Head of School of the student against whom the allegation has been made, or, in the case of allegations relating to residential accommodation, the appropriate Accommodation Officer.
- 3.3 Such allegations will be the subject of an investigation (paragraph 5), and, where appropriate, the issuing of a summary sanction, (paragraph 5.ii) or referral onwards for a hearing before the Executive Dean (paragraph 6). Where allegations relate to residential accommodation, the hearing will be before the Head of Accommodation & Catering (paragraph 7).
- 3.4 Where matters are considered sufficiently serious by the Head of School/Accommodation Officer, or following a hearing by the Executive Dean/Head of Accommodation & Catering to merit suspension or expulsion, the matter may be referred to the Deputy Vice-Chancellor (Academic Development) who will set up a disciplinary panel (paragraph 9).

- 3.5 The standard of proof that shall be used in all cases that are dealt with under the disciplinary procedure shall be the balance of probabilities, which is the standard of proof used in civil law.
- 3.6 Students who are the subject of allegations of misconduct or who otherwise seek to interpret the provisions in the Student Code of Conduct and Disciplinary Procedure may seek support and advice from the Students' Union.
- 3.7 The University has the right to report any suspected criminal offence to the police.
- 3.8 Where the alleged misconduct might also potentially constitute an offence under criminal law, the Head of School/Accommodation Officer, following consultation with the University Secretary, will report the allegations directly to the Deputy Vice-Chancellor (Academic Development). The procedures to be followed in these circumstances are set out in Paragraph 12.
- 3.9 The Deputy Vice-Chancellor, Head of Accommodation & Catering and University Secretary may appoint a nominee to act on their behalf, if they are unavailable, or in cases where conflicts occur.
- 3.10 In cases of complaints against students which are investigated under these regulations, complainants will be informed if the decision maker has found substance to the complaint and if the disciplinary procedures are to be followed. However the complainant may not be informed of the outcome of any disciplinary procedure or any penalty that may be awarded. This is because the Data Protection Act regards such information as personal data and prohibits disclosure, unless the data subject has given his or her consent.

4. Precautionary Suspension or other Precautionary Measures

- 4.1 Precautionary suspension or other precautionary measures may be imposed on any student who is alleged to have committed a breach of discipline at any stage including pending the outcome of police investigation or criminal/disciplinary proceedings.
- 4.2 Any decision to impose an order of precautionary suspension or other precautionary measures is at the discretion of the Deputy Vice-Chancellor (Academic Development) does not constitute an indication or finding of guilt.
- 4.3 Where it appears to the Deputy Vice-Chancellor (Academic Development) that precautionary action may be appropriate, this will only be considered where:
- there is a risk of re-offending or further offending
 - there is a risk, or perceived risk, that the student might harm themselves or others or cause damage to property
 - there is a risk that the student's continued presence may inhibit a proper investigation

- 4.4 Precautionary action, as determined by the Deputy Vice-Chancellor (Academic Development), will be reasonable and proportionate, seeking to mitigate any detriment that the student may potentially experience in connection with their studies and/or academic progression. Such action may include:
- i) suspending the accused student from their studies for a defined period of time (which may be extended). A student who is the subject of a precautionary suspension is prohibited from entering University premises and from participating in University activities. Precautionary suspension may be subject to qualification, such as written permission to hand in an assignment, take an examination, see a counsellor.
 - ii) restricting access to certain accommodation or facilities for a defined period of time (which may be extended). A student who is the subject of a precautionary access restriction is prohibited from accessing specified University facilities, which may include its residential accommodation, as a precautionary measure; and/or.
 - iii) imposing conditions on the accused student for a defined period of time (which may be extended); for example requiring the accused student not to contact the reporting student/and or certain witnesses and/or requiring the accused student to move accommodation.
- 4.5 The terms of the precautionary measures and reasons for them will be recorded by the Deputy Vice-Chancellor (Academic) and made available to the student in writing, together with details of their right to make representations under paragraph 4.6. The record will be retained until the student has ended their registration with the University or for 6 years, whichever is the shorter period.
- 4.6 Unless the matter is deemed to be urgent by the Deputy Vice-Chancellor (Academic Development), no student shall be subject to precautionary measures [including any extension of a measure], unless he or she has been given an opportunity to make representations to the Deputy Vice-Chancellor (Academic Development). The representations may be made in person or in writing and may be put forward by the student or by the student's friend or other non-legal representative. In cases deemed to be urgent by the Deputy Vice-Chancellor (Academic Development), a student may be suspended and/or other precautionary measure imposed with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.
- 4.7 A decision to impose precautionary suspension or other precautionary measures shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, either personally or through his or her friend, student representative, or other representative, will be entitled to make written representations. The review will be conducted by the Deputy Vice-Chancellor (Academic Development).

