

# The Courtauld

## The Courtauld Institute of Art Student Code of Conduct Policy

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## 1.1 Introduction

As members of The Courtauld community, students are expected to adhere to the regulations, procedures and policies of The Courtauld, to show respect for the persons within and for the property of The Courtauld community, and to behave in a way that does not interfere with the proper functioning or activities of The Courtauld.

Under the Student Code of Conduct Policy there will be a presumption of innocence until a case can be fully considered.

The Courtauld will do all in its power to limit the disclosure of information whilst considering an investigation, in accordance with the Human Rights Act 1998, the General Data Protection Regulations, the Freedom of Information Act 2000, and any other relevant legislation.

The Courtauld may take safeguarding steps to ensure the fairness of an investigation, and to ensure the safety of all members of The Courtauld's community.

## 1.2 Scope and Purpose

The Student Code of Conduct Policy addresses student breaches to the regulations, procedures and policies of The Courtauld; interference with the proper functioning or activities of The Courtauld; and matters which relate to the proper treatment of persons or property of The Courtauld community; or activity which otherwise damages The Courtauld in any way including its reputation.

This policy applies to all students studying at The Courtauld (undergraduate, postgraduate taught and postgraduate research).

This procedure extends to alleged misconduct by a student occurring on The Courtauld premises or off The Courtauld premises (including via electronic means, such as email and social media) where the alleged victim is The Courtauld itself or a member of The Courtauld community, or a visitor to The Courtauld or to alleged misconduct occurring during Courtauld activities (including field trips).

## 1.3 Types of Misconduct subject to this policy

The following activities constitute misconduct:

- Disruption of, or improper interference with, the academic, administrative, social or other activities of The Courtauld, whether on its premises or elsewhere.
- Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of The Courtauld or any authorised visitor to The Courtauld.
- Violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in any writing, sign or other visible representation including electronically) whilst on Courtauld premises or when engaged in any Courtauld activity or while representing their self as being connected with The Courtauld.
- Distributing or publishing a poster, notice, sign or any publication which is threatening, abusive, insulting, or constitutes harassment or is otherwise illegal or makes others fear violence.

- Fraud, deceit, deception or dishonesty in relation to The Courtauld or its staff or in connection with holding any office in The Courtauld or in relation to being a student of the Institute.
- Action likely to cause injury or impair safety on Courtauld premises.
- Harassment of any student or employee of The Courtauld, or any authorised contractor or visitor to The Courtauld, with respect to the protected characteristics under The Equality Act 2010 of: age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnicity or national origin; religion or belief; sex; sexual orientation.
- In accordance with The Courtauld's Equal Opportunities Policy, discrimination against, or harassment of, an employee or student on any of the grounds set out in sections (3) and (4) of Statute 3.
- Damage to, or defacement of Courtauld property or the property of other members of The Courtauld community - including members of other colleges - caused intentionally or recklessly, or misappropriation of such property.
- Misuse or unauthorised use of Courtauld premises or items of property, including computer misuse.
- Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
  - Took place on Courtauld premises.
  - Affected or concerned other members of The Courtauld community.
  - Damages the good name of The Courtauld.
  - Itself constitutes misconduct within the terms of this Code.
  - Is an offence of dishonesty, where the student holds an office of responsibility in The Courtauld.
  - Is such as to render the student unfit to practice any particular profession or calling to which that student's course leads directly.
- Behaviour which brings The Courtauld into disrepute.
- Failure to disclose name and other relevant personal details to an officer of The Courtauld in circumstances when it is reasonable to require that such information be given.
- Failure to comply with a previously-imposed penalty under this Code.

Misconduct need not take place on Courtauld premises to be considered misconduct and may be committed by students attending another institution, resident in accommodation provided by another institution, on a work placement elsewhere, taking part in sporting activities or on an approved field trip or another activity in connection with a course.

