

# Student Professional Behaviour and Disciplinary Policy

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# **Student Professional Behaviour and Disciplinary Policy**

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## 1) Introduction

The Student Professional Behaviour and Disciplinary Policy is in place to ensure that HCA students develop the behaviours and attitudes that will enable success in their studies and future employment. The ethos of the College is to promote, celebrate and reward positive behaviour in tangible ways.

This policy covers Hereford College of Arts' procedures in relation to primarily non-academic misconduct by students and outlines the procedures that should be followed when an allegation of non-academic misconduct has been made. HE academic procedures primarily fall under the policies of our validating partner. Key UWTSD policies are; the University of Wales Trinity Saint David; ([UWTSD\) Academic Appeals Policy](#), and the UWTSD [Academic Misconduct Policy](#). FE academic misconduct will be dealt with according to the policies of the relevant awarding body.

HCA expectations of behaviour and conduct are established from the moment that a student joins the HCA community. The [HCA Student Charter](#) is a statement of our ethos and expectations of the college and our students. The Student Charter recognises that our mission is to empower creativity and enrich our world through transformative arts education. It has been developed with students to reflect our journey together and it remains the backbone of the student behavioural and disciplinary policy at both FE and HE level.

HCA is committed to taking all reported instances of misconduct seriously, to treating them with sensitivity and impartiality and to ensuring that all parties involved have access to support. Students can report misconduct to any member of staff.

This policy adopts the principles and good practice from a number of OIA and The Good Practice Framework: Disciplinary Procedures (2018) documents.

Before any formal procedures are instigated, HCA will consider which policies or procedure(s) are the most appropriate to be used in relation to the alleged misconduct (see appendix 2.0).

## 2) Purpose

The purpose of this policy is to define professional behaviour and to outline principles and procedures to follow when issues occur.

At HCA, we are committed to creating a safe, disciplined, positive and creative environment for all of our students. We support our students to take responsibility for their own personal development, physical and mental wellbeing, academic success and to demonstrate good behaviour and attitudes.

## 3) Scope

This policy sets out the College's arrangements for responding to matters of non-academic misconduct.

The policy applies to all students enrolled at HCA.

The policy is primarily aimed at where inappropriate behaviour has taken place on campus, whilst working remotely or during educational visits and activities. The College

may also take action where the behaviours have taken place off campus including (but not limited to) when socialising or interacting off site or in shared accommodation.

Reasonable adjustments will be made as appropriate in relation to the disciplinary process and communicating the outcome for all parties who have a declared disability or other health issues. Where students have not already formally declared a disability to HCA prior to the alleged incident, they are advised to make such a declaration as soon as possible during the formal processes so that it is possible to make reasonable adjustments as appropriate. Whilst the College will support students and make reasonable adjustments as per the Equalities Act, ultimate responsibility for personal development, physical and mental wellbeing lies with the individual student (and their families if under 18).

#### **4) Timescales**

Incidents of misconduct or suspected misconduct will be dealt with as quickly as possible to reduce any anxiety associated with the process, and to stop any incidences reoccurring. The timescales here are indicative and may vary due to the factors of the individual case.

We aim to:

- Tell the student that disciplinary action is being considered as soon as possible after the event giving rise to the allegation;
- Complete the initial investigation and formal stage of the process within 20 working days of the allegation being made to the student;
- Hear any appeal within 15 working days of the student making the appeal.

The College will determine whether to investigate non-recent cases of misconduct, depending on their seriousness and other circumstances.

Requests to appeal a judgment received after the appropriate deadline will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reason as to why it was not received in a timely manner. HCA will not normally consider any appeal submitted more 10 working days after the receipt of the outcome.

#### **5) Expectations of professional behaviour**

HCA is committed to enabling students to achieve their potential and to go on to thrive in their chosen career path. The behaviours outlined in this policy are those needed to develop a successful career. Having high expectations for all of our students can help them succeed both at college and later in their careers and personal lives. At HCA, we behave and treat others as we would in a professional environment and we expect high standards of behaviour from all of our students and staff.

**On joining the HCA community, students undertake to:**

- Treat their fellow students, staff and physical environment (as a professional working environment) of the college with respect;
- Actively engage with the education offered by attending and taking part in all sessions in person and online;
- Actively participate in the creative life and direction of HCA and the

