

# THE STUDENT CODE OF CONDUCT AND DISCIPLINARY POLICY 2024/25

APPROVED BY (SELT) ON (June 2024)

<b>Applies to:</b>	
Harrogate College	
Keighley College	
Leeds City College	
Leeds Conservatoire	X
Leeds Sixth Form College / Pudsey Sixth Form College	
Luminate Group Services	
University Centre Leeds	X

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## 1.0 INTRODUCTION

For the purposes of this policy University Centre Leeds and Leeds Conservatoire will be known as the 'Provider'.

- 1.1 This policy relates to all students at the Provider whilst studying, undertaking placement learning, during external visits, in student accommodation associated with the Provider 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 Providers 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 Provider
  - The Provider 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 Providers conservatoire's Complaints Policy.

## 2.0 EQUALITY IMPACT ASSESSMENT

- 2.1 If a report of student misconduct refers to any of the following, the Chair of the Equality, Diversity and Inclusion (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 or belief
  - Sex
  - Sexual orientation.

### 3.0 POLICY STATEMENT OF STUDENT CONDUCT

- 3.1 The Provider is committed to providing a high-quality learning and teaching experience for all students. This can only be achieved if members of the Provider community live and work beside each other in an environment that promotes respect.
- 3.2 Students of the Provider are expected to conduct themselves at all times in a manner that demonstrates respect for the Provider, its students and staff, and members of the wider community. Every student is an ambassador for the Provider and, accordingly, is expected to behave in a way that enhances its reputation or does not cause defamation to its reputation.
- 3.3 The HE 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 (Joseph Stones House and One Mill Street), on study visits, placements and other learning and assessment activities, and offsite.
- 3.4 On site, in student accommodation associated with the Provider (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 Provider community;
  - Act within the law and not engage in any activity or behaviour that is likely to bring the Provider 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 Provider or outside;
  - Treat all the Provider property with respect;
  - Comply with the requests of members of staff;
  - Adhere to the Provider's health and safety policies and procedures;
  - Observe fire alarms and related procedures and evacuate buildings when alarms sound.
  - Should future pandemics occur, the Provider will follow Government legal requirements.
- 3.5 Off site, the Provider expects students to:
- Help to support the Provider'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 Provider into disrepute.
  - Should future pandemics occur, the Provider will follow Government legal requirements.

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

#### **4.0 DEFINITION OF MISCONDUCT**

4.1 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 Provider, or those who work or study in the Provider, or action which otherwise damages the Provider. Examples of misconduct can be found under Appendix 1 of this policy.

#### **5.0 INVESTIGATIONS**

5.1 The Provider 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.

5.2 In handling any report of misconduct, the Provider 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.

5.3 Where appropriate, the HE Quality Team 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.

5.4 Where it can be facilitated, meetings with complainants or the Reported student may be held via Microsoft Teams.

5.5 In line with Data Protection Legislation, reasonable adjustments for 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.

5.6 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 HE Student Code of Conduct and Disciplinary Policy at the conclusion of the investigation.

#### **6.0 REPORTS OF CRIMINAL OFFENCES**

- 6.1 Any incident of misconduct that constitutes a criminal offence will fall within the scope of this policy. However, any investigation undertaken by the Provider will be carried out independently from any criminal investigations and will usually be suspended until criminal proceedings have concluded.
- 6.2 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).
- 6.3 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 Provider will comply with that decision, subject to section 6.4 below.
- 6.4 In exceptional circumstances, the Provider 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 Provider 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 Provider 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).

## **7.0 REPORTS OF ACADEMIC MISCONDUCT**

- 7.1 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 Leeds Conservatoire and, the Open University Academic Regulations for the University Centre Leeds, which can be found via the Quality Handbook.

## **8.0 REPORTS RELATING TO HARASSMENT, VIOLENCE AND BULLYING**

- 8.1 The Provider is committed to creating a learning environment free from harassment, violence, bullying and discrimination, in which all students are treated with dignity and respect. This right is enshrined in the Student Code of Conduct and Student and supported by the Provider's commitment to the elimination of discrimination on the grounds of:
- Age;
  - Disability (physical or mental);
  - Gender;
  - Gender reassignment;
  - Marriage and Civil partnerships
  - Race (including ethnic and national origins, colour and nationality);
  - Religion or belief (including lack of belief);

- Sex (including sexual harassment);
- Sexual orientation.

