



**UNIVERSITY  
ACADEMY 92**  
MANCHESTER

## **Student Code of Behaviour and Disciplinary Policy**

**Implementation date:**

**September 2019**

**Version number:**

**1.3**

<b><u>Document type</u></b>		Strategy
	✓	Policy
		Regulations
		Procedure
		Code of Practice
		Guidance
<b><u>Area of UA92 business</u></b>		Academic
		Finance
		Governance and Compliance
		Marketing and Engagement
		Operations
		People
		Registry and Quality
	✓	Student Life
		Student Recruitment and Admissions
	Other	
<b><u>Document Name:</u></b>	Student Code of Behaviour and Disciplinary Policy	
<b><u>Author:</u></b>	Director of Student Life	
<b><u>Owner (if different from above):</u></b>	Director of Student Life	
<b><u>Document control information:</u></b>		
<b>Version number:</b>	1.3	
<b>Date approved:</b>	11 <sup>th</sup> December 2019	
<b>Approved by:</b>	UA92 Academic Committee	
<b>Implementation date:</b>		
<b>Review due:</b>	21/22 Academic Year	
<b>Document location:</b>	UA92 website	
<b><u>Consultation required:</u></b>		
<b>Equality &amp; Diversity</b>	Yes	
<b>Legal considerations (including Consumer Rights)</b>	Yes	
<b>Information Governance</b>		
<b>Students</b>	Yes	
<b>Employee Engagement Forum</b>		
<b>External</b>		

<b>REVISION HISTORY</b>
-------------------------

<b>Version</b>	<b>Date</b>	<b>Revision description/Summary of changes</b>	<b>Author</b>
1.1	15 <sup>th</sup> June 2021	Updating template cover and owners/author	SAA (Registry&Quality)
1.2	11 <sup>th</sup> July 2021	Assuring aligned with Prevent and guidance re harassment and sexual misconduct.	Director of Student Life
1.3	27 <sup>th</sup> July 2021	Updating job titles and area categories. Addition of 'apprentices' into policy body.	Student Administration Assistant

## 1. Purpose

1.1 University Academy 92 (UA92) strives to foster an environment of mutual trust, harmony and respect between all staff, students and apprentices. High standards of conduct and behaviour in line with our founding principles are necessary for the benefit of all members of the institution and for UA92's broader reputation.

1.2 This Student Code of Behaviour and the embedded Disciplinary Regulations (The Student Code) sets out the standards of behaviour expected from all students and apprentices and the procedures that will be followed if those standards are not met.

1.3 The objective of the procedure is to establish the facts and come to a reasonable and just resolution which is both relevant and proportionate and is underpinned by the following overriding principles:

- i. That UA92 will deal with all matters confidentially so far as it is able, and expects all parties involved to honour this approach. Information will only be released to those who need it for the purposes of investigating and responding to a complaint;
- ii. That all parties will treat each other with respect, act without bias or prejudice and in a sensitive, fair and prompt manner;
- iii. That the procedure will be clear, transparent and fair to all parties;
- iv. That all reasonable measures will be taken to ensure that no student or apprentice is disadvantaged;
- v. That technology will be used, as appropriate, to facilitate this procedure;
- vi. Meetings will normally be conducted on a face-to-face basis; however, meetings could be conducted electronically, or individuals could attend via video link where appropriate;
- vii. That any decisions reached will use the balance of probabilities as the standard of proof;

1.4 A UA92 Disciplinary Review Panel will meet on an annual basis to review all cases considered under this Code. This panel will agree an annual report which includes recommendations for action or amendments to this Code and procedure by UA92 in light of matters considered and the outcome of them. It will also capture learning to ensure that decisions have been made consistently and at the right level. The Academic Committee of UA92 will receive this report and is responsible to both Lancaster University and the UA92 Board for monitoring student complaints. Lancaster University's Academic Quality and Standards Committee will also receive the report for information.