- Herefordshire community;
- Obtain agreement from their course, in advance, for any essential absences;
- Take responsibility for managing their own learning: actively engaging in private study, and participating fully in group learning activities;
- Strive to always meet deadlines and act responsibly, to keep a healthy balance between college work, independent study and social commitments;
- Make prompt payment of charges made by the institution;
- Engage in the life and management of the college when requested;
- Act as a representative for Hereford College of Arts in words and deeds;
- Help to create a positive and supportive learning environment;
- Wear their student ID card and lanyard when on campus and on trips as required;
- Never bring drugs onto the premises;
- No student under 18 can consume alcohol at HCA;
- HE students/College Road campus based Foundation students must never consume alcohol on campus except within staff sanctioned events or the college bar; students must never enter the studios or workshops under the influence of drugs or alcohol;
- Follow instructions from staff regarding health and safety procedures on campus or on any educational visit or excursion related to HCA;
- Be aware of fire risks and trip hazards and keep walkways, doorways and staircases free from obstruction;
- Drive/cycle safely in and around the HCA grounds and when leaving the campus on college business;
- Never bully (including cyber-bullying), intimidate, taunt, verbally abuse, gaslight or use any violence or threat of violence or discriminate against any person;
- Never use language or behaviour which is racially or sexually offensive or offensive to those of a particular sexual orientation, religion, learning and/or physical disabilities or difficulties;
- Never to make unsubstantiated or malicious allegations of misconduct against another.

The College will treat any incidents involving alcohol, drugs, violence or sexual harassment/assault, any form of discrimination as serious breaches of discipline and will inform the appropriate authorities as necessary.

- In the event of external criminal processes being commenced in relation to the alleged misconduct, the procedures outlined in this policy may need to be adapted. Any adaptations will normally be discussed with all parties;
- The Head of Higher Education/Further Education is required to inform the Principal as soon as they become aware that criminal processes have been commenced in relation to one of their students;
- Any police investigation will normally take priority over HCA's internal disciplinary process. Care will be taken that there should be no duplication of process and no other process should normally operate at the same time. Apart from any precautionary action, the internal disciplinary process will normally be suspended until the criminal process is at an end. For example, HCA may take action under its disciplinary procedure at the same time as a criminal process if the disciplinary case is based on facts and matters which are different to those being dealt with under the criminal process;
- At all key stages (for example, at the start of external criminal proceedings being instigated, if the matter is not dealt with under the criminal process or where the

criminal proceedings have concluded), HCA will consider whether it should instigate disciplinary action;

- If the student has been convicted of a criminal offence, then this outcome will be taken into consideration by HCA in relation to the penalty/ies if any to be applied;
- If the student has been acquitted of a criminal offence, HCA can still take disciplinary action against the student if there is sufficient evidence that a breach of discipline under HCA's disciplinary procedures occurred.

Serious breaches in discipline may be referred to in references supplied by the HCA to education providers or employers.

## 6) Procedure

### How we manage the student disciplinary procedure at HCA

- The standard of proof to be applied in the conclusion of disciplinary processes is the balance of probabilities. The “standard of proof” is the level of proof required. In legal proceedings the standard of proof in criminal cases is normally “beyond reasonable doubt”, which is a very high standard. In civil cases it is normally “the balance of probabilities”, that is, it is more likely than not that something happened. Although the “balance of probabilities” standard is lower than “beyond reasonable doubt”, decisions must still be supported by evidence. The standard is higher than simply believing that something is likely to have happened.
- This policy adheres to the principles of natural justice:
  - *“No one should be a judge in their own cause” – decision makers must come to matters without bias or a reasonable perception of bias;*
  - *“Hear the other side” – each party must have a fair hearing;*
  - *“Justice delayed is justice denied” – the process must be completed without delay.*
- Students will have the opportunity to present any mitigating circumstances or factors that they believe should be taken into account in relation to the alleged offence. Normally, such circumstances and factors will be presented as part of the investigative process. Mitigating factors might include:
  - The offence is a minor example of a serious offence;
  - It is a first offence;
  - The student admits to the offence at the earliest opportunity;
  - The student has demonstrated genuine remorse;
  - The student has compelling personal circumstances that affected their judgement.

The college recognises that with any category of misconduct there may be different levels of severity and impact and will consider each case individually aiming to be fair and proportionate in determining the actions taken.

**The formal disciplinary process has three stages:**

Stage	Reason	Action	Indicative Timescale
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Stage 1	Cause for concern	At HCA, we take care to notice and highlight when a student's behaviour doesn't meet the professional standards expected. This constant awareness and oversight aims to reduce minor misdemeanours and empower students to behave in an appropriate and professional manner. Tutor to meet with student to explore issue and try to resolve informally.	Within 5 working days
Stage 2	General misconduct	An investigation will be conducted by a senior member of staff (typically Head of School/Curriculum Leader or Head of HE/FE). This investigation may include taking statements from parties concerned, reviewing emails or other documentation. Where criminality is suspected, the Police will be informed.	Within 10 working days
Stage 3	Gross misconduct	An investigation will be conducted by a senior member of staff (typically Head of /Curriculum Leader or Head of HE/FE). This investigation may include taking statements from parties concerned, reviewing emails or other documentation. Where criminality is suspected, the Police will be informed.	Within 20 working days

### **Stage 1 Cause for concern**

It is the expectation that the concerns over learning progress or minor behavioural issues should initially be addressed immediately (but informally) by the member of staff concerned (these are usually easily solved and are regarded as low level disruption). This first, informal notification or conversation from a member of staff helps the student to recognise that they have behaved incorrectly and gives the student an opportunity to rectify their mistake. This will be recorded for future reference.

