



**STUDENT CODE OF CONDUCT POLICY AND PROCEDURE
2020 - 2023**

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This Policy applies to University Centre Weston (UCW) and meets the requirements of the Office for Students (OfS), the Quality Assurance Agency (QAA), and the Revised UK Quality Code. Where required guidance from the Competition and Markets Authority (CMA) and the Office of the Independent Adjudicator (OIA) will be observed.

1 PURPOSE

- 1.1 This Policy sets out the Code of Conduct to which all students of University Centre Weston (UCW) are expected to adhere, and UCW's approach in dealing with allegations of student misconduct.
- 1.2 This document also sets out the procedures to be followed where a student is alleged to have breached the code of conduct.
- 1.3 This Policy has been produced with reference to guidance provided by Universities UK(UUK) and the Office of the Independent Adjudicator (OIA).
- 1.4 When a UCW student is alleged to have breached the code of conduct, the duties and obligations that students are entitled to will be observed, including: complying with contractual obligations; exercising a duty of care; applying the principles of natural justice, i.e. the right to a fair hearing before an impartial decision-maker; complying with equality law duties; and upholding human rights.

2 SCOPE

- 2.1 This Policy applies to all students registered full-time or part-time programmes of study at UCW.
- 2.2 It applies to student conduct whilst on programme and as part of the wider UCW community; this includes on placements, residentials and field trips, and social media or other digital fora.
- 2.3 It applies to student conduct on and off UCW premises, including student accommodation and partner organisations.
- 2.4 It applies only to non-academic misconduct. (Academic Misconduct is dealt with under the appropriate Assessment Regulations for the programme a student is registered on).
- 2.5 The Policy will normally be applied when non-academic misconduct affects one or more of the following:
 - the UCW/Weston College Group (including facilities, property and/or reputational damage)
 - students
 - staff
 - visitors
 - members of the public.

3 POLICY STATEMENT

- 3.1 UCW treats students as equal partners in their learning and strives to promote a higher education community that reflects the values of mutual respect, fairness, equality and diversity. Within this community students are expected to meet certain standards of conduct.
- 3.2 All UCW students are required to behave as responsible members of the UCW community; this includes whilst on placements, residentials and field trips and whilst off UCW premises, including student accommodation.
- 3.3 Breaches of the Code of Conduct are likely to be considered either minor, serious or gross misconduct, depending on the nature of the behavior. Any such breaches may lead to disciplinary action being taken against the offending student.

Standards of conduct

- 3.4 UCW expects students to act according to the following standards
 - Safely, and with regard for the safety of others
 - With civility, consideration and respect for others at UCW and the whole of the Weston College Group

- In accordance with all UCW policies, procedures and regulations and all applicable UK laws.
- 3.5 UCW has zero tolerance approach to violence, bullying and harassment in all its forms. Misconduct of this nature is likely to be considered serious or gross misconduct.
- 3.6 Misconduct is seen as a breach of this policy and the standards of conduct stated above. The following are examples of what may be considered breaches of the Code of Conduct and the likely level of seriousness.

Minor misconduct may include, but is not limited to:

- Unruly behaviour in lectures, classrooms, or communal student areas
- Use of offensive language
- Refusal to produce a UCW ID or identify oneself when asked to by a member of staff

Serious misconduct may include, but is not limited to:

- Bullying, harassment or discrimination against another person, including the use of discriminatory language
- Physical, written, or verbal abuse or intimidation against another person, including in communications via social media
- Any act which brings or threatens to bring UCW's reputation into disrepute
- Theft of UCW property, or that of UCW members of staff or students
- The misuse of recorded UCW lectures or classroom discussions (recorded as part of a reasonable adjustment)
- Damage to UCW property or resources, or that of UCW members of staff or students
- Persistent failure to respond to or comply with the formal disciplinary procedure or other UCW policies and procedures
- Persistent failure to respond to requests for improvement in behaviour
- Misuse of alcohol, drugs and legal highs (please refer to the UCW Drugs and Alcohol policy)
- Unacceptable behaviour or actions as set out in other policies, procedures, and regulations of UCW (and the wider Weston College Group if applicable)

