

Student Conduct and Disciplinary Policy 2020-2021



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Introduction

- 1.1. This policy relates to all students at Leeds Conservatoire whilst studying, undertaking placement learning, during external visits, in student accommodation associated with the conservatoire and whilst on conservatoire premises generally.
- 1.2. This policy applies to students as detailed above, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation.
- 1.3. The purpose of this policy is to state the conservatoire's position on issues regarding student misconduct and the procedures in place to ensure that student disciplinary matters are dealt with in a timely and fair manner. Appropriate consideration will be given to the level of seriousness a report of misconduct may constitute.
- 1.4. A report of student misconduct can be made by:
 - Registered students of the conservatoire
 - Leeds Conservatoire staff
 - External professionals overseeing placement learning/work placements
 - Third parties
- 1.5. No complainant will be disadvantaged or discriminated against as a result of making a complaint in good faith in accordance with this policy. Reports of such disadvantage or discrimination are grounds for complaint under the conservatoire's Complaints Policy.

Equality Impact Assessment Information

If a report of student misconduct refers to any of the following, the Chair of the EDI Committee will be informed and involved in the disciplinary procedure, as required:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex and sexual orientation.

To ensure that complainants are not unfairly disadvantaged by their membership of any of these categories, the conservatoire may choose to consider a report of student misconduct outside of the timeframes stated throughout the procedure.

Definitions

- N/A

Policy

1. Statement of student conduct

- 1.1. The conservatoire is committed to providing a high quality learning and teaching experience for all students. This can only be achieved if members of the conservatoire community live and work beside each other in an environment that promotes respect.
- 1.2. Students of the conservatoire are expected to conduct themselves at all times in a manner that demonstrates respect for the conservatoire, its students and staff, and members of the wider community. Every student is an ambassador for the conservatoire and, accordingly, is expected to behave in a way that enhances its reputation.
- 1.3. The conservatoire's Student Code of Conduct makes clear the behaviour that is expected of students on site, in student accommodation where we have a legal agreement with the landlord (currently Joseph Stones House and One Mill Street), on study visits, placements and other learning and assessment activities, and offsite.
- 1.4. On site, in student accommodation associated with Leeds Conservatoire (i.e. Joseph Stones House and One Mill Street), and on study visits, placements and other learning and assessment activities, the conservatoire expects students to:
 - Behave in a responsible manner that will help to foster mutual respect and understanding between all members of the conservatoire community;
 - Act within the law and not engage in any activity or behaviour that is likely to bring the conservatoire into disrepute;
 - Behave and communicate in ways that do not unreasonably offend others (e.g. using abusive or obscene language or engaging in any form of discriminatory or anti-social behaviour);
 - Treat with respect everyone with whom they come into contact, whether within the conservatoire or outside;
 - Treat all conservatoire property with respect;
 - Comply with the requests of members of staff;
 - Adhere to the conservatoire's health and safety policies and procedures;
 - Observe fire alarms and related procedures and evacuate buildings when alarms sound.
 - Comply with social distancing and Government legal requirements in relation to the Covid-19 pandemic. This includes local policies that may be subject to change at short notice.
- 1.5. Off site, the conservatoire expects students to:

- Help to support the conservatoire's positive relationship with local communities in the way that they conduct themselves in the surrounding area;
- Be considerate of their neighbours, especially in relation to noise levels and rubbish;
- Act within the law and not engage in activity or behaviour that is likely to bring the conservatoire into disrepute.
- Comply with social distancing and Government legal requirements in relation to the Covid-19 pandemic. This includes local policies that may be subject to change at short notice.

1.6. From time to time, the conservatoire adopts new or amended policies, codes and regulations. All students of the conservatoire have a responsibility to make themselves familiar with those that have a bearing on their conduct as a student.

2. Definition of misconduct

2.1. For the purpose of this policy, misconduct will be defined as the improper interference, in the broadest sense, with the proper functioning or activities of the conservatoire, or those who work or study in the conservatoire, or action which otherwise damages the conservatoire. Examples of misconduct can be found under Appendix 1 of this policy.

