



University College  
of Osteopathy

# Code of Conduct & Disciplinary Procedure for Students

(For UCO Students)

**Core Documentation Cover Page**

## Code of Conduct & Disciplinary Procedure for Students (For UCO Students)

Version number	Dates produced and approved (include committee)	Reason for production/ revision	Author	Location(s)	Proposed next review date and approval required
V1.0	Jun 2011 Academic Council	Update to 2010-2011 Regulations	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Jun 2012
V1.0	Aug 2012	Annual Reviews No Changes	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Sep 2014
V2.0	Aug 2014 PRAG Chair	Administrative Amendment to reflect current role titles	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Aug 2016
V3.0	Sep 2016 Academic Council	Major amendment to remove the University of Bedfordshire to reflect the School as the awarding institution following the granting of Taught Degree Awarding Powers	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Sep 2018
V4.0	Jul 2017 PRAG Chair	Administrative Amendments to update institution name change from British School of Osteopathy to University College of Osteopathy & updated Staff Role Titles.	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Sep 2018
V5.0	May 2018 PRAG Chair	Administrative Amendments to reflect title changes (i.e. from Principal to Vice-Chancellor, etc.)	Registrar	All master versions will be held in: J:\0 Quality Team - Core Documentation Intranet	Sep 2018
Equality Impact					
Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities)					
Neutral equality impact (i.e. no significant effect)					X
Negative equality impact (i.e. increasing inequalities)					
<b>If you have any feedback or suggestions for enhancing this policy, please email your comments to: <a href="mailto:quality@uco.ac.uk">quality@uco.ac.uk</a></b>					

## CODE OF CONDUCT POLICY & DISCIPLINARY PROCEDURE FOR STUDENTS

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## 1. SCOPE

- 1.1 This policy and procedure provides students studying at the University College of Osteopathy (UCO) with information and guidance on their responsibilities regarding their conduct and the disciplinary procedure that may be instigated should allegations of student misconduct arise.

## 2. CODE OF CONDUCT

- 2.1 Students must recognise that they are independent adults with legal and social responsibilities and are therefore personally accountable for their actions and behaviour. The UCO aims to foster a community which has an atmosphere of trust and respect. Students are expected to conduct themselves in accordance with these principles, and with the UCO's commitment to access and diversity. They should show proper concern in their behaviour for the reputation of the UCO and the student body, and for its effect on their fellow students, staff and their successors.
- 2.2 Misconduct is behaviour which interferes with the proper functioning of the UCO and its activities, or those who work and study in the UCO, or which has the potential to damage the reputation of the UCO or the student body. Such behaviour could take place on UCO premises or elsewhere, and whilst engaged in UCO-related activity or not. Separate regulations are made for dealing with academic offences and Fitness to Practise issues.
- 2.3 The following are examples of what might constitute misconduct:
- a) disruption of, or improper interference with the academic, administrative, social or other activities of the UCO;
  - b) obstruction of, or improper interference with the activities, functions or duties of any student, staff member, Board member, contractor or visitor to the UCO;
  - c) violent, disorderly, threatening, indecent or offensive behaviour or language whilst on UCO premises or elsewhere;
  - d) falsification or misuse of UCO records, including degree, diploma or other certificates, and of UCO equipment, systems and processes;
  - e) false pretences or deception relating to academic assessments and examinations;
  - f) fraud, deceit or dishonesty in relation to the UCO or its staff or in connection with registering as a student, being a student, holding any office at the UCO or gaining a pecuniary advantage through association with the UCO;
  - g) actions which might cause injury or put at risk the health or safety of people on UCO premises or whilst on UCO activities;
  - h) harassment or bullying in any form of any student, member of staff, Board member, contractor or other visitor to the UCO on grounds of their perceived race, nationality, gender, transgender status, disability, sexual orientation, religion, belief, age, other personal characteristic or for any other reason;
  - i) breach of the provisions of the UCO's policy on Freedom of Speech or other similar policy;

- j) theft, damage to or defacement of UCO property, or the property of other members and users of the UCO or third parties, whether caused intentionally or recklessly;
- k) attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- l) misuse or unauthorised use of UCO premises or items of property, including computer misuse, or breaches of the UCO code on acceptable network use;
- m) conduct which constitutes a criminal offence, including possession of offensive weapons, possession of implements that are intended for use as weapons and possession of illegal substances on UCO premises or at an event under the control of the UCO or Students Union, or an offence affecting other users of the UCO or the public;
- n) failure to disclose name, student number or other relevant details to a staff member of the UCO, when it is reasonable that such information be given;
- o) failure to comply with a previously imposed penalty under the disciplinary procedures.

