

## Policy Framework for Student Behaviour and Health

UWE Bristol is a modern civic university, which places students at the heart of everything we do. We are a community of tens of thousands of individuals, and together we make UWE a supportive and inspiring place to learn and work.

In order for our community to function effectively, and to seek to ensure that everyone (students and staff alike) enjoys an environment conducive to teaching, learning, research and local engagement, we acknowledge that we need appropriate policies in place to manage circumstances and risks when something goes wrong.

The University recognises that there may be instances where a student's physical or mental health gives rise to concerns about the student's fitness to study; or where alleged incidents inside or outside of the University raise concerns about a student's behaviour or their suitability for a particular profession. We are committed to positively managing these issues to support student learning, student wellbeing, and the experience of the wider University community.

This Policy Framework sets out the principles, policies and procedures that UWE applies when we respond to incidents related to Student Behaviour and Health.

### 1 Policies

The University has three policies [later referred to as 'the policies'] to manage situations and risks where concerns are raised that a student's behaviour or health is affecting them or other members of the University community. These are:

- Student Conduct Policy
- Professional Suitability Policy – for students registered on programmes leading to professional registration or license to practice
- Fitness to Study Policy

In some circumstances, this policy framework may be used to establish an initial meeting or investigation, if it is initially unclear which policy is best to manage a particular set of circumstances.

The University has other policies and procedures relating to specific areas or activities which are covered by this framework and work within or alongside the policies above. These include but are not limited to:

- Student Charter
- Student Drug including Alcohol Policy
- Rules for students in University accommodation
- University Academic Regulations and Procedures
- Assessment Offences Policy
- Criminal Conviction Policy
- Freedom of Speech Policy
- Health and Safety Policies

- Bullying and Harassment Policy
- IT Acceptable Use Policy
- Library Rules
- Social media guidance

## **2 Scope**

The policies apply to all students taught by UWE throughout their period of registration (including outside of term time). The policies apply during any activity associated with or organised by the University (such as placements or field trips), on or off University premises. They may also be used in other circumstances at the University's discretion. The policies apply only to an individual as a student of UWE (i.e. they do not apply to a student's employment by the University). Exceptions to this scope are rare and if they exist will be noted within the policies and procedures.

The policies also apply to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated when they were, or were due to be, considered under one of the policies.

Students registered for an award with the University but studying in a partner organisation will usually be subject to the policies and procedures of that organisation, but may also be referred to the University particularly if the concerns relate to activities at the University's campuses, student accommodation or learning activities.

The Students' Union at UWE has its own policy and procedures relating to student conduct in relation to membership of The Students' Union and/or conduct on Students' Union premises. The Union may refer matters to the University where it believes the allegations may have a wider impact for the University community and/or potential consequences for a student's registration. The University will work with The Students' Union on joint investigations as appropriate to the circumstances.

## **3 Common approaches across the policies**

In order to facilitate consistency of experience and fairness for students, the policies are aligned as far as possible, they also recognise the need for variation where necessary to be effective and deal with different sorts of issues appropriately. This section sets out the commonalities in approach across the policies:

- i) The policies establish clear expectations of good studentship, which reflect the University's values, and are designed to address effectively the impact of a student's conduct or health on others.
- ii) The policies are designed to enable students to continue their studies as far as possible, and to enable students to learn and develop from their experiences while applying appropriate actions or proportionate sanctions. The policies also recognise that in certain circumstances it might not be appropriate for students to continue their studies.
- iii) The basis of the policies is the assessment and management of risk to a student themselves and/or to the University community and the impact of a student's behaviour on others. This includes being clear about the University's thresholds for taking action at the appropriate level under the policies, including with regard to anti-social behaviour on and off campus.