8.2 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.

8.3 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.

8.4 What matters is that behaviour may still be harassment even if that was not the intention and how the recipient perceives the behaviour.

8.5 Within the context of the Provider 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.

8.6 The Provider operates informal measures to resolve student issues of harassment, violence and bullying by other students at either the Provider 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](mailto:healthandwellbeing@leedsconservatoire.ac.uk)) or University Centre Leeds Hub for further support through [HEstudentsupport@ucleeds.ac.uk](mailto:HEstudentsupport@ucleeds.ac.uk).

8.7 Guidance and advice for students accused of harassment or bullying can be found in Appendix 7 of this policy.

8.8 Guidance and advice for staff members supporting a student accused of harassment or bullying can be found in Appendix 8 of this policy.

8.9 Formal reports of harassment or bullying by students should be made via the Student Code of Conduct and Disciplinary Policy using the Report of Misconduct Form (Appendix 3 of this policy).

8.10 Reports of harassment or bullying by staff members should be made via the [HE Complaints Policy](#).

## 9.0 REPORTS BY PARENTS OR CARERS

9.1 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.

9.2 Only information relating to the report will be shared with the parent or carer and any other information about the student will remain confidential, unless given consent.

## 10.0 VEXATIOUS OR MALICIOUS REPORTS



- 10.1 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. Students are prohibited from discussing potentially damaging complaints of any kind with other students within University Centre Leeds or Leeds Conservatoire.

## **11.0 TIMESCALES**

- 11.1 The Provider will endeavour to meet the deadlines given throughout this policy. If the Provider is unable to meet a deadline for any reason, the individuals affected will be advised accordingly.

## PROCEDURE

### 1. VEXATIOUS OR MALICIOUS REPORTS

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.

Any reports of misconduct should be reported to the HE Quality Team. using a standard form which is available in a number of places, for example on Blackboard for University Centre Leeds or SPACE for Leeds Conservatoire, or on request from the HE Quality Team, and as an appendix to this policy.

Reports of misconduct should be reported within three months of the event(s) being complained about. However, the Provider advises that reports be made as soon as possible after the incident as this will help to facilitate any subsequent investigation.

In some circumstances, reports of misconduct that constitute major or criminal offences may warrant that the Provider 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 Provider 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 their studies
- Where the Responding student is suspended through precautionary action, they may challenge this decision by writing to the Provider. In all cases, the Provider will review the suspension periodically.
- The HE Quality Team will provide written acknowledgement of the report of misconduct to the individual making the report within **3 working days** of receipt.

### 2. PRELIMINARY ASSESSMENT

Following receipt of a report of misconduct, a preliminary assessment will be undertaken by the HE Quality Team to determine whether the report constitutes misconduct and, if so, its level of seriousness.

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 HE Quality Team (Maximum 2)
- **Major offences** – investigated by the HE Quality Team and referred to a Disciplinary Panel

- **Criminal offences** – referred to the Police (the Provider 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).

The HE Quality Team will draw to the attention of the Chair of the EDI Committee any reports of misconduct relating to protected characteristics.

If the HE Quality Team 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**.

If the HE Quality Team 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.

If the HE Quality Team 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.

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 HE Quality Team's investigation (minor offences) or the conclusion of Disciplinary Panel proceedings (major offences).

**(Graphic)** Where a report has been determined as misconduct, the individual making the allegation will be informed of the Provider'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

Minor offences will be investigated, and any resulting penalties imposed by the HE Quality Team.

The HE Quality Team will maintain a record of offences and penalties to ensure consistency and fairness in the application of penalties.

If the student admits to a report of a minor offence, the HE Quality Team 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.

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 HE Quality Team 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.

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.

During the investigation, the HE Quality Team 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

Major offences will be referred to a Disciplinary Panel for consideration.

The membership of the Disciplinary Panel will consist of:

- Group Director of Quality & Standards (Chair)
- Head of Department/School (as appropriate)
- Other nominee from the Senior Leadership Team.

Prior to convening a Disciplinary Panel, the HE Quality Team will gather information and evidence relevant to the allegation of misconduct. This may include interviewing witnesses as appropriate.

The information and evidence gathered will be collated into a report by the HE Quality Team and presented to the Disciplinary Panel to assist in their consideration of the reported offence.

The Disciplinary Panel will be convened by the HE Quality Team 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.

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 HE Quality Team'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.

