

Royal Welsh College of Music and Drama
(Policy and Procedures Governing Student Conduct 2025-6)

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RWCMD POLICY AND PROCEDURES GOVERNING STUDENT CONDUCT 2026/7

Policy and Procedures Governing Student Conduct

1. Student Conduct: Introduction

- 1.1 The Royal Welsh College of Music and Drama (hereafter RWCMD or 'The College') is committed to providing high quality education and support to all its students. Where appropriate, it does so in close relationship with the University of South Wales, the degree and diplomas of which are taught at RWCMD.
- 1.2 In the interests of the entire College community, we expect certain standards of individual behaviour. We promote an inclusive environment where different perspectives, values, and attitudes are respected, where any unfair treatment or discrimination is challenged, and where all staff and students can reach their full potential regardless of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. The College expects all members of staff, students, and visitors to share and promote this ethos.
- 1.3 The College also has a duty to maintain the integrity of its awards and action will be taken where cheating or other unfair behaviour by students is identified.
- 1.4 When you enrol, you agree to abide by the College's regulations and policies as well as those specifically included as part of your programme of study. There are also separate regulations about your use of Students Union facilities.
- 1.5 The College's [Student Charter](#) and [Respect Statement](#) set out our ethos, culture and the context of behaviour we expect from all our students, and failure to follow its principles, however unintentionally is likely also to put you in breach of our regulations.
- 1.6 The purpose of the Policy and Procedures Governing Student Conduct is to provide a framework within which you, as a student, can understand what is expected of you in terms of how you act as a member of the College, on campus and in the wider community. The Policy and the associated procedure provide a context and step-by-step guide for what happens when alleged breaches are considered internally by the College and the potential consequences.
- 1.7 The College treats misconduct very seriously. Where misconduct is proven (on balance of probability) consequences and sanctions will be applied, including withdrawal from the College for very serious or repeat offences. It is therefore very important that you understand the contents of this policy and the types of behaviours that will not be tolerated. You can view all the College's regulations and policies on the College [HUB](#).
- 1.8 This policy applies to all registered students at the College. It applies to behaviour, wherever and whenever it may have taken place, when it is considered by the College to be detrimental to another member of the College, College property, or the interests and reputation of the College itself. It includes behaviours arising at any time when you may be regarded as representing the College as an individual or as part of a team or group. It also applies whether you are living or

studying in halls of residence or at some location away from the College, either as part of your studies or following an arrangement made through the College or the Students' Union.

- 1.9 Occasionally, allegations are made with respect to incidents which have happened in previous Academic Years, or across more than one academic year. In this case, the *procedure* to be applied will be that in operation during the academic year when a formal allegation of misconduct is received by the College.
- 1.10 Where students subject to regulation have not signed up to the latest version of the regulations (e.g. because they have been suspended or interrupted study), the Student Casework Manager will decide which iteration of the regulations will apply according to which iteration is most favourable to the student.
- 1.11 Allegations of misconduct made against students by staff must be reported initially under the Dignity at Work Policy by submitting formal complaint in writing to the Head of the Department to which the member of staff belongs. The Head of Department will refer the complaint to the Student Casework Manager to be dealt with in accordance with The Student Charter [and subsequently this procedure].
- 1.12 Allegations of misconduct made against staff by students must be reported under this procedure. Allegations will be reported to the Student Casework Manager initially, who will refer the allegation to the Dean of Students. In accordance with the Dignity at Work policy, such allegation will be managed by the Human Resources Division. Protocols in relation to sharing the outcomes of investigation will be subject to the same parameters as outlined in paragraph 11.
- 1.13 Video or audio recordings may be taken during meetings relating to this policy and used by the Student Casework Manager (or nominee) and/or Investigating Officer to produce meeting notes/the Investigation Report. Recordings will be kept for the duration of the College's internal procedures and, if necessary, throughout the timeframe for the request for review and consideration of a case by the Office of the Independent Adjudicator for Higher Education. Participants are able to request a copy of a recording; however, any unauthorised recording, copying, or distribution of recordings or written materials will be considered a disciplinary offence.

2. Definitions of Misconduct

- 2.1 An act will be regarded as misconduct, and therefore will be the subject of disciplinary action:
 - If it constitutes or is likely to constitute improper interference with the proper functioning and activities of the College; or
 - If it in any way interferes with the work, study, or life of members of the College; or
 - If it damages, or is likely to damage, the reputation of the College.
- 2.2 This includes, but is not limited to, the behaviours listed in 2.3 below. You can see examples of sanctions applied to the various forms of misconduct in appendix 1.