2.4 The above list is not exhaustive.

### 3. DISCIPLINARY PROCEDURE

- 3.1 Any student, staff member, Board member, contractor, visitor to the UCO or member of the public may make a complaint of misconduct about a student. Complaints should be addressed to a manager within the area in which the action complained of took place. If the action took place outside the UCO, the complainant should be directed to the Registrar in the first instance. If the complainant cannot provide the name of the student about whom they have complained then the Registrar may take steps to identify the individual concerned if there is sufficient evidence available to enable identification.
- 3.2 The UCO will not normally take disciplinary action in minor disputes between students and members of the public, other than where it believes a student's behaviour constitutes a hazard to other people or to property or puts at risk the UCO's reputation.
- 3.3 The UCO encourages individuals to put their name to any complaint they make. Anonymous allegations are less powerful and may be less easy to investigate, but may be considered at the discretion of the UCO. In exercising this discretion, the factors taken into account will include:
  - a) the seriousness of the issues raised;
  - b) the credibility of the complaint; and
  - c) the likelihood of confirming the allegation from attributable sources.
- 3.4 If a complainant does not wish their identity to be disclosed to the student about whom they are complaining, the UCO will endeavour to keep their identity confidential so long as it does not hinder or frustrate any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence-

gathering process, and their identity may be revealed or implied as part of the investigating process.

- 3.5 A manager or staff member receiving a complaint under this code should refer the matter to the Registrar. The Registrar will consider the complaint and will determine whether it is minor misconduct or if it is sufficiently serious to be referred to the Deputy Vice-Chancellor (Education) to initiate action. Consideration will also be given to previous instances of misconduct and a student may be referred to the Deputy Vice-Chancellor (Education) to review the student's disciplinary record and apply a penalty if it is deemed that the aggregation of previous minor misconduct justifies this action.
- 3.6 The Registrar should refer to the following framework for determining the level of seriousness of any complaint of student misconduct received:

<b>Stage</b>	<b>Level of seriousness</b>	<b>Dealt with by</b>	<b>Examples of types of offences</b>	<b>Action</b>	<b>Recorded</b>
Informal Guidance	Minor Informal disciplinary measures	Unit Leader	Rudeness, disruption in class, poor attitude to staff, other students or neighbouring residents.	Pastoral guidance interview with personal tutor.	Brief note of the complaint and that guidance interview has taken place
Informal Warning	Significant Informal disciplinary measures	Course Leader	Repeat offences or more serious offences.	Disciplinary interview and informal warning. Restriction or injunction to avoid certain behaviour.	Brief note of the complaint and that warning interview has taken place
Formal	Serious Formal disciplinary measures (Offences may enter at this level or progress through from less serious measures or from other disciplinary codes.)	Deputy Vice-Chancellor (Education)	Serious disciplinary offences as indicated in the Student Code of Conduct	Formal penalties as described in Student Code of Conduct	Formally recorded investigation and decision. Held locally and with the Deputy Vice-Chancellor (Education)

- 3.7 The UCO will investigate all complaints of misconduct in good faith. However, if it becomes apparent that a complaint is without substance and, on the balance of

probabilities, has been made for malicious or vexatious reasons then the UCO may consider disciplinary action against the person who made the complaint.

- 3.8 Impartial advice for students about the Disciplinary Procedure (either as a complainant or as a student who has been complained about) is available from the Student Support Services (Student Experience Officer or equivalent).

