

Student Code of Conduct and Disciplinary Procedure

Policy and Procedures

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I. POLICY STATEMENT

West Dean College of Arts, Conservation and Design (“the College”, “West Dean College”, “West Dean”) endeavours to create a positive learning environment for all students and staff. This is based upon a friendly and caring culture of mutual respect and support.

2. GENERAL PRINCIPLES

2.1 The Code of Conduct set out below is applicable to all students of the College while they are in their student roles.

2.2 The Code has general application. It should be read in conjunction with relevant specific regulations and policies such as those covering academic requirements or regulations for accommodation (such as course handbooks and the Residential Handbook where applicable).

3. CODE OF CONDUCT

The following code of conduct is designed to preserve and maintain the College's supportive culture and to safeguard respect for the rights of all members of its community.

- 3.1 At all times students are expected to act in a reasonable and orderly manner with due regard to other people and their property. Students should not disrupt the life of the College to the detriment of others.
- 3.2 The College will not tolerate any form of harassment or bullying by its students, employees or by others having dealings with the organisation. Please see the College's policy on Bullying and Harassment
- 3.3 The College takes extremely seriously any allegations of sexual violence, harassment or unacceptable behaviour related to Sex/Gender, Sexual Orientation, Gender Identity/Re-assignment. Any such behaviour will not be tolerated and where necessary the College will take pre-emptive measures to ensure the safety of students.
- 3.4 West Dean College is committed to equality of opportunity for its staff and students. It values their diversity and strives to create a positive and inclusive atmosphere based on respect for others in which people are actively encouraged to reach their full potential. More information is available in the College's Equality, Diversity and Inclusion Policy.
- 3.5 Students are expected to attend lectures and visits, in accordance with the requirements of their programme, and submit work as and when required.
- 3.6 Students are expected to undertake their academic work with integrity and honesty and not seek to gain advantage over other students by unfair or improper means. Any form of **academic misconduct**, including plagiarism, will be dealt with in accordance with the Academic Misconduct Policies.
- 3.7 Student must abide at all times by the Health & Safety regulations and fire instructions.
- 3.8 Students must not wilfully engage in conduct which prejudices the effective provision of the programme of study.
- 3.9 No student shall forge, falsify or misuse any College record or document.
- 3.10 Students must not wilfully engage in conduct which prevents, obstructs or disrupts the holding or orderly conduct of any meeting or gatherings in the College.
- 3.11 Property must be respected whether it belongs to the College, to the West Dean College Student Association or to individuals. It must not be moved without due authorisation, or damaged.

- 3.12** Students may not sell goods or services on College premises without prior approval of the Principal.
- 3.13** The use of illegal drugs and abuse of intoxicating substances on College premises is strictly forbidden.
- 3.14** Any breach of the student code of conduct is deemed to be a matter for disciplinary action. The procedure will follow the course of action written in the section below (**'Disciplinary Procedure'**).

4. BREACH OF THE CODE OF CONDUCT

The College may initiate the disciplinary procedure where it has reason to believe that there has been a breach of the Student Code of Conduct and where the College has been made aware of the concern either by:

- A complaint received from a student against another alleging a breach of the code of conduct, where the complaint will not usually be considered under the College's Student Complaints and Appeals Policy
 - where the complaint arises from behaviour of a residential student within the Student Accommodation, the nominated member of staff (see Residential Handbook) should be informed
- Notification by a member of staff
- Notification by a third party

4.1 Seeking a local/ informal resolution

Whenever possible, the College believes that minor allegations that a student has breached the Student Code of Conduct should be dealt with informally between the individuals involved. The College offers mediation services through the student counsellor in cases where the individuals need support in order to resolve matters informally.

4.2 Initiation of the Disciplinary Procedure

Where a satisfactory resolution is not possible by this approach or the allegation is of a serious nature, the allegation should be brought to the attention of the Academic Registrar in writing. Where the allegation is as a result of the behaviour of a residential student within the Student Accommodation, the nominated member of staff (see Residential Handbook) should bring the allegation to the attention of the Academic Registrar in writing.

- 4.2.1 Upon receipt of the allegation, the Academic Registrar will endeavour to acknowledge receipt of the allegation within 3 working days. This acknowledgement will initiate the disciplinary procedure.
- 4.2.2 Any allegations will be the subject of an initial investigation and where appropriate, referral onwards for a hearing before a Disciplinary Panel led by the Principal and comprising a senior member of teaching staff and a student representative.
- 4.2.3 Depending on the nature of the complaint, the College may decide to take pre-emptive action pending the outcome of the investigation of an alleged breach of the Code of Conduct.
- 4.2.4 The College has a duty to report any criminal offence to the police. In the case of sexual violence/harassment, should the reporting student wish not to do so, their wishes will be respected.
- 4.2.5 The formal outcome of all disciplinary procedures will be reported to the Academic Board.