The Student Code of Conduct Policy does not cover the following:

- Matters relating to academic integrity and misconduct. For such matters, please refer to our Student Academic Integrity and Misconduct Policy.
- Matters relating to bullying, harassment, and sexual misconduct. For such matters, please refer to our Prevention of Bullying, Harassment, and Sexual Misconduct Policy.
- Matters relating to student fitness to study. For such matters, please refer to our Support to Study Policy.
- Matters relating to the results of assessments, including examinations and coursework. For such matters, please refer to our Taught Academic Appeals Policy and our Research Degrees Academic Appeals Policy.
- Matters relating to Freedom of Speech. For such matters, please refer to our Freedom of Speech Policy.
- Matters relating to student concerns or dissatisfaction with the quality of services provided by The Courtauld. For such matters, please refer to the Student Complaints Policy.
- Matters relating to Students' Union resources and operations, including societies. For such matters, please refer to the Students' Union Constitution and contact the Students' Union. Where a related matter is outside of the scope of the Students' Union Constitution, the matter will be referred to the Academic Registrar to confirm the appropriate policy to apply.

#### **1.4 Duty to make reasonable adjustments**

The Courtauld will take into consideration its duties under the Equality Act 2010 and make reasonable adjustments for disabled students under these regulations. This includes taking into consideration requests for reasonable adjustments to these procedures. If a student states the behaviour giving rise to the disciplinary concern is related to their disability, The Courtauld may consider carefully whether to proceed with disciplinary action under these regulations, or to refer the student to support under other regulations, policies and procedure

#### **1.5 Persons to whom the Student Code of Conduct Policy applies**

This policy is applicable to every student registered as a student at The Courtauld, and to every other person whose access to or use of The Courtauld is as a student.

Where a student is registered on an intercollegiate module The Courtauld will notify the home institution under that agreement that it has instigated misconduct proceedings against the student. All cases of academic misconduct will be dealt with under the relevant procedure for the institution delivering that module. In cases of non-academic misconduct, the following will apply:

1. Where The Courtauld is the Host Institution it may deal with the misconduct under these regulations if the misconduct took place on Courtauld premises and falls within the scope of these regulations. However, the Home Institution may conduct a further review under its procedures if The Courtauld removes the student from the intercollegiate module. This review cannot change the outcome that the student has been removed from the intercollegiate module.

2. Where The Courtauld is the Home Institution it will not conduct a misconduct investigation if it took place at the Host Institution's premises. However, it will do so if the misconduct took place at any other location which falls within the scope of this Policy. .
3. Where the Host Institution has conducted an investigation under its procedures The Courtauld will request right to conduct a review under this Policy where a student has been removed from the programme. However, The Courtauld will not be able to reinstate the student on the intercollegiate module at the Host Institution. The Academic Registrar will conduct a review to decide whether any further action is necessary under these regulations.

## **2.1 Proceeding with an allegation of misconduct**

## **2.2 Allegations of misconduct and preliminary enquiry**

An allegation of an offence of misconduct by a student may be made in writing to the Academic Registrar by any student or member of staff or member of The Courtauld. The Academic Registrar will conduct a preliminary enquiry. It may be deemed necessary to conduct an interview with the student(s) against whom the allegation, which should normally be held within 5 working days of receipt of the allegation by the Academic Registrar. However, the student will not be obliged to make a statement or give any explanation.

A student facing an allegation under this Policy may be accompanied at any point in the proceedings by another Courtauld member or by a representative of The Courtauld Student's Union. Disabled students may also be accompanied by a support worker e.g. a sign language interpreter or mental health worker/disability adviser as appropriate to their needs. Any reasonable adjustments should also be considered. Proxies for students shall not normally be allowed.

On completion of the preliminary enquiry the Academic Registrar will determine whether:

1. There is insufficient evidence to support the alleged misconduct.
2. There is sufficient evidence to support the alleged minor misconduct.
3. There is sufficient evidence to support the alleged major misconduct.