Gross misconduct may include, but is not limited to:

- Criminal or other activities that have a bearing on the student's participation on a course at UCW or provide a risk to other students or staff at UCW (or the wider Weston College Group)
 - Sexual harassment, violence or abuse
- 3.7 The above descriptors are indicative only. In any instance of an alleged breach of the Policy, UCW staff will exercise professional judgement when considering the severity of the misconduct.
- 3.8 The Code of Conduct reflects the requirements of the Equality Act 2010 (part 2, chapter 1 section 6) in relation to disability discrimination. Care will be taken to ensure that students who have disabilities or other health issues (particularly relating to their mental health) are provided with reasonable adjustments in relation to the disciplinary process. However, in order to be taken into account, any disability or health issues must be declared as soon as is possible in the disciplinary process.
- 3.9 It may also be necessary to deal with a situation through the UCW Fitness to Study Policy and Procedure or the UCW Fitness to Practice Policy and Procedure. This decision will be made by the Director of Higher Education. The student will be made aware of which policy is being invoked and a copy of the relevant policy sent to the student via email.
- 3.10 Students have the right to access support from HE Academic Registry Team (HEART) at any time in relation to this policy and procedure.

- 3.11 Where there is a situation involving allegations made by one student against another student, UCW will take steps to protect both students from harm and will strive to ensure continuity of education for the students involved in the case. For example, the HEART could assist the reporting student and the accused student in submitting mitigating circumstances; this will, however, be subject to the academic regulations that are applicable to the student's course. UCW will treat the reporting student and the accused student fairly and not make any presumptions about either student or the allegation.
- 3.12 UCW will investigate reports of misconduct from third parties (i.e. where the reporting person was not the direct target of any alleged misconduct), where it believes there is sufficient evidence to merit further investigation.
- 3.13 For the purposes of fairness and credibility, the identity of persons reporting alleged misconduct, and any related witnesses providing evidence, will not normally be kept confidential. Requests for confidentiality may be considered by the investigating officer, but will only be agreed where there is no impact on the procedural fairness of the process, or there is considered to be a risk to the personal safety of the individual (see 3.18 Precautionary measures). Witnesses will not be obliged to provide evidence to the investigation, if they do not wish to have their identity revealed.
- 3.14 UCW has a three-stage process in dealing with cases of alleged misconduct:
- The initial stage – preliminary consideration and investigation
 - The formal stage – investigation and hearing
 - The appeal stage – review/re-hearing

Misconduct and criminal offences

- 3.15 When an alleged act of student misconduct may also constitute a criminal offence, UCW will strive to ensure that the welfare of the student is paramount. An allegation of misconduct which may constitute a criminal offence, is likely to have an adverse impact on all students involved, whether the incident is dealt with through the UCW disciplinary process or a criminal process. UCW will ensure that all students involved in any such incidents, particularly a reporting student and the accused student, have access to support, advice and assistance throughout the process. It may be necessary to make an application for Mitigating or Personal Circumstances, and UCW will provide guidance and support with this process and support the student as much as possible.
- 3.16 The nature and scope of the UCW disciplinary process and the nature and scope of a criminal process are fundamentally different; it is therefore important to maintain a clear distinction between them. The UCW disciplinary process is a civil matter, is based upon an allegation that a student has breached the UCW Student Code of Conduct, and the most serious sanction that can be applied is permanent exclusion from UCW and their partner university (if applicable). In contrast, the criminal process is an external procedure, deals with allegations that a student has committed a criminal act and the most serious sanction that can be applied is imprisonment and a criminal record.
- 3.17 Taking the above differences into account, UCW will follow two key principles when dealing with non-academic disciplinary matters that may constitute criminal offences:
- **The criminal process must take priority.** There will be no duplication of that process and no other process should operate at the same time. If the matter is being dealt with under the criminal process, then apart from taking any necessary precautionary measures (for example potentially suspending a student), the UCW disciplinary process should be suspended until the criminal process is at an end.
 - If the matter is not being dealt with under the criminal process or where the criminal process has concluded, only then will UCW consider whether a breach of the Student Code of Conduct has occurred.
- 3.18 If a student is reporting an incident of misconduct against another student, then UCW will not apply any pressure on the reporting student to take any specific course of action relating to reporting to the police. Advice and support will be offered to the reporting student, but ultimately the decision on how they wish to proceed will be theirs.

