

UAL Disciplinary Code for Students

Part 1: Introduction

(a) General

1. This Code is made under Article 12.2 of the Articles of Government.
2. A primary function of this Code is to protect the central activities of the University and the administrative structure on which they depend on from disruption to provide all of our students with the conditions and support they need to achieve success.
3. The following student code of conduct sets out the standard of conduct we expect of our students so that everyone can undertake their studies in a supportive and non-threatening environment:

Under the code, a student must:

- (i) behave in a manner that will help foster a University community of mutual trust and respect;
- (ii) act within the law and not engage in activity or behaviour that is likely to bring the University into disrepute;
- (iii) treat University property with respect;
- (iv) comply with University policies and regulations, and the reasonable requests of members of staff.

(b) Jurisdiction and Scope

4. This Code applies to all persons who have met the entry requirements and have accepted a place on to their course and all registered students of the University (but not in their dealings with its subsidiary companies, such as UAL Short Courses Limited).
5. If a student leaves the University, the University reserves the right to complete action under this Code if we have already started it.
6. Regardless of location, this Code extends to alleged misconduct by a student that has affected the University itself, an employee of the University, a member of the University community or a visitor to the University, a party who is providing a placement or work-based learning experience linked to a student's course, or where there is an impact on the interests and reputation of the University or the wellbeing of the University community.

(c) Relationship and interface with other UAL polices

7. There are various other policies and regulations that apply to students and breach of which may, where appropriate, be dealt with as breaches of this Code. These regulations and polices include, but are not limited to:
 - Sexual Misconduct Policy
 - Bullying and Harassment Policy
 - Health & Safety Policy
 - Accommodation Services Code of Conduct – Disciplinary Code
 - Health and Wellbeing Policy
 - Academic Misconduct Policy
 - Equal Opportunities Policy
8. Students' behaviour may be affected by health and wellbeing, or other impairments, or conditions. Where the University considers that this has directly affected the alleged misconduct, the Dean of Students will provide guidance on whether the UAL's Health and Wellbeing Procedure should run in parallel to taking disciplinary measures under this Code.
9. Where it is not clear under which code, regulation or policy an allegation of misconduct should be dealt with, the matter will be determined by the Academic Registrar.
10. Incidents that occur at student accommodation will be considered under the Accommodation Services Disciplinary Code in the first instance.
<https://www.arts.ac.uk/study-at-ual/academic-regulations/studentregulations/accommodation-services-code-of-conduct>
11. The Disciplinary process will be adjusted to meet disabled students access requirements, where necessary.

(d) General Principles

12. Nothing in this Code prevents any member of staff from taking reasonable emergency action to prevent, stop or minimise a students' conduct if that member of staff decides it likely that such conduct may cause immediate harm to others, disrupt the proper functioning of the University or cause immediate damage to property.
13. Those investigating or adjudicating under this Code will do so impartially. The University recognises that disciplinary action can be stressful for those involved and so will ensure that such parties are made aware of available support and guidance.
14. The University will respect the need for confidentiality in relation to disciplinary issues, and only disclose information as is necessary, for example for the

proper investigation and conduct of the case. The University will implement this Code in line with all data protection regulation.

15. The University will endeavour to adhere to the 90 days outlined in this procedure, however where there are exceptional reasons where such time limits are to be varied, then the University will keep the student informed of the reasons for doing so.
16. Students involved in a disciplinary action will have the right to be accompanied by a friend, a family member or a member of staff of the Students' Union. Other options can be approved at the discretion of the Disciplinary Panel Chair. The person may provide support and guidance to a student during a disciplinary procedure, however they may not make representations on behalf of a student nor cross-examine witnesses or act as a witness.
17. The standard of proof adopted by the University during any application of this Code will be the balance of probabilities. This means that the University will be satisfied that an event occurred if they consider that, on the evidence available, the occurrence of the event was more likely than not.

The 'test of proof' will be considered by the panel to be on a sliding scale depending on the seriousness of the allegation, with a heightened probability required, the more serious the allegation. The Panel Chair will have a casting vote.

Part 2: Definition of Misconduct

18. In this section, Misconduct is defined as breaching the code of conduct. Below is a non-exhaustive list of some examples of actions which constitute misconduct.

It shall be a breach of the code of conduct if a student:

- (i) Engages in any conduct that prevents, obstructs or disrupts:
 - The functions of the University
 - Teaching, learning or research within the University
 - The administration of the University
 - Any Person from discharging his/her duties
 - Any Person from pursuing his/her studies
 - The occurrence or conduct of any meeting within the University or organised by it, including but not limited to any social or sporting activities.

