

NORWICH UNIVERSITY OF THE ARTS
Vice-Chancellor: Professor Simon Ofield-Kerr

Norwich University of the Arts

Bullying, Harassment and Sexual Misconduct Policy for Students

Version 2.0

1. Policy Statement

- 1.1. Norwich University of the Arts (the University) recognises that incidents of bullying, harassment and sexual misconduct are significant issues in our wider society, in the higher education sector as a whole and consequently in our own University community.
- 1.2. Bullying, harassment and sexual misconduct can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Some people with protected characteristics are disproportionately affected by this type of incident. Bullying, harassment and sexual misconduct can have a significant impact on an individual and be a detriment to all aspects of the university experience.
- 1.3. The University considers all forms of bullying, harassment and sexual misconduct to be unacceptable behaviour that will not be tolerated and will treat reported incidents consistently, fairly and with the utmost seriousness. This may result in disciplinary action being taken against the person who committed the unacceptable behaviour. This is part of a wider aspiration to eliminate bullying, harassment and sexual misconduct within our community.
- 1.4. The primary purposes of this document are:
 - to set out the steps the University will take to protect students from bullying, harassment and sexual misconduct;
 - to confirm how incidents of bullying, harassment and sexual misconduct are handled; and
 - to detail the support the University will provide to those involved in incidents, and the training it will provide to both students and staff.

This document therefore includes expectations of the University community as a whole, including staff, students and visitors, as well as detailing prevention measures and clear definitions of bullying, harassment and sexual misconduct. The document expands on, and should be read in conjunction with, the *Student Regulations and Procedures, Section L: Defining and dealing with unacceptable behaviours* and *Section M: Disciplinary procedures*.

- 1.5. The University is committed to actively promoting equality, diversity and inclusion in all its endeavours, procedures, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, socio-economic background, or other circumstance. The University's commitment to zero tolerance of bullying, harassment, and sexual misconduct is also clearly stated in its Operational Plan 2022-2027.

2. Scope

- 2.1. This policy relates to all incidents of bullying, harassment and sexual misconduct as defined in Section 5.
- 2.2. The policy applies to all students at the University who are governed by the *Student Regulations and Procedures*. The policy should be used where a student believes

they have been subject to bullying, harassment or sexual misconduct by a student, a member of staff or a third party (such as a contractor). When the responding party (the alleged perpetrator) is a member of staff, the University's Human Resources department will lead any further investigations, whilst the student who has made the allegation (the reporting party) will be supported in accordance with this policy.

- 2.3. The policy applies to any incidents of bullying, harassment and sexual misconduct alleged to have occurred on University premises or off-campus if they have an impact on a student or the wider University community. The policy also applies to online or digital interactions such as virtual learning environments, social media, or text messages and emails.
- 2.4. For students under 18 or those considered to be vulnerable adults (defined as a person aged 18 or over who may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation) this policy should also be considered alongside the University's *Child Protection and Adult Safeguarding Policy*.
- 2.5. The policy will not apply to in circumstances where the University is only responsible for granting the awards for students who are registered with another provider. However, in order to be compliant with condition E6.1b, the University will ensure other providers have a suitably robust policy and internal processes in place before entering an agreement so that students have adequate recourse to raising concerns with their provider.

3. University Commitments and Responsibilities

- 3.1. The University is committed to ensuring that all students have a safe environment in which they can live, work and study, free from bullying, harassment and sexual misconduct and to providing an environment in which all members of the community are treated with dignity, equity and respect. The University will take multiple steps which could (individually or in combination) make a significant and credible difference in protecting students from behaviour that may amount to bullying, harassment and / or sexual misconduct, including but not limited to, steps that may reduce the likelihood of bullying, harassment and / or sexual misconduct taking place. These steps include:
 - 3.1.1. Collecting data to better understand the current prevalence of bullying, harassment and sexual misconduct within the University community. This will be undertaken in conjunction with the Students' Union and will prioritise student feedback to ensure measures adequately address requirements and take into account the potential needs of different groups of students.
 - 3.1.2. Raising awareness of appropriate behaviour by which the University expects all members of our community to conduct themselves, placing a high value on respect and concern for others. This will include raising awareness of the current policy and the reporting mechanism, and providing appropriate training in areas including, but not limited to, consent and bystander intervention. Training will be informed by prevalence data.

- 3.1.3. Fostering a culture of prevention, informed by consultation of the student body, and promoted through close collaboration between the University and the Students' Union.
 - 3.1.4. Encouraging all members of the University community to be empowered and confident in challenging and reporting unacceptable behaviour which does not respect the rights and dignity of others, without fear of reprisal. This will include Bystander Intervention training as outlined in Section 9 of this policy.
 - 3.1.5. Providing an accessible, straightforward and robust reporting mechanism 'You report, we support' which feeds into a case management system.
 - 3.1.6. Providing holistic support to students who report or disclose incidents of bullying, harassment and sexual misconduct to University staff and all other parties affected by the incident, in a fair, coherent and sensitive manner. This includes specialist training for staff involved in receiving disclosures and reports.
 - 3.1.7. Providing a fair, robust and consistent process for official reporting and investigation of allegations of bullying, harassment and sexual misconduct, taking into consideration the wishes of the reporting party and safeguarding issues, if necessary. Investigations will be conducted in line with the *Student Regulations and Procedures* and data protection legislation and in a sensitive and timely manner. Staff involved in receiving reports and progressing investigations will be appropriately trained to act in a trauma-informed manner, with impartiality and discretion to ensure confidence in the system.
 - 3.1.8. Considering any breach of this policy and consequent disciplinary action in line with Sections L and M of the *Student Regulations and Procedures*. This includes appropriate training for staff involved in decision making procedures affecting students.
 - 3.1.9. Continuing enhancement of policies and procedures consistent with national developments and sector best practice, including working with relevant external partners to establish relationships in support of work in this area.
- 3.2. The University has particular regard to, and places significant weight on, the importance of freedom of speech within the educational environment. Academic freedom is crucial to the advancement of new ideas, debate, and challenging conventional wisdom. It is important to distinguish incidents of bullying or harassment from vigorous academic debate. In particular, the Office for Students specify that the following is unlikely to amount to harassment:
- the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures; and
 - statements made and views expressed by a person as part of teaching, research or discussions about any subject matter which is connected with the content of a higher education course.

4. Expectations

- 4.1. Incidents of bullying, harassment and sexual misconduct are never acceptable and may result in disciplinary sanctions including expulsion and / or referral to the police.
- 4.2. All members of the University community are expected to share in the responsibility for creating and sustaining a culture in which incidents of bullying, harassment and sexual misconduct are not tolerated. This means treating one another with mutual dignity and respect. Students are encouraged to be active bystanders – in other words, to be aware of when someone’s behaviour is inappropriate or threatening and choosing to challenge it or make it clear that they find such behaviour unacceptable, when it is safe to do so. The University will deliver Bystander Intervention training to help achieve this.
- 4.3. Members of the community should act appropriately in the University environment and behave in a way that is not offensive to others, while acknowledging that views and opinions held by others may not always coincide with their own. Equally, staff and students should be able to express and interrogate a wide range of lawful views through teaching, research and discussion; while these may be controversial, they are considered unlikely to constitute bullying or harassment, unless otherwise demonstrated. It is important to engage with ideas and opinions that may be different to our own as part of respectful academic debate.
- 4.4. All students are expected to seek enthusiastic consent when interacting with others. Consent is clearly and legally defined as someone agreeing by choice and having the freedom and capacity to make that choice (see Section 5 of this policy). Intoxication through alcohol or drugs is never a defence for committing an act of bullying, harassment or sexual misconduct, or for failing to obtain consent.
- 4.5. All members of the community are encouraged to respond to any disclosures they may receive in a thoughtful and supportive way and to assist that person to seek support from the University if they wish to.
- 4.6. The University acknowledges that false allegations of bullying, harassment and sexual misconduct are rare, and any reports will be taken in good faith. However, if after full investigation, the University determines that a report or complaint is frivolous, malicious or vexatious, it will terminate consideration of the report and appropriate disciplinary action may be taken against the reporting party.

5. Definitions

- 5.1. For the purposes of this policy the following definitions have been adopted, in line with recommendations from the Office for Students, 2023:
 - 5.1.1. **Harassment** as stipulated in section 26 of the Equality Act 2010 and in section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act (see Annexe 1).
 - 5.1.1.1. In summary, under the Equality Act 2010, ‘harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading,

humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation'; and

5.1.1.2. Under the Protection from Harassment Act 1997, harassment includes, 'A course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.'

5.1.1.3. This means that when considering breaches of this policy it is necessary to take into account:

- the perception of the person that the conduct is directed at;
- the other circumstances of the case; and
- whether it is reasonable for the conduct to have that effect.

The University must also consider whether the person knows the conduct amounts to harassment of the other person or a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person. This is particularly important given the significance of freedom of speech in higher education.

5.1.1.4. Examples of harassment include, but are not limited to, physical assault, coercive or intimidating behaviour, stalking, discriminatory, insulting or offensive statements or behaviours, unreasonable or unfair treatment, undermining actions in the form of microaggressions, comments, offensive physical gestures, facial expressions or jokes, the display or circulation of malicious material or rumours, ridicule and behaviour which incites hatred and victimisation. The unwanted behaviour can take place face-to-face or online, be verbal or non-verbal, including the use of the written word, social media, or other virtual spaces. Harassment is usually, but not always, persistent behaviour. The key principle is that these actions or comments are viewed as being hostile or intimidating, demeaning and unacceptable to the individual experiencing them, and likely to cause this person alarm or distress, interfere with their dignity and privacy or undermine their self-confidence. Some of these terms are considered in more detail in Annexe 2.

5.1.2. **Sexual misconduct** means any unwanted or attempted unwanted conduct of a sexual nature and includes but is not limited to:

- i. sexual harassment; and
- ii. sexual assault; and
- iii. rape.