If the student is unwilling to engage in support, if there is no change in behaviour or if the misconduct is serious, persistent or causing serious disruption to others, then formal procedures indicted below should be used.

### **Stage 2 General misconduct**

Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more official warnings, the college will appoint a senior leader (typically the Head of /Curriculum Leader or Head of HE/FE)), to conduct an investigation.

- The student will be given notice appropriate to the situation, dependent upon the nature of the conduct complained of;
- Where it is appropriate, a student may be temporarily suspended;
- The student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state their case (including any mitigating factors) before any decision is taken;

- A summary of the evidence for the complaint (including copies of any relevant documents) will be presented;
- Normally, the member of staff conducting the investigation will not have had prior involvement in any previous stage of the disciplinary process relating to the complaint;
- After hearing the student's case, the member of staff conducting the investigation will decide on the outcome. Practical measures to avoid recurrence may also be implemented. The student will be notified in writing of the decision within 5 working days of the interview.

### **Stage 3 Gross misconduct**

Where the conduct complained of is considered very serious, or where similar conduct has been repeated after one or more official warnings, the college will appoint a senior leader (typically the Head of School/Curriculum Leader or Head of HE/FE)), to conduct an investigation.

- The student will be given notice appropriate to the situation, dependent upon the nature of the conduct complained of;
- Where it is appropriate, a student may be temporarily suspended;
- The student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state their case (including any mitigating factors) before any decision is taken;
- A summary of the evidence for the complaint (including copies of any relevant documents) will be presented;
- Notes will be taken and shared as appropriate;
- Normally, the member of staff conducting the investigation will not have had prior involvement in any previous stage of the disciplinary process relating to the complaint;
- After hearing the student's case, the member of staff conducting the investigation will decide on the outcome. Practical measures to avoid recurrence may also be implemented. The student will be notified of the decision, in writing, within 5 working days of the interview.

### **7) Potential Outcomes- these outcomes are not mutually exclusive- students may receive more than one.**

- No action - to reflect a breach where no blame is attached;
- Apology, a student may be asked to apologise to an injured party;
- Verbal warning – this stays on a student's record for up to a year at the discretion of the decision maker;
- Written Warning – this stays on a student's record for up to three years at the discretion of the decision maker;
- Imposition of a personal conduct order (personal development plan);
- Workshops, and or restorative meetings;
- Make good loss or damage;
- Withdrawal of place on the course (for the remainder of the academic year);
- Suspension/Permanent withdrawal/exclusion.



## **8) Support**

It is recognised that being involved in a disciplinary procedure can cause upset and harm to the mental health and wellbeing all parties involved. HCA is committed to supporting all students who have been affected. Another member of staff, for example the Wellbeing Development Lead, may be invited to attend a meeting as part of this support. Students may also consult the Wellbeing Development Lead or wellbeing information on StudentNet, for information about various free counselling services available to them externally.

All parties involved with the incident will be treated fairly and no presumptions will be made about any of the parties involved until the relevant criminal and/or disciplinary process has been concluded.

## **9) Appeals**

The student may raise an appeal against the outcome of a disciplinary procedure. Any appeal needs to be submitted in writing to the Principal. Appeals normally need to be made within 10 working days of the date of the letter notifying them of the outcome of their case.

The student is also able to raise a complaint under the student complaints procedure if they have concerns about how the matter was handled or the outcome. Such complaints normally need to be made within 10 working days of the date of the letter notifying them of the outcome of their case.

HE students who are still unsatisfied with the outcome of the appeal may submit an appeal to our validating partner, The University of Wales, Trinity St David, on the appropriate appeal form to the Office of the Associate Pro Vice-Chancellor (Student Experience) in relation to an institutional level outcome. Appeals normally need to be made within 15 working days of the HCA letter notifying them of the outcome of their case. The outcome of this appeal is final. FE students may submit a complaint to the ESFA.

## **10) Monitoring**

The nature, incidence and outcomes of disciplinary procedures will be regularly monitored through reports to the Senior Leadership Team (SLT) by HFE and HHE. Staff will share personal information only when necessary to implement the policy and as appropriate to support continued teaching and learning in a safe environment. The implementation of the policy is intended to be a reflective process and SLT may agree updates and improvements.

The College will seek and consider student feedback as part of this process of review and improvement.

The review process will also explicitly consider data relevant to assessing whether the implementation of the policy aligns with college commitment to Equality, Diversity and Inclusion.