## 2. Scope

- 2.1 The Student Code applies to all students and apprentices of UA92 from the point of arrival in student accommodation, or enrolment on their course, whichever comes first, through until completion of the course and graduation/awards ceremony.
- 2.2 The Student Code applies to both to the conduct of students and apprentices when on campus at UA92 and when off site. This includes conduct both related to and unrelated to UA92 activities and also applied to incidents in any student accommodation whether owned by UA92 or another provider.
- 2.3 **Students or apprentices with additional support needs:** Where practical, reasonable adjustments will be made in the procedure as necessary to meet requirements related to protected characteristics or the student's or apprentice's additional support needs.
- 2.4 In this Code and procedure, any reference to named members of UA92 staff also includes reference to their nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the student or apprentice.
- 2.5 **Record keeping:** UA92 will keep a record of disciplinary matters and evidence collated as part of the investigation into the matter. Students and apprentices are advised to also keep their own records.

## 3. Policy statements – Code of Behaviour

- 3.1 UA92 aims to provide a safe and productive learning environment in which staff, students and apprentices have the opportunity to develop and fulfil their potential.
- 3.2 The Student Code ensures that UA92 can act accordingly if a student or apprentice fails to meet these expectations. The specific behavioural expectations are:
- i. Treat students, apprentices and staff equally and with mutual respect, in the spirit of equality and diversity, and creating an inclusive and tolerant learning environment;
  - ii. Respect the physical and online environment of UA92, including the campus and any student accommodation, whether owned by UA92 or privately, and always behave in a responsible manner as part of the local community;

- iii. Comply with all UA92's policies and regulations, including the IT User Policy;
- iv. To respect UA92's property and that of others;
- v. To comply with all reasonable requests or instructions from members of UA92 staff or contractors. This includes requests to produce their UA92 student ID card for identification purposes;
- vi. To make UA92 aware of any criminal proceedings or convictions that they are involved in whilst a student or apprentice.
- vii. Not to engage in any conduct which is intended or is likely to be detrimental to staff, students, apprentices or visitors, including but not limited to teaching, learning, sporting or social activities.
- viii. To be considerate and respectful to the needs of fellow students, apprentices, staff, and visitors to UA92;
- ix. Not to engage in any conduct which adversely affects or puts at risk the safety, welfare or well-being of others including but not limited to harassment, sexual misconduct or violence
  - x. Not to damage UA92 property or use it for unapproved purposes;
  - xi. Not to engage in any harassment or intimidating behaviour;
  - xii. Not to possess or use, on UA92 premises, or any Halls of Residences, any illegal drugs or weapons;
- xiii. To conduct themselves appropriately in all forms of communication, including social media;
- xiv. To only smoke in designated smoking areas and not within 5 metres of any entrance or exit;
- xv. To only dispose of cigarettes or litter in the appropriate bins.

3.3 Any behaviour or conduct which fails to meet UA92's stated expectations, outlined above, or which interferes with the activities of UA92, or those who work, study, or visit the institution. Any other conduct that damages UA92 or its reputation can be considered a breach and will be dealt with in accordance with the procedures and processes outlined in this Code.

### **Advice and support for those who are alleged to have breached the Student Code.**

3.4 Students who are subject to disciplinary procedures are advised to seek independent advice and guidance. UA92 is able to source this independence and guidance and will offer this to any students who have alleged to have breached the code.

3.5 UA92 is currently in the process of establishing a Students' Union. Once this is in place it will provide a free advice service for students in relation to disciplinary offences. Until the SU is established, any students subject to

disciplinary hearings would be referred to an independent advice service, separate to UA92.

3.6 Where relevant, a student or apprentice may also be referred to UA92's Student Disability and Well-being service, which can offer support and advice, but not independent representation.

## **Referral to the Police and Criminal Offences**

- 3.7 Students and apprentices who are victims of crime are encouraged to report the crime to the police. However, there may be occasions where a victim does not wish a crime to be reported to the police and in those cases UA92 should only in exceptional circumstances report the alleged crime without the consent of the victim - for example, where the crime has potential implications for others beyond the victim such as areas covered by UA92's Prevent and Safeguarding Policy.
- 3.8 If a police investigation is underway, the UA92 process may be temporarily placed on hold until this is concluded. This may result in the accused student or apprentice being suspended or placed under other restrictions, e.g. access to campus, during this period.
- 3.9 If the police decide not to pursue a matter relating to a UA92 student or apprentice, UA92 will still be entitled to pursue its own disciplinary procedures as outlined in this Code.
- 3.10 Where a student or apprentice is convicted of a criminal offence in relation to behaviour that falls within the scope of this Code, this will be regarded as conclusive proof that this behaviour took place.

