



## Version Control Statement

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### Regulations for the Conduct of Students

#### OVERVIEW

The University of Central Lancashire has adopted Regulations for the Conduct of Students, which state that *“a student attending a programme provided by the University in partnership with another institution is subject to the regulations related to the conduct of students of that other institution”*.

These Futureworks Regulations establish the procedures relating to the conduct of Futureworks’ students who are registered with the University of Central Lancashire (in this document the University of Central Lancashire is referred to as “UCLan” or “the partner university”).

These Regulations do not establish the procedures governing the academic operation of courses and programmes of study. Such procedures are established by UCLan and reference is made in these Regulations to these procedures, where appropriate.

The Vice Principal is responsible for the maintenance of student discipline, including the suspension and expulsion of students on disciplinary grounds. All references in these Regulations to the Principal or Vice Principal or Head of School or Head of Student Affairs will include their appointed nominee(s).

Students are required to familiarise themselves with these Regulations, and other Futureworks and UCLan Regulations, Guidelines, Rules, Codes, Conditions and Policies.

Where a student has declared a disability to Futureworks, all reasonable endeavours will be made to ensure that:

- a) information about regulations, procedures and policies is available in appropriate formats; and
- b) reasonable adjustments are made to any disciplinary or other proceedings to accommodate their needs.

#### GENERAL STUDENT REGULATIONS

##### Enrolment

Students are required to enrol or re-enrol for each successive academic year or other relevant part of a programme as determined by Futureworks.

Before being permitted to enrol or re-enrol, students are required to pay fees due in accordance with Futureworks Tuition Fee Terms & Conditions, or produce evidence of financial support to cover their fees (such as a letter from the Student Loans Company).



All students must produce at or before enrolment, evidence of having satisfied the relevant entry requirements. Enrolment shall not be complete until such evidence has been accepted by Futureworks. Persons who are not enrolled as students shall have no right of access to Futureworks or UCLan facilities as students.

Once enrolment to a programme is completed, a person is deemed to continue as a student until the end of that programme or until re-enrolment is required, unless the student:

- i. is withdrawn from the programme following a recognised assessment process undertaken in accordance with UCLan Academic Regulations;
- ii. is expelled from Futureworks following a Disciplinary or Fitness to Study hearing;
- iii. withdraws from the programme;
- iv. is withdrawn from Futureworks in line with any published regulations/procedures;
- v. is withdrawn from the programme following a decision by UK Visa and Immigration (UKVI), in the case of an international student; or
- vi. is granted a period of formal interruption to their programme of study in accordance with UCLan Academic Regulations.

Students must notify Futureworks of any changes occurring during the academic year in the information supplied on enrolment or re-enrolment, in particular, changes to local address. Changes should be reported to Student Services.

Students who withdraw or are withdrawn from a course of study will be subject to the prevailing Futureworks Tuition Fee Terms & Conditions or [UCLan Tuition Fee Policy](#) as appropriate.

### **Attendance**

Student attendance at timetabled learning activities of higher education programmes is required. Students who are unable to attend timetabled learning activities for any reason must apply for authorisation for leave of absence from the Programme Leader as soon as practicable. Unauthorised absence is not acceptable and may attract academic or disciplinary penalties. A student who does not engage with procedures regarding a continuous unauthorised absence may be deemed to have withdrawn from the programme. The date of withdrawal will be recorded as the date the requisite documentation is submitted to UCLan.

Please note that a leave of absence referred to above anticipates a short-term absence during an academic session where a student can still complete assessments, allowing for any adjustments to submission dates/exam arrangements, and progress or complete the year as normal before the start of the next academic session. This is different to an 'interruption to studies' as referred to in UCLan Academic Regulations, which applies to much longer absences (normally up to one year).

In the event of absence due to illness, medical certificates must be produced promptly to the Programme Leader whenever so requested and, in any event, if the absence continues for seven days or more. Any student who has submitted a medical certificate shall refrain from attendance at Futureworks if that is recommended by the medical certificate.

In the case of students in receipt of an award for fees from the Student Loans Company or a Local Education Authority, Futureworks is required to notify them of absences. In the case of the Student Loans Company, Futureworks must notify them within 21 days of the student's change in circumstance. In the case of international students, Futureworks is required to notify the UK Visas and Immigration division of the Home Office (UKVI) of any unauthorised absences or missed contacts. This may lead to cancellation of the student's visa.



### **Unspent Criminal Convictions**

Students on Futureworks programmes are required to declare any unspent relevant criminal convictions, cautions or warnings that they become subject to the Head of Student Affairs. This is to enable Futureworks to safeguard its community. Relevant convictions are those for offences against the person, whether of a violent or sexual nature, or convictions for commercial drug dealing or trafficking.