The Courtauld defines major misconduct as an offence which is sufficiently serious enough that it calls into question the student's registration. Instances of major misconduct may also include, but are not limited to:

- Repeated or persistent minor offences
- Multiple concurrent minor offences
- Refusal to comply with a penalty imposed under this procedure

In all cases where the gravity of the misconduct appears to warrant it, or the appropriate penalty may be beyond the limit for a minor offence, the Academic Registrar may refer a case to a Misconduct Committee.

If the Academic Registrar determines there is insufficient evidence to support the alleged misconduct, that decision will be sent in writing to the student within 10 working days of receipt of the allegation by the Academic Registrar.

If the Academic Registrar determines that there is sufficient evidence to form the basis of the alleged misconduct which constitutes a minor infringement, the Academic Registrar may, at their discretion, issue a penalty to the student detailing in writing the allegations that have been made, informing the student that no further formal action will be taken but that a record of the offence and penalty shall be placed on the student's record. The student can contest the allegations and penalty within 10 working days of notification by the Academic Registrar, in which case the Academic Registrar will refer the matter to a Misconduct Committee for consideration.

At this stage of the procedure the penalties issued may include:

- A warning and/or a reprimand.
- Compensation in respect of damage to property or injury to the person not exceeding £500. The compensation is to be paid to The Courtauld or to the owner or possessor of the property damaged or to the person injured, as the Academic Registrar shall decide.
- Prohibition from holding any office, or a particular office, including committee membership, in any body or society in the Institute permanently or for a set period.
- Exclusion from prescribed Courtauld facilities (including borrowing from Libraries) for a period of no more than six calendar months, such facilities to be prescribed by the Academic Registrar, but not including exclusion from attendance at lectures, classes, tutorials and other activities immediately connected with the student's programme of study.

In fixing any financial penalties the Academic Registrar shall have regard to the means of the student and may allow time to discharge the penalty or order the sum to be paid in prescribed instalments.

If the Academic Registrar determines that there is sufficient evidence to support the alleged misconduct which constitutes a major infringement, the matter will be referred to a Misconduct Committee.

The Academic Registrar will give a decision to the student in writing within 10 working days of receipt of the allegation. The written communication to the student shall set out the offence, the decision, the reasons for the decision and any penalty.

Where it is believed that the alleged offence by a student may be related to a medical condition (including mental ill-health and substance abuse, including alcohol abuse), the student may be referred to the Wellbeing Manager and required by the Academic Registrar to be examined by a suitably qualified medical practitioner, who shall prepare a report for the Academic Registrar. The Fitness to Study Policy may be referred to, if deemed the more appropriate policy, by the Academic Registrar.

### **2.3 Suspension and exclusion pending an enquiry**

A student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of police investigation, may be suspended or

excluded by the Dean and Deputy Director pending action or the verdict of a court. Suspension shall be used only where exclusion would be inadequate. Where the Dean and Deputy Director has delegated the power under this section, a full report shall be made as soon as possible to the Dean and Deputy Director of any suspension or exclusion under this section.

No student may be suspended or excluded unless the student has been given an opportunity to make representations in person to the Dean and Deputy Director. Where for any reason it appears to the Director that it is not possible for the student to attend in person, the student shall be entitled to make written representations.

In cases of great urgency, the Dean and Deputy Director is empowered to suspend a student with immediate effect, provided that the opportunities mentioned in the preceding paragraph are given and the matter reviewed within 5 working days.

A decision to suspend or exclude from academic activities associated with the student's programme of study (other than removal of borrowing facilities from a library), will be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve an interview or submissions made in person, but the student will be entitled to submit written representations. The review will be conducted by the Dean and Deputy Director.

At any time, the Dean and Deputy Director may terminate the proceedings and refer the allegation for hearing by a Misconduct Committee, in which case the Dean and Deputy Director may suspend the student from attendance at The Courtauld, or impose any other reasonable restrictions on the student pending the hearing of the allegation by the Misconduct Committee.