## 4. INVESTIGATION

- 4.1 All complaints are referred to the Registrar who will appoint an independent member of staff, with no connection to the action or incident complained of, to investigate it. The Registrar will notify the Deputy Vice-Chancellor (Education) of the name of the student concerned, the staff member investigating, and the nature of the allegation. Where the offence is sufficiently serious, the Registrar may make a recommendation to the Vice-Chancellor to suspend the student about whom the complaint has been made whilst the complaint is being investigated. Offences may enter at this level or progress through from less serious measures.
- 4.2 In many cases, especially where a minor offence is complained of, the investigation may be confined to establishing whether there is a case to answer. In more serious cases, it may be necessary to interview witnesses in addition to the person making the complaint. All such individuals should be provided with an opportunity to be accompanied by a friend (who is a registered student of the UCO) or a representative of the Students' Union at such interviews.
- 4.3 In all cases, the investigating staff member will refer to the Guidance to Investigations Handbook on how to conduct an investigation.
- 4.4 A student may admit the offence in full or part in writing or in full or part in person at interview, or deny the offence. In all of these cases the investigating member of staff will write a report for the Registrar.

## 5. ADJUDICATION

- 5.1 On receipt of a report from an investigating staff member, the Registrar, in consultation with the Deputy Vice-Chancellor (Education), may determine:
- that there is no case to answer;
  - that the offence has been admitted or partially admitted and is minor;
  - that the offence is admitted or partially admitted but is more serious, or is a second or further offence;
  - that the offence is not admitted.
- 5.2 Where it is decided by the Registrar and Deputy Vice-Chancellor (Education) that there is no case to answer, they will write to the student indicating this outcome and that the matter is closed. They will copy this letter to the investigating staff member, to the Course Leader or Head of the Service and to the person who made the original complaint.
- 5.3 Where the offence is admitted and is minor, the Registrar will invite the student to an interview. The student will be given at least two clear working days' notice to attend, and will be informed that they may be accompanied by a friend (who is a registered

student of the UCO) or a representative of the Students' Union. At the interview, the Registrar will ask the student to present any mitigating circumstances, before explaining the penalty for the offence which may include one or more of:

- a) a requirement for the student to apologise to those affected by the actions which were complained of;
  - b) a warning to the student not to repeat the offence;
  - c) a fine proportionate to the offence;
  - d) a requirement to make good the cost (in full or in part) of any damage or loss caused to property, whether that of the UCO or a third party.
- 5.4 After the meeting, the Registrar will confirm the outcome in writing to the student, copying their letter to the investigating staff member, to the Course Leader or Head of the Service, and to the person who made the original complaint. A record of the offence and penalty will remain on the student's file for the remainder of their period of study.
- 5.5 Where the offence is admitted but is more serious or is a second or further offence, the Registrar will invite the student and the investigating staff member to a meeting. They may also invite the original complainant if he or she wishes to attend.
- 5.6 The student will be given at least two clear days' notice to attend, and will be informed that they may be accompanied by a friend or representative.
- 5.7 At the meeting, the investigating staff member will outline the conclusions of their investigation, and the impact of the action complained of upon others. The student will be given an opportunity to present any mitigating circumstances or other factors they wish to have taken into account. The Registrar will then consider the facts presented before explaining the penalty for the offence. Penalties may include one or more of the following:
- a) a requirement for the student to apologise to those affected by the actions which were complained of;
  - b) a written warning to the student, to remain on their record for a period determined by the Registrar;
  - c) a fine proportionate to the offence;
  - d) a requirement to make good the cost (in full or in part) of any damage or loss caused to property, whether that of the UCO or a third party;
  - e) exclusion from a particular section of the UCO's premises or facilities for a fixed or indefinite period;
  - f) a recommendation via the Registrar to the Vice-Chancellor that the student be permanently dismissed from the UCO with immediate effect. Only the Vice-Chancellor can permanently dismiss a student, and he or she may commute the proposed penalty to a lesser one if it is felt appropriate. If a decision to permanently dismiss is enacted then the UCO may advise other appropriate bodies of the action that it has taken.