3. Investigations

3.1. The conservatoire has the right to investigate any report of misconduct against a student, and may take disciplinary action if it decides, on the balance of probabilities, that an act of misconduct has been committed.

3.2. In handling any report of misconduct, the conservatoire seeks to:

- investigate the reported instance of misconduct in a timely, open and impartial manner;
- ensure that no person taking part in the investigation of the report is unfairly disadvantaged in any way because of their involvement;
- ensure that no person taking part in the investigation of the report is unfairly disadvantaged or subjected to discrimination or abuse in any way because of their membership of any protected groups as defined by the Equality Act 2010;
- maintain appropriate confidentiality;
- inform students in writing about the progress and outcome of the investigation.

3.3. Where appropriate, the Senior Quality and Compliance Officer may ask to meet with the complainant or the accused student during the disciplinary process. This may be appropriate in complex disciplinary cases to clarify information gathered during an investigation or where the report of misconduct is particularly serious.

3.4. Where it can be facilitated, meetings with complainants or the accused student may be held via Skype.

- 3.5. In line with Data Protection Legislation, audio recordings of Disciplinary Panel hearings or any meetings undertaken as part of an investigation of student misconduct will not be permitted unless it is identified as a reasonable adjustment.
- 3.6. Specific details of the outcome of student disciplinary investigations cannot always be shared with complainants. There may be a number of outcomes (examples including under Appendix 1 of this policy) that would not be appropriate to share with the complainant. However, complainants will be informed that their complaint has been dealt with in accordance with the Student Conduct and Disciplinary Policy at the conclusion of the investigation.

4. Reports of criminal offences

- 4.1. Any incident of misconduct that constitutes a criminal offence will fall within the scope of this policy. However, any investigation undertaken by the conservatoire will be carried out independently from any criminal investigations and will usually be suspended until criminal proceedings have concluded.
- 4.2. There are three basic principles to consider in relation to the reporting of a matter to the police. They are, in summary:
- Anyone can make a report to the police;
 - No-one may prevent anyone else from reporting or referring a matter to the police;
 - There is generally no legal requirement to report reported or suspected crimes to the police (there are some exceptions, including money laundering and suspected terrorist activity).
- 4.3. If a complainant feels that a potential criminal offence has been committed, they should be allowed to decide whether or not to report the matter to the police. If they do not wish to make a report to the police, the conservatoire will comply with that decision, subject to section 5.4 below.
- 4.4. In exceptional circumstances, the conservatoire may report a reported crime to the police contrary to the wishes of the complainant. The circumstance in which such a report may be justified is if disclosure of the information is necessary to protect the complainant or others from harm, or to prevent a further crime from taking place (under Data Protection Legislation) the conservatoire would need to be able to justify the disclosure of information about a complainant that is made to the police without their consent). In such cases, the conservatoire will take into account what information to disclose (e.g. in order to prevent a further crime from taking place, it may be sufficient to disclose details of the incident without disclosing the name of the complainant).

5. Reports of academic misconduct

- 5.1. Academic misconduct in relation to Higher Education students does not fall within the scope of this policy. Academic misconduct is governed by the University of Hull's

Regulations governing Academic Misconduct, which can be found via the University's [Quality Handbook](#), Assessment.