5.1.2.1. Sexual misconduct encompasses unwanted and unwelcome words, conduct, or behaviour of a sexual nature that has the purpose or effect of creating an intimidating, embarrassing, hostile, degrading, humiliating or offensive environment for the recipient. Sexual misconduct can be psychological and/or physical and includes, but is not limited to, catcalling, sexual jokes and comments, wolf-whistling, leering, derogatory or unwelcome comments about a person's body or clothing, asking

unwelcome questions about a person's sex life and/or sexuality, engaging in unwelcome sexual propositions, invitations and flirtation, making somebody feel uncomfortable through displaying or sharing sexual material, following or stalking, unnecessary and unwanted physical contact, coercion, child sexual abuse, as well as rape and other serious sexual assault as defined in law. Sexual misconduct can also include gaslighting, rape and assault within marriage / relationships, female genital mutilation, trafficking and sexual exploitation, forced marriage, so-called honour-based violence and ritual abuse, which can also be forms of domestic violence. Sexual misconduct can occur face to face or online and can include emails, visual images, social media, telephone, text messages and image based sexual abuse such as revenge porn and upskirting.

5.2. Definitions of other key terms used throughout this document are included below. Further information relating to some of the terms used above can be found in Annexe 2.

5.2.1. **Bullying** is not defined in UK law but can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient. This is likely to be a pattern of behaviour rather than an isolated instance but a single incident, if serious enough, could amount to bullying. Bullying may be by an individual against an individual or involve groups of people. Bullying may be obvious, or it may be more covert and can occur in public or private. Bullying does not need to be deliberate. It can have the purpose or effect of controlling individuals, making them unsure and insecure and undermining their confidence and self-esteem. Bullying can result from a misuse of individual power through status/position, physical strength or force of personality. It can also arise from strength of numbers.

5.2.1.1. Like harassment, bullying may take place face to face, on the telephone, by writing or in written or electronic communications such as social media. Examples of bullying include, but are not limited to, physical or verbal abuse, making threats, insulting, aggressive or intimidating behaviour including offensive language, ridiculing, demeaning or undermining someone, persistently 'singling out' someone without good reason or deliberately excluding, isolating or ignoring them, public humiliation or inappropriate criticism, setting someone up to fail, gossip or spreading malicious untruths about someone, making defamatory comments, and pressurising someone into behaviours or actions against their wishes.

5.2.1.2. It is important to make a distinction between bullying and carrying out a job properly and fairly. Things that do not constitute bullying include one off minor issues of impatience, preoccupation or lack of courtesy, acting assertively, requesting someone to amend their behaviour and disagreeing with someone's point of view. For example, showing assertive leadership in a group dynamic.

5.2.2. **Consent** is defined in the Sexual Offences Act 2003 as agreeing by choice and having the freedom and capacity to make that choice.

- 5.2.2.1. Freedom of choice means an individual knows nothing bad would happen to them if they said no. A person is not considered to be free to choose if they are being threatened with violence, being blackmailed or if there is an abuse of a power imbalance due to age, status and/or authority, or some kind of dependency (eg emotional or financial).
- 5.2.2.2. Capacity concerns whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. A person is not considered capable of consent if they are asleep or unconscious, and may not be considered capable if they are under the influence of drugs or alcohol, or they have a relevant disability or impairment, including a learning difficulty, physical disability or mental health condition.
- 5.2.2.3. Consent cannot be assumed on the basis of a previous sexual encounter or previously given consent, and it may be withdrawn at any time.
- 5.2.3. **Disclosure** means an individual choosing to tell anyone who is part of the University community about an incident of bullying, harassment or sexual misconduct. This is considered in more detail in Section 6 of this policy.
- 5.2.4. A **Report** is the official sharing of information with a staff member of the University regarding an incident of bullying, harassment or sexual misconduct experienced by that individual, for the purposes of initiating an investigation process by the University. This is considered in more detail in Section 6 of this policy.
- 5.2.5. **Reporting party** refers to the person(s) who has been the subject of, or has witnessed the alleged incident of bullying, harassment or sexual misconduct.
- 5.2.6. **Responding party** refers to the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.

6. Disclosures and Reporting

- 6.1. An incident of bullying, harassment or sexual misconduct can be disclosed to any member of the University community. All staff are able to listen and signpost to support. However, if a student wishes to make a disclosure in person, they are encouraged to approach the Student Support team directly, as they are fully trained to offer specialist support and advice. The person receiving the disclosure should avoid asking leading questions about what happened; reduce the need for the reporting party to re-tell their story multiple times and protect any investigation process, should one follow.
- 6.2. Alternatively, individuals can disclose an incident of bullying, harassment or sexual misconduct using the 'You Report, We Support' system, 24 hours a day. This will be monitored between the hours of 8.45 am and 5 pm Monday to Friday. Once a disclosure is received, a trained member of the Student Support team will review the disclosure and contact the reporting party to discuss next steps, as soon as possible within working hours.

- 6.3. In an emergency, or if the reporting party feels they are in immediate danger or have any injuries that require urgent attention, they should call the emergency services on 999. Between the hours of 8.45 am to 5 pm students can also call a member of University first aid staff by dialling 0 on any University telephone. Students living in University accommodation at Beechcroft or Duke Street, Riverside, can contact the trained Student Resident Assistant on duty, for support. Students living at alternative accommodations should refer to the information and / or phone number provided when they moved into the building.
- 6.4. Disclosures will always be taken in good faith and all affected parties will be treated with dignity and sensitivity at all times. Initially the reporting party will be asked to speak to a specially trained member of the Student Support team, who can provide more information about options and support. Options may include making a formal report to the University, which will be investigated through the University's internal procedures, reporting to the police, or no further action beyond disclosure and support. These options will be partly determined by whether the responding party is another student, a member of staff or someone external to the University. The reporting party will be given time to consider the options and their decision on whether to and how to take forward a disclosure will always be respected. A disclosure can be the first and last point of contact with the University if this is what the reporting party wishes. If the incident was reported by a third party, that person will be advised about options on behalf of the victim / survivor and again it will be up to them how they proceed.
- 6.5. Disclosures can be made anonymously, and these will help to monitor trends in bullying, harassment and sexual misconduct. However, this will limit the action the University is able to take, including support of any affected parties. Disclosures are not limited by time elapsed since the incident, but the University's response may be limited if the incident is historic.
- 6.6. In all cases support will be offered to the reporting party. Advice will be given on the support that is available both internally and external to the University. The priority will be to enable the reporting party to carry on with their studies and access any wellbeing and academic support required. This is explored further in Section 7 of this policy.
- 6.7. A disclosure is confidential and will only be shared with the permission of the reporting party. The only time we might take action without the reporting student's consent is where there is a safeguarding concern which affects the safety of specific individuals or the wider University community. This type of decision will always be informed by a comprehensive and robust risk assessment.
- 6.8. Risk assessments will be carried out by the Student Support team as standard following a disclosure of bullying, harassment or sexual misconduct, regardless of the next steps taken by the reporting party. This will determine the academic, welfare and support needs of the parties involved, and any precautionary measures necessary to protect all parties and members of the University community who may be impacted. Precautionary measures are temporary and non-judgemental and used to mitigate identified risk. They will be reasonable and proportionate to the nature of the risk(s) being managed, with the least negative impact on all parties, decided on a case-by-case basis. They may include non-contact arrangements, moving students to another academic group or accommodation, or where a formal report has been made, limiting their activities on site or possible suspension while an

investigation is carried out. Precautionary actions are not designed to be a penalty or sanction and will be reviewed based on any changes in the case.

- 6.9. The reporting party can progress a disclosure to a formal report at any time and may report to the police regardless of disclosure or report to the University. If requested by the reporting party the University can refer a case to the police on their behalf. In the event of a report to the police the University will assist the reporting party wherever possible and will provide pastoral support to the student(s) involved. The University will respect the decision of the reporting party wherever possible but in exceptional circumstances, where there are wider safety concerns, the University may need to report an incident to the police, even if the reporting party does not wish to. A police investigation will take precedence over the University's process and the University will not run their own investigations concurrently, to avoid jeopardising the outcome.
- 6.10. If the reporting party chooses not to report to the police but would like to formally report bullying, harassment or sexual misconduct to the University, the University can investigate a breach of its own regulations only. This investigation will be carried out by specially trained staff and will be based on an assessment of any evidence that is presented. A University investigation is not a substitute for a police investigation or criminal proceedings which have a higher burden of proof (beyond reasonable doubt) and can only determine whether, on the balance of probabilities, a breach of the regulations occurred or not.
- 6.11. A University investigation and any subsequent disciplinary procedures will follow the process outlined in Section M of the *Student Regulations and Procedures* and summarised in Section 8 of this Policy. The University will ensure these processes are handled sensitively and in a timely manner and that the processes are transparent and clearly communicated to those involved at all stages. These processes will be conducted by staff trained in trauma-informed approaches and will be conducted in a way that minimises the number of times the reporting party has to detail the incident.

7. Support

- 7.1. Bullying, harassment and sexual misconduct can have a significant impact on an individual. All students who have been directly or indirectly affected by an alleged incident of bullying, harassment or sexual misconduct will have equity of access to support regardless of where and when the alleged incident occurred. This may include the reporting party, responding party, witnesses and those supporting anyone involved.
- 7.2. Support will be initiated by any disclosure or formal report of an incident of bullying, harassment or sexual misconduct. This will include disclosures received through secondary processes such as extension requests, extenuating circumstances claims, intermission applications and appeal or complaint submissions. Support will be offered as standard in cases where the reporting party decides they do not wish to take any further action beyond disclosure. Once assigned to a student, a member of the Student Support team will remain the single point of contact for that student throughout whichever process is followed and beyond, as required. This includes before, during and after any University investigation and disciplinary processes, as well as cases which become police investigations. If there is an unavoidable change

to the single point of contact in the event of staff absence or change in personnel, this will be handled with care and sensitivity. Where both reporting and responding parties are students at the University, support will be offered to both, but provided by separate members of staff to avoid any conflict of interest.