### **3.1 Misconduct Committee**

A Misconduct Committee will meet to consider allegations of misconduct after initial investigation by the Academic Registrar has determined that there is sufficient evidence to form the basis of a charge of misconduct and which constitutes a major infringement. A Misconduct Committee may also be convened to consider allegations of misconduct where the Director has had to suspend or exclude a student from attendance at The Courtauld.

The Misconduct Committee will be chaired by a senior member of staff of The Courtauld appointed by the Dean and Deputy Director (from an approved pool of senior and experienced staff) and it will include one member of the academic staff (also from an approved pool of experienced staff) and a representative from The Courtauld Students' Union (being either the SU President or a member of the SU Executive Committee).

Where it is believed that the alleged offence by a student may be related to a medical condition (including mental ill-health and substance (including alcohol) abuse) the Wellbeing Manager will be appointed a member of the Misconduct Committee.

No person who has close personal connection with the student due to appear before the Committee, or with the alleged offence or the complainant, will be eligible for appointment to the Committee.

The absence of the duly appointed academic member or student member of the Misconduct Committee shall not invalidate the hearing. If, between the time of the appointments to the

Committee and the date of the hearing, the Chairman learns that one or more of the other members will not be able to attend or is not eligible to be a member, the Chairman shall be empowered to appoint other members in the same way in their place.

A representative of Professional Services appointed by the Academic Registrar will act as Secretary to the Misconduct Committee.

The Misconduct Committee will meet as soon as is reasonably practicable to consider an allegation referred to it. Written notice of the Committee date, including the names of the Committee members, and Courtauld witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent to the student by the Secretary at least 10 working days before the Committee date.

The student may present documentary material or witnesses in their defence or mitigation. Documentary evidence for consideration by the Misconduct Committee, and/or the names of any additional witnesses and written copies of their evidence, must be sent to the Secretary at least 5 working days in advance of the Committee. The Chair of the Committee has discretion to allow the student additional time in which to produce documents, but there shall be no appeal from a refusal to allow additional time.

The Chair has the discretion to adjourn the Committee where the above timeframes have not been met. It is the student's responsibility to invite any witnesses they wish to attend, to ensure that witnesses can attend, and to provide them with any documentation. The Committee will not normally be adjourned due to the unavailability of a witness, and any decision to adjourn is the sole discretion of the Chair.

The student facing the allegation has the right to be present. During the hearing:

- The student may be assisted by a family member or a friend or by another Courtauld member or by a member of The Courtauld Student's Union.
- The allegation and gathered evidence shall be presented to the Committee by the Secretary. The student will be invited to reply. Either party may call witnesses to the fact.
- The Committee may ask questions of all those called before it.
- If a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person, but that person shall not participate in the proceedings in any way.
- The Chair may question the student, and the student and/or the student's representative may question the Chair.
- At the conclusion of the presentations and questions, the student facing the allegation may address the Committee and make a statement.
- The Committee will deliberate in private.

At any time during the proceedings the Chair may adjourn the Committee for the purpose of reaching a decision, outcome or for other good cause. The Committee will ensure that any adjournment does not unreasonably delay the misconduct proceedings.

A decision of the Committee will be reached by a majority vote of the members of the



Committee present but will be announced as a decision of the Committee.

At the end of the hearing, the Committee shall give its decision to the student and to the Academic Registrar either orally (in which case it shall be confirmed in writing), or in writing within 5 working days. The written communication to the student shall set out the decision, the reasons and any penalty.

Should the Misconduct Committee decide that the charge was not established, the decision will be communicated to all persons involved in the case, normally within 5 working days of the of the Committee.