## **4. Procedure**

### **Suspension**

- 4.1 A student or apprentice who is alleged to have committed misconduct or is the subject of a police investigation for an alleged criminal offence may be suspended entirely from all UA92 activities, or partially suspended in terms of having their physical access to UA92 buildings, campuses and facilities suspended.
- 4.2 The Director of Student Life has authority to determine whether to suspend an accused student, for how long and the nature of any suspension.
- 4.3 A suspension from UA92 may include a requirement that an accused student has no contact of any kind with certain people connected to the alleged misconduct.
- 4.4 Suspension from UA92 is not a sanction, and makes no assumption of guilt, but may be used where it is appropriate to protect the potentially accused student(s), the victim(s), other connected parties or the reputation of the institution pending a Disciplinary Hearing or a criminal trial, or to allow an



investigation to be carried out. Suspension is a neutral act which is designed to protect the interests of all individuals who may be party to the issues under investigation.

4.5 A student or apprentice who is suspended will be notified and be issued confirmation in writing, and that notification will include an explanation of the scope of the suspension and the reasons for the decision to suspend.

4.6 The suspension will continue until the end of the period set by the Director of Student Life, unless they decide otherwise. If the accused student or apprentice has been suspended for six or more weeks, they can request that the suspension be reviewed by the Director of Student Life.

### **Commencing the Disciplinary Process**

4.7 Action under this Code is triggered by UA92 becoming aware of an alleged incident of misconduct, either;

- i. A direct report/complaint from a student, apprentice, staff member, student accommodation provider or external party.
- ii. An incident/allegation we become aware of indirectly e.g. through media, social media.

4.8 Alleged offences can be categorised as “misconduct” or “serious misconduct”. There is no hard-dividing line between the two. Students and apprentices who are being investigated will be informed which category they are being investigated under.

4.9 Students and staff making complaints under this code relating to harassment or sexual misconduct will be offered external support and as necessary independent advice and guidance including signposting or referral NHS, sexual assault referral centres or hate crime reporting centres, or to local specialist services such as Rape Crisis,

4.10 Examples of “misconduct” include, but are not limited to, the following;

- i. Breaches of the rules pertaining to smoking.
- ii. Minor breaches of rules regarding appropriate behaviour on social media.
- iii. Initial instances of noise nuisance.

4.11 Examples of “serious misconduct” include, but are not limited to, the following;

- i. Alleged or committed criminal offences;
- ii. Behaviour of a threatening, intimidatory or discriminatory nature;
- iii. Possessing, supplying or dealing in illegal substances;
- iv. Possession or use of offensive weapons on UA92 premises;

- v. Anti-social behaviour which causes distress to others;
- vi. Behaviour which poses a serious risk to the safety or welfare of others;
- vii. Harassment or sexual misconduct.
- viii. Non-accidental damage to property, owned by UA92 or otherwise;
- ix. Noise nuisance that leads to persistent complaints;
- x. Impersonation of others;
- xi. Conduct which seriously disrupts or compromises the work of UA92;
- xii. Conduct which could bring UA92 into serious disrepute;
- xiii. Repeated breaches of this Code or other UA92 regulations;
- xiv. Failure to comply with a penalty issued for a breach of this Code;
- xv. Organisation or participation in initiation ceremonies.

## **Disciplinary Investigations**

- 4.12 When a report of alleged student or apprentice “misconduct” or “serious misconduct” is received, an Investigating Officer will be appointed by the Director of Student Life to undertake the investigation.
- 4.13 The Director of Student Life may also consider, either at this point or at some later stage in the process, whether the accused student or apprentice should be suspended in any way as outlined in section 6 of this Code.
- 4.14 The purpose of the investigation is to establish the facts relating to the alleged misconduct, and so reach a verdict as to whether, on the balance of probabilities, the alleged misconduct did take place and, if so, what penalties or sanctions should be applied.
- 4.15 The Investigating Officer shall collect relevant evidence. This may involve interviewing the reporting person(s) who made the allegation of misconduct, the student or apprentice accused of the misconduct, and/or any other person that the Investigating Officer believes may assist the investigation.
- 4.16 In requesting a formal interview with the accused student or apprentice, the Investigating Officer shall give at least two working days’ notice and shall make clear:
- The nature of the alleged misconduct (which may be summarised).
  - That the interview is being requested in accordance with this Code, to assist the investigation into the alleged misconduct by the accused student.
  - That the accused student or apprentice has the right to be accompanied by another person during the investigatory interview. NB. UA92 does not

permit students or apprentices to be legally represented during such interviews.