4.8 In addition to the initial review, the Deputy Vice-Chancellor (Academic Development) shall review the precautionary suspension or other precautionary measures on receipt of evidence of altered circumstances which might affect the order.

5. Investigation

5.1 Normally, the Head of School will undertake an investigation to determine the substance of the allegation. In cases relating to activity in residential accommodation, the Accommodation Officer will undertake the investigation. This may include taking statements from staff and other students. The student involved in the allegation may be accompanied by a friend, student representative or other non-legal representative to any meetings which they are invited to attend to discuss the allegation.

5.2. Upon the conclusion of the investigation, the Head of School/Accommodation Officer may take one of the following actions:

- i) dismiss the allegation or;
- ii) in the case of minor offences impose a summary penalty as set out in paragraph 11.4 i) to vi) (but only if the student agrees in writing, having had options 5.2 iii), iv) and v) below explained to them and also the fact that there is no appeal from this decision) and produce a short written report setting out the decision and reasons or;
- iii) if the student does not agree to the summary penalty, refer the matter to the Executive Dean or Head of Accommodation & Catering, as appropriate, with a report expressing an opinion that a case exists which should be the subject of a hearing before the Executive Dean (see paragraph 6) or Head of Accommodation & Catering (or nominee) (see paragraph 7) or;
- iv) if, in cases involving allegations relating to residential accommodation and, in the opinion of the Accommodation Officer the matter is sufficiently serious to merit removal from University managed residential accommodation, refer the matter to the Head of Accommodation & Catering, with a report expressing an opinion that a case exists which should be the subject of a hearing (see paragraph 7) or;
- v) If, in the opinion of the Head of School/Accommodation Officer, the matter is sufficiently serious to merit suspension, restricted access to or expulsion from the University (or otherwise too serious to be dealt with under the summary procedure), then, after discussion with the Executive Dean/ Head of Accommodation & Catering produce a written report recommending further action by the Deputy Vice-Chancellor (Academic Development) (paragraph 9)

5.3 In cases of conflict or dispute between students, when a grievance raised is met by counter allegations, the Head of School/Accommodation Officer may, with the students'

agreement, refer them to a facilitation or mediation service which may be external to the University. In such cases, the University will not be obliged to contribute to any costs.

6. Referral to Executive Dean

6.1 A student invited to attend at a hearing before the Executive Dean to consider the allegation has the right to be accompanied by a friend, supporter from the Students' Union or a non-legal representative and shall be given in writing not less than five working days notice of the hearing. The student will be provided with details of the allegations, a copy of the report of the Head of School and any supporting evidence.

6.2 Following the hearing the Executive Dean may take one of the following actions:

- i) dismiss the allegation, or find the student not guilty;
- ii) support the allegation and impose an appropriate penalty as set out in paragraph 11.4 (i) to (v) below, providing a short written decision explaining the reasons for the decision;
- iii) After consultation with the University Secretary, produce a written decision recommending further action by the Deputy Vice-Chancellor (Academic Development) (see Paragraph 9). The report should be made available to the student who is the subject of the allegation.

6.3 The Executive Dean will inform the student of the outcome of the hearing in writing normally within five working days of the hearing.

7. Referral to Head of Accommodation & Catering

7.1 A student requested to appear before the Head of Accommodation & Catering to discuss the allegation has the right to be accompanied by a friend, supporter from the Students' Union or a non-legal representative and shall be given in writing not less than five working days notice of the hearing, along with a copy of the report of the Accommodation Officer, as appropriate.

7.2 In cases heard by the Head of Accommodation & Catering, a Senior Manager at UCA will be appointed to hear the case and determine an outcome jointly.