The Head of Student Affairs will decide whether there are any implications in relation to the student's course of study or their standing with Futureworks. Futureworks may take action where the conviction contravenes the Disciplinary Regulations (below). The failure to disclose a relevant unspent criminal conviction during the enrolment period may itself constitute a disciplinary offence.

Any disclosure information relating to an unspent criminal conviction will be handled in accordance with the General Data Protection Regulation and advice from such agencies as the Disclosure and Barring Service.

### **Safety**

Students shall take reasonable care for the health and safety of themselves and of others who may be affected by their activities. Students shall not endanger themselves or others by intentionally or carelessly interfering with, or misusing, any article, substance or material provided by Futureworks on its premises, or whilst engaged in associated activities e.g. a field trip or work placement. Students shall use any protective equipment provided, and ensure, so far as it is reasonably practicable, that they understand and abide by safe systems of work and any safety procedures and regulations established by Futureworks in connection with any of its activities. In seeking to enhance the safety of the Futureworks community, Futureworks premises may be monitored by CCTV surveillance equipment. Footage from CCTV cameras may be used in proceedings under the Disciplinary Regulations (below) or in any criminal proceedings.

### **Damage to Equipment and Premises**

Any individual student or group of students found to be responsible, through any wilful act or negligence, for any loss or damage to Futureworks' or any of its associates' premises, equipment or property, as determined in accordance with the Disciplinary Regulations (below), shall be liable for the cost of restoration or repair as is necessary. The amount of such costs shall be payable on demand to Futureworks.

### **Fees**

Students' attention is drawn to the prevailing Futureworks Tuition Fee Terms & Conditions. If a student has not paid their tuition fees, nor made payment arrangements satisfactory to Futureworks, then Futureworks may apply one or more of the penalties in the Futureworks Tuition Fee Terms & Conditions.

### **Non-Tuition fee debts**

If a student has failed to either pay an account or make payment arrangements satisfactory to Futureworks, then Futureworks may withdraw services of the same type until the outstanding amount is settled. Where the debt relates to outstanding accommodation charges, the partner university reserves the right to bring the accommodation contract to an end as provided for in the UCLan Conditions of Residence. Where appropriate, Futureworks may pursue a debt claim through the courts in respect of an outstanding balance and thereafter appoint debt collectors to enforce any judgment obtained.



### **Academic Regulations**

Students should be familiar with [UCLan Academic Regulations and UCLan Assessment Regulations](#), which are applicable to their programme, as well as the various Futureworks policies and procedures located in the Academic Quality section of the MyFutureworks VLE. Allegations of unfair means (plagiarism, collusion, cheating or re-presentation of work) will be investigated and the procedures and penalties in these policies will apply. Where the offence involves theft, falsification, impersonation, bringing Futureworks into disrepute or other offences where the Head of School acknowledges that an academic sanction is inadequate, the matter will be referred for action under the Disciplinary Regulations.

### **Local Rules and Conditions**

There are Futureworks and UCLan rules for the use of the library and IT facilities and a Futureworks Facility Resources Ban Policy, all of which must be adhered to. Students in UCLan-managed accommodation are also subject to the Conditions of Residence. Serious or repeated breaches of these local rules and conditions may be referred for action under the Disciplinary Regulations. Where UCLan has issued a Final Accommodation Warning in accordance with their Conditions of Residence, this will be copied to the student, their Head of School and the Head of Student Affairs. Any further incidents of misconduct will be considered under the formal stages of the Disciplinary Procedure.

### **Fitness to Study**

Where there are concerns about a student's health, wellbeing or behaviour, which raise questions about their fitness and suitability to study, the Futureworks Fitness to Study Policy will normally be applied.

## **PARTIAL EXCLUSION, SUSPENSION, WITHDRAWAL AND EXPULSION OF STUDENTS**

### **Definitions**

**[a] Partial Exclusion:** Partial exclusion involves selective restriction on attendance at or access to Futureworks and its programmes or placements or prohibition on exercising the functions or duties or any office or committee membership in Futureworks, the exact details to be specified in writing. It will be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons. Partial exclusion may be imposed as an interim measure during an investigation.

**[b] Suspension:** Suspension involves a total prohibition of attendance at or access to Futureworks and on any participation in Futureworks or partner university activities including placements; but it may be subject to qualification, such as permission to attend for the purpose of an assessment, counselling, or seeking advice from Student Services. It will be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons. Where appropriate, a student may be expected to engage with the School to facilitate continuation of studies during a period of suspension. Schools will normally appoint a member of staff to act as the student's point of contact for academic queries and provision of learning materials. Suspension may be imposed as an interim measure during an investigation.