If the Misconduct Committee determines that a charge of misconduct has been substantiated on the balance of probabilities the Committee may decide one or more of the following measures:

- A warning.
- Payment of compensation for damages to the injured party.
- Prohibition on holding any office, or any particular office, including committee membership in any body or society in The Courtauld premises or facilities (including borrowing from libraries) for a stated period, such facilities to be prescribed by the Committee, but not including exclusion from attendance at lectures, classes, tutorials and other activities immediately connected with the student's course of study.
- In consultation with the Dean and Deputy Director, suspension of registration for an indefinite period, with an agreed review date. Suspension shall prevent the student from entering Courtauld premises or making use of any Courtauld facilities or participating in any Courtauld activities unless varied by such terms and conditions as the Committee may prescribe.
- In consultation with the Dean and Deputy Director, expulsion (with or without credit retained, which will permanently prevent the student from entering Courtauld premises and facilities or making use of any Courtauld facilities or participating in any Institute activities and meaning termination of registration.
- Where it is believed that the offence by a student is related to a medical condition (including mental ill-health and substance (including alcohol) abuse), in consultation with the Dean and Deputy Director, the requirement to withdraw, temporarily or permanently, from The Courtauld on account of the student's ill health. In the event of the student being required to withdraw permanently, the student's registration shall be terminated.

In fixing any financial penalties, the Committee will have regard to the means of the student and may allow time to discharge the penalty or order the sum to be paid in prescribed instalments.

The penalty or penalties may take immediate effect or come into effect at some future date or after some stated future event (e.g. any further offence). The conditions of any such deferment will be clearly stated as part of the decision of the Committee.

The Committee will have the discretion to indicate a point in the future, and the conditions under which, a substantiated allegation of misconduct may be considered spent.

A student who has been excluded or expelled from The Courtauld by the Misconduct Committee shall also be required to vacate any Courtauld-owned or administered residential accommodation.

Where a student holds a professional qualification which is registerable with a professional, statutory or regulatory body, The Courtauld may report the student to that body, if the allegation was upheld.

#### 4.1 Appeals

Students are permitted to appeal within 10 working days of the date of the written notification of the outcome of the Misconduct Committee. Students may submit an appeal, in writing to the Academic Registrar. Students may appeal on the following grounds:

- The procedures were not followed correctly.
- The student has new material evidence that was not available for valid reasons earlier in the process.
- There was bias or a reasonable perception of bias during the procedure.
- The penalty imposed was disproportionate, or not permitted under the procedure.

Appeals made after 10 working days or without relevant supporting evidence will not normally be accepted.

The Academic Registrar in consultation with the Dean and Deputy Director, will determine whether an appeal has been made on valid grounds and can be accepted for consideration. If the appeal is not accepted the student will be informed in writing by the Academic Registrar within 10 working days of receipt of the appeal. If the appeal is accepted, it will be considered at the next meeting of the Appeal Panel.

#### 4.2 Appeal Panel

The Appeal Panel will meet to consider the outcomes of cases where an appeal has been accepted for further consideration. The Panel will consist of 2 members of staff, one of which will act as the Chair, and a representative from the Students' Union (being either the SU President, a member of the SU Executive Committee or if required an SU Sabbatical Officer from another HE Institution). No member of the Panel will have any prior knowledge of the student or personal involvement in the case. The Secretary of the Panel will be a member of the Professional Services nominated by the Academic Registrar.

The student will be informed of the date of the meeting of the Appeal Panel not less than 10 working days in advance. The student may choose to appear before the Panel but the Panel may also hear a case, by mutual agreement, in the absence of the student. The student should be informed that they have the right to bring a family member or friend or another Courtauld member or a member of the Students' Union to the meeting for support. Disabled students may also be accompanied by a support worker e.g. sign language interpreter or mental health worker/disability adviser as appropriate to their needs. Any reasonable adjustments should also be considered. Proxies for students shall not normally be allowed.

The Panel will invite relevant members of The Courtauld to comment. The Panel may also consider written comment from the Chair of the Misconduct Committee. Documentation in support of the request for review shall be circulated to the Appeals Panel and to the student not less than 5 working days before the meeting. Such documentation will normally comprise the documentation and papers relevant to the earlier consideration of the case and the reasons for referring the case to the Panel.