- 7.3. Support provided will be sensitive and comprehensive, including information and guidance on resources available, both within the University and through external partners or other organisations. This may include wellbeing support such as counselling through our partner organisation. In the case of recent sexual violence and if appropriate, the reporting party may be signposted to the Harbour Centre Sexual Assault Referral Centre (SARC) or other external independent support agencies. Anyone can attend the Harbour Centre or other SARC independent of reporting an incident to the University or police. This allows preservation of evidence in the event the reporting party later chooses to report to the police. The Harbour Centre can be contacted on 01603 276381 or contact@theharbourcentre.co.uk.
- 7.4. Support may also include liaising with relevant University staff such as course teams and administrators and the Academic Support Office, as well as considering all areas of support housed within the Student Support team such as accommodation and student finance to ensure the student is able to carry on with their studies. This will always be discussed first with the disclosing student but may help with processes such as extenuating circumstances, extensions and additional academic support, moving accommodation and financial help. Support will always consider any specific needs relating to protected characteristics.
- 7.5. The Students' Union is able offer advice to all registered students and can be contacted on 01603 610561 or at studentsunion@norwichuni.ac.uk between the hours of 8.45 am and 5 pm, Monday to Friday.

8. Investigation and Disciplinary Procedures

- 8.1. If the reporting party decides to make a formal report to the University about an incident of bullying, harassment or sexual misconduct which has also been reported to the police for criminal investigation, the University investigation will usually be delayed pending the outcome of the police investigation. Precautionary measures may be put in place as outlined in paragraph 6.8 and in the *Student Regulation and Procedures, Section M*. The University can take action under its disciplinary process at the same time as a criminal process is underway, if the disciplinary case is based upon facts and matters which are different to those being dealt with under the criminal process.
- 8.2. Once criminal proceedings are completed, the University may then process the matter through internal University procedures. In the event that a student is convicted of a criminal offence this will be reviewed and that student may be subject to disciplinary proceedings or sanctions if appropriate. If a police investigation concludes in a decision of no further action, a CPS decision not to charge or an acquittal at trial, the University may decide to instigate an internal investigation to consider whether the behaviour of the student was a breach of the University's regulations.
- 8.3. If a formal report is made to the University about a student and no report is made to the police an internal investigation will be initiated as quickly as possible. The Academic Support Office (aso@norwichuni.ac.uk) can provide advice and guidance

about the investigation process and will set out an indicative timescale, as well as keeping the involved parties advised of progress or delays. The University aims to make investigations transparent and timely and to treat all parties fairly, consistently and with respect. The University aims to resolve these matters as quickly as possible and will strive to conduct both the initial investigation and any required Student Conduct Committee within a maximum of 90 days of receiving the report. A number of factors can impact the speed at which investigations can be conducted. These may include availability of all involved parties and investigation and Student Conduct Committee staff, later decisions to formally report to the police or the initiation of further reports about the same responding party.

- 8.4. The reporting party may be asked to attend an informal meeting to discuss the investigation. If the reporting party has already disclosed the incident to a member of staff, they may request that the member of staff sends the disclosure notes to the investigator. The reporting party may also submit a written statement of the allegation to the investigator, indicating the identities of the responding party and any witnesses. Witnesses may also be asked to attend meetings or submit written statements, depending on the nature of the allegation.
- 8.5. In line with the principle of natural justice the responding party will be informed of the allegations in writing and provided with access to the evidence. The responding party will be asked to attend an initial meeting at which details of the allegation will be confirmed and the investigation procedures and the potential consequences if a breach of University regulations is identified, will be explained. Students are expected to cooperate with staff undertaking investigations and may be accompanied by a supporter at investigation meetings if they wish.
- 8.6. The investigator will compile statements and conduct interviews as required before submitting a report to the Academic Registrar or nominee. During the investigation the reporting party and responding party will be informed that they should not make any contact with each other unless otherwise instructed. This will be facilitated via a 'non-contact arrangement'. Following consideration of the report the Academic Registrar or nominee will decide whether a breach of University regulations may have occurred and how the matter should progress.
- 8.7. If the Academic Registrar or nominee concludes that no breach of the University regulations occurred, the behaviour is a one-off occurrence with no significant harm to others or is not considered serious the issue may be resolved by informal means. Informal resolution may include advice on behaviour. For example, the individual concerned may not realise that their behaviour is unwelcome or upsetting, or there may be cultural or language differences which impact on their behaviour or how it is perceived. An informal discussion may help them to understand the effects of their behaviour. The University acknowledges that it may not always be possible or practical to attempt informal resolution. Any further reports of inappropriate behaviour following informal resolution may be investigated through formal disciplinary procedures.
- 8.8. If the Academic Registrar or nominee concludes that a breach of University regulations may have occurred, the responding party may be subject to disciplinary action. This will be determined by a Student Conduct Committee made up of appropriate members of staff, as outlined in the *Student Regulations and Procedures*, Section M. All panel members will be trained in unconscious bias and trauma informed practice.

- 8.9. If the matter does not progress to Student Conduct Committee the University may make recommendations to the responding party about appropriate next steps, such as seeking support or attending relevant training. If it is appropriate to make such recommendations, they will be communicated to the responding party and an outcome letter will be issued. The reporting party will be informed of the decision via their Student Support liaison and an outcome letter will be issued. Both parties will be informed of the ongoing support available to them.
- 8.10. If the matter does progress to the Student Conduct Committee both the reporting and responding parties will be invited to attend the meeting to discuss the case and will be given at least 5 working days' notice of time and place. The responding party will also be offered the chance to submit a written account of the incident. Reporting and responding parties will not be expected to attend the meeting at the same time, and it may be appropriate to arrange attendance by video or conference call. Both parties can bring witnesses to the meeting and / or a supporter, and this information should be provided to the University ahead of the meeting. In the event of either party not attending, the Student Conduct Committee will go ahead as planned. Students may send a representative to the meeting if they are unable to attend. The representative won't be able to act on behalf of the student but can see that the meeting is carried out fairly and if they wish to, to address the Committee or ask questions. Documentation about the case will be sent to all attendees prior to the meeting.
- 8.11. The role of the Student Conduct Committee is to determine whether a reported student has breached the University regulations, based on the evidence provided, on a case-by-case basis. The decision is based on the balance of probabilities and not whether any criminal activity has taken place. The committee will speak to all relevant parties during the meeting, to gain as much information as possible before making their decision.
- 8.12. If the committee decides there is not enough evidence to make a decision the case will be dismissed and both parties will be advised of this, in writing, within 5 days of the meeting. If a student is found to have breached the University regulations the committee will consider appropriate disciplinary action. This will be confirmed to the responding student in writing, within 5 days of the meeting. Where possible and appropriate the reporting party will also be informed about the outcome of the process. This will be considered on a case-by-case basis and a decision on how much information is shared will be made with consideration to data protection obligations and the mental health and wellbeing of the reporting and responding parties.
- 8.13. If a student is found to have breached the regulations the committee can take a number of actions, depending on the severity of the incident. These can include asking a student to make a written apology, compulsory training, a first or final warning, suspension or termination of a student's place on their course and suspension or eviction from University accommodation. Details of how these outcomes can apply to different behaviours can be found in full in Section L of the *Student Regulations and Procedures*.
- 8.14. Students can appeal a decision made by the Student Conduct Committee. Appeals can be made through the appeals process outlined in Section J of the

Student Regulations and Procedures. The reporting party will be informed that an appeal has been received and will be informed of the outcome.

- 8.15. If the responding party is a member of staff the matter will be referred to the University's Human Resources department, who will follow the staff Disciplinary Guidelines and Procedures. Where appropriate, the University will consider whether the matter can be resolved by informal means in the first instance, for example through mandatory training, process improvement, or facilitating a safe space to build healing, apology and understanding, i.e. independent mediation. However, if the matter is considered serious, an initial investigation will be carried out as soon as possible to gather information and establish whether there is a case to answer at a formal disciplinary hearing. The investigation will be carried out by an appropriately trained investigating officer and will include a meeting with the member of staff and any witnesses before making a recommendation as to whether or not there is a case to answer.
- 8.16. If a person is asked to be interviewed as a witness or a party to the concerns raised, the University will discuss with them their confidentiality and any support required, including any reasonable adjustments, to ensure that the investigation can establish the facts in an impartial and safe manner, where individuals can feel safe to raise concerns and share what they have observed or witnessed without fear of reprisal.
- 8.17. If the investigation concludes that the matter should proceed, a disciplinary hearing will be convened with a panel comprising managerial representatives and a Human Resources professional. The panel will be required to determine, on the balance of probability, if there are reasonable grounds to believe the misconduct or unsatisfactory behaviour was committed as a disciplinary offence; and, if so, what disciplinary action is proportionate in the circumstances. Outcomes may include a first or final written warning or dismissal. A staff member who considers that disciplinary action has been taken unreasonably has the right to appeal against that decision.
- 8.18. Where possible and appropriate the reporting party will be informed about the outcome of the process. This will be considered on a case-by-case basis and a decision will be made with consideration to data protection obligations and the mental health and wellbeing of the reporting and responding parties. The University will not impose confidentiality clauses or non-disclosure agreements (NDAs) to restrict any party disclosing information about their experience.
- 8.19. In the event that the reporting party is a member of staff, and the responding party is a student the Student Support team, Academic Support Office and Human Resources teams will work together to ensure the matter is addressed and investigated promptly. In these instances the Human Resources team will be responsible for supporting the member of staff. The student will be subject to the regulations and procedures outlined above.

9. Training

- 9.1. The University is committed to providing appropriate training for both staff and students in relation to bullying, harassment and sexual misconduct.