**[c] Withdrawal:** Withdrawal involves the termination of a student's enrolment at Futureworks. A student who is withdrawn from Futureworks is prohibited from attendance at or access to Futureworks and on any participation in Futureworks or UCLan activities, including placements, and loses student status. A student may be withdrawn following a Disciplinary Hearing or under the Fitness to Study procedure or under the UCLan Academic Regulations. If the student is in university



accommodation, they may be given notice to leave the accommodation. A student who is withdrawn from Futureworks is not prohibited from enrolling at Futureworks in future academic years, but admittance may be subject to conditions. Futureworks will apply the Futureworks Tuition Fee Terms & Conditions with respect to 'non-completion' for a student who is withdrawn. Futureworks will apply the provisions as detailed below with respect to the retention of credits or the granting of any exit award.

**[d] Expulsion:** Expulsion involves permanent exclusion from Futureworks and of any participation in Futureworks or partner university activities, including placement. A student who is expelled from Futureworks is prohibited from attendance at or access to Futureworks, loses student status and is not permitted to re-enrol at Futureworks or on any programme provided by a partner institution that leads directly to a University award except by special dispensation of the Vice Principal. Expulsion may be subject to qualification, such as permission to attend for the purpose of seeking advice in relation to disciplinary procedures or appeals until such time that either the date for submission of an appeal has passed or that an appeal has been considered and not upheld. A student who is expelled is so from the date of the formal notification. If any subsequent appeal against that decision is upheld and the student is re-instated, the student will be re-enrolled subject to standard enrolment requirements:

- i. A student may only be expelled following a Disciplinary or Fitness to Study Hearing.
- ii. In the case where a student is expelled they will normally be permitted to retain any completed credits (unless those credits have been found to have been gained by dishonest or unfair means), at the discretion of the Disciplinary Committee in consultation with the Chair of the relevant Assessment Board.
- iii. A student who is expelled who is permitted to retain any existing credits will normally be granted any appropriate exit award in line with the UCLan Academic Regulations. Any such award will be at the explicit discretion of the Disciplinary Committee, in consultation with the Chair of the Assessment Board.
- iv. Futureworks will apply the Futureworks Tuition Fee Terms & Conditions with respect to 'non-completion' for a student who is expelled.

#### **Interim Suspension or Partial Exclusion**

- i. A student may be suspended or partially excluded from Futureworks as an interim measure by the Vice Principal, without invoking the Disciplinary Regulations, for: an unsatisfactory standard of work or other academic reason; or in line with the Futureworks Fitness to Study Policy (a student may be suspended or partially excluded from Futureworks by the Vice Principal as an interim measure where the student is alleged to have committed a serious offence which is deemed to be a breach of the Disciplinary Regulations or against whom a criminal charge is pending or they are subject to police investigation).
- ii. Suspension will only be used where partial exclusion from specified activities or facilities would in the opinion of the Vice Principal be inadequate or where the range of activities for which the Vice Principal is of the opinion that partial exclusion should be made is such that it would most effectively be achieved by suspension.
- iii. Suspension or partial exclusion under this section will not be used as a penalty. The decision to suspend or partially exclude is to protect members of Futureworks community and the decision shall only be used where the Vice Principal is of the opinion that it is necessary to take such action.
- iv. Where a student is under investigation, the decision will be taken in consideration of: the risk of the student re-offending or further offending; the risk that the student might harm others or damage property or the good name of Futureworks; the risk that the student's presence may inhibit the investigation; the nature of the student's course and any conditions set by the



- police in cases of criminal behaviour. Written reasons for the decision shall be recorded and made available to the student.
- v. No student shall be suspended or partially excluded unless he or she has been given an opportunity to make representations in person to the Head of School. Where, for any reason, it appears that it is not possible for the student to attend in person, they shall be entitled to make written representations.
  - vi. In cases of urgency, the Vice Principal shall be empowered to partially exclude or suspend a student with immediate effect if necessary without the student being given the opportunities to make representations, provided that **within five working days** the opportunities mentioned for written representation above are given and the matter reviewed.
  - vii. The suspension or partial exclusion shall be subject to review every four weeks in light of any developments and of any additional representations made by the student in writing or by anyone else on their behalf. Such a review will not normally involve a hearing or submissions made in person.
  - viii. Where a suspension or partial exclusion is invoked pending the outcome of a criminal trial or any other external agency proceedings, it is the student's responsibility to inform Futureworks of the outcome of those proceedings. Where those proceedings may take an extended period of time to conclude, it is the student's responsibility to maintain engagement with Futureworks and to keep Futureworks informed of any material updates.
  - ix. A student in receipt of an attendance-based scholarship or bursary who is suspended from Futureworks or excluded from attending teaching activities may have the scholarship or bursary suspended during the period of suspension or partial exclusion.
  - x. A student who has returned to Futureworks or work placement after partial exclusion or suspension shall be offered appropriate support to remedy the effects of absence as would any other student who had been absent. The School will be responsible for managing a student's return to study.