7.3 Upon the conclusion of the hearing Head of Accommodation & Catering (or nominee) and Senior Manager may take one of the following actions:

- i) dismiss the allegation or find the student not guilty;

- ii) support the allegation and impose the sanction as set out in paragraph 11.4 i-vi) below;
- iii) After consultation with the University Secretary, produce a written report recommending further action by the Deputy Vice-Chancellor (Academic Development) (see Paragraph 9). The report should be made available to the student who is the subject of the allegation.

7.4 The Head of Accommodation & Catering will normally inform the student of the outcome of the hearing in writing within five working days of the hearing.

8. Appeal against the decision of the Executive Dean or Head of Accommodation & Catering and Senior Manager.

8.1 A student may request an appeal against the decision of the Executive Dean/ Head of Accommodation & Catering and Senior Manager. The appeal request must be made to the Deputy Vice-Chancellor (Academic Development) in writing, setting out the full grounds of appeal, within five working days of the date of the written outcome of the hearing, on the following grounds only:

- i) that the decision should be overturned in the light of material new evidence that was not reasonably available before;
- ii) that the original hearing was not conducted fairly;
- iii) that the decision was unreasonable in the light of the findings of fact; and/or
- iv) that the sanction was too severe in the circumstances.

8.2 On receipt of the request for appeal, the Senior Governance Officer will consider the request and determine whether or not on its face it discloses valid grounds for appeal. If the Senior Governance Officer determines that grounds for appeal have not been disclosed, they will inform the student in writing of this and the Procedure will be exhausted.

8.3 If grounds for the appeal are accepted, the Deputy Vice-Chancellor (Academic Development) may choose to investigate in whatever reasonable manner he/she sees fit.

8.4 Normally appeals will be dealt with by way of a paper review. In cases where the student is given an opportunity to appear in person, the student has the right to be accompanied by a friend, supporter from the Students' Union or a non-legal representative and shall be given in writing not less than five working days' notice of the appeal hearing.

8.5 There will be no entitlement to a re-hearing of the case, which will be allowed only in exceptional circumstances. The Deputy Vice-Chancellor (Academic Development) may

impose a lesser penalty, having considered whether the original penalty imposed was fair and reasonable in light of all the circumstances of the case.

8.6 The Deputy Vice-Chancellor (Academic Development) will inform the student in writing normally within five working days of the conclusion of the [hearing/meeting/review] of his/her determination with reasons. The Deputy Vice-Chancellor's decision is final in respect of an appeal against the findings of the Executive Dean/ Head of Accommodation & Catering (or nominee) or the sanction imposed; there is no further right of appeal.

9. Referral to Deputy Vice-Chancellor (Academic Development) – Disciplinary Panel

9.1 Where matters are considered sufficiently serious by the Head of School/Accommodation Officer, or following a hearing by the Executive Dean/Head of Accommodation & Catering, to merit suspension or expulsion, the matter will be referred to the Deputy Vice-Chancellor (Academic Development) who will set up a Disciplinary Panel.

9.2 In respect of all allegations forwarded to the Deputy Vice-Chancellor (Academic Development), he/she will convene a Disciplinary Panel, comprising 2 members independent of the case from amongst the Leadership Team and the Senior Managers, together with an officer of the Students' Union, to consider the allegation. The Deputy Vice-Chancellor (Academic Development) shall appoint one of the Panel as Chair. The Deputy Vice-Chancellor (Academic Development) may also appoint a further individual to act as Clerk to the Disciplinary Panel. The University Secretary shall be appointed to conduct the investigation of the allegation for presentation to the Disciplinary Panel and may do so personally or by a representative.

9.3 The Disciplinary Panel shall conduct a hearing of the allegation. The procedures for the hearing shall normally include:

- i) the student shall be given in writing not less than 10 working days' notice of the date, time and place of the hearing together with an explanation of the nature of the allegation and copies of any reports, statements or other written evidence in support of the allegation;
- ii) the student may, not less than 5 working days before the hearing, forward to the Chair of the Disciplinary Panel a written statement and other supporting evidence (if appropriate) in response to the allegation;
- iii) the student shall have the right to appear before the Disciplinary Panel at the hearing to consider the allegation and has the right to be accompanied by a friend, supporter from the Students' Union or a non-legal representative;
- iv) should the student fail to attend the hearing, the hearing may be conducted in their absence or the hearing adjourned at the discretion of the Chair;