Referral to the Police

- 3.19 Where a student, an employee, or a visitor, including guest lecturers, is the victim of an alleged act of student misconduct that constitutes a possible criminal offence carried out by a member of the UCW community, UCW will support them in reporting the matter to the police if they wish to. If they do not wish to make a report to the police then UCW will respect and comply with that decision.
- 3.20 Only in extreme cases would UCW report an alleged crime to the police against the wishes of the reporting student. This would usually be to protect the reporting student (or others) from harm, or to prevent a further crime from taking place. It may be that the crime is disclosed to the police, but not the name of the victim. UCW will take into account the potential harm and distress an unauthorised disclosure may cause to the reporting student, and they will be kept informed and will be supported throughout the process. It may be that in these extreme circumstances it would be more appropriate for welfare support to be offered by other members of the Weston College Group (the Further Education Welfare Team); this decision would be made by the reporting student.
- 3.21 Where a potential criminal offence is committed against UCW itself, for example taking sound or musical equipment without permission, the decision whether or not to report the matter to the police will be dependent upon the facts, and will be determined on a case-by- case basis. UCW does not adopt a position whereby gross misconduct offences are always reported to the police, and minor misconduct offences are not. There will be a number of factors that will have to be taken into account when assessing whether to report a matter to the police. These will include the nature and seriousness of the case and whether there is any risk to the health, safety and well-being of others.

Precautionary action

- 3.22 Following an alleged breach of this Student Code of Conduct, it may be necessary for UCW to take precautionary action pending the outcome of the disciplinary proceedings. This is not a penalty or sanction and does not indicate that the accused student has committed a breach of discipline or a criminal offence.
- 3.23 UCW will ensure that precautionary action will be reasonable and proportionate, and may include the following:
- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/or certain witnesses and/or requiring the accused student to move student accommodation);
 - Suspending the accused student from his/her studies;
 - Prohibiting the accused student from going to certain student accommodation and/or campus or from attending a placement.
- 3.24 Precautionary measures may be put into place for the following reasons:
- To ensure that a full and proper investigation can be carried out (either by the police or a nominated UCW investigating officer); and/or
 - To protect the reporting student or others whilst the allegation is being dealt with as part of a criminal process or disciplinary process.
- 3.25 In order to ascertain the type and extent of any precautionary action, a risk assessment will be carried out by the appointed UCW Investigating Officer. The risk assessment will be completed for each student involved and will primarily consider the support arrangements that need to be put in place (for example, counselling sessions and applications for Mitigating/Personal Circumstances). It also should consider any measures that need to be put in place to protect the investigation and/or the reporting student(s), for example, prohibiting an accused student from entering the student accommodation where the reporting student lives.
- 3.26 As circumstances might change whilst the precautionary actions are in place, the risk assessment and any precautionary measures should be reviewed at regular intervals and reconsidered as the case develops. Should an accused student fail to comply with a precautionary measure, then this will trigger an instant review of the risk assessment and is likely to result in more serious measures being put in place; for example, a failure to comply with a precautionary measure of prohibiting contact with the reporting student, could result in the accused student being suspended from their studies.
- 3.27 An example of a risk assessment can be found in Appendix One.

- 3.28 It is worth noting that should there be criminal proceedings, any bail conditions imposed on the accused student will be taken into account in the risk assessment and will also be acknowledged by UCW. Any precautionary action put in place will be to protect the investigation (by the police or UCW), and the reporting student(s); whilst having the minimum possible impact on the accused student. As previously indicated, where one student has made an allegation against another student, UCW will take into account the interests and welfare of both students and endeavour to treat them fairly and equally.