- 4.17 In the event that the accused student or apprentice fails to attend an interview requested under this Code, the Investigating Officer shall be entitled to continue with and conclude the investigation.
- 4.18 Whilst the Investigating Officer will normally strive to complete their investigation within four weeks, the time required to conduct the investigation can be influenced by several factors. Students and apprentices will be informed of any delay.
- 4.19 Once the investigation is concluded, the Investigating Officer shall make a judgement as to whether the allegation is proven, considering all the evidence and the balance of probabilities. If the allegation of misconduct is considered proven, the Investigating Officer shall decide; whether any penalty or sanction should be imposed for “misconduct”, or, if the case is “serious misconduct”, that the case should now be referred to a Disciplinary Panel. The outcome will be sent to the accused student or apprentice in writing.
- 4.20 If the accused student or apprentice does not wish to dispute the allegation, they may request that the matter be dealt with immediately by the Director of Student Life without a Disciplinary Panel. Such a request must be made in writing to the Registrar and Secretary within five working days of the investigation’s outcome being sent to the accused student or apprentice.

### **Disciplinary Panel**

- 4.21 The accused student or apprentice will be informed in writing of the date, time and location of the disciplinary panel at least five working days in advance.
- 4.22 The disciplinary panel will be made up of three members of UA92 staff and Chaired by the Director of Student Life or their nominee.
- 4.23 In the event that the accused student or apprentice fails to attend the disciplinary panel without giving good cause, the panel may proceed in their absence.
- 4.24 The accused student or apprentice is entitled to be accompanied at the disciplinary panel by one other person for support. This person may be a friend, partner, parent, carer, Student Union Adviser or any other person not acting in a legal capacity. UA92 does not permit students or apprentices to be legally represented at disciplinary panels.

- 4.25 The accused student or apprentice must inform the Chair of the disciplinary panel of the name and capacity of any person accompanying them to panel at least two working days in advance.
- 4.26 The accused student or apprentice is entitled to call witnesses to give written or oral evidence to the disciplinary panel in their support. The names of any such witnesses giving oral evidence must be notified in writing to the Chair of the Panel at least two working days before the date of the panel.
- 4.27 Any written evidence from the accused student or witnesses on their behalf must be submitted to the disciplinary panel Chair by the accused student at least two working days in advance of the disciplinary panel. The Chair of the panel has discretion over whether to allow the introduction of further evidence submitted after this deadline.
- 4.28 The Chair of the disciplinary panel shall ensure the proper and reasonable conduct of those taking part. The Chair has the power to postpone, continue or adjourn the panel and to limit the length of time of the panel, the number of witnesses called, or the questions asked.
- 4.29 The case against the accused student or apprentice, including the evidence produced by the investigation into the alleged serious misconduct, shall be presented to the panel by the Investigating Officer. They may call witnesses to give evidence. The accused student or apprentice may be asked to leave the room while witnesses give their evidence.
- 4.30 The accused student or apprentice shall have the opportunity to respond to the allegations and to the case as presented by the Investigating Officer and may call witnesses in their support.
- 4.31 All witnesses will only be questioned by the disciplinary panel and not by the accused student, apprentice and/or the person accompanying them. If witnesses do not attend the disciplinary panel, then statements collected or received prior to the panel may still be considered at the discretion of the Chair.
- 4.32 Both the accused student or apprentice and the Investigating Officer shall have the opportunity to make final submissions to the disciplinary panel.
- 4.33 The disciplinary panel shall then retire to consider all written and oral evidence presented to them.

4.34 The disciplinary panel shall find whether or not the student or apprentice has committed “serious misconduct” on the balance of probability.

4.35 The disciplinary panel may choose to deliver its decision orally, in which case the decision will also be confirmed in writing to the accused student within five working days of the panel. Alternatively, the panel may choose to communicate its decision in writing only within five working days of the panel.