- 5.8 A record of the offence and penalty will remain on the student's file for the remainder of their period of study.
- 5.9 Where the offence is not admitted, the Registrar will invite the student, the investigating staff member and any of their witnesses to a meeting with the Student Disciplinary Panel consisting of the Deputy Vice-Chancellor (Education) (Chair), a representative of the teaching staff and a representative of the Students Union. The Chair has the authority exceptionally to co-opt any staff member to membership of a Student Disciplinary Panel. No individual who has any previous connection with the case to be heard may be a member of the Panel.
- 5.10 The student will be given at least two clear working days' notice to attend, and will be informed that they may be accompanied by a friend (who is a registered student of the UCO) or a representative of the Students' Union, and may bring any witnesses they wish to call.
- 5.11 At the meeting, the investigating staff member will outline their investigation, and the impact of the action complained of upon others, calling any witnesses as appropriate. The Chair may at any point in the proceedings decide not to hear further evidence from a witness or witnesses on either side. The student, will be given an opportunity to cross-examine both witnesses and the investigating staff member. The student will then be invited to put forward their case, calling any witnesses as appropriate. The investigating staff member will be given an opportunity to cross-examine witnesses and the student.
- 5.12 The Student Disciplinary Panel will then ask the investigating staff member, and then the student, to sum up their case. After deliberating upon the evidence, the Panel may:
- a) find, on the balance of probabilities, the student not guilty of the offence;
  - b) adjourn the hearing pending the provision of further evidence for or against the student; or
  - c) find that, on the balance of probabilities, the student was guilty of the offence.
- 5.13 Where the Panel decides that the student is not guilty, they will write to the student indicating this outcome and that the matter is closed. They will copy this letter to the investigating staff member, to the Head of Service, and to the person who made the original complaint.
- 5.14 Where the Disciplinary Panel finds the student guilty, the student will be given an opportunity to present any mitigating circumstances or other factors they wish to have taken into account.
- 5.15 The Disciplinary Panel will then determine the penalty to be applied, or may adjourn the meeting to consider the appropriate penalty further. The penalty will be one or more of those listed above.
- 5.16 Having determined the penalty, the Registrar will write to the student and copy this letter to the investigating staff member, and to the person who made the original complaint.

## 6. APPEALING THE DECISION OF THE DISCIPLINARY PANEL

- 6.1 A student may appeal the decision of the Disciplinary Panel by writing to the Vice-Chancellor within ten working days of receiving the written notification of the disciplinary decision, setting out the grounds for appeal.
- 6.2 The following alone shall constitute grounds for appeal:
- a) that new and relevant material evidence or information has emerged, which could not have been made available for consideration at the time of the Disciplinary Panel's hearing;
  - b) that the decision reached was perverse in the light of the evidence presented;
  - c) that there was a procedural error at the Disciplinary Panel's hearing or in the process leading up to it which had a material effect upon the Disciplinary Panel's decision; or
  - d) that the severity of the penalty imposed was unreasonable and disproportionate.
- 6.3 The Vice-Chancellor will determine whether the grounds are sufficient for an appeal to be heard. If not, he or she will inform the student in writing of this decision as soon as possible. This decision is final, and there will be no further right of appeal in the UCO's procedures. The Vice-Chancellor will issue a formal letter of completion, and the student will be informed of their right to take the matter to the Office of the Independent Adjudicator. Details are available at: <http://www.oiahe.org.uk/>.
- 6.4 If there are sufficient grounds for appeal, then the Vice-Chancellor will refer the matter to a member of the Vice-Chancellor's Group (other than the member with responsibility for managing the area in which the offence was investigated) to act as Adjudicating Officer.

## 7. ADJUDICATING APPEALS

- 7.1 The Adjudicating Officer will convene a hearing as soon as conveniently possible, by inviting the student and their representative, the Registrar and the Vice-Chancellor (Education) and any witnesses the Adjudicating Officer wishes to interview to a meeting. The Adjudicating Officer may also invite other members of staff (such as a member of the Student Support Services), who have no involvement in the case, to attend the hearing and provide advice.
- 7.2 The format of the hearing will be as follows. The Adjudicating Officer will ask the Registrar to present the case against the student and the reasons for the penalty imposed, where relevant. The student will then be asked to present their grounds for appeal. The Adjudicating Officer will then ask questions of the Registrar, Vice-Chancellor (Education) and the student and any witnesses, and will invite both the student and the Registrar to cross-examine. The Adjudicator will then ask the Registrar and then the student to sum up, before coming to a decision.
- 7.3 The decision may be either to uphold the original decision as to guilt, partially uphold the original decision as to guilt, to overturn it, or to amend the penalty imposed. This adjudication is the final internal stage for the UCO, and students will be entitled to a Completion of Procedures letter to take the matter to the Office of the Independent Adjudicator if they are dissatisfied with the outcome. Details are available at: <http://www.oiahe.org.uk/>.