- v) the University Secretary shall present the allegation, and any supporting evidence, to the Disciplinary Panel, may call witnesses and question the student and witnesses called by the student;
- vi) the Disciplinary Panel shall give the student the opportunity, either personally or by his/her representative, to respond orally to the case presented against them, present documentation, call witnesses and question witnesses called by the University Secretary;
- vii) the Disciplinary Panel may question any witnesses and the student;
- viii) both the University Secretary and the student (either personally or by their representatives) shall have the opportunity to summarise the evidence for and against the allegation, with the student being permitted to make final representations;
- ix) the University Secretary and the Clerk will form no part of the decision making panel;
- x) if in exceptional circumstances the Disciplinary Panel deems it appropriate, it may adjourn the hearing for a short period at any stage (for example, to allow further investigation of the relevant evidence);
- xi) the Disciplinary Panel shall retire to determine the matter in private.

9.4 The Disciplinary Panel, having considered the case, shall make a recommendation to the Deputy Vice-Chancellor (Academic Development) normally within 5 working days following the conclusion of the hearing that one of the following actions should be taken, that:

- i) the student is found not guilty of the allegation;
- ii) the student is found guilty of the allegation and one or more sanctions as set out in paragraph 11.4 below is imposed.

9.5 The student shall be advised in writing, normally within 10 working days following the conclusion of the hearing, of the Deputy Vice-Chancellor's decision with reasons and, if appropriate, the sanction to be imposed together with details of any right to appeal under paragraph 9.6.

9.6 The student has a right to request an appeal against the Deputy Vice-Chancellor's decision to the Vice-Chancellor within 5 working days of the date of the written outcome under paragraph 9.5 (see paragraph 10).

10. Appeal against the decision of the Deputy Vice-Chancellor (Academic Development)

Code of Student Conduct

Approved by Board of Governors July 2017

- 10.1 A request for an appeal should be made in writing by the student to the Vice-Chancellor within 5 working days of the date of the written outcome of the Deputy Vice-Chancellor's decision under paragraph 9.5, including full details of the grounds for appeal.
- 10.2 A request for an appeal against the Deputy Vice-Chancellor's decision given in accordance with the above procedure can only be made on one or more of the following grounds:-
- i) that material new evidence has come to light that was not reasonably available before;
 - ii) that the original hearing was not conducted fairly;
 - iii) that the decision was unreasonable in the light of the findings of fact; and/or
 - iv) that the sanction was too severe in the circumstances.
- 10.3 On receipt of the request for appeal, the Senior Governance Officer will consider the request and determine whether or not on its face it discloses valid grounds for appeal. If the Senior Governance Officer determines that grounds for appeal have not been disclosed, they will inform the student in writing of this and the Procedure will be exhausted.
- 10.4 If grounds for the appeal are accepted, the Vice-Chancellor will convene a Disciplinary Appeal Panel comprising two members from amongst the Leadership Team and the Senior Managers (other than those who served on the Disciplinary Panel convened under paragraph 9.2) and the Vice-Chancellor as Chair. In the very exceptional circumstances that the Appeal Panel could not be formed with such members, the Vice-Chancellor would invite a member the Board of Governors, other than staff or student members, to join the Panel.
- 10.5 There is no right of appeal against the sanction imposed by the Deputy Vice-Chancellor (Academic Development) other than on the grounds set out above in 10.2 above.
- 10.6 The Vice-Chancellor shall convene a meeting of the Disciplinary Appeal Panel as soon as is practically possible, and normally not more than 25 working days from receipt of the appeal.
- 10.7 The procedures for the Disciplinary Appeal Panel shall include that:-
- i) the student shall be given in writing not less than 10 working days' notice of the date, time and place of the appeal hearing;
 - ii) the student shall, not less than 5 working days before the appeal hearing, forward to the Chair of the Vice-Chancellor's Disciplinary Appeal Panel a written statement

and other evidence (if appropriate) supporting or contesting (as appropriate) the grounds of appeal;

- iii) the student has a right to appear before the Vice-Chancellor's Disciplinary Appeal Panel to present his/her appeal and to be accompanied by a friend, supporter from the Students' Union or a non-legal representative;
- iv) should the student fail to attend the appeal hearing, the hearing may be conducted in their absence or the hearing adjourned at the discretion of the Chair;
- v) the student shall present the appeal (personally or by their representative) and any supporting evidence, to the Vice-Chancellor's Disciplinary Appeal Panel and may call witnesses;
- vi) the Vice-Chancellor shall appoint a university representative to respond to the appeal with any supporting evidence and who may call witnesses;
- vii) the Disciplinary Appeal Panel may question any witnesses and the student;
- viii) both the university representative and the student (either personally or by their representatives) shall have the opportunity to summarise their case;
- ix) if in exceptional circumstances the Disciplinary Appeal Panel deems it appropriate, it may adjourn the hearing for a short period at any stage (for example, to allow further investigation of the relevant evidence);
- x) the Disciplinary Appeal Panel shall retire to determine the matter in private.