2.3 Misconduct

- 2.3.1 A breach of College regulations or policies/terms and conditions e.g., smoking in non-designated areas, ignoring fire alarms, using College IT equipment or your College IT account for downloading unauthorised material from the internet.
- 2.3.2 Failure to respond to reasonable requests or directions by College staff.
- 2.3.3 Noise disturbances in halls of residence or College buildings.
- 2.3.4 Damage to College property or property of other students, staff or visitors.
- 2.3.5 Inappropriate use of another's equipment (including use of phone/IT equipment/social media profile/email account).
- 2.3.6 Use of College facilities or facilitating others to use College facilities or premises without prior authorisation.
- 2.3.7 Possession or use of drugs that are prohibited by the College and which are listed here:
- illegal drugs covered under the misuse of drugs act 1971.
 - prescribed medications covered under the Medicines Act 1968, that have not been prescribed to that individual student, or which have been tampered with the deface the details of the person to whom they have not been prescribed
 - novel Psychoactive Substances and Compounds that produce a psychoactive effect by stimulating or depressing the central nervous system & affect mental functioning or emotional states.
 - in addition, students shall not use without reasonable excuse (or permit the use or preparation within their accommodation) any substances that are unfit for human consumption in a way that is potentially hazardous to health (i/e the inhalation solvents or gases). The above also applies where a student knowingly allows another person to use such drugs within their allocated College accommodation.
- 2.3.8 Supply of drugs, or possession with intent to supply drugs that are prohibited by the College, and which are listed above, or the cultivation or preparation with the intent to supply of such drugs within their accommodation. This also applies where a student within their allocated College accommodation knowingly allows another person to do so.
- 2.3.9 Purchase or order of goods or services on behalf of the College without due authorisation.
- 2.3.10 Make malicious allegations against other members of the College.
- 2.3.11 Vexatious complaints and/or statements against the College or its members.
- 2.3.12 Verbal abuse or threats made against members of the College.
- 2.3.13 Refusal to pay a fine or failure to observe another consequence or sanction imposed under this regulation within the specified period.
- 2.3.14 Failure to leave any of the College premises when reasonably required to do so by an authorised individual.
- 2.3.15 Significant breach of health and safety requirements, endangering the wellbeing of students, staff, and visitors (including by not exclusive to tampering with fire alarms/smoke detectors or other safety equipment in a College building).
- 2.3.16 Engage in activity or behaviours which contravenes the College's Equality and Diversity and Respect statements.

- 2.3.17 Behave in a way which unreasonable interferes with the legitimate freedoms of any other student, staff, or visitor, or which disrupts or interferes with activities properly carried out by the College.
- 2.3.18 Possession of firearms, other weapons, and explosives either real or imitation, on the College premises.
- 2.3.19 Falsification or serious misuse of College records, including degree or diploma certificates.
- 2.3.20 Failure to disclose relevant information (e.g., criminal convictions).
- 2.3.21 False pretences or impersonation of others, within or outside the College, in connection with academic attainments, attendance monitoring or visa checking points.
- 2.3.22 Theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind;
- 2.3.23 Causing physical harm, threatening, offensive or indecent behaviour.
- 2.3.24 Offences against the criminal law, where these offences involve other students, staff or visitors, or directly affect the interests of the College.
- 2.3.25 With relation to students, staff or visitors, any bullying, sexual harassment, sexual assault, online harassment, hate crimes, hate incidents, or stalking.
- 2.3.26 With relation to students, staff or visitors any harassment or sexual misconduct
- 2.3.27 Discrimination related to any of the following:
 - Race, nationality and or culture
 - Religion and/or belief (for example, Islamophobia, anti-Semitism)
 - Gender and gender identity (for example, misogynistic abuse, transphobia)
 - Sexual orientation (for example, homophobia, biphobia)
 - Disability including learning disabilities, mental health, physical disabilities.
 - Age
- 2.3.27.1 Conduct which is likely to bring the College into disrepute.
- 2.3.27.2 Intimidation of someone involved in formal casework and/or failure to observe confidentiality when involved with casework under this (or related) procedures).

3. Procedures for Dealing with Allegations of Misconduct

3.1 General Principles

- 3.1.1 The College actively encourages students and staff to bring to its attention the behaviour of others, whether a single occurrence or in a pattern, which may fall within the definitions of section 2 above.
- 3.1.2 The procedures are designed to ensure that, in considering allegations and in taking disciplinary action, the College acts fairly and consistently in relation to all students and holds the wellbeing of all parties at the centre of all investigations. Students needing reasonable adjustment to processes should attend a meeting with Student Services or outline requirements in an email so their needs can be considered and appropriate reasonable adjustments agreed.