- 9.2. Student training will be delivered in mandatory sessions at the start of the academic year. These sessions will be interactive and an appropriate length to allow discussion and questions. Training will be based on credible evidence and will also draw from best practice within the higher education sector. The sessions will include a review of this policy to ensure students understand the University's approach to bullying, harassment and sexual misconduct and how to access support if required. It will consider expectations of behaviour by looking at what constitutes bullying, harassment and hate crimes, including more subtle forms of discrimination such as microaggressions. It will also cover understanding consent and the sexual misconduct continuum, healthy relationships and debunking rape myths. The mandatory training will also include bystander training to encourage students to be aware when someone's behaviour is inappropriate or threatening and choosing to challenge it or make it clear that they find such behaviour unacceptable.
- 9.3. The University will ensure that all student training is co-created with student representatives and will ensure a continuous process of evaluation and improvement. This will be informed by training feedback, prevalence surveys and data from the case management system to ensure that training is effective, specifically includes groups who are adversely affected by these issues and demonstrates measurable change in attitudes and behaviours.
- 9.4. In addition to the mandatory training the University, in conjunction with the Students' Union, will run a programme to raise awareness about issues relating to bullying, harassment and sexual misconduct, throughout the academic year. This will include regular and ongoing engagement with students and the wider community.
- 9.5. Staff training will be delivered on a tiered basis, depending on role and the issues staff are expected to encounter. All staff will receive regular training which will include the information set out in this policy to ensure a robust understanding of the University's approach to bullying, harassment and sexual misconduct and the importance of freedom of speech. This will be delivered initially as part of the staff induction process. All staff training will include definitions of bullying, harassment and sexual misconduct, to ensure inappropriate behaviour is challenged when encountered, while still upholding the principles of freedom of speech. All staff will receive guidance on how to manage disclosures and how to signpost students to the correct reporting and support processes.
- 9.6. Specialist training will be provided for Student Support staff who will be responsible for taking disclosures, supporting students through their chosen course of action and providing student training, as well as those involved in the complaints and student conduct processes.
- 9.7. All Student Support staff expected to handle disclosures will receive specialist trauma informed disclosure training from a recognised provider. In addition, core members of the team will receive higher level training in order to provide holistic support, allowing them to understand legal issues, facilitate internal and external communications and signpost to external specialist services when appropriate (eg when support would be better tailored to an individual with specific characteristics). Student Support members are trained to deliver student training and will take on additional training in order to deliver effective bullying, harassment and sexual misconduct training. Staff training will be updated as necessary using data from reporting and prevalence surveys to ensure all groups are sufficiently considered.

- 9.8. Those staff conducting investigations into incidents of bullying, harassment and sexual misconduct will receive specialist training to ensure a robust, fair and impartial investigation. The University will also ensure the panel of the Student Conduct Committee have the required knowledge and skill to undertake this role and will receive appropriate external training from a recognised provider. All staff involved in these processes will receive training in trauma informed approaches.

10. Confidentiality and Information Sharing

- 10.1. The University is committed to ensuring confidentiality and privacy are maintained throughout the disclosure, reporting and investigation processes.
- 10.2. All disclosures or reports of bullying, harassment or sexual misconduct will be recorded on the University's central case management system. Access to the records is restricted to Student Support staff who will be responsible for providing support to the affected parties, and in the case of a formal report, the Academic Support Team. Information will only be shared with relevant individuals or agencies (eg teams within the University or external agencies such as the Police or SARCs) with the explicit agreement of the relevant party or parties, unless there is a risk of harm to individuals or the wider University community, or a legal obligation to do so. This type of decision will always be informed by a comprehensive and robust risk assessment.
- 10.3. If the reporting party makes a formal report which requires the University to initiate an investigation and potential disciplinary proceedings, information will need to be shared with the responding party so that they can respond to the allegation, in line with the principle of natural justice. Throughout the formal process, documentation will be shared only with University staff who have a legitimate requirement to see this information, to allow them to perform the relevant procedures.
- 10.4. Throughout all proceedings, the University will act in compliance with the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018 and in accordance with its Applicant and Student Privacy Notice, which can be found on the University website (<https://norwichuni.ac.uk/wp-content/uploads/2022/11/Applicant-Student-Privacy-Notice-October-2022.pdf>). Data relating to disclosures or reports of bullying, harassment or sexual misconduct will be retained for six years following the end of the student's relationship with the University, or eight years after completion of procedures if the matter goes to the Student Conduct Committee, after which it will be securely destroyed. For matters relating to staff misconduct, data will be retained as outlined in the *Disciplinary Guidelines and Procedure*.
- 10.5. Where possible and appropriate the reporting party will be informed about the outcome of any formal process and the detail of this will be considered on a case-by-case basis with consideration to data protection obligations and the mental health and wellbeing of all parties. While the University encourages all parties to consider confidentiality during formal proceedings it will not use contractual arrangements or non-disclosure agreements (NDAs) to restrict any party disclosing information following the conclusion of the proceedings.

11. Staff / Student Relationships

- 11.1. The University understands that relationships between staff and students may be vulnerable to abuse of power through exploitation of the inherent power imbalance. Members of staff who have a close personal relationship with a student should not normally have direct or indirect academic responsibilities (including but not limited to teaching, supervision and assessment), or other direct professional or pastoral responsibilities for a student. Staff who are in student-facing roles are expected to declare any close personal relationship with a student with whom they have contact as part of their professional position to Human Resources. For the purposes of this document a personal relationship means a relationship that involves physical intimacy (including isolated or repeated sexual activity), romantic or emotional intimacy or financial dependency.

12. Monitoring and Accessibility

- 12.1. The University will ensure that this policy is easily accessible to students, potential applicants and staff. A statement about the existence of the document, the nature of its content and how to access it will be communicated directly to all staff and students in writing at least once a year. The statement will also be included in key University documents such as the Prospectus and *Student Regulations and Procedures*.
- 12.2. This policy and policy statement will be reviewed and updated as appropriate, in consultation with the Students' Union. Any major changes will be agreed by the Learning, Teaching and Standards Committee, Academic Board and the University Council.
- 12.3. Data relating to bullying, harassment and sexual misconduct incidents will be retained on the central case management system in accordance with the University's retention policy, as outlined in section 10 of the policy. These data will be used to create anonymised annual reports for the purposes of monitoring trends and improving and targeting response and prevention measures as required. Copies of the report will be presented to the senior management team, Students' Union, Academic Board, Council and any other relevant University committees. Findings will also be made publicly available.

ANNEXE A: Legislation used in proposed definitions of harassment and sexual misconduct

Equality Act 2010

Section 26 Harassment

(1) A person (A) harasses another (B) if—

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of—

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are —

age;

disability;

gender reassignment;

race;

religion or belief;

sex;

sexual orientation.

Protection from Harassment Act 1997

Section 1 Prohibition of harassment.

(1) A person must not pursue a course of conduct—

(a) which amounts to harassment of another, and

(b) which he knows or ought to know amounts to harassment of the other. (1A) A person must not

pursue a course of conduct —

(a) which involves harassment of two or more persons, and

(b) which he knows or ought to know involves harassment of those persons, and

(c) by which he intends to persuade any person (whether or not one of those mentioned above)—

(i) not to do something that he is entitled or required to do, or

(ii) to do something that he is not under any obligation to do.]

(2) For the purposes of this section or section 2A(2)(c), the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.

(3) Subsection (1) or (1A) does not apply to a course of conduct if the person who pursued it shows—

(a) that it was pursued for the purpose of preventing or detecting crime,

(b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or

(c) that in the particular circumstances the pursuit of the course of conduct was reasonable.

Section 2A Offence of stalking

(1) A person is guilty of an offence if—

(a) the person pursues a course of conduct in breach of section 1(1), and

(b) the course of conduct amounts to stalking.

(2) For the purposes of subsection (1)(b) (and section 4A(1)(a)) a person's course of conduct amounts to stalking of another person if—

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- (a) it amounts to harassment of that person,
 - (b) the acts or omissions involved are ones associated with stalking, and
 - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (3) The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking—
- (a) following a person,
 - (b) contacting, or attempting to contact, a person by any means,
 - (c) publishing any statement or other material—
 - (i) relating or purporting to relate to a person, or
 - (ii) purporting to originate from a person,
 - (d) monitoring the use by a person of the internet, email or any other form of electronic communication,
 - (e) loitering in any place (whether public or private),
 - (f) interfering with any property in the possession of a person,
 - (g) watching or spying on a person.
- (6) This section is without prejudice to the generality of section 2

Section 4 Putting people in fear of violence.

- (1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against him on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.
- (3) It is a defence for a person charged with an offence under this section to show that—
- (a) his course of conduct was pursued for the purpose of preventing or detecting crime,
 - (b) his course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) the pursuit of his course of conduct was reasonable for the protection of himself or another or for the protection of his or another's property.

Section 7 Interpretation of this group of sections.

- (1) This section applies for the interpretation of sections 1 to 5A.
- (2) References to harassing a person include alarming the person or causing the person distress.
- (3) A “course of conduct” must involve—
 - (a) in the case of conduct in relation to a single person (see section 1(1)), conduct on at least two occasions in relation to that person, or
 - (b) in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons.
- (3A) A person’s conduct on any occasion shall be taken, if aided, abetted, counselled or procured by another—
 - (a) to be conduct on that occasion of the other (as well as conduct of the person whose conduct it is); and
 - (b) to be conduct in relation to which the other’s knowledge and purpose, and what he ought to have known, are the same as they were in relation to what was contemplated or reasonably foreseeable at the time of the aiding, abetting, counselling or procuring.]
- (4) “Conduct” includes speech.
- (5) References to a person, in the context of the harassment of a person, are references to a person who is an individual

ANNEXE B: Glossary of terms

Abuse of power means a situation where a relevant staff member exploits a position of power in relation to a student so as to apply pressure in a way which: i. may result in the student doing something, or refraining from doing something, that they may not have otherwise done; and ii. that action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship.

Balance of probabilities means that on the basis of the evidence available, then it is more likely that the alleged breach occurred than not.

Catcalling is shouting harassing and often sexually suggestive, threatening, or derisive comments at someone publicly.

Coercive or controlling behaviour is acts designed to make a person feel inferior and/or dependent by keeping them apart from friends, help and support. It can include taking advantage of their money and things they have, stopping their independence, and controlling what they want to do.

Female genital mutilation is a procedure where the female genitals are deliberately cut, injured or changed, but there's no medical reason for this to be done.

Forced marriage is where one or both people do not, or cannot, consent (agree) to the marriage. Forced marriages can happen to anyone from any background and nationality, and can affect both males and females.

Gaslighting means to manipulate another person into doubting their own perceptions, experiences or understanding of events.

Honour-based violence is a collection of practices which are used to control behaviour within families or other social groups in order to protect perceived cultural and religious beliefs and/or honour. Such abuse occurs when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.

Inciting hatred is when someone acts in a way that is threatening and intended to stir up hatred. That could be in words, pictures, videos, music, and includes information posted on websites.

Leering is looking or behaving in a way that shows sexual interest, especially when this is not wanted.

Microaggressions are commonplace daily verbal, behavioural or environmental slights, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward stigmatised or culturally marginalized groups.

Non-Contact Arrangements are mutual arrangements applied to both parties as a precautionary measure to facilitate an investigation into allegations made.

Non-Disclosure Agreements (NDAs) are agreements that require the person who signs them to keep certain information confidential.