## **Disciplinary Regulations**

### **Implementation**

These Regulations will normally be applied in respect of alleged misconduct which occurred whilst on Futureworks' premises or the immediate environs or whilst engaged in any Futureworks activity. However, Futureworks reserves the right to take disciplinary action against any student in respect of any misconduct, wherever it may have taken place, where that misconduct:

- i. damages the good name of Futureworks; or
- ii. raises questions about a student's suitability for a particular programme or whether a student should remain a member of the Futureworks community because they pose a danger to other members, or to the good order of the Futureworks community; or
- iii. constitutes a criminal offence.

### **Definition of Misconduct**

Students are expected to conduct themselves at all times in a manner which demonstrates respect for Futureworks, its staff, students and property. The following behaviour is prohibited (this is not intended to be an exhaustive list:

- i. Behaving in manner which is dangerous or is likely to lead to a breach of the peace or damage to property;
- ii. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of Futureworks whether on Futureworks premises or elsewhere;
- iii. Obstruction of, or improper interference with the functions, duties or activities of any student, member of staff or other employee of Futureworks or any authorised visitor to Futureworks;



- iv. Violent, indecent, disorderly, aggressive, threatening or offensive behaviour or language by any means, including on social networking sites;
- v. Distributing or publishing a poster, notice, sign, publication or material of any nature which is threatening, abusive, insulting, obscene, offensive or constitutes harassment or is illegal or makes others fear violence;
- vi. Fraud, deceit, deception, misrepresentation, bribery, falsification of records or dishonesty in relation to Futureworks, its staff, students or in relation to being a student of Futureworks, including misuse of the UCLan card and/or attendance monitoring system;
- vii. Making defamatory and/or false claims about other students or staff which are not substantiated and where there is reason to believe they are malicious or vexatious;
- viii. Action likely to cause injury or impair safety on Futureworks premises or whilst on placement, including tampering with fire-safety equipment and alcohol/drug misuse;
- ix. Harassment or sexual misconduct of/towards any student, member of staff, any third party while on placement, or any visitor of Futureworks (details of conduct that constitutes harassment is set out in the Futureworks Student Harassment and Sexual Misconduct Policy);
- x. Breach of the provisions contained within any of Futureworks or UCLan policies set out in the Student Policies & Procedures Handbook, Futureworks VLE, and at <https://www.uclan.ac.uk/legal/student-policies>
- xi. Assessment/examination offences, including but not limited to, theft, falsification, impersonation, bribery, submission of work purchased from commercial sources, advertising services which promote academic dishonesty; research malpractice;
- xii. Damage to, defacement or misappropriation of, Futureworks property or the property of other members of Futureworks, caused intentionally or recklessly;
- xiii. Misuse or unauthorised use of Futureworks premises or items of property, including computer misuse;
- xiv. Deliberate disclosure of privileged and confidential information to unauthorised people; failure to adhere to intellectual property rights and/or breach of copyright;
- xv. Conduct which constitutes a criminal offence where that conduct:
  - a) takes place on Futureworks premises; or
  - b) affects any student, member of staff or agent, of Futureworks; or
  - c) damages or may damage the good name of Futureworks; or
  - d) renders the student unfit to practise any particular profession or calling to which that student's programme directly leads;
  - e) raises questions about a student's suitability for a particular programme or whether a student should remain a member of the Futureworks community because they pose a danger to other members, or to the good order to the Futureworks community;
- xvi. Failure to declare a relevant criminal conviction incurred whilst enrolled as a student;
- xvii. Behaviour which brings or may bring Futureworks into disrepute, irrespective of where the behaviour took place;
- xviii. Failure to comply with the reasonable instruction of any member of Futureworks staff in the course of their duties, including failure to disclose personal identification details;
- xix. Entering parts of the Futureworks premises that are not open for academic or student activity, unless invited to do so by a member of staff of Futureworks;
- xx. Engaging in any trade, business or employment, on Futureworks premises, without express authority of Futureworks;
- xxi. Making or publishing a recording of a member of Futureworks staff in the course of their duties without their express permission;



- xxii. Conduct which is intended to or has the effect of inciting or enticing, or aiding or abetting another student in the breach of any Futureworks or UCLan Regulations/Guidelines/Rules/Codes/Conditions/Policies;
- xxiii. Failure to comply with the requirements or outcomes of any proceedings under the Regulations/Guideline/Rules/Codes/Conditions/Policies of Futureworks or UCLan;
- xxiv. In the case of international students, breach of the terms of any visa or failure to comply with the requirements of UK Visa and Immigration (UKVI).

### **Criminal Offences**

Where the alleged misconduct would also constitute a criminal offence, Futureworks may at its discretion continue with action under these Regulations or may defer such action pending the conclusion of any police investigation and/or prosecution. Where a student has been found guilty of a criminal offence, the penalty shall be taken into consideration in determining the sanction under these Regulations.

### **Classroom Disruption**

Students are expected to behave in a professional and respectful manner during learning and teaching sessions. Students should not disrupt the activities of any student or member of staff e.g. by arriving late, talking at inappropriate times or texting/playing on a mobile device. Mobile phones should be turned off or set to silent prior to the start of a class, unless by prior arrangement it has been agreed that a phone should remain on for medical or other reasons.