5. DISCIPLINARY PROCEDURE

The Disciplinary Procedure is divided into 4 stages:

- i) Stage 1: Initial Investigation
- ii) Stage 3: Referral to the Principal
- iii) Stage 4: Disciplinary Panel hearing
- iv) Stage 5: Appeal against the findings of the Principal

5.1 Stage 1: Initial Investigation

- 5.1.1 The Academic Registrar will undertake an initial investigation to determine the substance of the allegation.¹ This may include taking statements from staff and other students. The student will be informed of the allegation that has been made against them at the earliest opportunity and provided with a copy of the College's Disciplinary Procedure. The student involved in the allegation may be accompanied by a friend, student representative or other representative to any meetings which they are required to attend to discuss the allegation.

¹ Should the nature of the alleged breach of the Code of Conduct make the Academic Registrar's objectivity difficult, an alternative member of the College's staff will be appointed by the Principal instead.

5.1.2 Upon the conclusion of the investigation, the Academic Registrar may take one of the following actions:

- i) dismiss the allegation or;
- ii) refer the matter to the Principal through submission of a written report summarising the allegation and detailing any statements provided by staff, other students or any other relevant individuals relating to the allegation.

5.1.3 The outcome of the decision of this stage of the disciplinary procedure will be communicated to the student within ten working days of the student being formally informed of the allegation.

5.1.4 If the allegation is dismissed at this stage, no record will be kept of the investigation in the student's file.

5.2 Stage 2: Referral to the Principal

5.2.1 The Principal may take one of the following actions:

- i) dismiss the allegation or;
- ii) convene and chair a Disciplinary Panel hearing with two senior members of staff and a student representative.² No person who has been involved in the events that have led to a meeting of a Disciplinary Panel, or who are deemed by the Chair of the Panel to have an involvement in the case, will be eligible to serve.

5.2.2 If the allegation is dismissed by the Principal or nominated senior manager, the student will be informed within five working days of the decision.

5.2.3 If the allegation is upheld, the Principal or nominated senior manager will inform the student within five working days of the decision to hold a Disciplinary Panel hearing.

5.3 Stage 3: Disciplinary Panel hearing

5.3.1 The person against whom the allegation has been made will be required to appear at a hearing of the Panel to respond to the allegations against them.

² Should the nature of the alleged breach of the Code of Conduct make the Principal's objectivity difficult, a second senior manager will be appointed instead. The College Chief Executive shall nominate the Chair in this instance.

5.3.2 A student requested to appear before the Disciplinary Panel to discuss the allegation has the right to be accompanied by a friend or a representative and shall be given in writing not less than five working days' notice of the hearing, along with a copy of the Academic Registrar's initial report.

5.3.3 The outcome of the hearing can be anything from a formal warning to exclusion from the College and termination of studies. The outcome will be proportionate to the consequences of the misdemeanour and may include expenses to recover any material costs if applicable.

5.3.4 The approval of an Assessment Board (or a representative group of at least 3 members of an Assessment Board) is required to terminate a student's study at the College for any of the following reasons:

- Academic failure (**Academic Misconduct Policy**)
- Non-attendance (**Academic Misconduct Policy**)
- Academic misconduct (**Academic Misconduct Policy**)
- Breaching of the Student Code of Conduct
- Failure to pay fees or debts

5.3.5 Students are notified by the College immediately following a decision to terminate their studies. Students are given 48 hours to collect their personal belongings, vacate their room and or workspace and leave the College. Under these conditions, a student may seek and be offered counselling advice from the College. The student may appeal against such a decision.

5.3.6 The Principal or nominated senior manager will normally inform the student of the outcome of the Disciplinary Panel hearing in writing within five working days of it having taken place.

5.4 Stage 4: Appeal against the findings of the Disciplinary Panel

5.4.1 A student may lodge an appeal against the findings of the Disciplinary Panel to the Chief Executive in writing setting out the full grounds for appeal within twenty-five working days of being informed of the outcome of the Disciplinary Panel on the following basis only:

- i) that the finding should be overturned in the light of new evidence; or
- ii) that the original hearing was not conducted fairly; or
- iii) that the finding of guilt was unreasonable in the light of the findings of fact; or
- iv) that the penalty was too severe in the circumstances.