Revenge Porn is the sharing of private, sexual materials, either photos or videos, of another person, without their consent and with the purpose of causing embarrassment or distress.

Stalking is a pattern of behaviour directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. This can include following a person, contacting, or attempting to contact, a person, monitoring the use by a person of the internet, email, or any other form of electronic communication, loitering in any place, interfering with any property in the possession of a person, watching or spying on a person.

The Crown Prosecution Service (CPS) prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales.

Trauma-informed practice is an approach to health and care interventions which is grounded in the understanding that trauma exposure can impact an individual's neurological, biological, psychological and social development.

Upskirting is an informal term for a type of voyeurism when someone uses equipment like a camera or mobile phone to take photos or videos underneath a person's clothes, without their permission.

Victimisation is the act of singling someone out for cruel or unjust treatment or when someone treats you badly or subjects you to a detriment because you complain about discrimination or help someone who has been the victim of discrimination.

ANNEXE C: External support options

Mental health support

The University has a commissioned counselling service which is free for students to access. More information can be found on the Student Support VLE site or by contacting support@norwichuni.ac.uk or calling 01603 977977.

MAP provide information, advice, counselling and support for 11–25-year-olds and can be contacted on 0800 0744454 or advice@map.uk.net

Norfolk and Waveney MIND can be contacted on 0300 330 5488, select option 1 for advice on services or email rictriage@norfolkandwaveneymind.org.uk

REST (Recover, Eat, Support, Talk) can be contacted on 0300 330 5488

Sexual and domestic abuse support

The Harbour Centre Sexual Assault Referral Centre (SARC) offers free support and practical help to those who have suffered rape or sexual assault and can be contacted on 01603 276381 or contact@theharbourcentre.co.uk

[Rape Crisis can be contacted on 0808 802 9999 or have an informative website at rapecrisis.org.uk.](https://www.rapecrisis.org.uk)

[Leeway Domestic Abuse service provide free and confidential support to anyone experiencing domestic abuse. Call 0300 561 0077 or visit their website for more information.](https://www.leeway.org.uk)

[Respect Phonenumber provides help for domestic violence perpetrators – call 0808 8024040 or visit respectphoneline.org.uk](https://www.respectphoneline.org.uk)

[Support for victims or witnesses of crime](https://www.supportforvictims.org.uk)

[Norfolk and Suffolk Victim Care provide support and advice. Call 0300 303 3706 or email nsvictimcare@victimsupport.org.uk](https://www.nsvictimcare.org.uk)

ANNEXE D: Student Regulations and Procedures 2024/25. Sections L and M

SECTION L: DEFINING AND DEALING WITH UNACCEPTABLE BEHAVIOURS

This section tells you how we define different types of unacceptable behaviour, and the possible actions we may take as a consequence through our disciplinary procedures. You can expect the University to take these matters very seriously and to act accordingly.

Section M explains how we operate our disciplinary procedures, including for academic misconduct, and explains the role of the Student Conduct Committee in disciplinary matters. Section M also explains how we deal with matters that may be considered criminal acts.

- Remember that **the list of behaviours that follows is not exhaustive** – other incidents may take place that we consider to be examples of unacceptable behaviour.
- **We look at these matters on a case-by-case basis.** This means that, depending on the circumstances, the University could decide to take more serious or less serious action than the possible outcomes given below.

1 Misconduct against other people

Physical misconduct

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Pushing • Shoving 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology
<ul style="list-style-type: none"> • Causing significant damage to property through misuse or negligence, or by reckless or malicious behaviour 	<ul style="list-style-type: none"> • Asking you to make a written apology • Suspending you from your course and/or our accommodation • Evicting you from our accommodation • Terminating your place on your course

Abusive behaviour

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Sending or posting inappropriate messages by electronic or any other means, including on public or private social media • Repeatedly contacting another person by any means, against the wishes of the other person 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Compulsory attendance at a workshop/coaching session • Suspending you from your course and/or our accommodation • Evicting you from our accommodation

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Using language which is violent, aggressive, abusive, threatening or offensive • Making abusive comments towards another person based on their sex, sexual orientation, gender reassignment, religion or belief, race, pregnancy or maternity, marriage or civil partnership, disability or age • Inappropriate behaviour towards an assistance dog or their owner • Harassing, intimidating, bullying or threatening another person • Disregard for government or University advice on Covid-19 • Forcing another person to take part in any type of demeaning activity in relation to an initiation ceremony (such as those associated with membership of a group, club or society) 	<ul style="list-style-type: none"> • Terminating your place on your course

Sexual misconduct

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Making unwanted comments of a sexual nature • Bullying behaviour based on a person's sexuality or gender • Repeatedly following another person without good reason • Sharing sexualised images with another person in an inappropriate context by electronic or any other means, including on public or private social media • Sharing sexualised images of another person without their consent • Showing sexual organs to another person in an inappropriate context • Intimate contact, such as kissing or touching, without consent • Attempting to engage in sexual intercourse or engaging in a sexual act without consent • Sexual intercourse or engaging in a sexual act without consent 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Compulsory attendance at a workshop/coaching session • Suspending you from your course and/or our accommodation • Evicting you from our accommodation • Terminating your place on your course

2 Misconduct against the community

Antisocial behaviour on campus

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Smoking or vaping • Consuming alcohol • Taking drugs or acting under the influence of drugs • Disregard for government or University advice on Covid-19 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Terminating your place on your course

Antisocial behaviour in University accommodation

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Smoking or vaping • Persistent inconsiderate behaviour towards others • Creating noise nuisance • Disruptive or other offensive behaviour • Taking drugs or acting under the influence of drugs • Disregard for government or University advice on Covid-19 	<ul style="list-style-type: none"> • A final written warning • Asking you to make a written apology • Suspending you from our accommodation • Issuing you with a fine • Evicting you from our accommodation • Terminating your place on your course

3 Misconduct against property

Damage to property

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Causing minor damage to property through misuse or negligence, or by reckless or malicious behaviour 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Suspending you from your course
<ul style="list-style-type: none"> • Causing significant damage to property through misuse or negligence, or by reckless or malicious behaviour 	<ul style="list-style-type: none"> • A final written warning • Asking you to make a written apology • Suspending you from your course and/or our accommodation • Evicting you from our accommodation • Terminating your place on your course

Unauthorised taking or use of property

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Using University equipment or property without permission • Causing damage to or losing University equipment 	<ul style="list-style-type: none"> • A final written warning • Asking you to make a written apology • Repayment of costs arising from the loss of or damage to the property • Terminating your place on your course

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Taking University equipment or property without permission 	

Causing a health or safety concern

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Actions or failures to act which could have caused a health and safety concern on campus – for example, smoking, misuse or negligent use of chemicals in course areas or the workshops, failure to manage an assistance dog 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology
<ul style="list-style-type: none"> • Actions or failures to act which could have caused serious harm – for example, possessing or supplying controlled drugs, covering smoke alarms • Using banned items in University accommodation – for example candles • Disregard for government or University advice on Covid-19 	<ul style="list-style-type: none"> • A final written warning • Suspending you from your course and/or our accommodation • Evicting you from our accommodation • Terminating your place on your course

4 Misconduct against the University

Obstructing the work of the University

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Actions or failures to act or statements intended to deceive the University – for example, withholding significant information • Disrupting the work of other students or staff • Behaviour which breaches our published guidance on Data Protection; Ethics; Equality, Diversity and Inclusion; Health and Safety; or IT Acceptable Use • Behaviour directed towards the University, its staff or students by which you intend to cause distress or frustration, or to waste the University's time 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Suspending you from your course • Terminating your place on your course

Damaging the University's reputation

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Behaviour which could have damaged the University's reputation 	<ul style="list-style-type: none"> • A warning • A final written warning • Asking you to make a written apology • Suspending you from your course
<ul style="list-style-type: none"> • Behaviour which has damaged the University's reputation 	<ul style="list-style-type: none"> • A final written warning • Asking you to make a written apology • Suspending you from your course • Terminating your place on your course

Deceitful behaviour

Examples of misconduct	The action or actions we may take
<ul style="list-style-type: none"> • Any form of plagiarism, by which we mean presenting someone else's work as your own without acknowledging it • Collusion, which means working with one or more people to gain an unfair advantage • Falsification, which means changing or making up evidence or other information to gain an unfair advantage • Using technological aids and Artificial Intelligence (AI) including text generating software, translation software, and tools to generate graphics or artwork without acknowledging that you have done so • Any other form of deceit or cheating in relation to your academic work • Breaches of the <i>Code of Ethics for Undergraduate and Postgraduate Taught Students</i> 	<ul style="list-style-type: none"> • Compulsory attendance at one or more Study Skills sessions at the University • A written warning • A final written warning <p>The relevant assessment board will decide on any academic penalty to impose as follows:</p> <ul style="list-style-type: none"> • Changing the terms of your submission of a unit or units • Taking away academic credit from you • Terminating your place on your course • Giving you a lower degree classification or grade at final award • Taking away an academic award from you
<ul style="list-style-type: none"> • Any attempt to deceive the University, its staff or students • Making an allegation against the University, its staff or students which you know to be untrue • Using or issuing documentation which you know is not accurate or verifiable • Unauthorised distribution of digital content created by the University, including re-editing of any such content 	<ul style="list-style-type: none"> • A written warning • A final written warning • Suspending you from your course • Terminating your place on your course

SECTION M — DISCIPLINARY PROCEDURES, INCLUDING FOR ACADEMIC MISCONDUCT

This section tells you how we look into issues that we consider to be disciplinary matters, and what action we will take as a result. Section L provides more detail about the types of behaviour which would lead to disciplinary action.