## **5. Penalties and Sanctions**

5.1 Sanctions and penalties which may be imposed on a student or apprentice in respect of misconduct may include one or more of;

- a requirement that the student or apprentice makes a formal apology.
- a written warning.
- a fine up to a maximum of £100.
- a suspension from specified non-academic or extracurricular activities for a specified period of time.

5.2 Sanctions and penalties which may be imposed on a student in respect of “serious misconduct” may include one or more of;

- a requirement that the student or apprentice makes a formal apology.
- a written warning.
- a fine up to a maximum of £500.
- a suspension from specified academic, non-academic or extracurricular activities.
- complete suspension from UA92 and all its premises for a specified period of time.
- a requirement to meet in full or part the cost of making good any damage caused by or as a result of their serious misconduct.
- any other penalty or sanction that the panel deems appropriate to the nature and severity of serious misconduct.
- immediate termination of all studies and formal expulsion from UA92 on a permanent basis.

## **6. Appeals**

6.1 If the accused student or apprentice wishes to contest the decision and/or the penalty or sanction imposed, they are entitled to submit an appeal on any of the following grounds:

- i. That there was a failure by UA92 to follow the procedures specified in this Code, including that the level of sanction or penalty imposed is disproportionate as authorised in the Student Code.
- ii. That significant new or additional evidence is available that was not available during the investigation or at the panel (evidence of which should be submitted along with the appeal).
- iii. That the decision was unreasonable.

6.2 If the accused student or apprentice wishes to submit an appeal, they must do so in writing to the Registrar and Secretary at [registry@ua92.ac.uk](mailto:registry@ua92.ac.uk) within 10 working days of being notified of the decision. The appeal must detail the reasons for the appeal being made and state the grounds on which it is to be considered.

6.3 A nominee of Lancaster University shall consider whether the appeal is on the permitted grounds and within the outlined timeframe and, therefore, whether the evidence or arguments put forward by the student have sufficient merit to justify an appeal hearing.

6.4 If the Lancaster University nominee decides that the appeal is not within the permitted grounds for appeal, or is outside the outlined timeframe, or that the evidence or arguments are not sufficient to justify an appeal hearing, the accused student shall be informed in writing via a Completion of Procedures Letter that the appeal has been rejected on that basis. Such a decision is final and there is no other right of appeal within these procedures.

6.5 The appeal panel shall comprise three members not previously involved with the case. The panel members shall be three Lancaster University staff members.

6.6 The student or apprentice shall be given at least five working days written notice of the appeal panel and shall be provided with a copy of the record taken at the original disciplinary panel.

6.7 If the accused student or apprentice does not attend the appeal panel it may proceed in the student's or apprentice's absence.

6.8 At the appeal panel, the student or apprentice is entitled to be accompanied by one other person for support. This person may be a friend, partner, parent, carer, Student Union Adviser or any other person not acting in a legal

capacity. Students and apprentices are not permitted to be legally represented at appeal panels.

6.9 The accused student or apprentice must inform the Chair of the appeal panel of the name and capacity of any person accompanying them to panel at least two working days in advance.

6.10 The appeal panel's remit is purely to review the original decision based on the grounds of the appeal that the accused student has submitted. The accused student or apprentice will present the grounds on which the appeal is based to the appeal panel. A representative of the disciplinary panel will present the grounds on which their decision was based.

6.11 The appeal panel has the ability to uphold the original decision of the disciplinary panel, overturn that original decision or amend any penalty or sanction imposed.

6.12 The Chair of the appeal panel shall inform the accused student or apprentice of the Panel's decision in writing within five working days of the Appeal Hearing via a Completion of Procedures Letter. The decision of the appeal panel is final and there is no further right of appeal within these procedures.

### **Office of the Independent Adjudicator**

6.13 If the student or apprentice is not satisfied having completed UA92's and Lancaster University's internal appeals procedure, they will be entitled to request a review of the case under the rules of the scheme of the Office of the Independent Adjudicator for Higher Education (OIA) as set out in the Completion of Procedures letter.

6.14 Information about OIA and its processes can be found at [www.oiahe.org.uk](http://www.oiahe.org.uk).

### **7. Related documentation: detail any 'policies' which relate to this 'policy'.**

IT User Policy.

### **8. Appendices:**

None.

