

CRIMINAL CONVICTIONS POLICY AND PROCEDURE

Key Facts:

This policy applies to all students from 1 August 2019 onwards. It determines how Falmouth University considers the risk to students' studies, and the wider University community where a student is accused of, or convicted of a serious offence (encompassing any offence which could attract a custodial (prison) sentence), regardless of where that offence was committed.

We would particularly draw your attention to the following elements:

Clause(s)	Description
2.1/2.3	You must tell the university, at the earliest opportunity, if there is a possibility that you could be/or are convicted of a criminal offence for which a prison sentence may be applied. If you do not tell the University, this could lead to disciplinary action, including termination of your enrolment.
2.4/2.5	When the University becomes aware that a student is subject to criminal proceedings it will undertake a risk assessment to ensure that any risk to the student's studies and/or the University community is minimised. Depending on the circumstances this may result in a number of outcomes ranging from no action being taken to termination of enrolment.
2.2/3/4	Other relevant policies that may be used in conjunction with this policy are the: <ul style="list-style-type: none"> i. the Student Disciplinary Policy and Procedure; ii. Suspension Policy; iii. Health, Wellbeing and Support for Study Policy.

1 Introduction

The University has a duty of care to its staff and students and therefore needs to be informed of any alleged criminal activity and/or convictions by its students.

2 Currently Students

- 2.1 If at any time during enrolment on a course of study of the University a student is charged with a criminal offence, for which a custodial (prison) sentence could be applied, the student is required to report this immediately to the Quality Assurance & Enhancement Team (QAE@falmouth.ac.uk). If the student is convicted then this must also be reported along with details of any sentence imposed.
- 2.2 Conduct which may constitute a criminal offence may also amount to misconduct under the University's **Student Disciplinary Policy and Procedure**. Therefore, in addition to any criminal process, the student may be subject to disciplinary action by the University, which may result in your enrolment being terminated. This will not normally be undertaken at the same time as criminal proceedings.

- 2.3 For the avoidance of doubt: It is deemed a disciplinary offence not to have disclosed any criminal proceedings that might lead to a custodial sentence to the University where either would take place whilst enrolled as a student. This includes criminal proceedings taking place in other countries. For example: if you are charged with a serious offence out of term time and the investigation is ongoing/you are sentenced during term time, this must be reported.
- 2.4 Upon disclosure of criminal proceedings and/or conviction, the University will conduct a risk assessment to consider the likely risk to:
- a) The student's ability to successfully engage with their course; and
 - b) The wider university community as a result of the alleged offence/conviction.
- 2.5 The risk assessment will be conducted by the Head of QAE (or nominee) and will include discussion with the student's academic course team (e.g. Course Leader) and Living Support. The risk assessment may find that:
- a) There is no risk to the individual or the University community and they should be allowed to continue studies as normal;
 - b) Any risk can be managed through minor modifications to study patterns/behaviours or through a change of study mode (e.g. from on campus to online) where an appropriate course has been approved for that mode of study. Where a suitable alternative arrangement does not exist, the University is not required to make them so under this policy and suspension/termination of enrolment may be considered as considered appropriate.
 - c) There is a reasonable risk that the individual may not be able to complete their course until the matter is resolved/and or the custodial sentence is complete. In these circumstances the University will take necessary steps to protect the student's academic interests. This may mean that students are required to suspend their studies, or in some cases the student's enrolment being terminated.
 - d) There is a risk that the student's alleged or actual (in the case of a conviction) behaviour represents a risk to the University community (including, but not limited to, violent or sexual offences, threatening behaviour, supply of prohibited drugs, or terrorism) and as a result they should be suspended and/or enrolment terminated.
- 2.6 The outcome of the risk assessment and decision will be communicated to students within a timely manner, proportionate to the complexity of the case, and usually within ten working days of the student providing notification.
- 2.7 The initial disclosure, risk assessment and any subsequent communication will be treated confidentially and only individuals directly involved with the risk assessment will be made aware of the circumstances. All documentation will be held by the Quality Assurance and Enhancement Team in accordance with General Data Protection Regulations.
- 2.8 Where students require a visa to study in the UK and are no longer able to meet the

conditions of study associated with the visa due to criminal proceedings the University is bound to disclose this to the relevant authorities. This may result in sponsorship being withdrawn.

2.9 In all cases students will have access to the University’s wellbeing support for an appropriate period of time e.g. to provide support during criminal proceedings or to support transition out of, or in to, study.

3 Suspension of Studies

Where a student subject is to criminal proceedings and the risk assessment concludes that suspension is appropriate this will be conducted in accordance with the University’s **Suspension Policy**. Where it is likely that the provisions within the Suspension Policy would be insufficient (e.g. where a suspension would be longer than 12 months) termination of enrolment may be considered in accordance with paragraph four below.

4 Termination of Enrolment

Where a risk assessment determines that termination of enrolment should be considered, the Head of QAE will refer the matter to level three of the **Health, Wellbeing and Support for Study Policy** (HWSfS). The outcome of the referral will be in-line with the available outcomes under the policy. Following referral, the Head of QAE will not participate in the HWSfS discussion and will be bound by its recommendation.

VERSION CONTROL

PURPOSE/CHANGE	AUTHOR	DATE
Original document for approved at AQSC.	QAE	8/12/2016
Updates to the clauses below following approval at Academic Board: 2.1; 5.6; 5.7.	QAE	12/07/2017
Change of wording from Admissions to Applicant Services throughout document	Applicant Services	06/10/2017
Amended to reflect non-collection of previous offences by applicants and to provide a framework for the consideration of potential offences/convictions of students.	QAE	25/10/2019