6. Reports relating to harassment and bullying

- 6.1. The conservatoire is committed to creating a learning environment free from harassment, bullying and discrimination, in which all students are treated with dignity and respect. This right is enshrined in the Student Charter and supported by the conservatoire's commitment to the elimination of discrimination on the grounds of:
- Age;
 - Disability (physical or mental);
 - Gender;
 - Gender reassignment;
 - Race (including ethnic and national origins, colour and nationality);
 - Religion or belief (including lack of belief);
 - Sex (including sexual harassment);
 - Sexual orientation.
- 6.2. Harassment related to the above characteristics is unlawful under the Equality Act 2010. Protection from harassment is also provided for by the Protection from Harassment Act 1997.
- 6.3. Harassment and bullying can take a variety of forms, ranging from repeatedly ignoring someone or subjecting them to unwanted attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear trivial as a single incident may constitute harassment or bullying when repeated, or in the context of a staff/student relationship. Definitions and examples of harassment and bullying can be found in Appendix 5 of this policy.
- 6.4. It is important to note that behaviour may still be harassment even if that was not the intention. What matters is how the recipient perceives the behaviour.
- 6.5. Within the context of a conservatoire education, it should also be noted that the nature of one to one lessons can lead to them feeling more personal than other types of lessons, for both the student and the staff member. This can increase the potential for the innocent actions of a member of staff to be misconstrued by a student as inappropriate, and vice versa.
- 6.6. The conservatoire operates informal measures to resolve student issues of harassment and bullying by other students at the conservatoire at an early stage before a formal report of misconduct is made. Guidance and advice on these measures can be found in Appendix 6 of this policy and are supported by the conservatoire's Health and Wellbeing team (Room 401 or healthandwellbeing@leedsconservatoire.ac.uk).

- 6.7. Guidance and advice for students accused of harassment or bullying can be found in Appendix 7 of this policy.
- 6.8. Guidance and advice for staff members supporting a student accused of harassment or bullying can be found in Appendix 8 of this policy.
- 6.9. Formal reports of harassment or bullying by students should be made via the Student Conduct and Disciplinary Policy using the Report of Misconduct Form (Appendix 3 of this policy).
- 6.10. Reports of harassment or bullying by staff members should be made via the conservatoire's Complaints Policy.

7. Reports by parents or carers

- 7.1. A parent or carer may make a report of student misconduct on behalf of a student. However, such a report will only be considered if the student has provided written confirmation that they consent to a report being made on their behalf.
- 7.2. Only information relating to the report will be shared with the parent or carer and any other information about the student will remain confidential.

8. Vexatious or malicious reports

- 8.1. If a report of misconduct is found to be malicious or untrue and brought about in bad faith, then disciplinary action may be taken against the complainant.

9. Timescales

- 9.1. The conservatoire will endeavour to meet the deadlines given throughout this policy. If the conservatoire is unable to meet a deadline, the individuals affected will be advised accordingly.

Procedure

1. Report of Misconduct

- 1.1. A report of misconduct can be made against a student by a member of staff, by another student, external professionals overseeing placement learning/work placements, or by third parties.
- 1.2. Any reports of misconduct should be reported to the Senior Quality and Compliance Officer. Reports of misconduct are reported using a standard form which is available in a number of places, for example on SPACE, on request from the Senior Quality and Compliance Officer, and as an appendix to this policy.

- 1.3. Reports of misconduct should be reported within three months of the event(s) being complained about. However, the conservatoire advises that reports be made as soon as possible after the incident as this will help to facilitate any subsequent investigation.
- 1.4. In some circumstances, reports of misconduct that constitute major or criminal offences may warrant that the conservatoire imposes precautionary measures at an early stage pending the outcome of criminal / disciplinary proceedings. Such measures are not a penalty or sanction and do not indicate that the conservatoire has concluded that the accused student has committed a major or criminal offence. Precautionary action will be reasonable and proportionate and may include, but not be limited to:
 - Imposing conditions on the accused student (e.g. requiring the accused student not to contact the complainant and/or certain witnesses);
 - Barring the accused student e.g. barring the accused student from certain areas of the building or at certain times of the day as appropriate to minimise the possibility of them coming into contact with the complainant or witnesses;
 - Suspending the accused student from his/her studies.
- 1.5. Where the accused student is suspended through precautionary action, they may challenge this decision by writing to the Principal. In all cases, the conservatoire will review the suspension periodically.
- 1.6. The Senior Quality and Compliance Officer will provide written acknowledgement of the report of misconduct to the individual making the report within **3 working days** of receipt.