Standard of proof and decision making

- 3.29 Decisions made under the Student Code of Conduct will be based on the standard of proof used in civil (rather than legal) proceedings; that is, on the balance of probabilities, it is more likely than not that something happened.
- 3.30 Where misconduct is alleged, the burden of proof will be on the accuser to prove that the student has done what they are accused of. Unsubstantiated allegations will not be investigated, and if considered to be malicious, may themselves be considered a breach of the policy.

4 PROCEDURE

- 4.1 When investigating an allegation of misconduct, UCW will adhere to the principles of natural justice; that is, impartiality and fair hearing for all parties involved

The procedure has three stages:

- Initial stage
 - Formal stage
 - Appeal stage - review/re-hearing stage
- 4.2 Incidents of minor misconduct will be addressed by following the Initial Stage of the Procedure. Incidents of serious and gross misconduct may be addressed by starting at the Formal Stage of the Procedure, without applying the Initial Stage first.

Initial stage

- 4.3 This stage involves early intervention when an issue is considered to be a minor breach of the Code of Conduct; it has the aim of addressing misconduct as quickly as possible and would normally involve a meeting with the following members of staff:
- HE Curriculum/Programme Coordinator (Chair)
 - Personal Tutor
 - A member of HEART (to provide support for the student).

A verbal warning may be given to the student, and the meeting will be recorded on the student's educational Individualised Learning Plan (eILP).

- 4.4 If not resolved via the initial meeting, the UCW Director of Higher Education will appoint an investigating officer to follow the next steps of the procedure. In this first instance, this may be the programme coordinator, relevant subject area manager, or a member of the UCW Higher Education Directorate.
- 4.5 The investigating officer will carry out a precautionary risk assessment for each of the student(s) involved, including any student(s) directly affected by the misconduct.
- 4.6 The purpose of the investigation is to consider the allegation, associated evidence and the accounts of all parties involved. It will normally involve receiving a written or verbal account of the alleged incident from the reporting person, after which, details of the allegation, including related evidence, will be shared with the accused student. The student will then be invited to a meeting with the following members of staff:
- The investigating officer

- HE Curriculum/Programme coordinator or Subject Area Manager (where this is not the investigating officer). This person will act as Chair for the meeting.
 - The student's personal tutor
 - A member of HEART (to provide support for the student).
 - A minute taker to complete a written record of the meeting.
- 4.7 The accused student has the right to bring someone for their own personal support to the meeting if they wish.
- 4.8 At the meeting, the student will have the opportunity to present their side of events and either admit or deny the allegation(s), and/or request further time to consider their response to the allegation. This may include time to gather their own evidence/witnesses for their defence.
- 4.9 Where further time is requested at the initial stage, this will normally be set at between 5 – 10 working days from the first meeting, although other factors will be taken into consideration (such as impending assessment deadlines, term dates, other external commitments). The date for the reconvened meeting will be agreed with the student. A member of HE Directorate staff will be assigned to provide support and guidance to the accused student during this time.
- 4.10 The student will have the opportunity to submit any mitigating circumstances in relation to the allegation during the initial stage, regardless of whether the allegation is admitted or denied.
- 4.11 If the student admits to misconduct during the initial stage, UCW will take the early admission into account when considering the level of penalty.

Outcome of the initial stage

- 4.12 The initial stage is deemed to have been concluded when:
- a) The student admits to behaviour that is considered to breach the Code of Conduct
OR
 - b) The panel considers there is sufficient evidence, on the balance of probabilities, to prove the allegation. (It is likely that this will only be in instances of minor breaches)
OR
 - c) The panel considers that there is a lack of, or insufficient evidence to uphold the allegation, and further investigation is unlikely to reveal more evidence,
OR
 - d) There is sufficient counter evidence to clear the accused student
OR
 - e) The panel considers that the allegation merits further investigation under the formal stage of the procedure. (This may be because there is insufficient evidence available at the initial stage but there is good probability of gathering more, or that the alleged misconduct is of a more serious or complex nature).
- 4.13 Where the outcome of the initial stage is to proceed to the formal stage, this will not be interpreted as a presumption of guilt, but a recognition that all parties will benefit from further investigation and opportunity to present their case.