- iv) Each of the policies has three levels:
- Level 1:** Initial or emerging concerns or issues, to be managed as close to their source as possible to ensure quick and effective intervention
- Level 2:** Serious and/or continuing concerns, allegations or issues
- Level 3:** Critical concerns, gross misconduct
- v) There is a right of review or appeal at all levels of the policies
- vi) The policies set out roles and responsibilities and where authority for decision-making resides at each level in order to ensure separation and independence.
- vii) The standard of proof that is used in deciding any matter under the policies is the balance of probabilities. This means that when considering all the evidence a decision-maker needs to be satisfied that it is more likely than not that something happened. The standard is higher than only believing that something happened and decisions must be supported by evidence. Balance of probabilities is the standard of proof used in Civil Law.
- viii) The burden of proof in each of the policies lies with the University. This means that the University is responsible for proving that a student has done what they are accused of. Although a student will not usually have to disprove an allegation, there will be occasions when a student is expected to prove that they have or have not done something, or provide evidence that something happened. Students also need to provide proof of mitigating factors.
- ix) Possible outcomes are set out clearly in the policies and procedures and the outcomes applied are to be reasonable, proportionate and consistent with the outcomes of other cases.
- x) In cases of behaviour that may be a criminal offence, the policies are clear that the University is not investigating criminal matters, but whether the alleged actions have breached internal standards of conduct. Criminal and/or other external investigations and proceedings normally take precedence over internal processes, and the University will usually await the outcome of those proceedings before taking formal action.
- xi) The policies include the possibility of applying precautionary measures to manage risk to the student concerned and other staff and students. Students have the right to appeal these measures.
- xii) Where a student decides to withdraw from their programme, or is withdrawn on academic grounds, and there is an outstanding conduct or health concern, the appropriate process will normally continue until completed so that a formal judgement may be reached whether or not the student chooses to engage with the process.

#### **4 Operating Principles for the Procedures**

The following principles are applied when implementing the policies and procedures across the University to help ensure that students are treated fairly, consistently, appropriately and

transparently, and that matters are dealt with effectively and efficiently in the best interests of the student and the University and its staff and students.

- i) A student whose health or behaviour means that they are subject to any of the policies has a right to be informed of and respond to the concerns or allegations.
- ii) All proceedings are guided by fairness and natural justice. Proceedings in each case are proportionate to the concern raised and the information and evidence provided.
- iii) Investigations are carried out and decisions made impartially and independently.
- iv) Procedures are conducted in a timely manner, though due consideration is given to the timing of meetings and proceedings, for instance in relation to student assessments, where reasonable to do so. Time limits and periods of notice may be amended on a case-by-case basis by the University with good reason (such as in the matter of fairness). Students will be kept informed of progress on a regular basis, as set out in the policies and procedures.
- v) Procedures may be entered at any level, without any requirement for an earlier level to have been commenced or exhausted, although it is hoped that many situations can be remedied by action taken at the local level. The level at which the procedure is implemented will depend on factors such as the nature of the report or concern, the seriousness of any risk posed, the student's perception of his/her behaviour, and the response of the student to any steps taken by the University to manage the situation.
- vi) It may be decided to hold an initial meeting under this policy framework, rather than under a specific policy, to support a student as rapidly as possible, and establish the best way to proceed. The University also reserves the right to transfer a case between policies if it is appropriate in the particular circumstances. For example, an incident might be moved from the Student Conduct Policy to the Fitness to Study Policy where concerns are raised about an incident of misconduct but after meeting with the student it is established that the incident arose from a mental health crisis.
- vii) Investigations and proceedings are regarded as confidential, as far as is reasonable and possible, but the University has to have the right to share information between departments to ensure that a student is able to receive the necessary support, that investigations can be complete and that those who need to be aware of a student's position are informed. The University may also be obliged to share information, including the outcome, with third parties.
- viii) The University will not usually act on anonymous reports or those that it believes to be malicious or vexatious.
- ix) Students who are dealt with under these Procedures are encouraged to seek independent advice and support from The Students' Union Advice Centre.
- x) Students who are dealt with under the procedures are entitled at any meeting to be accompanied by one staff member, friend, relative or representative of The Students' Union Advice Centre. This is in addition to any health professional or support worker who may usually accompany the student, or who may attend at the University's discretion by way of making reasonable adjustments for a student.

As these are internal, not legal, processes it will not normally be necessary for any party to have legal representation at a hearing or during the proceedings. However, the student, the University and anyone else involved may choose to do so if they wish.

- xi) The University is mindful of its responsibilities under the Equality Act and reasonable adjustments are made to the procedures where appropriate to enable a student to participate fully.

## **5 Oversight and review**

Oversight of the policy framework is by the Learning, Teaching and Student Experience Committee on behalf of the Academic Board. The Committee monitors the operation of the framework through an annual report which also provides information on cases considered and any emerging issues. The framework will be reviewed every three years.

Approved by Academic Board October 2019

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