Any student who is deemed to be disruptive will be issued with an informal warning by the member of staff responsible for the session and may be required to leave for the duration of the session. Students may be asked to meet with the Programme Leader or Head of School, who may issue a written warning or require an undertaking of good conduct. Serious or repeat instances of classroom disruption will be notified to the Head of School to consider in line with the formal procedure. All such instances will be placed on the student's record and may be referred to in the event of a reference request.

### **Disciplinary Procedure**

#### **Implementation**

Any member of staff may advise or give an informal verbal warning to a student about their conduct and may, in urgent situations where it is necessary to protect the safety of persons attending Futureworks, ask the Vice Principal to effect the immediate partial exclusion of the student pending application of the formal disciplinary procedures.

Allegations of misconduct under these Regulations should be submitted in writing to the Head of Student Affairs. The Head of Student Affairs may require further enquiries to be carried out. The Head of Student Affairs shall, with regard to the seriousness of the incident, deal with the matter as set out below. Where a student in University-managed accommodation has previously received a Final Accommodation Warning under the Conditions of Residence, the matter will be dealt with in accordance with the formal stages of this Procedure.

If, at any stage in the disciplinary proceedings, the Vice Principal is of the opinion that it is necessary to protect members of the Futureworks community, they may suspend or partially exclude the student pending a disciplinary hearing/interview.

If, at any stage in the disciplinary proceedings, the Head of Student Affairs is of the opinion that further investigation is needed before a disciplinary interview/hearing can take place, they will





nominate a member of staff who is independent from the parties involved and who has not been involved in the circumstances giving rise to the allegation, to undertake such investigation as is reasonable in the circumstances and to prepare a report before a disciplinary interview/hearing is arranged. The Investigation Officer may act as a Presenter at a subsequent Disciplinary Interview/Committee hearing to present details of the allegation and to present the report of the findings of their investigation.

Where a complaint of misconduct has been made, the Head of Student Affairs may decide that the complaint should not be the subject of further action under these Regulations, but such a ruling shall not preclude informal action if appropriate.

### **Stage 1: Informal Stage - Written Warning**

Where the Head of Student Affairs considers that there has been a breach of the Regulations, but that the misconduct is minor in nature or there are other mitigating factors, they may arrange for the student to attend an informal meeting. The meeting will take the form of an interview and discussion of the alleged breach, to be conducted by the Head of Student Affairs, who may be assisted by one other member of staff, at the discretion of the Head of Student Affairs. The student has the right to be accompanied at the informal meeting by a person of their choosing, who may speak on the student's behalf. The outcome of the meeting will be recorded in a letter, and the student may be required to sign an undertaking of future good conduct. It will be made clear that failure to adhere to the undertaking may lead to formal action under the Regulations. The letter and the undertaking will be placed on the student's file and may be referred to if there are further concerns about the student's conduct.

The student will have the right of appeal under these Regulations.

### **Stage 2: Formal Stage - Disciplinary Interview**

Where the Head of Student Affairs considers that the alleged offence, if proven, is likely to incur a penalty or penalties up to and including a final written warning, the matter will normally be referred to the Vice Principal, who will conduct a disciplinary interview with the student at which they will determine whether the allegation is proven, and, if so, what penalty should be imposed.

If at the disciplinary interview the Disciplinary Interviewer concludes that the alleged offence, if proven, is more serious than first thought, they may refer the matter to a Disciplinary Panel.

### **Disciplinary Hearing**

- i. Where the alleged offence, if proven, is considered to be of a serious nature and may incur a penalty or penalties up to and including expulsion the matter will be referred to a Disciplinary Panel comprising: the Vice Principal or nominee (Chair); a Head of School; a student member; a secretary, who will record the proceedings, but will not be involved in the discussion or the decision.
- ii. In addition, the Head of Student Affairs will appoint a member of Futureworks staff to be a Presenter (who may be the Investigating Officer if one has been appointed in the case concerned) to present the details of the allegation, and any additional information which may be relevant. The Presenter attends the Disciplinary Panel hearing, but is not a member of the Panel.
- iii. Members of the Disciplinary Panel shall have no direct interest or previous involvement in the case, and will be briefed about their role.

If the Head of Student Affairs considers it appropriate, and if the student agrees by signing a Declaration of Acceptance, the matter may be dealt with summarily without recourse to a



Disciplinary Interview/Hearing. The Head of Student Affairs will arrange for the student to attend a meeting, which will take the form of an interview and discussion of the alleged breach, to be conducted by the Head of Student Affairs, who may be assisted by one other member of staff, at the discretion of the Head of Student Affairs. The student has the right to be accompanied at the informal meeting by a person of their choosing, who may speak on the student's behalf. The Head of Student Affairs will consider verbal or written evidence as they consider fit and will make a decision only if they are satisfied that the allegation is proven. The Head of Student Affairs may impose any penalty as set out in these regulations, except expulsion. The student will have the right of appeal under these Regulations.