The College will also seek to inform itself and learn from examples of good practice from other colleges or relevant bodies.

There will be at least an annual report to the Board Academic Quality and Standards Committee.

**Some indicative examples of misconduct (not an exhaustive list)**

<b>Stage 1 (Cause for Concern)</b>	<b>Stage 2 (General Misconduct)</b>	<b>Stage 3 (Gross Misconduct)</b>
<ul style="list-style-type: none"> <li>• Unsatisfactory behaviour</li> <li>• Unsatisfactory attendance and/or punctuality</li> <li>• Inappropriate use of equipment (belonging to student or HCA e.g. a mobile phone)</li> <li>• Failure to meet assessment deadlines</li> <li>• Poor attitude to staff or students</li> </ul>	<ul style="list-style-type: none"> <li>• General unsatisfactory and thoughtless behaviour</li> <li>• Acting irresponsibly and putting self or others at risk</li> <li>• Consistent failure to complete or hand in work on time</li> <li>• Repeated poor attendance and/or punctuality</li> <li>• Consistent and inappropriate use of equipment (belonging to student or HCA e.g. a mobile phone)</li> <li>• Failure to comply with College procedures/student charter</li> <li>• Aggressive behaviour, shouting or swearing directed at students or staff.</li> <li>• Failure to comply with Health and Safety regulations including smoking/vaping outside designated spaces, spitting, verbal abuse, fighting.</li> <li>• Inappropriate use of internet or other college systems/equipment.</li> <li>• Failure to pay fees.</li> </ul>	<ul style="list-style-type: none"> <li>• Aggressive verbal abuse, swearing and threatening behaviour directed at students or staff</li> <li>• Physical abuse or threat of physical abuse, Harassment or discriminatory behaviour</li> <li>• Bullying and victimisation</li> <li>• Carrying any weapons</li> <li>• Criminal activity including theft, drugs, alcohol, violence or fraud</li> <li>• Serious breaches of Health and Safety regulations including damaging equipment and driving/cycling recklessly on or around college grounds</li> <li>• Serious misuse of internet or other college systems</li> <li>• The unauthorised taking or publishing of audio visual images of students or staff, including recorded lectures, and the posting of such images using internet technologies without their permission.</li> <li>• Persistently repeated serious misconduct</li> </ul>
<b>Actions</b>		
<ul style="list-style-type: none"> <li>• Verbal warning / conversation with the staff member and student - noted on student's record</li> </ul>	<ul style="list-style-type: none"> <li>• Disseminate to staff team to be aware of any behavioural issue – noted on student's record</li> <li>• Written Warning – limited time on student's record</li> <li>• Target setting / behaviour contract</li> </ul>	<ul style="list-style-type: none"> <li>• Disseminate to staff team to be aware of any behavioural issue – noted on student's record</li> <li>• Final Written Warning / Suspension / Withdrawal and/or behaviour contract</li> <li>• For FE students, actions will be taken in consultation with parents/ carers</li> </ul>

	<ul style="list-style-type: none"><li>• For FE students' disciplinary outcome letters will be copied to parents/carers, meet with parents as appropriate</li></ul>	
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## **Appendices**

### **1.0 Indicative Timescales:**

We are aware that disciplinary processes can cause stress to those involved and as such procedures will be resolved as quickly as possible. Where we cannot resolve the process within the expected timeframe (for example due to availability of parties concerned), parties will be informed and given a new timeframe.

<b>Stage of process</b>	<b>Expected Timescale</b>
Cause for concern	5 working days
General Misconduct	10 working days
Gross Misconduct	20 working days
Students will be informed of the outcomes in writing	Within 5 working days
Appeals submission	10 working days
Appeals Outcome	15 working days
Complaints about the process need to be submitted	Within 15 working days

### **2.0 Relationship with other policies:**

There are a number of strategies, policies and procedures that are connected to the Student Disciplinary Procedures, including:

- a) UWTSD Fitness to Study Policy
- b) HCA Fraud Procedures
- c) HCA Harassment Bullying, and Sexual Misconduct Policy
- d) Peer on Peer Abuse Policy
- e) HCA Health and Safety Policy
- f) HCA Information Technology and Systems Acceptable Use Policy
- g) HCA Safeguarding and Prevent Procedures
- h) Staff expectations are set out in the Professional Conduct Policy Course: Staff Policies, Procedures & Guidelines (HCA.ac.uk)
- i) Equality Diversity and Inclusion Policy
- j) UWTSD Unfair Practice Procedure (for Academic Misconduct)
- k) HCA FE Exams Policy
- l) HCA Student Charter

Before any formal procedures are instigated, HCA will consider which policies or procedure(s) are the most appropriate to be used in relation to the alleged misconduct.