10.8 The Disciplinary Appeal Panel, having considered the case, shall make a decision normally within 5 working days following the conclusion of the appeal hearing as follows:

- i) refuse the appeal and uphold the original decision in whole or in part;
- ii) allow the appeal in whole or in part;
- iii) refer the case back to the Deputy Vice-Chancellor (Academic Development) for redetermination;
- iv) refer the case for fresh determination;
and/or make a new decision.

10.9 The student shall be advised in writing, normally within 10 working days following the conclusion of the appeal hearing, of the decision of the Vice-Chancellor's Disciplinary Appeal Panel. The Panel's decision is final and there is no further right of appeal.

11. Sanctions

- 11.1 When determining the sanction, consideration will be given (as relevant in the case) to the nature and seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student. If a student is found guilty in respect of an allegation of misconduct, sanctions may be imposed as follows:
- the Head of School/Accommodation Officer, in the case of matters dealt with summarily by them (paragraph 5.2), may impose sanctions 11.4 i) – v);
 - the Executive Dean may impose sanctions 11.4 i) – v);
 - The Head of Accommodation & Catering and Senior Manager may impose sanctions 11.4 i) – vi);
 - The Deputy Vice-Chancellor (Academic Development) may impose any of the sanctions in 11.4.
- 11.2 The Head of School and the Executive Dean may not restrict access to facilities or impose a sanction of suspension or expulsion from the University. The Accommodation Officer may not restrict a student's access to residential accommodation or suspend or terminate the student's residential licence.
- 11.3 Where a student is found guilty of misconduct under this Procedure, and a student has also been sentenced by a criminal court, the sentence imposed by the criminal court may be taken into account in deciding the sanction under this Procedure.
- 11.4 Where a student is found guilty of misconduct, one or more of the following sanctions may be imposed:
- i) a written warning requiring the student to give an undertaking as to their future good conduct and to meet any other stipulated conditions; and advising of the likely consequences if those conditions are not met or if the student commits a further breach of the Student Code of Conduct;
 - ii) a fine of up to a maximum of £500. This maximum figure will be subject to periodic review by the Board of Governors;
 - iii) a requirement to pay a reasonable sum by way of compensation for identified and quantified loss;
 - iv) a requirement to perform unpaid services for the University community to a maximum of 40 hours;

- v) a requirement to participate in a programme identified by the Disciplinary Panel to educate students about a particular type of misconduct and its consequences;
- vi) relocation within or removal from the Halls of Residence or other University managed residential accommodation following the service of a 'Notice to Determine', giving such notice as is legally required, of the termination of the residential licence on a student who is in breach of the terms of the Terms and Conditions of Residence;
- vii) an access restriction, prohibiting access to specified facilities or buildings (e.g. residential accommodation), or contact with named staff and/or named students, for a defined period, up to a maximum of twelve months. The terms of the restriction will be notified to the student in writing;
- viii) deferred expulsion for a fixed period of time, up to a maximum of 12 months. Any further breach of the Code of Conduct within that period and/or failure to comply with additional sanctions imposed by the Deputy Vice-Chancellor (Academic Development) will normally result in the student being expelled from the University following due process;
- ix) suspension from the University for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering all University premises, and from participating in University 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; and/or
- x) expulsion from the University, which means that the student ceases to be a member of the University, and loses all rights and privileges of membership, including the right to complete his or her studies;

12. Involvement of the Police and Criminal Courts

12.1 The University has the right to report any suspected criminal offence to the Police. Where the alleged victim is not the University, the University will, as is appropriate in the circumstances, take into account the views of the alleged victim as to whether or not they wish to report the matter to the Police. However, the University may report a suspected crime contrary to the wishes of the alleged victim if the University considers it necessary to do so (for example to protect the [alleged victim] or others from harm or to prevent a further crime taking place). In these exceptional circumstances, the University will be mindful of its obligations to individuals under the Data Protection Act 1998.