#### **Notice of a Disciplinary Interview/Hearing**

Arrangements for a Disciplinary Interview/Hearing will be made by the Head of Student Affairs. The student will be given at least 10 working days' notice of the date, time and location of the Interview/Hearing.

The notice will state the allegation(s), the names of the Disciplinary Interviewer or Disciplinary Committee members, the range of possible outcomes if the allegation(s) are proven, and will identify the rights of the student to be accompanied by any one person at the disciplinary interview/hearing and to bring forward any additional evidence, including verbal or written statements of witnesses not previously considered, and will draw attention to the availability of advice services. The following will be included with the notice:

- a) a copy of the Regulations for the Conduct of Students; and
- b) a statement of the allegation and any supporting evidence
- c) a copy of the Investigator's report (if applicable)
- d) copies of all the documentary evidence.

The student will normally be expected to attend the disciplinary interview/hearing. If the student does not attend without good cause, the interview/hearing may proceed and a penalty may be imposed in their absence and the Disciplinary Committee/Interviewer will consider any representations made on behalf of the student at the appropriate point in the interview/hearing. In exceptional circumstances the interview/hearing may take place via correspondence or telecommunications.

The procedure is intended to be fair, and to comply with the rules of natural justice. The procedure is not a formal court process, and therefore should not be adversarial or overly legalistic. A student who appears before a Disciplinary Interviewer or Disciplinary Panel is entitled to be accompanied by a person of their choosing. There is no objection if that person happens to be legally qualified, so long as that person understands and respects the nature of the interview/hearing, and does not adopt an overly adversarial or legalistic stance. The student will be permitted to submit a statement and any additional evidence, including witness statements not previously considered, no later than 3 days before the interview/hearing. Witnesses may be invited to give evidence in person at the discretion of the Disciplinary Interviewer/Chair of the Disciplinary Panel.

#### **Protocol for a Disciplinary Interview/Hearing**

The following procedure will normally apply at a disciplinary interview/hearing, although the Disciplinary Interviewer or the Chair of the Disciplinary Panel may, if appropriate, adjourn the disciplinary interview/hearing to another date.

- i. The Disciplinary Interviewer or Chair of the Disciplinary Panel will invite all those present to introduce themselves and will explain the purpose of the interview/hearing and clarify the procedure to be followed, maximum sanction and standard of proof.



- ii. The Presenter will present the details of the allegation and any additional information which may be relevant.
- iii. The Disciplinary Interviewer or Disciplinary Panel and the student (and/or representative) will have the opportunity to question the Presenter.
- iv. The student (and/or representative) will present their response.
- v. Witnesses will be invited to give evidence where applicable and if previously agreed by the Disciplinary Interviewer or the Chair of the Disciplinary Panel.
- vi. The Disciplinary Interviewer or Disciplinary Panel and Presenter will have the opportunity to question the student and any witnesses.
- vii. The Disciplinary Interviewer or Disciplinary Panel may ask questions of any party at any stage during the interview/hearing.
- viii. Summing up by the Presenter.
- ix. Summing up by the student (or representative).
- x. Summing up by the Interviewer/Chair
- xi. The Disciplinary Interviewer or Disciplinary Panel may: retire to consider their decision; or seek further information; and/or adjourn to a later date.
- xii. The student and any representative or witnesses and the Presenter shall withdraw while the Disciplinary Panel deliberates the issue. The Secretary to the Disciplinary Panel will stay, but has no voting rights.

The Disciplinary Interviewer or Disciplinary Panel will reach a decision based on the facts and on the evidence presented. The standard of proof will be the civil standard of proof which is that 'on a balance of probabilities', i.e. the facts of an allegation are more likely than not to have happened, except in cases of criminal behaviour where the finding(s) of fact and certification of conviction of any UK or International Criminal Court or the finding(s) of a judge in any UK or International Civil Court; or where the finding(s) of fact and certification of sanctions by any UK or International Police Force shall be conclusive proof that the allegation is found proven.

The outcome imposed by the Disciplinary Interviewer or the Disciplinary Panel should be one which satisfactorily addresses the allegation, whilst taking into consideration the wider Futureworks community and taking account of previous allegations or findings and any mitigating factors provided by the student (or representative). If an allegation has been found proven, the Secretary will inform the Disciplinary Interviewer or Disciplinary Panel of any relevant previous findings of misconduct prior to a decision on an appropriate outcome/penalty being applied.