- 5.4.2 If grounds for the appeal are accepted, the Chief Executive may choose to investigate or appoint an appropriate senior nominee to review the findings in whatever reasonable manner he/she sees fit. If the grounds for appeal are refused the student will be issued a Completion of Procedures letter within five working days of the Chief Executive's decision.
- 5.4.3 A student requested to appear before the Chief Executive or senior nominee to discuss the allegation has the right to be accompanied by a friend, supporter from the West Dean College Student Association or a representative and shall be given in writing not less than five working days' notice of the hearing.
- 5.4.4 There will be no entitlement to a re-hearing of the case, which will be allowed only in exceptional circumstances. The Chief Executive (after consultation with the senior nominee if appointed) may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in light of all the circumstances of the case.
- 5.4.5 The Chief Executive will inform the student in writing within five working days of the conclusion of the investigation of his/her findings. The Chief Executive's decision is final in respect of an appeal against the findings of the Disciplinary Panel and/or the penalty imposed; there is no further right of appeal.
- 5.4.6 The student will be issued a Completion of Procedures letter within five working days of the Chief Executive's decision.³
- 5.4.7 Students wishing to make an appeal against a decision of the Academic Board or a complaint relating to services or staff should consult the College's Student Complaints and Academic Appeals Policy.

5.5 Office of the Independent Adjudicator

- 5.5.1 Where a student is dissatisfied with the outcome of the College's disciplinary procedure, s/he may refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA).

³ <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/complaints-and-academic-appeals/>

- 5.5.2 The OIA provides an independent scheme for the review of unresolved student complaints. The complaint must be submitted to the OIA within 3 months from the date of issue of the Completion of Procedures letter.

6 ACADEMIC MISCONDUCT POLICY AND PROCEDURES

The following sets out the College's Academic Misconduct Policy and related procedures.

6.1 Principles

- 6.1.1 Academic misconduct is defined in relation to assessment procedures and may include attempting to commit, or committing, collusion, plagiarism or any other misconduct in an examination or in the preparation of work, which is submitted for assessment.
- 6.1.2 The Student Code of Conduct states 'Students are expected to undertake their academic work with integrity and honesty and not seek to gain advantage over other students by unfair or improper means.'⁴

6.2 Collusion

- 6.2.1 Academic misconduct involving collusion is the preparation or production of work for assessment with another person or persons and subsequently presenting the work for assessment as entirely the candidate's own work. In cases such as this, failure on the part of the candidate to declare any part of the work presented as having been undertaken by another person is an act of misconduct in the assessment exercise. An act of collusion of this kind encompasses those who actively assist others as well as those who derive benefit from others.

6.3 Personation

Personation is where someone, or software (unless explicitly permitted in the assessment guidance for the unit or module) other than the student prepares the work, part of the work, or provides substantial assistance with work submitted for assessment. This includes but is not limited to: AI generated text or responses, purchasing essays, commissioning someone else to write, make or design a practical piece of work or essay or asking someone else to sit an exam.

⁴ Student Code of Conduct and Disciplinary Procedure, paragraph 3.5.

6.4 Plagiarism

Plagiarism is the use, without acknowledgement, of the intellectual work of other people, and the act of presenting the ideas, or discoveries of another person as the candidate's own in written work submitted for assessment. To copy sentences or phrases without acknowledgement of the source, either by inadequate citation or failure to indicate direct quotations, is plagiarism. To paraphrase another person's spoken or written work without acknowledgement is also plagiarism, whether the source is from printed material, the internet, broadcast media or lectures. Where such direct quoting or paraphrasing has occurred, each instance must be referred specifically to its source.

6.5 Unseen examinations

Misconduct in relation to unseen examinations includes having access, or attempting to gain access, during an examination to any books, notes, documents or any other material, except that which may have been supplied by the invigilator or authorised by the examiners. It also includes aiding or attempting to aid another candidate or obtaining or attempting to obtain aid from another candidate.

6.6 Allegations of misconduct

Members of academic staff who suspect that a candidate has committed misconduct in the preparation and/or presentation of work, should take appropriate steps to identify any instances of misconduct and report these formally in writing to the Academic Misconduct Panel. This Panel consists of the Principal (acting as Chair) and at least two academic staff members of the relevant Assessment Board who have not been involved in either the teaching or the direct assessment of the candidate who is alleged to have committed misconduct.⁵

6.7 Major or Minor cases of misconduct

6.7.1 It is the responsibility of the Academic Misconduct Panel to determine whether an instance of alleged misconduct is Major or Minor. All instances of plagiarism, collusion or misconduct in an unseen exam are serious failures to respect the integrity and fairness of the examination process. The determination of whether a case is Major or Minor is done with the intention of finding the appropriate response, remedy and/or penalty for the alleged misconduct.