- (ii) Obstructs or attempts to obstruct access of any Person or members of the public entering as normally permitted any building or premises within the University's control.
- (iii) Commits any breach of regulations, including policies and codes relating to Health and Safety, Equal Opportunities and the use of emails, software and datasets and all other services, facilities and resources.
- (iv) Assaults, sexually harasses or otherwise intimidates any Person, or engages in discriminatory behaviour in contravention of the University's Sexual Misconduct, Anti-Racism, or Equal Opportunities Policy.
- (v) Misappropriates, deliberately misuses, maliciously damages, retains (without authorisation) any equipment, learning materials, student work, furniture or fittings belonging to, or under the control of the University or the Students' Union or being the personal property of any Person.
- (vi) Misappropriates any funds or assets of the University or the Students' Union.
- (vii) Enters or remains in an area from which excluded, or takes part in any trespass or unauthorised occupation of any buildings or premises owned or used by the University. Occupation will be deemed to be unauthorised if it is carried on after reasonable notice to desist has been given by University staff or if the student has occupied a building or premises or part thereof where access by students is normally prohibited, or scheduled to take place.
- (viii) Behaves in a disruptive or violent manner.
- (ix) Engages in alcohol or drug misuse and/or the supply of illegal drugs within the learning and teaching or social environment or residential accommodation owned or managed by the University.
- (x) Engages in communication (whether expressed orally, in writing or electronically including via social media) with any Person which is offensive, violent or threatening.
- (xi) Invades, abuses or attempts to abuse the security, integrity or privacy of any files or confidential material including computerised systems of the University or the Students' Union.
- (xii) Fails to comply with a previously imposed penalty under this Code.

- (xiii) Behaves in a way which brings the University into disrepute (without prejudice to the right to fair and justified comment and criticism).
- (xiv) Engages in conduct which constitutes a criminal offence. For the avoidance of doubt, the University may proceed under student disciplinary procedures notwithstanding the instigation of any criminal proceedings (see Part 3).
- (xv) Failure to declare a criminal conviction to UAL, subject to the Rehabilitation of Offenders Act.

19. The offences specified in paragraph 18 are not intended as a definitive list. Where there is doubt, the Deputy Vice Chancellor (Education) (or their nominee) and the Dean of Students will decide the procedure to be followed in a particular situation.

20. For the purpose of this Code, misconduct as defined paragraph 18 above may be categorised as either minor or major offences depending on the seriousness of the alleged misconduct.

21. Examples of minor offences include but are not limited to:

- Anti-social behaviour, including causing a public nuisance by drunkenness and disorderly conduct;
- Refusal to respond to reasonable requests by University staff;
- Smoking in non-designated areas;
- Excessive noise;
- Misuse of University equipment; - Minor damage to property.

22. Examples of major offences include but are not limited to:

- A serious or persistent breach of University regulations or policies;
- Any action which is likely to endanger the health and safety of others;
- Theft or fraud;
- Threatening, offensive or indecent behaviour;
- Racial harassment and discrimination;
- Sexual harassment or harassment of any kind;
- Misappropriation or damage to property of any Persons; - Use, possession, buying or selling illegal drugs; - Assault affray or causing physical harm.

Part 3: Misconduct which is also a criminal offence

23. The University may report to the police any allegation that a criminal offence has been committed where the University is the directly affected party or victim.

24. Where the University is not the directly affected party or victim, the University shall usually allow the victim to decide whether or not to report the matter to

the police, subject to exceptional circumstances such as where the University considers the safety of students or staff may be at risk or to prevent a further crime from taking place, in which case the University may report the matter to the police. Such report shall take into account any potential harm to the victim. Where the University decides to report the alleged crime to the police then the reasons for taking such action shall be explained to the victim.

25. Where a disciplinary offence is also subject to a criminal investigation, the University may suspend the disciplinary process until the criminal investigation has been concluded. In the event that the police may not be able, unwilling or not yet able to proceed with their investigation will not automatically preclude the University taking disciplinary action. The decision whether or not to suspend the University's disciplinary process is taken by the Deputy Vice Chancellor (Education) or their nominee.
26. Where criminal proceedings have concluded, the Deputy Vice Chancellor (Education), or their nominee, will make a decision whether further action under this Code is required.