12.2 Where a matter is not reported to the police, the University may nevertheless decide to proceed with internal disciplinary (or other) action. Any such cases will be dealt with under

the relevant University regulations as internal University matters (for example, potential breaches of the Student Code of Conduct) and not as suspected breaches of the criminal law.

- 12.3 Where the matter has been reported to the police no internal disciplinary action will normally be taken against the accused student other than precautionary measures (as defined in paragraph 3) until either a prosecution has been completed or a decision not to prosecute has been taken but the University retains a discretion to proceed with internal disciplinary (or other) action in appropriate cases.
- 12.4 Where internal University action is stayed pending a police investigation or the outcome of a criminal prosecution the University will consider and keep under review what steps it might reasonably take to support the alleged victim and/or the alleged perpetrator and to mitigate any detriment that they may potentially experience in connection with their studies and/or academic progression.
- 12.5 The University may take disciplinary action under this Procedure notwithstanding a decision not to prosecute a student or the acquittal or conviction of a student in the criminal courts.
- 12.6 Where a student is found guilty of misconduct under this Procedure, and a student has also been sentenced by a criminal court, the sentence imposed by the criminal court may be taken into account in deciding the sanction under this Procedure.

13. Independent External Review

- 13.1 Where an undergraduate or postgraduate student is dissatisfied with the outcome of the University's disciplinary procedure, s/he may refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA).
- 13.2 The OIA provides an independent scheme for the review of unresolved student complaints. The complaint must be submitted to the OIA within 12 months of the date of issue of the Completion of Procedures letter.
- 13.3 Further details about the OIA can be obtained from the Student Appeals & Complaints Manager, or from the following website: <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

The Office of the Independent Adjudicator for Higher Education
Second Floor
Abbey Gate
57 – 75 Kings Road
Reading RG1 3AB
Telephone: 0118 959 9813
Email: enquiries@oiahe.org.uk

13.4 Where a further education student is dissatisfied with the outcome of the University's disciplinary procedure, s/he may refer the outcome of the case, as a complaint, to the awarding body.

- For students on Foundation Diploma, Diploma or Extended Diploma, refer to the UALAB regulations at: <http://www.arts.ac.uk/about-ual/awarding-body/about-us/policies-and-procedures/>
- For students on Access Courses, refer to the Laser Learning regulations at <http://laser.awards.org.uk/content2.asp?id=487>

Student Code of Conduct

Scope

The Student Code of Conduct sets out the standards of conduct the University requires of its students in order to seek to maintain a safe environment for those who study, work or visit the University which is conducive to teaching, learning, research, study and work and the enjoyment of a positive student experience and to secure the proper functioning of the University in its broadest sense.

1. Behaviour that is required of students

The Law and the University

- i) Students are required to act within the law and not to engage in any activity or behaviour that brings the University into disrepute or which interferes with its proper functioning.

Students are required to inform the University if they receive a relevant unspent criminal conviction whilst they are a student at UCA. Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of the following:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm
- Offences listed in the Sex Offences Act 2003
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking
- Offences involving firearms
- Offences involving arson
- Offences listed in the Terrorism Act 2006.

If a conviction involves an offence similar to those set out above, but was made by a court outside of Great Britain, and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, students should declare it as they would any other unspent conviction.

People

- ii) Students are required to behave at all times in a considerate, respectful manner towards staff, fellow students, visitors and any other members of the University community. Rights to freedom of expression and belief must be respected. Sexual violence and hate incidents will not be tolerated and there shall be no harassment on any grounds. Students must not impede staff in the performance of their duties and must comply with instructions and requests issued by any member of staff at any time.

Property

- iii) Property must be respected whether it belongs to the University, to the Students' Union, to students, staff, visitors or other members of the University community. It must not be moved without due authorisation, or damaged.

Premises

- iv) University premises must not be damaged or defaced in any way. Access shall be restricted to areas which are made available for students' work or for their social, recreational or residential use. Access to other areas, such as roofs, maintenance workshops and storerooms and boiler rooms, is strictly forbidden. Within areas of authorised access, restrictions over time or mode of use must also be observed. This includes all 'no smoking' restrictions.