Penalties under the initial stage

- 4.14 Where a breach of the Student Code of Conduct is proven at the initial stage of the procedure, the following factors will be considered when determining any penalty to be imposed:
- Early admission by the accused student
 - Any evidenced mitigating circumstances
 - The level of seriousness of the misconduct

- 4.15 The student will be notified of the outcome of the initial stage of the procedure in writing, together with an explanation, where an allegation is proven, of how the panel came to a decision about the appropriateness of any penalty applied, including why a lesser penalty was not applied, if applicable.

Levels of penalty under the initial stage of the procedure

- 4.16 Penalty options under the initial stage will normally be limited to:
- **Verbal warning:** where the misconduct is minor-to-moderate. Some cases of serious or gross misconduct may merit a verbal warning, (i.e. if it is a first offence and there is an early admission by the accused student, and/or there are mitigating circumstances). A record of the verbal warning would normally be held on the student's educational Individualised Learning Plan (eLP) and may be taken into consideration when deciding any future penalty, should there be a further breach of the code of conduct by the student.
 - **Formal written warning:** where a student has admitted to a breach of the policy that the panel considers to be serious or gross misconduct, to the extent that a lesser penalty cannot be justified; or where the misconduct is a second or further offence, following an earlier verbal warning. (Normally, levels of misconduct resulting in a formal written warning would be investigated under the formal stage. Early admission by the student, however, may negate the need for the formal stage; therefore the panel should use professional judgement when deciding this level penalty and provide clear explanation to the student as to how all factors, such as those under 4.8, have been taken into account).

Formal Stage

- 4.17 Alleged breaches of the Student Code of Conduct Policy that are considered serious or gross misconduct may be investigated under the Formal Stage from the beginning. In such cases, the appointed Investigating Officer will also normally be a Dean of Faculty (with no students in their Faculty involved in the allegation) or a senior member of the HE Directorate.
- 4.18 Where a minor allegation of misconduct has not been resolved at the initial stage, the matter will proceed to the formal stage.
- 4.19 The purpose of the formal stage is to advance the investigation, acquire further evidence that might be substantiate or disprove the allegation, and allow time for the accused student to prepare representations on their own behalf.
- 4.20 Once an Investigating Officer has been appointed, they will identify themselves to the student and arrange a meeting to be held, normally, within 5 working days. The student will be provided with details of the allegation, including details of related evidence to allow them to respond to the allegation(s).
- 4.21 The student will be offered support and advice from the Welfare and Well-being Team in HEART.
- 4.22 Additionally, the Investigation Officer will arrange to meet, or request evidence from, others connected to the allegation (including the person making the allegation and any witnesses).
- 4.23 The Investigating Officer will also complete a precautionary risk assessment for any parties directly affected by the alleged misconduct, if one has not been completed previously.
- 4.24 The Investigating Officer will then complete a report based on their investigations which outlines the process followed, the information gathered and their conclusions. The student, or their representative, will receive a copy of the information obtained through the investigation, a copy of the report and the information about the next steps of the process.
- 4.25 The Investigation Officer's report will either be referred to the Head of Higher Education and/or Dean of Faculty for a decision to be agreed, or where the allegation constitutes serious or gross misconduct, to a disciplinary panel for a Formal Disciplinary Hearing.
- 4.26