The student under investigation has the right to be heard in person by the Panel, and to be accompanied by a person of their 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 HE Quality Team of the name of the person who will be accompanying them at least 2 working days prior to the hearing.

If the student wishes to be legally represented, the student must give written notice to the Provider as soon as possible in advance of the hearing. If such notice is not given sufficiently early to allow the Provider 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.

If the student does not wish to attend the Panel, they should inform the HE Quality Team 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.

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.

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

The Provider has the right to report any misconduct constituting a criminal offence to the police. However, the Provider 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.

Criminal offences will be dealt with using the same internal procedure as major offences. However, the Provider may defer internal disciplinary action until after criminal proceedings have been concluded.

After the conclusion of criminal proceedings, the Provider will decide whether internal disciplinary action will be taken.

Internal disciplinary action may still be taken where criminal proceedings do not result in a prosecution.

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

A student may appeal against the decision following an investigation of the HE Quality Team 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.

If a student wishes to appeal against the decision of the HE Quality Team or Disciplinary Panel, they should complete the Student Disciplinary Appeal Form (Appendix 4 of the policy) and return it to the HE Quality Team with **10 working days** of receiving the outcome, clearly indicating the grounds and reasons for appeal.

The Provider 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.

Should the Executive Principal be part of the appeal and directly involved with, this will escalate to the Group Chief Executive Officer for official response. Should this be the Group Chief Executive Officer, this would escalate to the Board of Governors

A **Completion of Procedures Letter** will be issued by the HE Quality Team after the Provider's internal procedures have been exhausted.

**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 Provider appropriate Complaint Form should be used which can be downloaded from the OIA's website ([www.oiahe.org.uk](http://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 Provider, or with those who work or study in the Provider; or action which otherwise damages the Provider.

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 Provider
- Falsification of evidence used to support a mitigating circumstance 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 of the Providers facilities or property;
- Unauthorised removal of the Provider property or equipment from the premises;
- Intentional or reckless damage to the Provider 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;
- Should future pandemics occur, both the Provider will follow Government legal requirements.
- Any conduct that constitutes a criminal offence, affects other members of the Provider community, or damages the reputation of the Provider;
- 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 Provider 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:

<b>Penalty</b>	<b>Who can impose the penalty?</b>
A formal written warning	HE Quality Team or Disciplinary Panel
A written apology to be issued by the student	HE Quality Team or Disciplinary Panel
Student to be required to pay the cost of replacing or repairing any damage or stolen property or goods	HE Quality Team or Disciplinary Panel
Suspension from the Provider 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@leedsconservatoire.ac.uk](mailto:complaints@leedsconservatoire.ac.uk) or [hequality@ucl Leeds.ac.uk](mailto:hequality@ucl Leeds.ac.uk)

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 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:	

## Appendix 4 – APPEAL FORM

Please fill in the following form as fully as you can. You can return the form by email to [complaints@leedsconservatoire.ac.uk](mailto:complaints@leedsconservatoire.ac.uk) or [hequality@ucl Leeds.ac.uk](mailto:hequality@ucl Leeds.ac.uk)

Your information	
Name:	
Programme of study:	
Year of study:	
Contact address:	
Telephone number:	
Conservatoire email:	

Grounds for appeal (please tick the relevant box(es))	
New evidence has become available that the student was unable, for valid reasons, to provide during the investigation*	<input type="checkbox"/>
There is evidence of procedural irregularity in the way the original investigation was handled	<input type="checkbox"/>
There is evidence that the penalty imposed was disproportionate to the act of misconduct committed.	<input type="checkbox"/>

\*If you have ticked 'New evidence have become available that the student was unable, for valid reasons, to provide during the investigation', you must explain below why this was the case

Summary of appeal
Please provide a concise summary of: <ul style="list-style-type: none"> <li>The decision / outcome you are appealing against;</li> <li>Your reason for appealing;</li> <li>The evidence which supports your case (all relevant evidence must be provided).</li> </ul>

<b>Desired Outcome</b>
Please give a brief outline of your desired outcome of this appeal

Please note that the above template is provided as guidance to support students in submitting their appeal. An appeal may be submitted in the body of an email but should include the information required in the template above. Failure to provide the required information may delay consideration of your appeal.