### **Outcomes and Penalties**

If the alleged offence is admitted by the student or is found to be proven, the decision may be made to impose one or more of the following:

- a) a verbal reprimand which will normally be effective for six months unless otherwise stated at the disciplinary interview/hearing;
- b) a written reprimand which will normally be effective for either 6 or 12 months unless otherwise stated, to be determined by the Disciplinary Interviewer or Disciplinary Panel;
- c) a final written warning, to be effective for a period of time determined by the Disciplinary Interviewer or Disciplinary Panel;
- d) a ban from the Library for the remainder of the semester or the academic year. Alternative study locations will be identified within the campus where appropriate and/or practicable;
- e) partial exclusion of the student for a specified time up to and including the remainder of the student's period of enrolment (i.e. until the end of the academic year);
- f) suspension of the student for a period of time determined by the Disciplinary Panel;
- g) withdrawal from Futureworks;
- h) expulsion of the student.



In addition to, or in substitution for any of the above penalties, the Vice Principal or Disciplinary Interviewer or Disciplinary Panel may impose one or more of the following outcomes:

- a) a written warning;
- b) a requirement that the student gives a written undertaking of future good conduct;
- c) a requirement that the student gives a verbal or written apology to any person affected by their actions;
- d) a requirement for monies to be paid by the student;
- e) a requirement that the student attends one or more restorative justice/mediation sessions, conducted by, but not limited to, either Futureworks or another nominated organisation;
- f) a requirement that the student is given notice to vacate University-owned accommodation in line with the Conditions of Residence;
- g) referral for action under other procedures.

At a Disciplinary Hearing, in the event of equality of votes on any issue, the Chair of the Disciplinary Panel shall have a second or casting vote.

When determining the appropriate level of penalty, consideration will be given to any mitigating factors, the seriousness of the offence, the circumstances surrounding the offence, any active sanctions previously imposed and the degree to which any misconduct is of a persistent nature. For example, a Disciplinary Panel may decide to expel a student on the grounds of the severity of one act of misconduct or where there has been persistent misconduct giving rise to an unsatisfactory disciplinary record.

The Disciplinary Interviewer or Disciplinary Panel will, if applicable, decide the effective date and term of the penalty and the duration of the record of the penalty. The student will normally be informed verbally of the decision(s) at the end of the interview/hearing and of any right of appeal.

The Disciplinary Interviewer or the Chair of the Disciplinary Panel will confirm the decision(s) in writing to the student within five working days. The written confirmation will include: details of the allegations, the outcome/penalty being applied, information on the Appeals Procedure and details of how the information will be disseminated and retained. The Disciplinary Interviewer or the Chair of the Disciplinary Panel shall complete a pro forma record of the disciplinary interview/hearing which shall comprise the date of the interview, persons present, statement of the allegation, the evidence received and the decision(s) made and summary reasons for the decision. A copy of the letter will be placed on the student's file along with the pro-forma record.

If a student does not comply with any outcome/penalty, including failure to adhere to any stipulated time-frame for action, the matter will be referred to the Vice Principal for consideration.

## Appeals Procedure

### Implementation

The student shall have a right of appeal against (a) decision(s) taken by:

- a) a Written Warning process, a Disciplinary Interview or Disciplinary Panel or the Vice Principal, where one or more of the penalties of the Disciplinary Procedure have been implemented;
- b) the Head of Student Affairs, where they have imposed a disciplinary penalty;
- c) the nominated UCLan officer or the Futureworks Vice Principal, as appropriate, or the Case Conference panel under the Fitness to Study Policy.



A student may appeal against:

- a) the decision that the allegation(s) was/were proven, except in cases where the allegation has been found proven by a Criminal or Civil Court or where the student admitted, in writing, to the misconduct; or
- b) the decision(s) on the outcome or penalty; or
- c) both decisions.

The grounds for appeal are:

- a) that new evidence or extenuating circumstances have become known, which the student could not have reasonably made known at the time of the original hearing;
- b) that the original hearing/interview was not conducted fairly and/or in accordance with the published procedure;
- c) that the original decision was unreasonable in all of the circumstances.

### **Review**

An appeal should be submitted in writing to the Head of Student Affairs within 10 working days of the date of the formal outcome letter. The written statement should set out what is being appealed, the grounds for appeal in reasonable detail and include any new evidence that was not available at the time of the original interview/hearing. An Appeal Panel will be convened comprising no fewer than three and no more than five members, who will include:

- i. the Principal or nominee (Chair);
- ii. a senior member of staff;
- iii. a student member, who will normally be a senior student representative.

The Appeal Panel shall have the power to co-opt additional members as required, including external representatives, e.g. from any relevant partner or professional agency.

Members of the Appeal Panel should have no direct interest or prior material involvement in the student's case. An officer appointed by the Principal will act as Secretary to the Appeal Panel. They will brief the Panel about the procedure and take a formal record of the proceedings, but will not be involved in the decision.

The Appeal Panel will meet in private to determine whether there are valid grounds for the appeal. They will receive a copy of the record of the original hearing/interview, a copy of the report considered at the hearing/interview and the student's letter of appeal, and may request further information from the original decision maker (or nominee) or the student.