Formal Disciplinary Hearing or Panel Meetings

- 4.27 Allegations of serious or gross misconduct, or where the potential consequences for the accused student are severe, will normally be considered through a disciplinary hearing or panel meeting.
- 4.28 A panel of three persons will be convened from following members of staff, where they have no prior involvement with the accused student:
- A Dean of Faculty (who will act as Chair of the meeting)
 - Director of Higher Education
 - Higher Education Academic Registrar
 - A member of the Higher Education Directorate
- 4.29 A minute-taker will be appointed for the purposes of recording a written record of the meeting.
- 4.30 A member of HEART will normally be appointed to attend the meeting to provide support for the student.
- 4.29 At least five working days in advance of the hearing, the student will be invited to the Formal Disciplinary Hearing by the Panel Chair. As part of the invitation the student will normally be given:
- Notice of the date, time and location of the hearing.
 - Details of the alleged breach of the UCW Student Code of Conduct, including all related documented evidence.
 - A copy of the UCW Student Code of Conduct.
 - Details of the members of staff forming the panel, and the right to object to any appointed panel member.
 - Notice of any witnesses that may be called to the hearing in relation to the allegation.
 - A reminder of their right to present their case at the meeting, including the right to call their own witnesses as appropriate. This may be done in person or remotely (for example, by video call).
 - A reminder of the right to be accompanied and/or represented at the hearing.
 - Contact details for HEART should the student require any welfare/well-being support.
 - Details of who may attend the hearing or meeting and in what capacity (including any legal advisers or external people where appropriate).
- 4.31 If a student is to be accompanied by a legal professional advisor, they must give the Panel Chair two working days' notice of this. UCW retains the right to also have a legal professional advisor present in these circumstances.
- 4.32 If the student requires additional time to prepare for this hearing, then they can request this to the Panel Chair at least two working days in advance of the hearing; any extension will normally be up to a maximum of five days, although under exceptional circumstances, could be more.
- 4.33 The student may submit to the Panel Chair, at least two working days in advance of the hearing, a written statement to be considered at the hearing. Notice of any witnesses to be called by the student at the hearing must be given in writing to the Panel Chair at least two working days in advance of the hearing, together with a written statement of the contribution that each witness will make. It may be that after receiving notification of witnesses, the hearing may need to be postponed, allowing the Investigating Officer to meet with the witnesses (if they have not already done so). If the hearing is postponed, the student will be informed as soon as possible; every effort will be made by UCW to ensure that this process is carried out as quickly as possible to minimise any distress felt by those involved.
- 4.34 If the student or a called-witness is, for good reason, unable to attend the meeting, either in person or by other means (for example, by video call), the Chair will make every effort to reschedule the hearing for a date agreed with the student, normally within 5 working days of the original date.

- 4.35 If a hearing must be adjourned for good reason, and cannot be concluded on the same day, the Chair will make every effort to reschedule the hearing for a date agreed with the student, normally within 5 working days of the original date.
- 4.36 The hearing may take place in the student's absence if they fail or decline to attend, without good reason.

Outcomes of the formal stage

- 4.37 Following the hearing, based on the standard of proof, the panel may decide that
- The allegation is not proven, and no further action needs to be taken.
 - The allegation is proven, and a level of penalty should be determined.

Penalties under the formal stage

- 4.38 Where a breach of the Student Code of Conduct is proven at the formal stage of the procedure, the following factors will be considered when determining any penalty to be imposed:
- Any evidenced mitigating circumstances
 - The level of seriousness of the misconduct, in the professional judgement of the investigating panel
 - Any sanctions previously imposed on the student under the Student Code of Conduct Policy and Procedure.

Levels of penalty under the formal stage of the procedure

- **Verbal warning:** Some cases of serious or gross misconduct may merit a verbal warning, (i.e. if it is a first offence and there is an early admission by the accused student, and/or there are mitigating circumstances). A record of the verbal warning would normally be held on the student's Educational Individualised Learning Plan (EILP) and may be taken into consideration when deciding any future penalty, should there be a further breach of the code of conduct by the student.
 - **Formal written warning:** where a student has admitted to a breach of the policy that the panel considers to be serious or gross misconduct, and considers that a lesser penalty cannot be justified. (The student will be given an explanation as to why a lesser penalty is not deemed appropriate).
 - **Suspension:** withdrawal of the student from their course and their exclusion from the UCW (and the whole Weston College Group) for a specified period of time (with conditions that detail the basis of their return to study and the support available to them in order to do so).
 - **Permanent withdrawal:** the student to be excluded from UCW (and the whole Weston College Group) and not be permitted re-admission at any time in the future.
 - **Referral for consideration under another UCW process:** where the panel decides that the matter requires further consideration in relation to either the student's fitness to study or fitness to practice in a professional setting (e.g. education, health and social care practice, law or other professional practices concerning the physical and psychological well-being of people or animals).
- 4.39 If sanctions are required, these will be implemented in consultation with the partner university, and/or employer if the student is a degree or higher apprentice. Should exclusion be deemed to be appropriate then support will be given to the student from HEART in liaising with the Student Loans Company and the finance office of the partner university.
- 4.40 A written record of the hearing and its outcomes will be made, setting out who attended, a brief outline of the proceedings and the reasons for the decisions taken, including any penalty applied (and, if applicable, why lesser penalties were not considered appropriate).
- 4.41 The outcome of the formal disciplinary hearing or panel meeting and sanctions imposed will be recorded on the student's eILP and a written notification of the decision (Appendix Five) will be provided to the student normally within five working days, along with details of the Appeals process and the support available from HEART.

