

Student Professional Behaviour and Disciplinary Policy

Document Control	
Manager Responsible	J Gregory, Vice Principal of Higher Education
Version Number	1
Approved By	Curriculum and Quality Committee
Approval Date	September 2025
Review Date	September 2028

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Student Professional Behaviour and Disciplinary Policy

Contents

Student Professional Behaviour and Disciplinary Policy	3
1) Introduction	3
2) Purpose.....	3
3) Scope.....	3
4) Timescales	4
5) Expectations of professional behaviour.....	4
6) How we manage the student disciplinary procedure at HCA	6
Category 1 Cause for concern	7
Category 2 General misconduct.....	7
Category 3 Gross misconduct	8
7) Potential Outcomes.....	9
8) Support	9
9) Appeals	9
10) Monitoring	10
Appendices	13

Student Professional Behaviour and Disciplinary Policy

1) Introduction

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

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

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

HCA is committed to taking all reported instances of misconduct seriously, to treating them with sensitivity and impartiality and to ensuring that all parties involved have access to support. Students may report other student's alleged misconduct to their Course Leader or Head of School, or another member of staff as appropriate to the context.

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

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

2) Purpose

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

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

3) Scope

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

The policy applies to all HE students enrolled at HCA.

The policy is primarily aimed at where inappropriate behaviour has taken place on campus, whilst working remotely or during educational visits and activities. The College may also take action where the behaviours have taken place off campus including (but not limited to) when socialising or interacting off site or in shared accommodation.

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

4) Timescales

Incidents of misconduct or suspected misconduct will be dealt with as quickly as possible to reduce any anxiety associated with the process, and to stop any incidences reoccurring. The timescales here are indicative and may vary due to the factors of the individual case. Where there is no disagreement about the facts of the incident, the timescale would normally be considerably shorter than the indicated maximum.

We aim to:

- Tell the student that disciplinary action is being considered as soon as possible after the event giving rise to the allegation;
- Complete the formal processes within the timescales indicated in appendix 1.0;
- Hear any appeal within 15 working days of the student making the appeal;
- To keep students informed of the timescales.

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

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

5) Expectations of professional behaviour

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

On joining the HCA community, students undertake to:

- Treat their fellow students, staff and physical environment (as a professional working environment) of the college with respect;
- Actively engage with the education offered by attending and taking part in all sessions in person and online;
- Actively participate in the creative life and direction of HCA and the Herefordshire community;
- Obtain agreement from their course, in advance, for any essential absences;
- Take responsibility for managing their own learning: actively engaging in private study, and participating fully in group learning activities;
- Strive to always meet deadlines and act responsibly, to keep a healthy balance between college work, independent study and social commitments;
- Make prompt payment of charges made by the institution;
- Act as a representative for Hereford College of Arts in words and deeds;
- Help to create a positive and supportive learning environment;
- Wear their student ID card and lanyard when on campus and on trips as required;
- Never bring drugs onto the premises, except for personally prescribed current prescription drugs;
- Never consume alcohol on campus except within staff sanctioned events or the college bar; students must never enter the studios or workshops under the influence of drugs or alcohol;
- Follow instructions from staff regarding health and safety procedures on campus or on any educational visit or excursion related to HCA;
- Be aware of fire risks and trip hazards and keep walkways, doorways and staircases free from obstruction;
- Drive/cycle safely in and around the HCA grounds and when leaving the campus on college business;
- Never bully (including cyber-bullying), intimidate, taunt, verbally abuse, gaslight or use any violence or threat of violence or discriminate against any person;
- Never use language or behaviour which is racially or sexually offensive or offensive to those of a particular sexual orientation, religion, learning and/or physical disabilities or difficulties;
- Uphold core British values: tolerance, mutual respect, individual liberty, the rule of law and democracy
- Never to make unsubstantiated or malicious allegations of misconduct against another student or member of staff.

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

- In the event of external criminal processes being commenced in relation to the alleged misconduct, the procedures outlined in this policy may need to be adapted. Any adaptations will normally be discussed with all parties;
- The Vice Principal Higher Education is required to inform the Principal as soon as they become aware that criminal processes have been commenced in relation to one of their students;

- Depending on circumstances, HCA's disciplinary process may run in parallel with a Police investigation;
- At all key stages (for example, at the start of external criminal proceedings being instigated, if the matter is not dealt with under the criminal process or where the criminal proceedings have concluded), HCA will consider whether it should instigate disciplinary action;
- If the student has been convicted of a criminal offence, then this outcome will be taken into consideration by HCA in relation to the penalty/ies if any to be applied;
- If the student has been acquitted of a criminal offence, HCA can still take disciplinary action against the student if there is sufficient evidence that a breach of discipline under HCA's disciplinary procedures occurred.

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

6) How we manage the student disciplinary procedure at HCA

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

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

The formal disciplinary process has three categories:

Category	Action	Indicative Timescale
Category 1	At HCA, we take care to notice and highlight when a student's behaviour doesn't meet the professional standards expected. This constant awareness and oversight aims to reduce minor misdemeanours and empower students to behave in an appropriate and professional manner. Often this can be resolved immediately. Tutor will sometimes meet with student to explore issue and try to resolve informally.	Within 5 working days
Category 2	Information will be gathered by a senior member of staff (typically Course Leader or Head of School, with advice from the Vice Principal HE). This may include taking statements from parties concerned, reviewing emails or other documentation. Where criminality is suspected, the Police will be informed.	Within 10 working days
Category 3	An investigation will be conducted by a senior member of staff (typically Head of School or Vice Principal HE). This may include taking statements from parties concerned, reviewing emails or other documentation. Where criminality is suspected, the Police will be informed.	Within 20 working days

Category 1 Cause for concern

It is the expectation that the concerns over learning progress or minor behavioural issues should initially be addressed immediately (but informally) by the member of staff concerned (these are usually easily solved and are regarded as low level disruption). This first, informal notification or conversation from a member of staff helps the student to recognise that they have behaved incorrectly and gives the student an opportunity to rectify their mistake. These incidents will not usually be recorded.