## 8. SUSPENSION

- 8.1 A student who is suspected of having committed a very serious disciplinary offence, or against whom a criminal charge is pending, or who is the subject of a police investigation, may be suspended from attendance at the UCO at the Vice-Chancellor's discretion. Recommendations for suspension of a student should be made via the Registrar to the Vice-Chancellor directly.
- 8.2 Suspension is not a sanction or penalty, but is imposed to protect the UCO community or members of that community, or the UCO's reputation, pending a criminal trial or disciplinary hearing, or to allow an investigation to be carried out unimpeded. The Vice-Chancellor may impose action short of suspension, such as a requirement that a student does not visit a particular building, or that they do not contact a particular individual. Failure to comply with such a restriction or a suspension would, in itself, constitute a serious disciplinary offence.
- 8.3 If the Vice-Chancellor's decision is to suspend a student then this will be recorded and made available to the student concerned, who may make written representations requesting that the suspension be rescinded.
- 8.4 In any event, a decision to suspend will be subject to review by the Vice-Chancellor every four weeks or a lesser time period if the Vice-Chancellor deems this appropriate, in the light of evidence available as to the progress of the case.

## 9. CRIMINAL MATTERS

- 9.1 Where it is clear that a criminal offence has been committed, the UCO will refer the matter to the police. Where the police are investigating a particular matter, any internal investigation will normally be suspended but may recommence when the police investigation is completed.
- 9.2 Whether or not a matter results in a criminal prosecution or other forms of civil reprimand, the UCO may pursue disciplinary action in relation to any matter brought to its attention.

## 10. FITNESS TO PRACTISE ISSUES

- 10.1 If a student on a pre-registration course is found guilty of certain types of disciplinary offence or fraud, the UCO will institute the Student Fitness to Practise and Professional Behaviour Procedure and it may be necessary for the UCO to terminate the student's registration on the course or to counsel the student to consider another path of study.

## 11. HEALTH MATTERS

- 11.1 If it appears to an investigating staff member that a student involved in a disciplinary matter is affected by signs of mental health difficulties, or psychological or emotional disorder, they may, after consulting with the Vice-Chancellor (Education), suspend their investigation and refer the student to the UCO's student support services.

- 11.2 If the student does not engage with the support offered, and particularly if the misconduct continues, the Vice-Chancellor (Education) and investigating staff member may decide to continue with the case.
- 11.3 If it appears that a student's health difficulty, disorder or disability has contributed or is contributing to alleged misconduct, the Registrar will take advice, both internal and external if required, to determine whether and how the student's behaviour may be managed, rather than punished. Once again this may result in the Student Fitness to Practise and Professional Behaviour Procedure being initiated.

## **12. STUDENT ATTENDANCE AND REPRESENTATION AT INTERVIEWS AND MEETINGS**

- 12.1 Students are entitled to be accompanied by a friend (who is a registered student of the UCO) or a representative of the Students' Union at all interviews and meetings where allegations against them are discussed. Legal representation is not considered appropriate for offences under these regulations.
- 12.2 The UCO recognises that students have academic and external commitments and will seek to take account of the personal circumstances of students in arranging interviews and meetings. In the event of a student being unable to attend an interview or meeting, they must contact the relevant UCO officer before the proposed time in order to seek a deferral. The UCO will normally permit one such deferral at the request of a student. Where a student fails to attend an interview or meeting, or seeks to defer the meeting unreasonably, the UCO may proceed with the investigation, adjudication or appeal in their absence.

## **13. RECORDING HEARINGS**

- 13.1 A record will be made of all interviews and hearings described about above.
- 13.2 Where an Registrar interview or hearing takes place, the Registry department will provide a secretary to the meeting, who will conduct the correspondence. Where a member of the Vice-Chancellor's Group is hearing an appeal, they will identify a staff member to act as secretary and conduct the correspondence.
- 13.3 The Registrar will also be responsible for agreeing and implementing a system of monitoring, recording and reporting of allegations, outcomes and penalties against all of the recognised equality criteria, for presentation to the Quality Assurance Committee at least annually.