2. Preliminary Assessment

- 2.1. Following receipt of a report of misconduct, a preliminary assessment will be undertaken by the Senior Quality and Compliance Officer to determine whether the report constitutes misconduct and, if so, its level of seriousness.
- 2.2. The preliminary assessment will categorise the report of misconduct into one of the following categories:
 - **No case to answer** – report dismissed
 - **Minor offences** – investigated by the Senior Quality and Compliance Officer
 - **Major offences** – investigated by the Senior Quality and Compliance Officer and referred to a Disciplinary Panel
 - **Criminal offences** – referred to the Police (the conservatoire may exercise discretion or seek external advice if another student is the victim or witness of the reported misconduct and requests that the offence is not reported to the police).
- 2.3. The Senior Quality and Compliance Officer will draw to the attention of the Chair of the EDI Committee any reports of misconduct relating to protected characteristics.

- 2.4. If the Senior Quality and Compliance Officer determines that there is no case to answer, the report will be dismissed and deemed closed. This will be communicated to the individual making the report within **5 working days**.
- 2.5. If the Senior Quality and Compliance Officer determines that the report constitutes misconduct, the individual making the report will be informed that it will be investigated in accordance with the Student Conduct and Disciplinary Policy. This will be communicated to the individual making the report within **5 working days** and will clearly state the remit of the investigation.
- 2.6. If the Senior Quality and Compliance Officer determines that the report constitutes misconduct, they will inform the student in writing no more than **5 working days** from receipt of the report:
- summarising the report, the conclusions of the preliminary assessment and the purpose and scope of the investigation;
 - explaining the right of the student to respond in writing within 15 working days of the date of the notification;
 - giving the student the opportunity to admit or deny the report in any such response, and
 - where the report is admitted, giving the student the opportunity to make any statement by way of explanation or mitigation.
- 2.7. Any statement by way of explanation or mitigation will be considered on a case by case basis. Such consideration will be clearly stated in the response to the accused student at the conclusion of the Senior Quality and Compliance Officer's investigation (minor offences) or the conclusion of Disciplinary Panel proceedings (major offences).
- 2.8. Where a report has been determined as misconduct, the individual making the allegation will be informed of the conservatoire's intention to investigate no more than **15 working days** from receipt of the allegation. The individual making the allegation will also be informed if disciplinary action will or will not be taken once the investigation has concluded and the student has been informed.

3. Minor Offences

- 3.1. Minor offences will be investigated and any resulting penalties imposed by the Senior Quality and Compliance Officer.
- 3.2. The Senior Quality and Compliance Officer will maintain a record of offences and penalties to ensure consistency and fairness in the application of penalties.
- 3.3. If the student admits to a report of a minor offence, the Senior Quality and Compliance Officer will consider and impose the penalty they feel appropriate and communicate this

in writing to the student. Examples of possible penalties can be found under Appendix 2 of this policy.

- 3.4. If the student denies the allegation, or no response is received within **15 working days** of having notified them of the outcome of the preliminary assessment, the Senior Quality and Compliance Officer will investigate the allegation of misconduct fully, seeking information and clarification from other members of staff and students as appropriate. This may include interviewing witnesses as appropriate.
- 3.5. The outcome of the investigation, including the details of any penalties to be imposed, will be communicated to the student within **10 working days** of the accused having denied the allegation or the expiry date for a response from the student following notification of the outcome of the preliminary investigation. Examples of possible penalties can be found under Appendix 2 of this policy.
- 3.6. During the investigation, the Senior Quality and Compliance Officer may determine that the allegation of misconduct warrants consideration by a Disciplinary Panel as a major offence. In such cases, this will be communicated to accused student clearly explaining why this decision has been taken.

4. Major Offences

- 4.1. Major offences will be referred to a Disciplinary Panel for consideration.
- 4.2. The membership of the Disciplinary Panel will consist of:
 - Director of Quality & Student Experience (Chair)
 - Head of School of Performance / Head of School of Pop and Production / Head of Postgraduate Studies / Head of Leeds Junior Conservatoire (as appropriate)
 - Other nominee from the Senior Leadership Team.
- 4.3. Prior to convening a Disciplinary Panel, the Senior Quality and Compliance Officer will gather information and evidence relevant to the allegation of misconduct. This may include interviewing witnesses as appropriate.
- 4.4. The information and evidence gathered will be collated into a report by the Senior Quality and Compliance Officer and presented to the Disciplinary Panel to assist in their consideration of the reported offence.
- 4.5. The Disciplinary Panel will be convened by the Senior Quality and Compliance Officer and scheduled within **15 working days** of a response or the expiry date for a response from the student following notification of the outcome of the preliminary assessment.
- 4.6. The student under investigation will be informed in writing of the time, date and venue of the hearing of the Panel, with at least **5 working days'** notice, such notice to include the running order of the meeting, the findings of the Senior Quality and Compliance Officer's

investigation, the details of any witness or other party to be called by the Panel, and a copy of any relevant statement made by witnesses or other parties.

- 4.7. The student under investigation has the right to be heard in person by the Panel, and to be accompanied by a person of his/her choosing, providing that such person does not speak on behalf of the student unless invited to do so by the Chair of the Panel. The student should inform the Senior Quality and Compliance Officer of the name of the person who will be accompanying them at least **2 working days** prior to the hearing.
- 4.8. If the student wishes to be legally represented, the student must give written notice to the conservatoire as soon as possible in advance of the hearing. If such notice is not given sufficiently early to allow the conservatoire to arrange its own legal representation should it wish to do so, the hearing will be rearranged but only one such extension will normally be granted.
- 4.9. If the student does not wish to attend the Panel, they should inform the Senior Quality and Compliance Officer in writing at least **2 working days** prior to the hearing. A student who does not wish to attend the panel may send a statement to be read before the Panel.
- 4.10. If no response is received from the student, the Panel is empowered to proceed in their absence. If the student responds indicating a legitimate reason for being unable to attend on the specified date, the hearing will be rearranged. If no legitimate reason is given for not attending (as determined by the Chair of the Panel), the hearing will take place on the scheduled date.
- 4.11. The outcome of the Panel, including any details of penalties which have been imposed, will be communicated to the student in writing within **10 working days** of the hearing. Examples of possible penalties can be found under Appendix 2 of this policy.

5. Criminal Offences

- 5.1. The conservatoire has the right to report any misconduct constituting a criminal offence to the police. However, the conservatoire may exercise discretion or seek external advice if another student is the victim or witness of the reported misconduct and requests that the offence is not reported to the police.
- 5.2. Criminal offences will be dealt with using the same internal procedure as major offences. However, the conservatoire may defer internal disciplinary action until after criminal proceedings have been concluded.
- 5.3. After the conclusion of criminal proceedings, the conservatoire will decide whether internal disciplinary action will be taken.
- 5.4. Internal disciplinary action may still be taken where criminal proceedings do not result in a prosecution.

- 5.5. Failure to disclose a criminal conviction or pending court proceedings when asked to do so (for example during annual registration) may constitute a major offence and will be considered under Section 4 of this policy.

6. Appeals

- 6.1. A student may appeal against the decision following an investigation of the Senior Quality and Compliance Officer or the Disciplinary Panel. Any appeal must be made on the basis of one or more of the following grounds:
- new evidence has become available that the student was unable, for valid reasons, to provide during the investigation;
 - there is evidence of procedural irregularity in the way the original investigation was handled;
 - there is evidence that the penalty imposed was disproportionate to the act of misconduct committed.
- 6.2. If a student wishes to appeal against the decision of the Senior Quality and Compliance Officer or Disciplinary Panel, they should complete the Student Disciplinary Appeal Form (Appendix 4 of this policy) and return it to the Principal within **10 working days** of receiving the outcome, clearly indicating the grounds and reasons for appeal.
- 6.3. The Principal will provide a formal written response within **15 working days** of receiving the appeal. This response will include a summary of the evidence considered, the process followed, the conclusions drawn, and any recommendations made. Where an appeal is upheld this will be referred back for consideration by a Disciplinary Panel.
- 6.4. A **Completion of Procedures Letter** will be issued by the Senior Quality and Compliance Officer after the conservatoire's internal procedures have been exhausted.
- 6.5. **Higher Education students only:** under certain conditions the **Office of the Independent Adjudicator (OIA)** may agree to review a case following the final decision of the conservatoire. The appropriate Complaint Form should be used which can be downloaded from the OIA's website (www.oiahe.org.uk), where further information can be found.

Appendix 1 – Examples of Misconduct

For the purpose of this policy, misconduct will be defined as the improper interference, in the broadest sense, with the proper functioning or activities of the conservatoire, or with those who work or study in the conservatoire; or action which otherwise damages the conservatoire.

Examples of misconduct may include (but are not limited to)

- Lending of a student ID card to another student or other third party;
- Breaches of the Library Regulations for Internal Users;
- Breaches of the Core IT Policies and Procedures;
- Breaches of any other codes, policies or regulations adopted by the conservatoire;
- Falsification of evidence used to support a mitigating circumstances claim;
- Obstruction or interference with the normal function or duty of other students, members of staff or a third party;
- Unfair and disrespectful treatment of other students, members of staff, or a third party;
- The misuse of any conservatoire facilities or property;
- Unauthorised removal of conservatoire property or equipment from the premises;
- Intentional or reckless damage to conservatoire facilities or property;
- Bullying, harassment, or victimisation of other students, members of staff, or a third party;
- Sexual misconduct involving other students, members of staff or a third party;
- Violent, threatening or offensive behaviour towards another student, member of staff, or third party;
- Action likely to cause injury or impair safety to oneself or others;
- Refusing to follow Government legal requirements in relation to the Covid-19 pandemic, such as deliberately arranging or attending a large social gathering.
- Any conduct that constitutes a criminal offence, affects other members of the conservatoire community, or damages the reputation of the conservatoire;
- Any other act or behaviour that may be reasonably interpreted as misconduct, and which does not have an equivalent example above.

Instances of misconduct relating to the treatment of other members of the conservatoire community will also be considered if they take place via email, written communication and via social media.

Appendix 2 – Possible Penalties

One or more of the following penalties may be imposed and will depend on the severity of the incident of misconduct:

Penalty	Who can impose the penalty
A formal written warning	Senior Quality and Compliance Officer or Disciplinary Panel
A written apology to be issued by the student	Senior Quality and Compliance Officer or Disciplinary Panel
Student to be required to pay the cost of replacing or repairing any damaged or stolen property or goods	Senior Quality and Compliance Officer or Disciplinary Panel
Suspension from conservatoire facilities that are not needed for scheduled teaching and learning activities for up to a semester	Disciplinary Panel
Suspension from study for up to a year	Disciplinary Panel
Termination of study	Disciplinary Panel

Appendix 3 – Allegation of Misconduct Form

Please fill in the following form as fully as you can. You can return the form by email to complaints@lcm.ac.uk or by post to the Senior Quality and Compliance Officer, Registry, Leeds Conservatoire, 3 Quarry Hill, Leeds LS2 7PD.

Your information	
Name:	
Programme of study (students only):	
Year of study (students only):	
Contact address:	
Telephone number:	
Conservatoire email (or personal email if a visitor to the conservatoire):	
Allegation of Misconduct	
Name of student:	
Nature of allegation: (Please provide as much detail as is relevant, including when the issue you are complaining about took place)	
Supporting evidence: (Please include as much evidence as is relevant to your allegation. If you are sending this form by email and are planning to attach documents, please list them here as well as attaching them to your email.)	
Reasonable adjustments required (disability) or any other specific needs: (For example, please state here if you will require longer timescales.)	
Signature:	
Date:	
For Office Use Only	
Received By:	
Received On:	