Appeal Stage

- 4.42 The student has the right of appeal against any decision made under the UCW Student Code of Conduct Policy and Procedure at either the informal or formal stage.
- 4.43 An appeal should be made in writing to the Director of Higher Education within 10 working days of the date of the written notification of the decision.
- 4.44 Any appeal will be considered by an Independent Reviewer (an appropriate member of staff who has not been involved at any previous stage). Depending on whether the appeal is against a decision made at the informal or formal stage, the appointed member of staff will normally be either:
- A Dean of Faculty
 - A Subject Area Manager
 - The Director of Higher Education
 - A member of the Higher Education Directorate management team.
- 4.45 Where it is not possible to appoint from the above staff group within a reasonable time, a senior member of staff from the Weston College Group maybe appointed to review the case.
- 4.46 An appeal can be based on one or more of the following grounds:
- That the UCW Student Code of Conduct procedures were not followed properly.
 - That the decision reached is unreasonable.
 - That the student has new information/evidence which was not reasonably available before.
- 4.47 Where valid grounds have been determined, the student will be required to submit any additional evidence, within a specified period, for further consideration by the Independent Reviewer. The evidence will be considered and the Independent Reviewer will, as soon as is practicable, write to the student and the Chair of the original meeting where the decision was taken, requesting them to attend an Appeal Hearing. A minimum of five working days' notice will be given prior to the meeting.
- 4.48 The student (who may be accompanied by a representative) will also be sent copies of any supporting documentation to be used at the Appeal Hearing.
- 4.49 If the student requires additional time to prepare for this Appeal Hearing, then they can request this (to the Independent Reviewer) at least two working days in advance of the hearing; if agreed, this will normally be up to a maximum of five days, although which under exceptional circumstances could be extended further.
- 4.50 The Appeal Hearing may take place in the student's absence if they fail or decline to attend, without good reason.
- 4.51 The order of the Appeal Hearing is as follows:
- The Independent Reviewer will chair the hearing. They will introduce those in attendance and explain the purpose of the Appeal Hearing.
 - The student (or their representative) will present their case against the original decision (and introduce new evidence if applicable).
 - The Chair may then question student.
 - The original Panel Chair will present the case supporting the original decision.
 - The Chair may question the original Panel Chair.
 - The student (or their representative) will summarise their case against the original decision.
 - The original Disciplinary Panel Chair will summarise case supporting original decision

- 4.51 The Independent Reviewer will notify the student of the outcome in writing together with reasons, within ten working days of the Appeal hearing.
- 4.52 One of the following decisions will be made:
- Dismiss the appeal; or
 - Uphold the appeal, and
 - Refer the matter back to an earlier Stage of this Policy for reconsideration
 - Impose an alternative sanction.
- 4.53 The decision of the Appeal Hearing is final and will conclude this procedure. A 'Completion of Procedures' letter will be issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website (www.oiahe.org.uk).

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 This policy and procedure has been written with reference the Office of the Independent Adjudicator's "Good Practice Framework: Disciplinary procedures".
- 5.2 The policy and procedure will be reviewed in 2023.

Reporting

- 5.3 No additional reporting is required.

Records management

- 5.4 Staff must maintain all records relevant to administering this policy and procedure using the Weston College (ISO) recordkeeping system.

6 DEFINITIONS

The following definitions provide clarification of key terms used in this policy and their relevance to its implementation.

Terms and definitions

Balance of probabilities: it is more likely than not that something happened.

