

Learner Code of Conduct

1. Introduction

Francis James provides an inclusive approach to learning and believes that learners should be treated with respect. In return, we also expect and anticipate that learners will behave respectfully towards other learners and Francis James staff.

The Learner Code of Conduct sets out expectations for behaviour and the procedures that Francis James uses to resolve matters when learner behaviour is unacceptable. Unacceptable behaviour is defined as 'any behaviour which impacts negatively on teaching and learning'.

This Code of Conduct refers to non-academic activity, and should be read in conjunction with the Academic Misconduct Policy. Learners should also consult the Harassment and Sexual Misconduct Statement, Statement on the Prevent Duty, the Safeguarding Policy and the Safe and Responsible Use of IT policy.

2. Our Expectations

Our Code of Conduct applies to all learners enrolled on programmes with Francis James.

We ask learners to:

- Show a positive commitment to development and learning.
- Show respect for other learners' development and learning.
- Observe and abide by all policies and processes.
- Respect others regardless of age, disability, marital/partnership status, race, religion, beliefs, sex, gender reassignment, sexual orientation, pregnancy and maternity.
- Be courteous and respectful of staff and any facilities/resources used as part of learning.
- Attend and arrive punctually to scheduled sessions.
- Ensure they have adequate IT/digital equipment to access their teaching and learning.
- Cooperate with other learners and the team at Francis James.

Learners are expected to comply with the policies and regulations that Francis James has in place. Where they do not comply with the requirements set out, Francis James will follow relevant procedures to resolve matters - the Learner Code of Conduct forms a part of this. This, and related policies, include behaviour and misconduct online through any online media platform.

Failure to comply with this Code is treated as misconduct.

3. Misconduct

The following are examples of behaviour which are considered as misconduct and will result in further action being taken by Francis James.

- Conduct which prevents, obstructs or disrupts the teaching, learning or administration of our programmes.
- Disruption to a session or during a course, either directly or by lack of cooperation, that affects other learners.
- Discrimination or victimisation of any other person based on their age, disability, marital/partnership status, race, religion, beliefs, sex, gender reassignment, sexual orientation, pregnancy and maternity.
- Disorderly, offensive, violent, indecent, threatening or abusive behaviour or language (whether expressed orally, in writing or electronically).
- Failure to follow the reasonable instructions and requests of the lecturer or other Francis James staff.
- A breach of our policies.
- Interference with software belonging to or used by Francis James.
- Fraud, deceit, falsification of documents, deception or dishonesty in relation to Francis James or its staff in relation to being a learner with Francis James, including any stage of enrolment.
- Behaving in a way which poses a reputational risk or brings Francis James into disrepute (without prejudice to the right to fair and justified comment and criticism).
- Making false, frivolous, malicious, or vexatious complaints to Francis James.
- Misuse or unauthorised distribution of intellectual property belonging to Francis James or their external partners. This includes programme content and digital support material.
- Failing to comply with a penalty previously imposed under this Code.

3.1. Misconduct and the Law

Francis James may report to the police any allegation that a criminal offence has been committed. Any learner who feels they have been the victim of an alleged criminal offence should report this directly to the police, and, if relevant, to Francis James.

Francis James will endeavour to record initial details of incidents to aid with law enforcement investigations as appropriate, and will hold these in line with the University's obligations under the relevant data protection and privacy legislation.

Francis James can, at its discretion, suspend any internal investigation or disciplinary action on alleged criminal misconduct to await the outcome of any criminal proceedings.

Where alleged misconduct constitutes a criminal offence, Francis James may investigate or take disciplinary action whether or not the matter has been referred to the police and whether or not criminal proceedings have begun or been completed.

Francis James may investigate and take disciplinary action on alleged misconduct whatever the outcome of any external proceedings about the same matter and irrespective of whether external proceedings have been concluded.

4. Immediate Action

On occasion it may be necessary for staff of Francis James to take immediate action to address perceived misconduct. This may include, for example, removing a learner from a session.

Where this happens, staff from Francis James will make a report and it will be followed up as any other allegation of misconduct.