⁵ Other senior members of academic staff may be appointed if necessary to avoid conflicts of interest.

6.7.2 The Academic Misconduct Panel will, in defining a breach as Major or Minor, bear in mind the following:

- i. The extent of the misconduct will be a key factor, i.e. a piece of work which has been downloaded verbatim from the internet and presented as the candidate's own work will inevitably be regarded as a Major breach, whereas a situation in which the proper citation of one or two articles is missing or incorrectly presented might be seen as a Minor breach.
- ii. The degree of deliberation on the part of the candidate will be an important consideration. Where the evidence suggests the student has been sophisticated in the use of non-attributed material, e.g. deliberate minor editing of plagiarised text to give the impression that it is the candidate's own work may be deemed Major. Conversely, a significant but single and unedited example of non-attribution within an essay which is otherwise properly referenced might be deemed as Minor.

6.7.3 Reports of misconduct case histories (excluding names of individuals) will be circulated to all Programme/Course Leaders and members of the AQC as they arise.

6.8 Procedure for Minor cases of suspected misconduct

6.8.1 Following agreement by the Academic Misconduct Panel that an alleged breach is Minor, the Chair, may, on behalf of the Panel, take one of the following actions:

- dismiss the case as unfounded
- determine that, while there is a technical case to answer, it is unintentional and/or trivial to the degree that no further action need to be taken other than cautioning the candidate
- determine that the case is sufficient to require the candidate to make corrections (e.g. to citations) and have the work reconsidered by the examiners
- determine that there is a clear case to answer and that a sanction is appropriate, in which case that sanction is limited to the reduction of the grade(s) to an extent that is short of causing overall failure of the programme

6.9 Procedure of Major cases of suspected misconduct

6.9.1 The application of penalties which would result in the overall failure of a programme are reserved for Major breaches of conduct. The Academic Misconduct Panel may, in cases such as these, direct the candidate to undertake some form of remedial academic coaching. Where the case is not proved, the Principal may dismiss the allegation.

- 6.9.2 In Major cases of suspected misconduct which cannot be dismissed, the Chair of the Assessment Board will organise a misconduct hearing which will include members of the Academic Misconduct Panel. The member of academic staff who initially identified the alleged misconduct will normally present the case at the hearing.
- 6.9.3 The candidate shall be informed in writing of the date and purpose of the Misconduct Hearing which will be at least 5 days from the date of the letter. The candidate will have the right to be accompanied at the hearing by a member of academic staff, the Student Liaison Officer or other member of staff, or a fellow student. A copy of these regulations and procedures will be attached to the letter. The evidence file relating to the alleged case of Major misconduct will be made available to the candidate prior to the hearing. The candidate has the right either to attend the hearing or remain absent from it.
- 6.9.4 The Assessment Boards, having recorded a provisional mark, will not confirm grades or process final results in relation to the candidate until the investigations of the Academic Misconduct Panel and the outcome of the Misconduct Hearing have been completed.
- 6.9.5 At the Misconduct Hearing, Panel members will examine candidates suspected of misconduct, establish facts and come to a view as to whether or not misconduct has taken place. The Chairperson of the Misconduct Hearing will read out the accusation, including the relevant definitions of misconduct and will then ask the candidate whether she or he admits or denies the accusation.
- 6.9.6 If the candidate denies the accusation, the Hearing will first be concerned to establish whether misconduct has taken place. The candidate will defend the case with the help of a representative.
- 6.9.7 Once all the evidence has been heard the candidate and the candidate's representative and the presenter will be asked to withdraw while the Panel members consider their finding. This will be decided on a simple majority vote in the absence of unanimity and in the event of a split vote, the Principal will make the final decision. The candidate, the candidate's representative and the presenter will then return to hear the finding on guilt or innocence which Panel members have reached.
- 6.9.8 If the candidate is found guilty, the Panel members will then hear any evidence in mitigation.

- 6.9.9 If the candidate is found not guilty the work as presented is assessed in the normal way.
- 6.9.10 If the candidate admits the accusation, the Hearing will be concerned with assessing the gravity of the offence and considering evidence in mitigation. The presenter will be invited to assess the extent of the misconduct and the candidate invited to respond with the help of the candidate's representative.
- 6.9.11 If the candidate is found guilty, the Panel will consider the appropriate penalty after all the evidence in mitigation has been heard and the candidate, the candidate's representative and the presenter have left the hearing.
- 6.9.12 If the recommendation is a finding of guilty of misconduct, the Panel will then move to agree a penalty which will be advised to the relevant Assessment Board. The penalty will be selected from those listed below.