## **Appendix 5 – DEFINITIONS AND EXAMPLES OF HARASSMENT AND BULLYING**

### **Examples of harassment**

The list below provides examples of behaviour that may constitute harassment and is not exhaustive but is indicative of conduct that would be considered unacceptable by the Provider:

- Violence or threat of violence;
- Unwanted physical contact, sexual advances or innuendo;
- Verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual;
- Using humour to put another person or group of people down, for example, telling jokes that are sexist, racist or about an individual's sexual orientation; or to any of the 9 protected characteristics as defined by the Equality Act 2010
- Spreading malicious lies or making insulting comments;
- Display or circulation of abusive or offensive materials, for example by email or any form of social media;
- Sending offensive text messages;
- Exclusion from normal conversation in the study environment, or from social events;
- Intrusion by pestering, spying or stalking;
- Coercion, such as pressure to subscribe to a particular political or religious belief.

### **Examples of Bullying:**

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer;
- Preventing an individual progressing by intentionally blocking opportunities, unjustifiably restricting choice of study options or access to tuition or facilities;
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets;
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.

## **Appendix 6 – INFORMAL MEASURES FOR DEALING WITH HARASSMENT AND BULLYING**

The purpose of this document is to provide students with guidance and advice on informal measures for dealing with instances of harassment and bullying by other students of the Provider. Informal measures for dealing with issues of harassment and bullying are supported by the Provider, (University Centre Leeds – Student Support), or (Leeds Conservatoire – Health & Wellbeing)

The Provider strongly encourages any student who considers they are suffering harassment or bullying to seek support from the relevant team (listed above) to take appropriate action. Any student raising a genuine concern is not treated less favourably as a result. Students may also seek support from their personal tutor, the Students' Union, Student Services and external organisations such as NUS and Stonewall.

### **The Health and Wellbeing team**

A student complainant can approach one of the conservatoire's Health and Wellbeing advisers in Student Services Room 401 or [healthandwellbeing@lcm.ac.uk](mailto:healthandwellbeing@lcm.ac.uk) for support. Or one of the Student Support Team at University Centre Leeds by: [HEquality@ucleeds.ac.uk](mailto:HEquality@ucleeds.ac.uk) This support can also extend to the alleged harasser or bullying, if requested. However, the same adviser must not be involved with both students.

Student Support from University Centre Leeds or Health & Wellbeing Adviser from Leeds Conservatoire has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between them and the student(s) are confidential.

### **Confidentiality**

At all times, the need to maintain confidentiality will be paramount. Information circulation will be minimised to those who need it for the purposes of achieving an informal resolution in a fair and timely manner.

### **Keeping a record**

It is important that anyone who believes that they have suffered from harassment or bullying should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

Detailed notes should include the following:

- Date;
- Time;
- Place;
- Name of the person harassing or bullying them;
- What actually happened;
- How the person actually felt at the time;
- Name of any witnesses;
- Action taken and whether reported to management;
- Any correspondence relating to the incidents and subsequent complaints;

- If the allegation related to cyber bullying, print outs should be kept if possible (e.g. emails and screenshots).

### Informal resolution

The procedure outlined below provides informal measures for dealing with harassment and bullying in a timely and sensitive manner. It seeks to ensure minimal stress for the complainant and encourages student engagement with the support available within University Centre Leeds and Leeds Conservatoire. Every effort should be made, where appropriate, to resolve the issue informally in the first instance. It is anticipated that the majority of cases can be resolved by informal resolution.

#### Informal resolution procedure:

1. As soon after incident as possible, the individual should make it clear to the Responding that the action is not welcomed and should stop. This could also be addressed in writing, or by asking another individual (e.g. a fellow student) to speak on their behalf. A note should be made of the action.
2. If the problem continues, or the individual feels they cannot take personal action, students may discuss the issue with a member of academic staff.
3. If the individual would rather raise the issue outside of their academic department, they may contact a member of the Leeds Conservatoire Health and Wellbeing team in Student Services [healthandwellbeing@lcm.ac.uk](mailto:healthandwellbeing@lcm.ac.uk) for support. Or University Centre Leeds at [HEquality@ucleeds.ac.uk](mailto:HEquality@ucleeds.ac.uk).
4. Any discussion will be confidential and no further action will be taken without the consent of the complainant at this stage unless the member of staff providing advice considers the incident to be particularly serious. The member of staff will advise the student of the need to take action against the alleged harasser or bully in such circumstances.
5. The member of staff consulted will also advise the student whether they feel the information should be shared confidentially with the Head of Student Services (Leeds Conservatoire), or HE Student Support Manager (University Centre Leeds) in order to ensure that the allegations have not been made before by other students, thus indicating a more significant problem. This will not take place without the permission of the student.
6. The student may have a friend (who should be a member of the conservatoire) or a staff member present at all stages of the discussions.
7. It may be appropriate for the conservatoire to consider the role of mediation in enabling the complainant to reach informal resolution.
8. Where the complaint is informal and does not represent a threat to others, no record will be kept on personal files. However, a note may be kept within Student Services.
9. Following discussion, a variety of actions may be taken:
  - To take no further action at this stage, but to record any future incidents and to keep the situation under review, enabling the student to seek further advice in the future if necessary;
  - If the alleged offender has not already been approached, the member of staff being consulted could facilitate (with permission from the complainant) a meeting between both parties to allow the complainant to explain their view of the offending behaviour;
  - To make a formal allegation of student misconduct through the Student Code of Conduct and Disciplinary Policy.