Part 4: Reporting Student Misconduct Allegation

27. Where possible, the University encourages staff who receive a report of an allegation under paragraphs 39 or 40 below to exercise discretion whether to resolve matters locally. This is outlined under the Minor Misconduct procedures in Part 7 of this document.
28. Staff should report allegations of student misconduct to a College Dean or the Dean of Students who will initiate and investigate the case under the procedures of this Code.
29. Where a third party, outside of UAL's staff and student population, makes a complaint about the conduct of a student, this would be considered at the discretion of the the Deputy Vice Chancellor (Education) or their nominee. If accepted for review, it would be considered under this Disciplinary Code with reference to section 2, paragraph 18 (xiii) and Section 1, B, paragraph 6.

Part 5: Precautionary Suspension

30. Suspension and other precautionary measures pending a hearing is not used as a penalty or sanction. Orders of suspension and other precautionary measures are to be used only where the University considers it necessary to protect a member or members of the University community, or the property of the University or to protect the integrity of any investigation. The power to suspend or take other precautionary measures under these provisions will only be used where it is necessary and urgent to take such action and pending the outcome of any disciplinary process under this Code. A Precautionary Suspension can only be put in place for a maximum period of

60 working days. Any further extensions to this period requires the approval of the the Deputy Vice Chancellor (Education) or their nominee.

31. A Precautionary Suspension includes exclusion from the academic delivery of the course and access to the University campus.
32. Staff in the following posts have the Vice-Chancellor's authority to suspend students: Deputy Vice-Chancellor, Pro Vice-Chancellor, Deans, Senior Managers, Duty Managers. A suspension imposed by a Dean or Duty Manager must be notified as soon as possible to the Pro Vice-Chancellor where the student is registered.
33. The decision to suspend under these provisions can be made at any stage of the University's disciplinary process under this Code. An order for suspension may also include a condition that the student has no contact with a specified person or persons.
34. The reasons for, and the terms of, the suspension will be put in writing to the student within twenty four hours of their suspension.
35. Any student suspended under the provisions on this section must be given the opportunity within five working days to make representations in person and/or through a member of the University community to the relevant Deputy Vice-Chancellor, Pro Vice-Chancellor, Dean, Senior Manager, Duty Manager or their nominee.
36. Any decision to suspend a student is subject to review every twenty working days. Such a review will not involve a hearing or submissions in person, however the student will be entitled to submit written representations.
37. A record of the review outcome will be made and communicated to the student. A student may request a review of the suspension and/or its conditions if there is a relevant change in their circumstances. The request should be made in writing to the Vice-Chancellor (or their nominee) who will ensure that a response is provided within ten working days.
38. Any decision to permit the student to return to the University, or to change the conditions of a suspension will be sent to the student in writing following a review. A decision to amend the suspension of the student may be made subject to conditions.

Part 6. Investigating student misconduct

39. When an alleged infringement of this Code is reported to a Dean, they may call for an investigation depending on the circumstances. This Dean (or their nominee) will have authority to carry out such investigations as they deem

appropriate, such as interviewing the student who reported the misconduct, members of staff and students of the University and any other witnesses.

40. As soon as practicable after the misconduct has been reported, the Dean (or their nominee) will write to the student to provide details of the alleged misconduct and, if applicable, the requirement to attend an interview. The student will have the opportunity to respond (including to offer information in mitigation and explanation) and is invited to admit or deny responsibility.
41. Any student against whom an allegation has been made has the right to be accompanied by a “friend” at an investigative interview. See paragraph 16 for further details.
42. After the investigation the Dean (or their nominee) makes a decision as to whether the misconduct has taken place and writes a report establishing the facts of the case and their decision of the case. The Dean (or their nominee) may decide on the following course of action:
 - (a) that the allegation be dismissed and notify the student of the same together with a copy of their report;
 - (b) that the allegation should not be subject to further action under the Disciplinary Code, but that such a ruling should not preclude informal action for example the issuance of a caution;
 - (c) that the misconduct is dealt with as a minor offence and is a matter for the Dean to deal with;
 - (d) that the misconduct is dealt with as a major offence and is a matter for the Disciplinary Panel to deal with.
 - (e) That, following consultation with the Dean of Students, the student should be additionally considered under the Health and Wellbeing procedure.