6.10 Penalties

6.10.1 Category of case – Minor – dealt with by the Principal

- i. For cases which are technically proven but believed to be unintentional or trivial, no further action should be taken other than a caution and/or reprimand.
- ii. For cases in which the work should be resubmitted, the student should be instructed to correct work by including references, etc. and the examiner(s) asked to reassess the work.
- iii. A grade awarded may be reduced to an extent that is short of causing overall failure of the programme.

6.10.2 Category of case – Major – dealt with by the Academic Misconduct Panel including the Principal.

- i. Deduction of marks such as to cause disqualification from the award of a distinction.
- ii Deduction of marks such as to cause failure of the programme but with allowance to re-sit/resubmit for a pass without distinction.
- iii Disqualification from candidature for the award of a diploma or degree.

6.10.3 All reports written in connection with a misconduct hearing should be written with the expectation that the candidate involved will see them.

6.10.4 The Student will be informed of the outcome of the hearing within 5 days of the Panel having made a decision.

- 6.10.5 If dissatisfied, a candidate may appeal in accordance with the **Student Complaints and Academic Appeals Policy** (Section 5) against the decision of the Academic Misconduct Panel. The period within which the appeal must be lodged will commence from the date of a formal letter notifying the candidate of the Academic Misconduct Panel's decision. The person or persons hearing an appeal against the decision of the Academic Misconduct Panel should not include anyone who has been involved in the Misconduct Hearing Panel itself. If the Principal is the convenor of the programme on which a candidate is suspected of misconduct, then he or she should not be involved in the misconduct hearing in that case and another senior member of staff appointed in their place.
- 6.10.6 Students should submit a completed Academic Appeals Form to the Academic Registrar accompanied by any evidence within 21 calendar days after the taking of a formal decision by the Assessment Board, Academic Misconduct Panel or Principal.

7 OVERVIEW RESPONSIBILITIES

| Review and update | Responsible | Timescale/Notes |
|--|----------------------------|--|
| Policy review and update | Academic Registrar | |
| Code of Conduct | Students and College Staff | All students and staff to be aware of and understand the Code to ensure that it is followed. |
| Disciplinary Procedure | | |
| Initiation of the Disciplinary Procedure | College Staff | Where possible, informal resolution to be attempted in the first instance |
| Initial Investigation | Academic Registrar (AR) | AR to respond to written allegation within 3 working days. Outcome of initial investigation to be communicated to student within 10 working days of first notification |
| Referral to the Principal | Academic Registrar | Within 10 working days of first notification |
| Disciplinary Panel hearing | Principal as Chair | Panel Chair to inform student within 5 working days if a hearing will take place or if the allegation |

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| | | has been dismissed. Student to be provided with at least working 5 days' notice to prepare for hearing together with report from initial investigation. Outcome of hearing to be communicated to student within 5 working days of hearing. |
| Appeal against the findings of the Disciplinary Panel | Student | Student appeal possible within 25 working days of date of outcome communication made to student. |
| | Chief Executive (CE) | CE to respond within 5 working days to indicate if decision upheld or to be reviewed. If a hearing occurs the decision and (if applicable) the Completion of Procedures letter will be communicated to the student within 5 working days. |
| Office of the Independent Adjudicator (OIA) | Students | Students may appeal to the OIA within 3 months from the date of issue of the Completion of Procedures letter. |
| Academic Misconduct Policy When suspecting misconduct in preparation and presentation of work, Staff will report instances to the Misconduct Panel in writing. | College Staff/ Assessment Board | Panel consists of Principal and at least two academic staff |

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| | / Principal (as Chair) | <p>members of the Assessment Board.</p> <p>Student to be informed of Academic Misconduct Panel Hearing with a least 5 days' notice</p> <p>Student to be informed of outcome of the hearing within 5 days of the Panel making a decision.</p> |
| Termination of Study | Assessment Board | An Assessment Board is required to terminate a student's programme of study at the College. |
| Appeal against Principal (minor penalty) | Student | Students should submit a completed Academic Appeals Form to the Academic Registrar accompanied by any evidence within 21 calendar days after the publication of results or the taking of a formal decision by the Principal. |
| Appeal against Academic Misconduct Panel (major penalty) | Student | Students should submit a completed Academic Appeals Form to the Academic Registrar accompanied by any evidence within 21 calendar days after the publication of results or the taking of a formal decision by the Academic Misconduct Panel |