## **Appendix 7 – WHAT TO DO IF SOMEONE IS UPSET OR OFFENDED BY YOUR BEHAVIOUR**

All students have a responsibility to behave in a manner that does not cause unreasonable offence to others.

Wherever possible students should raise issues with the person concerned in order to try to resolve differences at an early stage and so prevent situations from developing into formal complaints which can be difficult and stressful for all those involved. This informal procedure outlined in Appendix 6 of this policy is not intended to embarrass or offend; however, University Centre Leeds and Leeds Conservatoire recognises that being approached in this way can be stressful. Its aim is to ensure that when a student has been offended (intentionally or otherwise) there is an opportunity for all of the individuals concerned to resolve the situation informally and discreetly without the need to pursue formal disciplinary procedures. There is advice and support available for all those involved in such situations.

### **Being challenged about an aspect of your behaviour**

Even if you did not intend to offend anyone, you may find that someone tells you that they are offended or upset by certain aspects of your behaviour, and asks you stop behaving towards them in that particular manner. University Centre Leeds and Leeds Conservatoire encourages students who feel offended by someone else's behaviour to explain what has caused this offence, so that such situations can be resolved at the earliest possible stage. It is recognised that it can be surprising or shocking to be approached by a fellow student in this way, but talking about issues in an informal way can avoid difficulties escalating to a point where a formal allegation of misconduct is made.

Try to listen to the concerns of the student who approaches you and think about how your behaviour was perceived. Ask the student to provide an example if you are unclear about the nature of behaviour that upset them. Apologise for the offence that was caused. You do not have to agree with the other student's point of view to say that you are sorry that an aspect of your behaviour upset them.

You may find it helpful to talk to someone about how you feel about what has happened, or to discuss how to ensure that you are still able to work or study effectively with the person who has approached you. Details of where you can go for help or support can be found below.

### **Being approached informally by a third party**

You may be approached by a fellow student, a Student Union Executive member or a member of staff if the person has approached them directly rather than raising the matter with you. If they raise an issue with you, they will be trying to establish what has happened, and it is helpful to give your view of the situation. Any discussions will be an informal process unless they explicitly inform you that it is part of a formal procedure. No allegation will be on your student record where informal methods are used to investigate and resolve a situation. However, a note may be kept within Student Services.

**Where can you go for help or support?**

Students who are approached informally by others about their behaviour, or who are the subject of a formal allegation of harassment or bullying, are both entitled and welcome to seek advice from the Health and Wellbeing team, their personal tutor, the Students' Union, Student Services and external organisations such as NUS and Stonewall.



## Appendix 8 – SUPPORTING THE HARASSER OR BULLY

There is often an underlying reason for bullying behaviour. A bully can be very insecure and may:

- Have been bullied themselves
- Be afraid of becoming a victim to someone else
- Want to be accepted into a certain group
- Want to be well known for their physical status
- Have low levels of self- esteem and self confidence

Support may be required to enable a bully to change their behaviour. Breaking patterns of behaviour and expectations of other students and staff may make them a victim to others. Bullies wishing to reform should be encouraged to seek help and advice from the conservatoire's Health and Wellbeing team in Student Services: [healthandwellbeing@lcm.ac.uk](mailto:healthandwellbeing@lcm.ac.uk)) for support. Or University Centre Leeds at [HEquality@ucleeds.ac.uk](mailto:HEquality@ucleeds.ac.uk)