Burden of proof: whose responsibility it is to prove an issue.

Office of the Independent Adjudicator: The independent student complaints scheme for England and Wales.

Principles of natural justice: the right of an individual to a fair hearing before an impartial decision-maker; complying with equality law duties; and upholding human rights.

Standard of proof: the level of proof required.

Universities UK: The collective organisation of 137 universities in the UK that provides guidance on HE policy to Government and providers.

7 RELATED LEGISLATION AND DOCUMENTS

[The Equality Act 2010](#)

[Office of the Independent Adjudicator's Good Practice Framework: Disciplinary procedures](#)

UCW Student Charter

UCW Complaints Procedures

UCW Student Drug and Alcohol Policy

UCW Fitness to Student Policy

UCW Fitness to Practice Policy

[UK Universities Guidance for Higher Education Institutions: How to handle alleged student misconduct which may also constitute a criminal offence](#)

8 APPENDICES

Appendix one

Precautionary Action Risk Assessment



To be completed by the appointed Investigating Officer and approved by the Assistant Director HE: Academic Registry.

Student Name:

Summary of misconduct allegation:

What are the risks to student	What measures are required to manage the risk/concerns	Agreed action (by whom and by when)	Completed (date)
Academic progress: <i>e.g. will assessment be affected? Does the student need to apply for an extension or mitigating/personal circumstances?</i>			
Personal health and well-being: <i>e.g. does the student need to see a GP? Can UCW provide mental health support or counselling?</i>			

<p>Safety:</p> <p><i>E.g. is there a consideration for prohibiting contact with other students/moving student accommodation?</i></p>			
<p>Any other considerations:</p> <p><i>E.g. criminal investigation? Fitness to Study or Practise?</i></p>			

I confirm that this risk assessment and any precautionary action detailed above has been approved:

Signed: _

Dated: _____

Assistant Director HE: Academic Registry

I confirm that this risk assessment and any precautionary action detailed above has been communicated to the student:

Name: _

Signed: _

Dated: _____

UCW Investigating Officer

Appendix two



UCW Student Code of Conduct: Notice of Formal Written Warning

Student Name:

Course Title:

Personal Tutor:

This statement is a follow up to the Record of Verbal Warning issued on **(insert date)**.

(Insert name) has been issued this Formal Written Warning due to:-

The requested improved behaviour (with immediate effect) is:-

This will be monitored by your Subject Area Manager and the Deputy Academic Registrar on a **(insert timescale)** basis. A recurrence of the above behaviour within **(insert number)** weeks will result in Stage 3 **(Formal Disciplinary Hearing)** being implemented.

Student: Date:

Subject Area Manager:

Date:

Appendix three



UCW Student Code of Conduct: Statement Template

Student Name:

Name of Investigating Officer:

This statement summarises the discussion held on **(inset date)**.

I confirm that this is an accurate account of the discussions held at the above time and date.

Student: Date:

Investigating Officer:

Date:

Appendix four



Formal Disciplinary Hearing Sample Agenda

Date:

Time:

Membership

- A Head of Faculty (who will act as Panel Chair)
- Investigating Officer
- HE Assistant Director: Academic Registry (or the Deputy Academic Registrar)
- A member of the HE Directorate
- **and**
- A member of HEART (to provide support for the student)
- a Minute Taker

The quorum of the Professional Suitability Panel is three of the above member of staff.

1. Introductions
2. Explanation of the purpose of the hearing and potential outcomes
3. Presentation of the alleged gross misconduct (Investigating Officer)
4. Witnesses called (or statements read out) if appropriate
5. Student presents their case
6. Witness recalled (if appropriate)
7. Chair summarises the alleged gross misconduct and student response
8. Opportunity for student to ask questions
9. Timescale of the proceedings (when the decision of this panel is communicated and the Appeals process)

Appendix five



UCW Student Code of Conduct: Record of Formal Disciplinary Hearing

Student Name:

Course Title:

Personal Tutor:

Date of hearing:

Summary of reason for Formal Disciplinary hearing:-

Outcome of the Formal Disciplinary hearing:

Panel Chair:

Date: