# Open College of the ArtsStudent Code of Conduct

### Introduction

The Student Code of Conduct aims to foster a positive learning experience for all of our students. It sets out the expectations the College has on the conduct of all students in their day-to-day activities, including dealings with other students, staff, tutors, and external organisations and parties. As an OCA student, individuals are representatives for the College and are expected to conduct themselves appropriately, in line with the principles of this and conjunctive policies, and the values of the College.

In addition, this document sets out the resolution process for where student behaviours fall below the standards expected.

The mission of the Open College of the Arts is “to be at the forefront of student-led creative arts education through open, enhanced, & supported distance learning for an evolving society.” The College is committed to creating an inclusive and open environment that is conducive to the teaching and learning of the creative arts. Furthermore the College is dedicated to the principles of the Equality Act 2010, in maintaining and actively acting upon a duty of care to the members of the College community. This means that the guiding principles underpinning codes of conduct for students also informs our expectation of tutors, staff, and others employed by OCA. This policy works in conjunction with other College policies, namely the Equality & Diversity Policy, Safeguarding Policy, Wellbeing Policy, Anti-Harassment & Bullying Policy, and Under 18s Policy in enacting these principles.

### Guiding principles

OCA manages its and student responsibility to conduct on these principles:

* to provide an environment that aims to promote inclusivity, respect, and fairness as key values;
* to support in creating an environment where issues can be raised if prescribed standards by OCA members have not been met;
* to provide advice and guidance to OCA members where allegations are raised,
* where allegations are raised, to conduct investigations into the matter,
* for each investigation to be conducted with objectivity, listening to the views of all persons involved;
* for all cases to be treated with strict confidentiality;
* where appropriate to take action commensurate with the transgression committed.

### Scope

The Student Code of Conduct is a part of the Student Regulations, approved by OCA Board of Trustees, and in consultation with the student representative body, OCASA, and in partnership with the University for the Creative Arts.

This policy applies to all students of OCA, at all times, irrespective of whether any action or behaviour takes place on OCA premises, within OCA-provided media or services, or any other interaction involving a member of the OCA community. This includes interaction with other OCA students, staff, tutors, contractors, and members of the public with no affiliation to the College or its activities.

By enrolling with the College, and becoming a part of the College community, individuals agree to be subject to the College discipline and the actions/behaviours therein. OCA may, in addition, take action with individuals no longer enrolled with College or alumni where applicable.

This code and procedure should be read in conjunction with specific College policies on Safeguarding, Wellbeing, Anti-Harassment & Bullying, and the Student Complaints Policy.

Student behaviour may be affected by underlying medical conditions and/or disabilities. The College retains a responsibility to protect and ensure that no member of the College community is subjected to actions or behaviours deemed by this policy or conjunctive policies to be unacceptable. Where medical conditions and/or disabilities have had a bearing on the conduct of a student, supporting evidence of the relevant condition or disability will be considered as appropriate. Where unacceptable behaviour is proven to be caused by medical conditions and/or disabilities, the College will endeavour to support the student/s affected, however the College may take action in line with this policy at its discretion.

### Student conduct

OCA expects all students to conduct themselves in an appropriate manner at all times, treating others equally, and with dignity, fairness and respect. Students are expected to observe the Equality Act 2010, and respect differences in respect of protected characteristics. Harassment, bullying, and victimisation will not be tolerated under any circumstances.

Students are expected to act in accordance with the law, and not to engage in any activity that may bring OCA, and/or any of its partners into disrepute. Students are required to inform OCA if they receive a conviction during their studies. Relevant convictions, cautions, reprimands, final warnings or similar required to be disclosed include but are not limited to involving one or more of the following:

* violence including but not limited to threatening behaviour, affray, or any other offence involving the intention to cause harm, or actual/grievous bodily harm;
* offences classified under the Sex Offences Act 2003;
* offences involving firearms;
* offences involving damage to property and/or arson;
* unlawful supply of controlled drugs or substances;
* offences classified under the Terrorism Act 2006.

In undertaking their studies, students will undertake their work with integrity, and respecting the work of others. Academic offences are dealt with under the Academic Regulatory Framework, however the Student Code of Conduct expects all students to uphold the principles of academic endeavour, to not engage in plagiarism (including self), collusion, and/ or ghost-writing, or any other activity that may call the College and its practises into disrepute.

### Offences classified as misconduct

The below is a list of examples of behaviours or actions deemed to be misconduct and subject to disciplinary proceedings; this list is not to be considered exhaustive.

* conduct or action which inhibits the teaching, studying, research, and/or other activities of OCA;
* obstructing or interfering with the function or duties of any person/s;
* violent or aggressive conduct including but not limited to indecent, disorderly, or offensive behaviours or language, either orally or written;
* behaviour which impinges freedom of speech on OCA-organised forums;
* conduct that discriminates against any person/s on the basis of a protected characteristic defined by the Equality Act 2010;
* fraud, falsification of documentation, or deceit in respect of entry to OCA or any other activity;
* behaviour such as plagiarism, ghostwriting, or collusion, defined as academic misconduct;
* any behaviour that brings OCA and/or any partners into disrepute,
* failure to comply with OCA policy;
* offences related to assessment, including seeking to gain an unfair advantage;
* unauthorised or misuse of OCA facilities, including IT facilities and course materials;
* making false, or vexatious claims and/or complaints;
* misconduct prior to enrolment with OCA which should have been materially disclosed at the point of enrolment to OCA.

### **Disciplinary procedure**

Where OCA is concerned that infringement of the Student Code of Conduct or any other College policy has occurred, the following process will be enacted. The Disciplinary Procedure itself consists of three potential stages with associated investigations; not all three stages will necessarily be enacted, depending on the nature and seriousness of alleged infraction, and if the alleged decides to exercise applicable rights of appeal.

Concerns can be raised by other parties (be they students, staff, tutors, contractors, or other) by emailing enquiries@oca.ac.uk. Where concerns are raised, the allegator will be requested to provide information relating to the student/s involved, the incident/s, and any other applicable details as determined by the investigating officer.

In all investigations undertaken, the standard of proof required will be the balance of probabilities, which is the standard used in civil law proceedings.

Where the College is concerned that a criminal act may have been committed, OCA reserves the right to refer such cases to the police. In such circumstances, OCA will suspend internal investigation proceedings until the outcome of police enquiries are concluded.

### Disciplinary Procedure - stage one

In the first instance, the Head of Student Services will undertake an investigation into the alleged circumstances, speaking with all concerned parties, and gaining as much information as possible to build a detailed picture of the incident/s concerned.

The Head of Student Services will write to the student/s alleged of a breach or breaches as defined above, outlining the allegation, and giving five working days notice to respond to the allegation.

Following the five working day period, whether a response is received or not, the Head of Student Services will determine if on the balance of probabilities, the alleged infraction did occur, and determine an appropriate sanction if so.

Upon completion of the case, the Head of Student Services will write again to the student/s concerned informing them of the decision taken, and if applicable, any sanctions to be employed.

Where the determination in the case is that a breach of the Student Code of Conduct or other such policies has occurred, the student/s impeached have right of appeal against the determination of the case, and/or the sanction enacted. Students can exercise this right by replying to the notification of the case; the case will then be passed for Stage Two resolution.

In certain circumstances, the Head of Student Services may feel that the case requires greater consideration, either as a result of the nature of the case itself, or as a result of the potentiality for sanctions. In such cases, the Head of Student Services may escalate the case to Stage Two resolution, or Stage Three as appropriate.

### Disciplinary Procedure - stage two

Appeals against the decision and/or sanction from Stage One of the Disciplinary Proceedings, or escalation from the Head of Student Services will be considered by the Director of Curriculum & Quality.

The Director of Curriculum & Quality will consider the report and recommendations from the Head of Student Services in making their decision. The Director may also undertake a further investigation into the alleged circumstances, speaking with all concerned parties, and gaining as much information as possible to build a detailed picture of the incident/s concerned.

The Director of Curriculum & Quality will write to the student/s alleged of a breach or breaches as defined above, outlining the allegation, and giving five working days notice to respond to the allegation.

Following the five working day period, whether a response is received or not, the Director of Curriculum & Quality will determine if on the balance of probabilities, the alleged infraction did occur, and determine an appropriate sanction if so.

Upon completion of the case, the Director of Curriculum & Quality will write again to the student/s concerned informing them of the decision taken, and if applicable, any sanctions to be employed.

Where the determination in the case is that a breach of the Student Code of Conduct or other such policies has occurred, the student/s impeached have right of appeal against the determination of the case, and/or the sanction enacted. Students can exercise this right by replying to the notification of the case; the case will then be passed for Stage Three resolution.

In certain circumstances, the Director of Curriculum & Quality may feel that the case requires greater consideration, either as a result of the nature of the case itself, or as a result of the potentiality for sanctions. In such cases, the Director of Curriculum & Quality may escalate the case to Stage Three resolution as appropriate.

### Disciplinary Procedure - stage three

Appeals against the decision and/or sanction from Stage Two of the Disciplinary Proceedings, or escalation from the Head of Student Services or Director of Curriculum & Quality will be considered by the Principal.

The Principal will convene a panel of three senior staff not including the Director of Curriculum & Quality, and Head of Student Services, with the Principal as Panel Chair. The Panel shall notify the OCA Students’ Association of the allegation at this point.

The Panel will consider the report and recommendations from the Director of Curriculum & Quality and/or Head of Student Services in making their decision. The Panel may also undertake a further investigation into the alleged circumstances, authorising a panel member to conduct investigations as appropriate.

The Panel Chair will write to the student/s alleged of a breach or breaches as defined above, outlining the allegation, and giving five working days notice to respond to the allegation.

Following the five working day period, whether a response is received or not, the Panel will determine if on the balance of probabilities, the alleged infraction did occur, and determine an appropriate sanction if so.

Upon completion of the case, the Panel Chair will write again to the student/s concerned informing them of the decision taken, and if applicable, any sanctions to be employed.

No right of appeal is available against decisions and/or sanctions determined by the Panel.

### Sanctions

In the instances where a student is found to have breached the Student Code of Conduct, the following sanctions may be applied at the discretion of the exercising officer.

When considering appropriate sanctions to employ, consideration will be given to the nature of the transgression, the impact (potential and/or actual), and the circumstances leading to the breach.

The sanctions that may be imposed are:

1. A written warning requiring the student to give assurances as to their future conduct, and any other stipulations as so prescribed.
2. A fine of up to £500 (figure to be periodically reviewed by the Board of Trustees).
3. Compensation to OCA, individuals, or external organisations against identified loss;
4. a requirement to participate in a training programme to educate other students about misconduct and consequences.
5. Access restriction to OCA services as prescribed, and/or contact with named staff and/or tutors.
6. Deferred expulsion for a period up to 12 months; further breaches during the prescribed period will result in expulsion from OCA.
7. Expulsion from OCA, with all benefits and rights pertained therein ceasing to be in effect, including the right to complete studies.

The Head of Student Services, in determining cases may impose sanctions 1-4 as applicable.

The Director of Curriculum & Quality, in determining cases may impose sanctions 1-5 as applicable.

The Principal and panel, in determining cases may impose all sanctions as outlined above, where applicable.

### **Further escalation**

Students dissatisfied with the process or outcome of the Disciplinary Procedure, may escalate the matter to Office of the Independent Adjudicator for Higher Education (OIA) as a complaint. This is an independent process for review of complaints.

Submission of cases to OIA must happen within 12 months of receipt of the outcome from the Principal and panel. OIA should be consulted before submitting a case as it has specific requirements for the way in which students submit complaints.

Details on the process are available on the OIA website <http://www.oiahe.org.uk/> or OIA can be contacted at the below address:

Registered Office: Office of the Independent Adjudicator for Higher Education, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, telephone: 0118 959 9813, email enquiries@oiahe.org.uk.