5. Reporting

Francis James is committed to dealing with learner conduct concerns in a proportionate, transparent and timely way. It is important that concerns are reported as soon as they arise so that appropriate action may be taken.

Any concerns addressed under the Learner Code of Conduct will be treated in strict confidence and in accordance with relevant data protection and privacy legislation.

Learners and staff may report allegations of learner misconduct to any member of Francis James senior management team - verbally or in writing by email - and alternatively, in the cases of learners, to their Programme Support Officer, who would then report to the senior management team initially on their behalf.

Anonymous reports can be received, but it is then initially the role of Francis James to establish whether there is sufficient verifiable evidence in order to investigate the allegation further. Where an anonymous report is considered to be vexatious or if there are safeguarding concerns, Francis James may take reasonable steps to identify and contact the reporting party.

Francis James will take reasonable steps to ensure the reporting processes, and any subsequent steps in the process, are accessible to learners with disabilities or other specific personal characteristics and challenges. Learners are encouraged to disclose such needs so that any adjustments may be discussed.

6. Disciplinary Procedure

Francis James aims to deal with all alleged disciplinary issues in a fair and consistent manner. It recognises that, for the learner(s) and staff concerned, involvement in disciplinary procedures can be difficult and stressful. Francis James will ensure all involved are aware of guidance and support available, and that concerns are dealt with as quickly as the specific circumstances allow. When appropriate, some aspects of the investigations and appeals processes may, in limited circumstances, be altered for students as a reasonable adjustment.

In the first instance of receiving an allegation of misconduct, Francis James may seek to resolve the matter informally at an early stage. Considering and using informal intervention at an early stage can prevent more serious offences or issues arising. Anything not resolved informally will be reviewed and investigated, referring to appropriate policies and regulations.

Francis James recognises that some learners' behaviour may be affected by some health conditions or specific needs. However, Francis James has a duty to ensure that members of its community are not subjected to unacceptable behaviour and any allegations of inappropriate behaviour will be investigated.

Where health conditions, specific needs or other mitigating circumstances may be a contributing factor, further evidence will be sought and taken into account as part of the initial review. Where health conditions, specific needs or mitigating circumstances have contributed to unacceptable learner conduct, Francis James will endeavour to offer appropriate support to assist the student but may still take action under the Learner Code of Conduct.

6.1. Initial review

Within five working days of receiving a report of potential misconduct, Francis James will review the report and identify whether an informal resolution may be appropriate. An informal resolution will be recorded within Francis James' management records, but will not receive specific listing against a learner record.

Where informal resolution is not possible, a full review will be initiated.

6.2. Full review

When a full review is instigated, the member of staff from Francis James responsible for the review will contact the learner to inform them of the alleged offence(s) against them and give them the opportunity to answer them. Francis James may also contact the person who made the report, to ensure they have as many details as possible to review the issue fully. If it is deemed necessary, other learners and staff may also be contacted.

The reviewer will keep all evidence gathered, and this will be stored securely and kept in line with the relevant data protection and privacy legislation.

If a learner, when contacted about a misconduct allegation, admits to violating the Learner Code of Conduct, the reviewer must still ensure there is sufficient evidence in order to support any decision-making as to penalties.

There is no set time limit for a full review, but the review must be completed as swiftly as possible in order for there to be clarity for all parties involved.

It is the responsibility of the reviewer to determine whether a breach of the Learner Code of Conduct has occurred. The reviewer may escalate to a senior management team member if they are unsure of their position. This member of the senior management team may provide advice, but must then not be engaged in further decision making with regards to any action to be taken.

If the reviewer decides that no action is to be taken, or only informal action is/was appropriate, then this is recorded in Francis James' records but nothing will be recorded on the learner's individual record.

Where the reviewer determines that formal action must be taken, a sub-committee of the Academic Quality & Standards Committee will be convened.

6.3. Formal actions

The sub-committee of the Academic Quality & Standards Committee will review the decisions of the reviewer and decide if they uphold the recommendation for formal action.