If the Panel determines there are no valid grounds for appeal, the student will be informed of the decision and the associated reasons.

### **Appeal Hearing**

If the Panel determines there are grounds for appeal, an Appeal Hearing will be held and the student shall be given 10 working days' notice of the date of the hearing. The Appeal Hearing shall take the form of a review of the disciplinary hearing/interview and the decision reached. There shall be no entitlement to a re-hearing of the case.

A rehearing will be allowed only in exceptional circumstances and at the discretion of the Chair of the Appeal Panel. The student will normally be expected to attend the Appeal Hearing. If the student does not attend, the hearing may proceed in their absence and the Appeal Panel will consider any written representations made by the student at the appropriate point in the hearing. The procedure is intended to be fair, and to comply with the rules of natural justice.



A student who appears before an Appeal Panel is entitled to be accompanied by a person of their choosing. There is no objection if that person happens to be legally qualified, so long as that person understands and respects the nature of the hearing, and does not adopt an overly adversarial or legalistic stance.

The purpose of the Appeal Hearing will be to hear the opinion of the original decision maker, (or nominee) who may be accompanied by an advisor, and then to hear the opinion of the student who may be accompanied or represented.

The procedure at the Appeal Hearing will be as follows:

- i. The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing and the procedure to be followed.
- ii. The student (and/or representative) will present the grounds for appeal. Witnesses will be permitted only where there is new evidence which was not available at the time of the original interview/hearing, and with the consent of the Chair of the Appeal Panel.
- iii. The Appeal Panel and the original decision maker (or nominee) will have the opportunity to question the student.
- iv. The original decision maker (or nominee) will present their response.
- v. The Appeal Panel and the student will have the opportunity to question the original decision maker (or nominee).
- vi. The Appeal Panel may ask questions of either party at any stage during the hearing.
- vii. Summing up by the student (or representative).
- viii. Summing up by the original decision maker (or nominee).
- ix. The student and any representative or witnesses and the original decision maker (or nominee) shall withdraw while the Appeal Panel deliberates the issue.

The Appeal Panel may, at its discretion and in the interests of fairness:

- a) depart from this procedure;
- b) seek further information; and/or
- c) adjourn to a later date at any stage in the proceedings.

The Appeal Panel shall have the power to:

- a) uphold the decision(s) taken under the Written Warning procedure, or by the Disciplinary Interviewer, Disciplinary Committee, or the Vice Principal (or nominee) or the Head of Student Affairs; or
- b) uphold the appeal in whole or in part and either:
- c) refer the matter back to the decision maker which will be either the Disciplinary Interviewer, Vice Principal, Disciplinary Panel or the Head of Student Affairs to reconsider their decision; or
- d) implement an alternative outcome or penalty as specified in the relevant procedure.

The student will normally be notified verbally of the decision and the associated reasons at the end of the hearing. Written notification of the decision and the associated reasons will be sent to the student within 5 working days of the hearing.



### **Record of Action**

Any finding of misconduct against a student which incurs a penalty will be:

- i. recorded and may be taken into account in the event of any future misconduct. Where a decision is made to expel a student, a note will be retained indefinitely;
- ii. notified to the Vice Principal;
- iii. reported on an anonymous basis to relevant Futureworks and UCLan committees, for the purposes of monitoring, review and enhancement;
- iv. notified to the Chair of the Assessment Board where an allegation of academic misconduct has been found proven.

Futureworks has a duty to inform relevant third parties of the nature and outcome of disciplinary procedures in certain circumstances, including:

- i. to inform any relevant Professional, Statutory or Regulatory Body (PSRB), where that PSRB's published regulations require notification of specified penalties imposed;
- ii. to inform UK Visa and Immigration, in the case of a significant change in the circumstances of an International student enrolled under the Points Based System.

The student will be informed in the event of any such disclosures.

Futureworks reserves the right to disclose to any third party, by whom a reference is sought, any matters on a student's record which Futureworks considers to be relevant. The student will be informed that a reference has been provided in such circumstances. Where the Disciplinary Regulations are invoked in respect of a student less than 18 years of age, copies of correspondence will normally be sent to the parents or guardian of that student. The student may also have their parent/legal guardian present at any disciplinary or appeal hearing in addition to one other person.

Futureworks will handle all information, including sensitive information, in a confidential manner. It will, however, be necessary for all parties involved in a disciplinary interview/hearing and any appeal hearing to have access to all information to enable them to make a judgement based on the full facts. This may include sensitive information relating, for example, to a student's health or criminal convictions.

### **RELATED POLICIES AND PROCEDURES**

- [Academic Appeals Process](#)
- [Fitness to Study Procedure](#)
- [Student Complaints Process](#)
- [Student Harassment and Sexual Misconduct Policy](#)
- [Student Recruitment and Admissions Policy](#)