The meeting will commence with private discussions within the Appeals Panel to clarify matters of process. The student, and any accompanying person, will be invited to attend the Panel and the following will take place:

1. The student will be invited to provide a statement and basis of the appeal.
2. The Panel may ask the student questions.
3. The Panel may request information or invite other parties connected with the basis of the appeal to attend the Panel.

The Appeal Panel will then meet privately to reach its decision. Having considered the evidence, the Appeal Panel may uphold or reject the appeal, such a decision being final and exhausting The Courtauld's Student Code of Conduct.

The Appeal Panel will minute its deliberations and decisions. The Appeal Panel may reject or uphold the appeal. If the appeal is upheld the Panel may:

1. Modify or reverse the penalty but may not impose a penalty of greater severity (in the opinion of the Appeal Panel) than that originally imposed.
2. Annul a decision of the Misconduct Committee and substitute it with an alternative decision (which may be recommended by the Appeals Panel), where circumstances make it appropriate for it so to do.
3. The student will be informed of the outcome in writing by the Chair and the letter will provide the reasoning for the outcome within 5 working days of the meeting of the Appeals Panel. The decision of the Appeals Panel is final and will conclude The Courtauld's consideration of the matter.
4. At the conclusion of the procedures a student will be offered a Completion of Procedure letter signifying the end of the internal proceedings and providing information of the Office of the Independent Adjudicator.

## **5.1 Re-admission after expulsion**

No student who has been expelled following proceedings under this Code shall be re-admitted at any time, save with the express permission of the Governing Board.

## **5.2 Reports to the Governing Board**

Decisions under this Code shall be reported to the Governing Board as reserved areas of business.

## 6.1 Timeline

Ref	Stage	Action	Working Days
2.1	Preliminary Enquiry	Student invited to an interview with Academic Registrar discuss allegation raised.	Interview held within 5 working days from date allegation raised.
2.1	Outcome of Preliminary Enquiry	Student receives decision and outcome of enquiry.	10
3.1	Misconduct Committee	A Misconduct Committee will meet to consider allegations of misconduct which constitute a major infringement  or where the Director has had to suspend or exclude a student from The Courtauld.	Meeting held at least 10 working days from date allegation raised.
3.1	Outcome of Misconduct Committee	Student receives decision, outcome and a copy of minutes from the meeting.	5
4.1	Student response to outcome	If the outcome is not accepted the student may appeal against the decision.	10
4.1	Appeal not accepted	If the appeal is not accepted the student will be informed by the Academic Registrar. The student will also receive a Completion of Procedures letter.	10
4.2	Appeal Panel	Where an appeal has been accepted for further consideration an Appeal Panel will meet with the student to reconsider the case. The Panel will be chaired by a senior member of The Courtauld community.	Student given 10 working days' notice of meeting.
4.2	Outcome of Appeal Panel	Student receives a letter of decision from the Chair of the Appeal Panel. The student will	5

		also receive a Completion of Procedures letter.	
	Referral to Office for the Independent Adjudicator for Higher Education (OIA)	If the student does not accept the outcome of the Assessment Offences Panel, referral may be made to the OIA.	(12 months from receipt of Completion of Procedure Letter)

## 7 Key Contacts

### 7.1 Key Contacts

<u>Department / Person</u>	<u>Email</u>
<u>Academic Registrar</u>	<a href="mailto:academic.registry@courtauld.ac.uk">academic.registry@courtauld.ac.uk</a>
<u>Programme Administration</u>	<a href="mailto:programme.administration@courtauld.ac.uk">programme.administration@courtauld.ac.uk</a>
<u>Wellbeing</u>	<a href="mailto:wellbeing@courtauld.ac.uk">wellbeing@courtauld.ac.uk</a>
<u>Students' Union</u>	<a href="mailto:students.union@courtauld.ac.uk">students.union@courtauld.ac.uk</a>

## Annex 1 – Policy in Respect of Offences that are Also Criminal Offences

### Reporting Criminal Offences to the Police

In taking a decision about whether or not an alleged offence by a student may also be reported to the police, members of staff will be guided by this section, by the *Notes of Guidance on Student Disciplinary Procedures* issued by the Committee of Vice-Chancellors and Principals and any further guidance which the Director may issue from time to time.