- The first stage of all our disciplinary procedures is normally an **initial investigation**. We will always attempt to resolve the issue at this stage unless we think the matter is so serious that we need to move straight to our **formal disciplinary procedures**. If you are involved in a disciplinary matter, we will keep you informed about the process at each stage.
- If we ask you to attend a meeting to discuss a disciplinary matter, **it's always in your interests to attend – even if the meeting has to take place during a student vacation**. To enable us to investigate matters promptly, we'll ask you to attend an initial investigation meeting as soon as it can be arranged, but for all other formal meetings we'll give you at least five working days' (one week's) notice. Please be aware too that a formal meeting about a disciplinary matter will take place whether or not you choose to attend.
- Our *Bullying, Harassment and Sexual Misconduct Policy* sets out how we respond to allegations and incidents of this nature. [Click here for the *Bullying, Harassment and Sexual Misconduct Policy*](#), or search the intranet for 'Bullying, Harassment and Sexual Misconduct Policy'. You can report any incidents of this nature at <https://our.norwichuni.ac.uk>. [You can also click here for the Student Support pages on the VLE](#), or email support@norwichuni.ac.uk.
- These procedures also include how we deal with **academic misconduct**, which is the term we give to any act which could give you or someone you know an undeserved academic advantage – but note that **we don't accept extenuating circumstances as a reason for committing academic misconduct**. See section F for more information about other occasions when we might accept extenuating circumstances, and section L for more about academic misconduct.
- For more information about **how we keep original copies of documentation relating to disciplinary matters in the long-term**, please see **section N**. Any paper copies of documentation we make for the purposes of discussing disciplinary matters within the University are destroyed confidentially at the first opportunity.
- We keep notes and records of all stages of our disciplinary processes, and **we report to our Academic Board all disciplinary matters which we consider beyond the initial investigation stage**.

Disciplinary action and criminal offences

The relationship between a disciplinary and a criminal matter can be a complicated one, and where cases like this are presented to us, we may need to refer them to the Academic Registrar and Student Support staff for guidance. In these cases, the University would however act in line with the following general principles.

- If a disciplinary matter is also the subject of a criminal investigation, we'll delay taking action using these procedures until the criminal investigation and any subsequent legal and judicial processes have been completed.
- We may take precautionary action while a criminal investigation is taking place, such as suspending a student from their course and/or our accommodation if we have reason to believe that there is a risk to staff or other students. If we suspended a student in these circumstances, it would be to give us the opportunity to investigate the matter fully, and/or to protect anyone involved in the matter.

Please note that any precautionary actions we take:

- are not penalties we impose because someone has been accused of a crime; and
 - they don't mean we are assuming someone who has been accused of a crime is guilty.
- We could take disciplinary action at the same time as the criminal process if the disciplinary case is based on different facts and matters to the criminal case.
 - If you are convicted of a criminal offence while you are a student, we may take formal action if we believe that your conviction will have an impact on your suitability for, or your ability to continue with, your course.

In these circumstances, the Academic Registrar will review the details of your conviction and, where appropriate, seek the advice of other senior managers at the University. If we decide we need to take further action, we will contact you to confirm that we will deal with your case using the relevant section of our disciplinary procedures as set out in this section of the *Student Regulations and Procedures*. We may also take action to suspend you from your course or from University accommodation while we carry out the disciplinary proceedings.

- If a criminal offence is committed against the University, we could decide to consider the matter through our disciplinary procedures, rather than report the matter to the police.
- A student who is the victim of a crime has several options. They could:
 - report the matter to the police; or
 - not report the matter to the police and ask us to consider the matter using these disciplinary procedures; or
 - take no further action.

Criminal investigations and our disciplinary procedures operate in different ways and have potentially very different outcomes, so it would be up to the student to decide what they wanted to do. We would try and support any student in these circumstances, without putting pressure on them to take a particular course of action.

There may also be circumstances where we can't consider a matter using our disciplinary procedures because the incident reported to us is so serious that it could be reported to the police. We will explain if this is the case.

- In exceptional circumstances, we may need to report a matter to the police that the alleged victim has chosen not to report, taking into account the need to protect the alleged victim and the wider public.

If you need advice on a disciplinary matter that may also be a criminal offence, contact the Academic Support Office in the first instance by emailing aso@norwichuni.ac.uk.

1 Initial investigation

- 1.1 To look into a disciplinary matter, we will normally carry out an initial investigation first of all. In the case of allegations of bullying, harassment or sexual misconduct, we will always carry out an initial investigation.

For more information about how we respond to incidents of this nature, [click here for the *Bullying, Harassment and Sexual Misconduct Policy*](#), or search the intranet for 'Bullying, Harassment and Sexual Misconduct Policy'.

On the advice of the Academic Support Office, and depending on the nature of the incident, the following member of staff will normally organise the initial investigation:

- **your Course Leader (or equivalent) or the Year 0 Pathways Leader** if the incident concerns your course or a breach of one of our policies or regulations, including academic misconduct;
- **the Dean of Research and Knowledge Exchange (or nominee)** if the matter relates to any aspect of research activity at the University;
- **the Head of Technical Services** if it's connected to one of our workshops;
- **the Library Manager** if it concerns the Library;
- **the Chair of the Ethics Panel** if it concerns a breach of the *Code of Ethics for Undergraduate and Postgraduate Taught Students*; or
- **the Accommodation Officer** if it concerns an incident in student accommodation – either University-managed or privately owned – or incidents in the local community.

For matters not directly connected with these areas of the University, and where one student presents significant concerns about the behaviour of another, **the**

Mental Health and Safeguarding Manager or a nominee will organise the initial investigation.

1.2 As part of the initial investigation, the member of staff will arrange a meeting to discuss the incident with you. In making the arrangements for this meeting, the relevant member of staff will:

- organise the meeting as soon as is practical after being notified of the incident;
- tell you in advance what the meeting is about; and
- at the meeting itself, give you a summary of the incident.

Where a Course Leader (or equivalent) is investigating an allegation of academic misconduct, they will also do the following at the initial investigation meeting:

- explain in full the allegation against you;
- explore the allegations with you with direct reference to your work; and
- give you an opportunity to explain those areas of your work which we believe are subject to academic misconduct.

We would also use an initial investigation meeting to discuss your work with you where there were allegations of unauthorised or unacknowledged use of AI or related technological aids.

1.3 The outcome of the initial investigation determines the next steps the University will take. The member of staff responsible for the initial investigation will send a brief report of the meeting to the Academic Registrar (or nominee), who will decide on one of two possible outcomes below. In the case of an investigation into academic misconduct, the Course Leader (or equivalent) will include in their report a percentage estimate of the amount of work affected by the academic misconduct for the unit or units in question.

1.4 If you don't attend an initial investigation meeting, the member of staff responsible for organising the meeting can decide – depending on the circumstances – whether to reschedule the meeting, or whether to report the available details of the disciplinary matter directly to the Academic Registrar (or nominee).

1.5 **If we believe that the incident was a one-off with no significant harm done to others or to the reputation of the University**, the member of staff who has organised the meeting will write to confirm that we are not taking formal action against you. We may though still give you advice about your future behaviour, and will warn you that if you are involved in a similar incident again, we will use our formal disciplinary procedures to investigate the matter with you.

This also applies to cases of suspected academic misconduct which we decide, having considered the evidence, are better described as cases of poor academic practice – for example, if you haven't referenced external sources correctly in

your work. This decision would also mean that your course team would assess your work as it stands, provide you with feedback, and award a provisional mark.

See section D for more about how we assess your work and about provisional marks.

1.6 **If we believe the matter is more serious or if it hasn't been resolved during the initial investigation meeting**, we may move to the next stage of our disciplinary procedures set out below, depending on the nature of the incident. Breaches of our Accommodation Licence Agreement and cases of unacceptable behaviour in private rented accommodation (including private halls of residence) are usually referred to a meeting with the Academic Registrar in the first instance; all other cases are considered under our formal disciplinary procedures by being referred to a meeting of the Student Conduct Committee. Information about both these processes appears in the sections that follow.

1.7 In cases of academic misconduct:

- If you accept at the initial investigation meeting that you have carried out academic misconduct, the Academic Registrar (or nominee) will decide whether or not the case should also be referred to a meeting of the Student Conduct Committee.
- If you don't accept at the initial investigation meeting that you have carried out academic misconduct – or if the matter is unresolved at the meeting – the Academic Registrar (or nominee) will refer the matter to a meeting of the Student Conduct Committee.

1.8 Where a student admits to academic misconduct at the initial investigation meeting, the course team:

- will assess and provide feedback on the unit affected by academic misconduct; but
- won't award a provisional mark.

The relevant assessment board will then make the decision on the penalty to be applied.

Where a student doesn't admit to academic misconduct at the initial investigation meeting, or the matter is unresolved, the course team will take no further action assessing the work or providing feedback until the Student Conduct Committee has considered the case.

See section L for more about the penalties an assessment board can impose in cases of academic misconduct.

1.9 We'll always write to you after an initial investigation meeting to tell you the outcome and will let you know if we need to take any further action.

2 Breaches of the University's Accommodation Licence Agreement

- 2.1 Our Accommodation Licence Agreement is the document you sign when you move into University-managed accommodation. If you are in breach of any of the terms or conditions of the Licence Agreement, we can use this formal procedure to consider the matter. If you are living at All Saints Green, any breaches of your Assured Shorthold Tenancy will be dealt with by the management company in charge of the property. You can still be investigated by our Student Conduct Committee if your behaviour at All Saints Green is also considered to be a disciplinary matter under these procedures.
- 2.2 If a breach of the Accommodation Licence Agreement hasn't been resolved during the initial investigation, the Accommodation Officer will provide a report on the incident to the Academic Registrar. At this point, the Academic Registrar may decide not to pursue the matter formally, in which case the Accommodation Officer will write to let you know this. If the Academic Registrar decides to take the matter forward using this formal procedure, they will investigate the matter with a University senior manager.
- 2.3 During this period, the Academic Registrar may choose to suspend you from your accommodation. If this happens, you will be suspended until the investigation has been concluded, after which the Academic Registrar will refer the matter to the Vice-Chancellor for review if appropriate.
- 2.4 The Accommodation Officer will write to provide you with full details of the issue and to invite you to a meeting to discuss the case. The meeting will be with the Academic Registrar and a University senior manager. If you want to bring a friend or other supporter, or any witnesses, to this meeting, you are welcome to but you will need to organise their attendance yourself. You must tell us in advance if you are bringing anyone with you to this meeting by emailing aro@norwichuni.ac.uk.
- 2.5 At the meeting, the Academic Registrar and the senior manager will talk to you and your witness or witnesses (if present) and will consider the evidence. At the end of the meeting they will ask you to leave and will make their decision on the matter. The Academic Registrar will write to let you know the decision as soon as possible and within five working days (one week) of this meeting.
- 2.6 If there is no evidence, or not enough, the Academic Registrar will write to let you know that the case has been dismissed.
- 2.7 If the case against you is upheld, the Academic Registrar may take one or more of the following actions listed below.
- 2.8 We can issue you with a warning, for example if the matter is a first or minor offence.
- 2.9 We can issue you with a final warning, for example if you have repeated an offence or if your behaviour has been very serious. If you breach the

Accommodation Licence Agreement again after we give you a final warning, we will end the Agreement with you which means you will be permanently excluded from the University's accommodation. This means that we will evict you and you will have to find somewhere else to live.