Part 7: Minor Offences; Dean

43. Following the completion of the investigation set out in Part 6, a decision will be taken on whether an offence has occurred and, if so, in which category of offence it can be categorised. Where it is agreed that the incident merits a sanction as a Minor Offence, The Dean (or their nominee) will advise the student in writing that a ruling of minor misconduct has been reached within five working days, and will confirm any penalties to be imposed on the student, which include one or more of the following:
 - A requirement to apologise in person or in writing from the student to the specific persons affected by the disciplinary offence;
 - A reprimand to be kept on the students’ file for a defined period;
 - A written warning as to future conduct;
 - A suspension of specified privileges for a definite time not to exceed a period of one term (this may include access to facilities such as IT, the library or other University premises);

To make good at their expense any loss or damage caused either fully or in part by the disciplinary offence.

44. A student wishing to appeal against the decision of the Dean (or their nominee) in relation to a penalty for a disciplinary offence will write to the Deputy Vice Chancellor (Education), or their nominee, giving the grounds for appeal within ten working days from the date of the notification from the Dean (or their nominee) imposing the penalty.

The only grounds on which the student may appeal are:

- Evidence of a procedural irregularity;
- Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation;
- The penalty imposed was disproportionate to the offence.
- Disagreement with the decision of the investigation.

45. The Deputy Vice Chancellor (Education) (or their nominee) will consider appeals under these provision by a review of the relevant paperwork.

46. In reaching a decision on the appeal, the Deputy Vice Chancellor (Education) (or their nominee) may confirm the penalty imposed by the Dean (or their nominee) or refer the case for consideration by a Disciplinary Panel. Where appeals are rejected by the Deputy Vice Chancellor (Education) (or their nominee), the decision will be final and there is no right of further appeal within the University. A Completion of Procedures letter will be released to confirm the internal processes of the university have been exhausted.

Part 8: Major Offences: Disciplinary Panel

47. Where the investigation findings, as set out in Section 6, determine that an offence has occurred meriting review as a Major Offence, a Disciplinary Panel will be convened. The Disciplinary Panel receives cases from the Dean (or their nominee) who makes the recommendation that the case requires the action of the Disciplinary Panel. The Academic Registrar must agree that the nature or gravity of the alleged misconduct justifies action by the Disciplinary Panel.

48. The Disciplinary Panel will comprise of at least three of the following:
- (i) a Chair, who will be the Academic Registrar (or their nominee);
 - (ii) one of either the Pro Vice-Chancellor, a Dean or an Associate Dean (but not from the student's College);
 - (iii) an officer of the Students' Union. In the event that the Students' Union does not nominate an officer to attend the hearing, or the

nominated officer does not attend for whatever reason, then one further person from (ii) above will be selected.

49. No member of the Disciplinary Panel will have been directly involved in any prior disciplinary action on the case taken up to that date.
50. Also in attendance will be a Secretary who will produce a written record of any Disciplinary Panel meetings. The Secretary will not be a member of the Disciplinary Panel and will be impartial in any deliberations.
51. The Disciplinary Panel will write to the student, with a minimum of ten days' notice, informing them of a requirement to attend a hearing before the Disciplinary Panel. Where the Disciplinary Panel deems there are special circumstances which require a shorter period of notice to be given, the reasons will be explained to the Student.
52. Where there are concerns around a Student's ability to engage in the proceedings, they may be adjourned for the preparation of a medical report following advice from the University's Head of Counselling and Student Health Advice. If medical evidence confirms an inability to engage, those dealing with the case may suspend or terminate proceedings if it is felt appropriate to do so. It may be a condition of the deferment or termination, or the lifting of the suspension itself, that the student seek medical treatment and appropriate support.
53. The Student will be sent a copy of the Dean's report as well as a list of the witness which the Disciplinary Panel intends to call for the hearing (if applicable) and any statements or evidence relevant to the case at least five working days before the hearing.
54. The Student may also wish to invite witnesses to appear before the Disciplinary Panel in which case the student should notify the Secretary of the Disciplinary Panel at least two working days before the hearing of the details of any witnesses. The student must also circulate to the Disciplinary Panel any written statements or any other supporting documentation at least **five** working days before the hearing.
55. The procedure for the hearing is as follows:
 - (i) The Chair will open the hearing by outlining the procedure which will be followed. The Chair will then read out the allegation(s) against the student and invite the student to state whether he or she admits or denies the allegation.
 - (ii) If the student does not admit the alleged misconduct, any evidence provided by the student (or his/her friend) is heard.