In the case of an alleged offence which would constitute a serious offence under the criminal law if proved in a court of law, a decision may be taken about whether or not the alleged offence will also be reported to the police. It will be assumed for the purpose of deciding if an alleged offence is serious or not, that serious offences include those that would be likely to attract a custodial sentence on conviction, and those (in England and Wales) that are

triable only on indictment in the Crown Court. Criminal offences defined as 'not serious' may include, but are not restricted to, for example, minor assault or damage to property.

Minor offences need not be reported. Allegations of serious offences which are against property or where there is no victim shall normally be reported to the police.

Where there is a victim of an offence, the victim must be encouraged to report the matter to the police. Any person may report the offence on their behalf with their consent, but if the victim declines to report it or will not permit it to be reported, an officer of The Courtauld will only in exceptional circumstances make a report against their wishes. Exceptional circumstances include the possibility of the alleged victim or others being exposed to risk if the matter is not reported (for example if violence has allegedly been used and there seems a risk of it being repeated) or if there have been similar allegations in the past or if the assault was so serious that the victim is unable to make a decision.

Referrals to the police by officers of The Courtauld must be reported immediately to the Director.

### Disciplinary Proceedings

In the case of serious offences under criminal law, no action (other than suspension or exclusion) may be taken unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time a decision will be taken on whether action under the Code of Student Misconduct may continue or be taken.

Where the offence under criminal law is judged to be not serious, disciplinary action may continue. Action under the Code of Student Misconduct may be deferred pending police investigation or prosecution.

The following procedures apply where the alleged offence would also constitute an offence under criminal law if proved in a court of law:

1. The Courtauld may proceed against a student under the Code of Student Misconduct in respect of an offence even if that offence has already been the subject of criminal prosecution whether or not the student has been found guilty in a public court, but the court's penalty, if any, may be taken into consideration in determining a penalty peculiar to The Courtauld.
2. In proceedings under the Code a conviction may be taken as evidence of the misconduct and may be open to challenge only to the extent that the student disputes that he or she was the person convicted.
3. A student convicted in a criminal court and sentenced to imprisonment for 12 months or more will be deemed to have withdrawn from The Courtauld and may be re-admitted only with the permission of the Director.

### Annex 2 – Definitions

1. *Institute premises* means the premises occupied by the Institute and on which its activities are performed. If any doubt arises about the meaning of *Institute premises* as those to which this Code applies the Director shall resolve the matter and the Director's decision shall be final.
2. *Day* means a working day and excludes weekend days, public holidays and other days during which the offices of the Institute are not open for business.

3. *Suspension* and *exclusion* mean suspension or exclusion from the Institute with the effect that participation in academic activities connected with their course is prevented or curtailed as follows:
4. Suspension involves the total prohibition on attendance at or access to the Institute and on any participation in Institute activities; but it may be subject to qualification, such as permission to attend for the purposes of an examination.
5. Exclusion involves selective restriction on attendance at or access to the Institute or its facilities or prohibition on exercising the functions or duties of any office or committee membership in the Institute or the Students' Union, the exact details to be specified in writing.
6. Suspension shall be used only where exclusion from specified activities or facilities would be inadequate.
7. An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
8. Suspension or exclusion pending a hearing shall not be used as a penalty. The power to suspend or exclude under this provision is to protect the members of the Institute community in general or a particular member or members and the power shall be used only where the Director is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the student.
9. Unless the contrary appears from the context, reference to a specific office holder where such office holder is unable to act, or is prevented from acting by the terms of the Code, shall include reference to a nominee, a deputy, or to the person acting in the office.

--- ENDS ---