- 2.10 We can issue you with a fine of up to but not more than £500.
- 2.11 We can exclude you from University accommodation for a fixed period.
- 2.12 We can exclude you from University accommodation permanently by ending our Accommodation Licence Agreement with you. This means that we will evict you and you will have to find somewhere else to live.
- 2.13 We can put in place another appropriate penalty, such as writing a formal letter of apology to other individuals involved in the matter. The Academic Registrar will be responsible for deciding on any penalty of this nature.
- 2.14 We can refer the case to a meeting of the Student Conduct Committee if the matter isn't resolved at the meeting with the Academic Registrar and the senior manager.
- 2.15 If you choose to, you can make an appeal against the outcome of this formal meeting.

See section J for more about making an appeal.

3 Unacceptable behaviour in private rented accommodation, including private halls of residence

- 3.1 If we receive a report that your behaviour in privately rented accommodation is poor, inappropriate, or in any other way unacceptable, the Academic Registrar will review the information we receive about your behaviour and we will consider the matter in the same way that we consider a breach of the University Accommodation Agreement as set out above.

See section L for more about how we define unacceptable behaviour.

- 3.2 If we uphold the case against you we can issue you with a warning, a final warning, or another outcome which the Academic Registrar considers appropriate to the circumstances of the case. If you continue with unacceptable behaviour, you may be referred to the full Student Conduct Committee as set out below.

4 Formal disciplinary procedures: Student Conduct Committee

- 4.1 The University will hold a meeting of the Student Conduct Committee for formal consideration of any of the following disciplinary matters:

- cases which we haven't been able to resolve at the initial investigation stage;
- cases where a student has breached our Accommodation Licence Agreement but the matter has not been resolved at the meeting with the Academic Registrar and the University senior manager described in the section above;
- cases where a student has continued with unacceptable behaviour in private rented accommodation after we have given them a warning or a final warning as detailed in the section above;
- issues which the Academic Registrar believes are serious enough to need a meeting of the Student Conduct Committee without an initial investigation taking place; and
- allegations of historic academic misconduct made against one of our students who has already graduated and is no longer studying at the University.

4.2 If the disciplinary matter we are considering would be an offence under criminal law if proved in a court of law, the University may choose to delay a meeting of the Student Conduct Committee while any police investigation or prosecution is taking place.

4.3 As part of our **duty of care** towards you and other members of the University community, the Vice-Chancellor or a senior member of staff acting on the Vice-Chancellor's behalf may choose to suspend you from the University while we are carrying out our formal disciplinary procedures. By duty of care, we mean the University's obligation to ensure the safety and wellbeing of everyone at the University. The period of suspension would run up to the point at which the Student Conduct Committee takes place, unless we have chosen to delay our disciplinary procedures until a police investigation or prosecution has been completed. In this event, we may suspend you for the full period of the police's actions. We can also extend any period of suspension we have put in place, if we believe the circumstances of the matter make this appropriate. If we do this, we will write to you with the full details of why we have made this decision, and at what point we would review your suspension.

4.4 The Academic Registrar makes the final decision on whether or at what point a Student Conduct Committee should consider a case.

5 Arrangements for a meeting of the Student Conduct Committee

5.1 The members of the Student Conduct Committee are:

- a Pro Vice-Chancellor (Chair);
- a Director not connected with the course or study area of any student involved in the case; and
- a member of academic staff not connected with the course or study area of any student involved in the case.

If the Academic Support Office identifies any conflict of interest arising from any of these members of staff considering the matter, they will raise the issue with the Academic Registrar for advice with a view to finding another senior member of staff to take part in the meeting.

A member of the Academic Support Office attends meetings of the Student Conduct Committee to provide advice on regulatory and other matters. The Administrator to the Academic Registrar organises the meetings and takes the minutes.

5.2 If the Student Conduct Committee meets to discuss a disciplinary matter involving you, the Administrator to the Academic Registrar will:

- write to you asking you to attend the meeting in person, giving you notice of at least five working days (one week) of the time and place;
- tell you who will be attending the meeting; and
- give you the chance to write to us with your own account of what has happened and why. This is to help Committee members understand the case in advance of the meeting.

It's up to you whether you wish to attend the meeting, but our advice is that it's always in your interests to give the Committee the opportunity to discuss your case with you. Please be aware too that the Student Conduct Committee will take place and make a decision on your case whether or not you attend.

If we decide that it would be appropriate for you to attend the meeting by video or conference call, we'll confirm this with you in advance.

5.3 The University may also ask one or more staff witnesses to attend the meeting if appropriate – for example, your Course Leader (or equivalent). If the staff witness or witnesses cannot attend, the Administrator to the Academic Registrar will ask them to make a written statement to the Student Conduct Committee instead. This means the meeting can take place in their absence if necessary.

5.4 You can bring a friend or supporter to the Student Conduct Committee. The role of the supporter is to:

- see that the meeting is carried out fairly; and
- if they wish to, to address the Committee or ask questions.

You can also bring one or more witnesses to the meeting to support what you have told us about the case, but it's your responsibility to organise their attendance.

If you want to bring a formally trained legal representative to the Student Conduct Committee – either instead of, or as well as a friend or supporter – you must write to the Chair of the Student Conduct Committee at least two working days before the meeting. The Chair will decide whether or not to allow the legal representative to attend. The Chair can also postpone the meeting so that the

University can make its own legal representations at the meeting when it is rescheduled.

A witness, friend, supporter or legal representative can't act on your behalf at the Student Conduct Committee if you cannot or choose not to attend. If we decide that it would be appropriate for your witness, friend, supporter or legal representative to attend the meeting by video or conference call, we'll confirm this with you in advance.

5.5 Once you have decided if you are going to attend the Student Conduct Committee, please email aro@norwichuni.ac.uk at least two working days before the meeting to confirm your decision. In the same email, please also let us know if anyone else will be attending with you and in what capacity they are attending – for example, as a supporter or as a witness.

5.6 After you have told us if you are attending the meeting, the Administrator to the Academic Registrar will send copies of documentation about the case to everyone due to attend the meeting of the Student Conduct Committee. The Administrator will do this in advance and as soon as it is practical, and everyone attending the meeting will receive the same information. This includes you, whether or not you choose to attend the meeting, and your friend or supporter. Typically, this documentation will include:

- a copy of all relevant documentation on the case to date;
- a copy of your account of the matter, if you have sent one to us;
- copies of the relevant regulations – for example, a copy of this section of the *Student Regulations and Procedures*; and
- any other relevant information. This might be information from the University's own records about you, and information from your course area.

6 What happens at a meeting of the Student Conduct Committee?

6.1 The Student Conduct Committee will consider a disciplinary matter as follows:

- the members of the Committee meet in private to review and hold an initial discussion about the case;
- the Committee invites the student or students the case is about into the meeting, together with any witnesses, friends, supporters or legal representatives as appropriate. Where one student has made allegations about one or more students, the student who has reported the matter will be asked into the meeting first of all, before – and separately to – the responding student or students are invited in;
- the Committee discusses the case with the student or students and other individuals as appropriate, depending on the circumstances of the case;
- the Committee asks the student or students and any witnesses, friends, supporters or legal representatives as appropriate to leave the meeting;
- the Committee meets in private to agree a decision on the case.

6.2 In asking you to attend a meeting of Student Conduct Committee, the University is seeking only to establish the facts of a matter, and to give you an opportunity to put your side of the case. We understand that meetings of this type can be stressful for students involved, and if you attend a meeting, the Committee will do all they can to put you at your ease and allow you to talk about the details of the case they are considering.

6.3 Within five working days (one week) of the meeting, we will write to you with the outcome of the case. We may be able to let you know the outcome of the Student Conduct Committee verbally before confirming the outcome in writing, but we can't guarantee this.

7 The possible outcomes of a meeting of the Student Conduct Committee

7.1 **If the Committee decides there is no evidence in the case, or not enough,** we will write to let you know that the case has been dismissed. If the Committee was looking at a case of academic misconduct, this decision would also mean that your course team would assess your work as it stands, provide feedback, and award a provisional mark.

See section D for more about how we assess your work and about provisional marks.

7.2 **If the Committee upholds the case against you,** they may take one or more of the actions listed below.

7.3 We can issue you with a warning, for example if the matter is a first or minor offence.

7.4 We can issue you with a final warning, for example if you have repeated an offence or if the incident and your part in it has been very serious.

7.5 We can terminate your place on the course if the incident is serious enough for us to consider that this is appropriate.

7.6 We can put in place another appropriate penalty which the Committee would decide, such as writing a formal letter of apology to other individuals involved in the matter.

7.7 We can agree any other course of action if the Committee believes you have presented reasonable evidence to explain your actions. This may give the Committee the opportunity to act more sympathetically in a case where they have upheld the matter against you but accept that you have a compelling case in your defence. Please note that this does not apply to cases of academic misconduct.

7.8 If the Committee has considered a case of academic misconduct, their role is to decide whether or not there is enough evidence to confirm the allegation.

Regardless of their final decision on the allegations, the Committee is also able to ask a student to attend one or more Study Skills sessions at the University. We will report the Committee's final decision on the allegations of academic misconduct to the appropriate assessment or award board – see below for more information on the actions an individual board may take.

If the Committee confirms the allegation, and the case under consideration was not one of historic academic misconduct, the course team:

- will assess and provide feedback on the unit affected by academic misconduct; but
- won't award a provisional mark.

The relevant assessment board will make the decision on the penalty to be applied. We will also provide the relevant external examiner with information about confirmed cases of academic misconduct before the relevant board meets.

7.9 If you choose to, you can make an appeal against any decision the Student Conduct Committee has made about you.

See section J for more about making an appeal.