Health and Safety

- v) Students must familiarise themselves with, and observe, all health and safety regulations both for the University in general and for particular areas which they use, e.g. workshops or residential accommodation.

Noise and Nuisance

- vi) Noise, including the playing of music, must at all times be kept to a volume unlikely to offend or distract others. Similarly, activities in public areas which constrict their use by others must be avoided. Mobile devices must be silenced or switched off in the teaching areas, workshops, libraries and during assessment. Litter must not be left anywhere.

Vehicles

- vii) Private vehicles, which must be fully registered and taxed and must display a University permit, may be parked on the campus only in authorised places. Sleeping overnight in parked vehicles on campus is forbidden.

Visitors

- viii) Students may bring visitors to the University subject to any local restrictions (e.g. to workshops only with the prior permission of the academic staff, or to the Students' Union only in accordance with membership rules). Hosts shall be responsible for the conduct and safety of their guests. Rules for visitors apply, in particular to any children or external speakers brought into the University.

Academic

- ix) Students are required to undertake their academic work and research with integrity and honesty, and not to seek to gain advantage over other students by unfair or improper means. The 'Policy and Procedures on Academic Misconduct' set out further the University's requirements in this regard and the procedures for dealing with allegations of academic misconduct.

Students under 18 Years of Age

- x) Students under the age of 18 are not permitted to use any workshop equipment or machinery without the prior permission and supervision of a member of University staff associated with their course.

2. Examples of behaviour which will be regarded as misconduct

The University considers the forms of behaviour set out below to constitute misconduct that is likely to lead to disciplinary action. However, the list is not to be regarded as exhaustive.

- i) Disruption of, or improper interference with, the academic, research, administrative, sporting, social or other activities or functioning of the University.
- ii) Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University or with the enjoyment by students of a positive student experience.
- iii) Action which otherwise improperly damages the University or its reputation.
- iv) Violent, indecent, disorderly, threatening, intimidating, improper or offensive behaviour or language (whether expressed verbally, in writing or electronically, including via blogs, social networking websites or other electronic means).
- v) Bullying or harassment of any student or member of staff of the University, or any visitor to the University.
- vi) Sexual misconduct (including violence) against or sexual harassment of any student or member of staff of the University, or any visitor to the University.
- vii) Discrimination, harassment or victimisation of others on the grounds of age, race, religion or belief, sexual orientation, disability, gender or transgender identity.
- viii) Hate crimes or incidents motivated by hostility on the grounds of age, race, religion or belief, sexual orientation, disability, gender or transgender identity.
- ix) Actions which involve making defamatory statements and/or false claims about a member of the University community.
- x) Failure to respect the rights of others to freedom of belief and freedom of speech and expression.

- xi) Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors.

- xii) In addition, the following may be considered grounds for misconduct:
 - a. Failure to disclose a relevant ‘unspent’ criminal conviction, or
 - b. Failure of a student who undertakes paid or unpaid activity which brings them into frequent contact with children or vulnerable adults whilst in their student role, to reveal any conviction or offence, obtained either pre or post-admission
- xiii) Theft, misappropriation or misuse of University property, or the property of the University’s staff, students or visitors
- xiv) Misuse or unauthorised use of University premises and property, including computer misuse.
- xv) Damage to or misappropriation of University property, or the property of the University’s staff, students or visitors, caused intentionally or recklessly.
- xvi) Action likely to cause injury or impair safety on University premises.
- xvii) Any interference with fire detectors, fire alarms or fire extinguishing equipment.
- xviii) The possession, use or supply of illegal drugs.
- xix) Unacceptable behaviour arising from the consumption of alcohol or other substances.
- xx) Breach of the provisions of any University code, rule or regulation, including, but not limited to the IT Use Policy, Smoking Policy, Alcohol, Drugs and Substance Misuse Policy, Health & Safety Policies, the Data Protection Policy and the Equality & Diversity Policy.
- xxi) Conduct which constitutes a criminal offence where that conduct:
 - a. takes place on University premises,
 - b. affects or concerns other members of the University community,
 - c. damages the good name of the University, and/or
 - d. itself constitutes misconduct under the terms of this Code
- xxii) Failure to disclose details of personal identification to a member of staff in circumstances in which it is reasonable to require that such information be given.
- xxiii) Failure to comply with a reasonable instruction relating to discipline, issued with the Vice-Chancellor’s authority.