- (iii) The Disciplinary Panel and the student may question the witnesses, if there are any. In each case the witnesses will be asked to make a statement or confirm the contents of a written statement. Members of the Panel also have the right to question the student directly (or his/her representative).
- (iv) The student, any representative and any witnesses will be asked to withdraw to allow the Panel to consider its decision.

56. The University may allow two opportunities for adjournment of the hearing if a student provides the University with a reasonable reason in writing for adjournment 3 days prior to the meeting. These adjournments may impact on the University's ability to resolve the case within its preferred 90 day time frame. If a student does not attend the hearing and the Panel is satisfied that due notice was provided, the hearing may take place without the student and, if the misconduct is proven, the Panel may impose a penalty in the student's absence.

57. The Panel Chair will have a casting vote. In reaching its conclusion, the Panel may impose one or more of the penalties below, taking into account the specific charge, the individual circumstances of the case and any relevant mitigation brought forward. The below list is illustrative and not exhaustive:

- (i) A requirement to apologise in person or in writing from the student to the specific persons affected by the disciplinary offence;
- (ii) A reprimand to be written on the student's file;
- (iii) A written warning and/or requirement to give a written undertaking as to future conduct together with details of the consequences of any further misconduct;
- (iv) Make good at his/her expense any loss or damage caused either fully or in part by the disciplinary offence;
- (v) Recommend termination of the occupancy of University managed accommodation on giving a month's notice in writing or, where the Panel deems there to be a serious risk to other members of the University community, within 24 hours' notice.
- (vi) Withdrawal of registration for a period of up to 12 months. If the Disciplinary Panel considers it necessary to extend a student's suspension beyond 12 months then it is necessary to hold a new Disciplinary Panel hearing.
- (vii) Recommend expulsion. Expulsion means depriving a student of his or her membership of the University on a permanent basis.

58. The student will be informed of the Panel's decision verbally at the end of the hearing. If applicable, it should be made clear at the end of a hearing when the student can and should return to College, either to collect belongings or to return to study, which should be at the earliest reasonable time.
59. If the Chair of a disciplinary hearing recommends the student's expulsion as an appropriate sanction, then this recommendation will be brought to the Vice-Chancellor for a final decision. The student will be suspended until the Vice-Chancellor has come to a decision. The Vice-Chancellor will receive the recommendation within three working days of the disciplinary hearing, and promptly consider all relevant factors so that a final decision is made and notified in writing to the student within no more than 15 working days.
60. The Panel will inform the student of the outcome of the hearing in writing within 15 working days of the date of the hearing and the student will be notified in the exceptional case that such a period is to be extended. The notification will also inform the student of their right to appeal.

Part 9. Appeals

61. Any student dissatisfied with a decision relating to an allegation of a major offence of misconduct must give written notice of their intention to appeal.
62. The appeal must be made by notifying the Academic Registrar in writing no later than the tenth working day after the notice of the decision was issued.
63. The notice must specify the grounds on which the student wishes to appeal. The only grounds on which the student may appeal are:
- Evidence of a procedural irregularity;
 - Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation;
 - The penalty imposed was disproportionate to the offence.
64. The Deputy Vice Chancellor (Education) (or their nominee) may reject an application to appeal if the notice of appeal does not include one or more of the grounds stated above and/or if the explanation given in support of the grounds stated discloses no reasonable basis for an appeal.
65. The appeal will be heard by a Disciplinary Appeals Panel comprising of members indicated in paragraph 49 above. Panel members will be independent from the first hearing. The appeals hearing will follow procedures laid out in paragraph 55 above.
66. On hearing the appeal the Panel may:
- Confirm and/or uphold the disciplinary action imposed; or

- Uphold the appeal and set aside the original disciplinary action entirely; or
- Substitute an alternative form or level of disciplinary action or penalty if they think it is appropriate to do so. This means that the penalty could be less or more severe than the penalty originally imposed.

67. The University will inform the student of the final decision within ten working days after the appeal hearing. The decision made at the appeal will be final and there is no right of further appeal within the University. A Completion of Procedures letter will be released to confirm the internal processes of the university have been exhausted.

68. A student whose appeal has been dismissed will be issued with a Completion of Procedures letter and has the right to refer the matter to the Office of Independent Adjudicator.

NOTE: Academic Misconduct is considered under the Academic Misconduct Regulations: <https://www.arts.ac.uk/study-at-ual/academic-regulations/studentregulations/referencing-and-academic-misconduct>.