8 The actions an assessment or award board can take if you have committed academic misconduct

8.1 The relevant assessment or award board will consider the following when deciding what action to take on proven cases of academic misconduct:

- how much work is the result of the academic misconduct;
- the student's level of study; and
- whether the student has any previous history of academic misconduct.

8.2 If you are a student currently registered at the University and the Student Conduct Committee has decided that you have committed academic misconduct, the relevant assessment or award board can take one of the actions listed below.

8.3 We give you a Fail mark (0%) for the unit but we allow you to resubmit the unit. The relevant assessment or award board will decide the terms of your resubmission.

8.4 We reassess the unit but cap the mark. This means that if you pass, you could only receive a maximum mark of 40% for a unit on a percentage-based marking scheme, or a Pass for a unit on a Pass/Marginal Fail/Fail marking scheme. If you fail the unit, we may terminate your place on the course.

8.5 We ask you to repeat the unit with attendance. The relevant assessment or award board will decide the terms of your repeat unit.

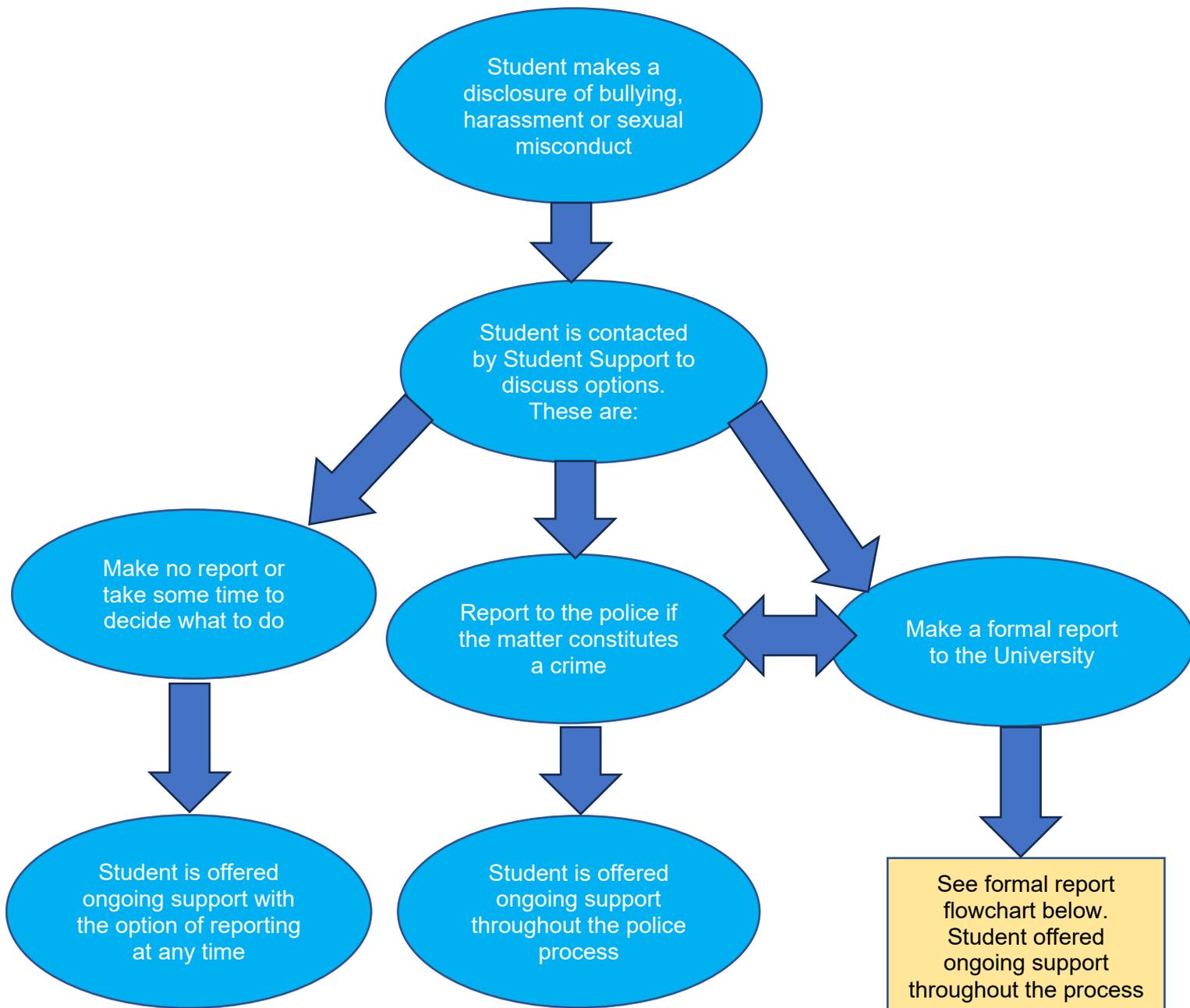
NORWICH UNIVERSITY OF THE ARTS
Vice-Chancellor: Professor Simon Ofield-Kerr

- 8.6 We ask you to repeat the year of study with attendance. The relevant assessment or award board will decide the terms of your repeat year of study.
- 8.7 We give you a lower degree classification or grade at final award.
- 8.8 We terminate your place on the course and award credit in the relevant year of study but not for the unit affected by academic misconduct.
- 8.9 We terminate your place on the course and do not award credit for any units in the year of study.
- 8.10 If the board terminates your place on the course, or if you are no longer a student registered at the University, the University can review any credit or any academic award we have previously made to you and could offer you a lower qualification. For example, we could take back your Bachelor degree with Honours and award you a Bachelor degree (Unclassified).
- 8.11 If the board wishes to take back an award we have previously made to you, the Chair of the relevant board will make a recommendation in writing to the Vice-Chancellor. The Vice-Chancellor then takes the final decision on the matter as Chair of the Academic Board.
- 8.12 If you choose to, you can appeal as follows against any decision we have made about you in relation to academic misconduct:
- If we have taken away academic credit or an award from you, you can appeal to the University's Council, which meets three times a year. If you are in this position, the Academic Registrar will tell you at the first opportunity how to make your appeal and will estimate the timescale in which the Council would consider your appeal. Contact aro@norwichuni.ac.uk for more information about this.
 - For all other decisions relating to academic misconduct, you can use the appeals procedures in these regulations.

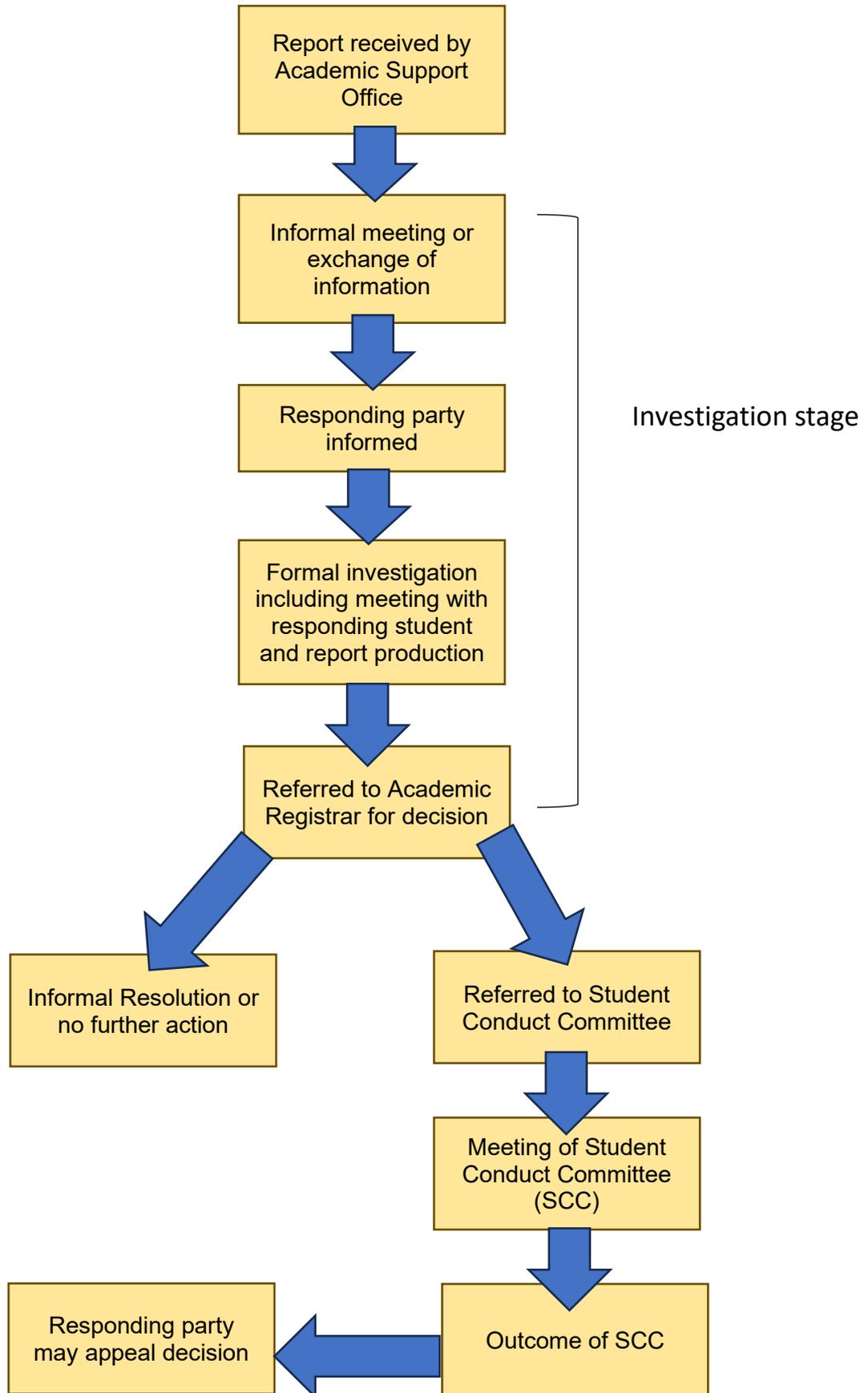
See section J for more about making an appeal.

ANNEXE E: Procedure Flowcharts

a) Disclosure and support



b) Making a formal report to the University about another student



c) Making a formal report to the University about a member of staff