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

Category 2 General misconduct

Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more official warnings, the college will appoint a senior leader

(typically the Course Leader or Head of School with advice from the Vice Principal HE), to conduct an investigation.

- The student will be given notice appropriate to the situation, dependent upon the nature of the conduct complained of;
- Where it is appropriate, a student may be temporarily suspended, without prejudice;
- The student will be entitled to be accompanied by a friend, student representative or relative (a legal representative will not normally be appropriate and would only be considered if requested in advance and judged by the college to be acceptable in the circumstances). They will be entitled to support them but not speak on their behalf, before any decision is taken;
- A summary of the evidence for the misconduct will be presented;
- Where possible, the member of staff conducting the investigation will not have had prior involvement in any previous stage of the disciplinary process relating to the misconduct;
- After hearing the student's case, the member of staff conducting the process will decide on the outcome. Practical measures to avoid recurrence may also be implemented. The student will be notified in writing of the decision within 5 working days of the interview.

Category 3 Gross misconduct

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

- The student will be given notice appropriate to the situation, dependent upon the nature of the conduct complained of;
- Where it is appropriate, a student may be temporarily suspended, without prejudice;
- The student will be entitled to be accompanied by a friend, student representative or relative (a legal representative will not normally be appropriate and would only be considered if requested in advance and judged by the college to be acceptable in the circumstances). They will be entitled to support them but not speak on their behalf, before any decision is taken;
- A summary of the evidence for the misconduct (including copies of any relevant documents) will be presented;
- Notes will be taken and shared as appropriate;
- Where possible, the member of staff conducting the investigation will not have had prior involvement in any previous stage of the disciplinary process relating to the misconduct;
- After hearing the student's case, the member of staff conducting the investigation will decide on the outcome. Practical measures to avoid recurrence may also be implemented. The student will be notified of the decision, in writing, within 5 working days of the interview.

7) Potential Outcomes

These outcomes are not mutually exclusive; students may receive more than one.

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

8) Support

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

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

9) Appeals

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

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

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

10) Monitoring

The nature, incidence and outcomes of disciplinary procedures will be regularly monitored through reports to the Senior Leadership Team (SLT) by the Vice Principal HE.

Staff will share personal information only when necessary to implement the policy and as appropriate to support continued teaching and learning in a safe environment.

The implementation of the policy is intended to be a reflective process and SLT may agree updates and improvements.

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

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

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

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

Some indicative examples of misconduct (not an exhaustive list)		
Category: Cause for Concern	Category: General Misconduct	Category: Gross Misconduct
<ul style="list-style-type: none"> • Unsatisfactory behaviour • Unsatisfactory attendance and/or punctuality • Disrupting other students' learning • Inappropriate use of equipment (belonging to student or HCA e.g. a mobile phone) • Failure to meet assessment deadlines • Poor attitude to staff or students 	<ul style="list-style-type: none"> • Persistent general unsatisfactory and thoughtless behaviour • Acting irresponsibly and putting self or others at risk • Persistent disrupting of other students' learning • Consistent failure to complete or hand in work on time • Repeated poor attendance and/or punctuality • Consistent and inappropriate use of equipment (belonging to student or HCA e.g. a mobile phone) • Failure to comply with College procedures/student charter • Aggressive behaviour, shouting or swearing directed at students or staff. • Failure to comply with Health and Safety regulations including smoking/vaping outside designated spaces, spitting, verbal abuse, fighting. • Inappropriate use of internet or other college systems/equipment. • Failure to pay fees. 	<ul style="list-style-type: none"> • Aggressive verbal abuse, swearing and threatening behaviour directed at students or staff • Physical abuse or threat of physical abuse, Harassment or discriminatory behaviour • Bullying and victimisation • Carrying any weapons • Criminal activity including theft, drugs, alcohol, violence or fraud • Serious breaches of Health and Safety regulations including damaging equipment and driving/cycling recklessly on or around college grounds • Serious misuse of internet or other college systems • The unauthorised taking or publishing of audio visual images of students or staff, including recorded lectures, and the posting of such images using internet technologies without their permission. • Persistently repeated serious misconduct

Potential Actions

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| <ul style="list-style-type: none"> • Verbal warning / conversation with the staff member and student - noted on student's record | <ul style="list-style-type: none"> • Disseminate to staff team to be aware of any behavioural issue – noted on student's record • Written Warning – limited time on student's record • Target setting / behaviour contract | <ul style="list-style-type: none"> • Disseminate to staff team to be aware of any behavioural issue – noted on student's record • Final Written Warning / Suspension / Withdrawal and/or behaviour contract |
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Appendices

1.0 Indicative Timescales:

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

Category of process	Expected Timescale
Category 1	5 working days
Category 2	10 working days
Category 3	20 working days
Students will be informed of the outcomes in writing	Within 5 working days
Appeals submission	10 working days
Appeals Outcome	15 working days
Complaints about the process need to be submitted	Within 15 working days

2.0 Relationship with other policies:

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

- a) UWTSD Fitness to Study Policy
- b) HCA Bullying, Harassment, and Sexual Misconduct Policy
- c) HCA Freedom of Speech Policy
- d) HCA Health and Safety Policies
- e) HCA Information Technology and Systems Acceptable Use Policy
- f) HCA Safeguarding and Prevent Procedures
- i) Equality Diversity and Inclusion Policy
- j) UWTSD Unfair Practice Procedure (for Academic Misconduct)
- k) HCA Student Charter

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