The sub-committee will then determine a suitable penalty. When doing this, the sub-committee will bear in mind that the aim of administering any penalty should include, where possible, the opportunity for the learner to develop skills or receive support that helps eliminate harmful behaviours.

Developmental sanctions may include:

Specific awareness training: A learner may be required to attend a training course, at their own expense and in their own time, in order to build their awareness and understanding of the issue and how to improve their behaviour. This training course be, for example, racial, gender, sexuality awareness training, sexual consent training, or stress management or anger management training.

Increased programme support team meetings: A learner may be required to attend additional meetings with their Programme Support Officer, in order to have more regular and frequent assurance around progress on behaviour. As part of this, the Programme Support Officer may request feedback from course tutors, in order to monitor behaviour. This sanction is likely to be put in place for a number of months, usually up until the end of the particular academic year but it can run over academic years.

As Francis James sees a developmental sanction as part of a welfare approach, rather than punitive, learners may not appeal on the basis of disproportionality. If the learner has concerns about implementing a developmental sanction, they should contact Francis James to determine a suitable approach, but Francis James is under no obligation to amend the sanction.

Disciplinary sanctions can include:

Written warning: The learner will receive advice in writing that further misconduct will result in more severe disciplinary action. This warning remains in place until the end of a learner's programme of study with Francis James.

Suspension: The learner will be informed that their programme of study has been halted. The learner will not be able to access Francis James' virtual learning environment, and will be required to re-start the course they were studying from the beginning at the next suitable opportunity. The sub-committee will determine whether they think it is appropriate or not for the learner to study on any other course in their programme while waiting to restart the course from which they were suspended. Additional costs (fees) may be incurred by the learner if suspension is imposed.

Expulsion: The learner will be informed that their programme of study is terminated. The learner will not be able to re-enroll for a programme with Francis James in the future and will not be eligible for any refund.

The reviewer will contact the learner in writing with the formal sanction agreed by the sub-committee with full explanation.

7. Appeals Procedure

Should a learner disagree with the outcome of an investigation or discussion in relation to behaviour and code of conduct they have the right to follow an appeals procedure. Appeals can be submitted through the Misconduct Decision Appeal Form. When formal actions are confirmed to the learner, they must be informed about their right of appeal.

A learner may appeal on the basis of the following:

- That the learner believes mitigating circumstances exist, that for good reason could not have been presented at the appropriate time. If they had been known, it is reasonably likely that the outcome of a review would have been different. Mitigating circumstances claims must be supported by medical or other documentary evidence.
- A procedural irregularity occurred in the conduct of the review (including an administrative error), or a matter was not dealt with in accordance with the current regulations, policies and procedures of Francis James.
- There are reasonable grounds to believe that a decision was manifestly unreasonable or influenced by prejudice or bias on the part of the reviewer and/or decision-maker(s).

An appeal will be reviewed by a member of the senior management team who was not involved in the sub-committee decision-making.

All appeals should be submitted using the Non-Academic Misconduct Decision Appeal Form unless there are legitimate circumstances to hear an appeal through a discussion. The learner making the appeal must provide a detailed description of the issues, addressing one or more of the categories provided above and evidence must be provided to support the appeal. The learner should also, if possible, indicate the outcome being sought for by making an appeal.

Any appeal should be made within five working days of being notified of a sanction. Francis James will provide a response to the appeal within 14 working days. Where the appeal is determined to be complex, the learner will be notified and a decision may take longer.

In line with the expectations of the Office of the Independent Adjudicator, once the appeals procedure has completed, Francis James will promptly send a Completion of Procedures Letter to the learner. This letter will set out clearly what issues have been considered and Francis James' final decision.

8. Review

Francis James will keep record of concerns raised under the Learner Code of Conduct, and review these annually. In line with the expectations of the Office of the Independent Adjudicator, Francis James will also keep a record of all complaints and appeals. This with a view to using the information to provide training and introduce improvements.

The Learner Code of Conduct itself will also be reviewed annually.

Written By	Revision Date	Revision Number	Approved By	Review Date
Karen Tucker	31/12/2024	1	 S Graham	31/12/2025
Helen Barratt	27/09/25	2	 S Graham	27/09/26