3.1.3 All allegations will be regarded as a serious and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.

3.1.4 The College will conduct misconduct cases in a confidential and sensitive manner. The identity of individuals who make allegation against others will be kept confidential to the extent that this may be practical. However, those accused of misconduct have the right to answer, which in most cases will mean the identity of those making the allegation will be made known to them.

3.1.5 Individuals accused of misconduct will be presumed to be innocent of the allegation until proven otherwise. Consideration of evidence, consideration of a formal charge of misconduct, and thereafter any outcome of a disciplinary or appeal hearing shall all be determined on the balance of probabilities, according to reasonable belief based on available evidence and testimony that the allegation is more likely true than not.

3.1.6 Where misconduct has been proven, any consequences and sanction/s will be proportionate, reasonable, fair and based on the evidence available.

3.1.7 The College will not disclose any information to third parties regarding investigations and outcomes from student conduct cases unless legal exceptions under General Data Protection Regulations (GDPR).

3.2 Advice on Procedures

The Dean of Students has overall responsibility for the operation of the disciplinary procedures and can act as a point of contact or advice on procedural matters. This role will be carried out on a day to day basis by the Student Casework Manager. Any student who is accused of misconduct, or is otherwise involved in disciplinary investigations or hearings, is advised to seek advice from the Students' Union and/or may seek the support of the Student Voice Officer.

3.3 Covert Recordings

3.3.1 The College recognises that with advances in modern technology, it is easier to make covert recordings i.e., recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Investigatory Powers Act 2024. In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to private and family life) under the Human Rights Act and the UK's data protection regulations. In addition, a recording should only be used for the purpose for which it was made and should not be made available to a third party without the consent of the individual it refers to, unless there is lawful reason to do so

3.3.2 For these reasons, the College will only permit the use of such recordings in cases, in exceptional circumstances. The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
- The extent to which the evidence has been obtained unlawfully, or its use otherwise interferes with privacy rights.
- The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

3.3.3 Where a safeguarding issue is identified and/or an issue could cause a serious risk to the wellbeing of the College community or reputational damage to the institution, the case may be referred to Student Casework for consideration under the Risk Assessment Procedure. A case may also be referred where an allegation could constitute a criminal offence.

3.3.4 These expectations should be considered in addition to those outlined in the Recording Educational Activities Policy.

3.4 Reporting Alleged Misconduct

3.4.1 It is important you feel comfortable expressing and reporting your concerns. If you are unsure if another student's or member of staff's behaviour constitutes misconduct, you may find it helpful to talk to someone first. This might be the Student Voice Officer, the Student Services Team, your tutor or supervisor, or the Students' Union.

3.4.2 The College appreciates there may be several barriers to reporting. Therefore, you have the option to submit an anonymous or third-party formal report. However, there may be insufficient information for the College to act in response to an anonymous report, other than to collect data for monitoring purposes. The factors which will be considered when exercising this discretion include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

3.4.3 When you are ready, you are encouraged to report in the first instance using the [RWCMD Report & Support Facility](#) (submitting 'a Report'). Please provide as much detail as you feel comfortable with, include evidence, and express a desired outcome or preferred option for resolution. This may include a request that no further action is taken. The College will respect your request for no further action unless there is perceived to be a need to safeguard individuals and/or as part of effective risk management. Alternatively, you can raise concern verbally with a staff member and complete your report together as a record of your discussion. In exceptional circumstances you may agree with a member of staff that they complete a report on your behalf.

- 3.4.4 Please label any sensitive material or evidence you submit appropriately, to safeguard staff who will be receiving and reviewing it.
 - 3.4.5 When you submit a report, you are considered by the procedure as “the reporter”. The person who your report is about is called “the responding party”.
 - 3.4.6 Your report is received and acknowledged by the Student Casework Manager and creates an online log.
- 3.5 Responding to Initial Report
- 3.5.1 In consultation with the Dean of Students, the Student Casework Manager will consider and identify any reports which, individually or in pattern, merit further investigation under these procedures. The Student Casework Manager may check the College records to determine whether the responding student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process if appropriate. This information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under this policy, but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow, and when considering sanctions.
 - 3.5.2 You will normally be invited to meet with the Student Casework Manager or another member of staff (in person or online) to discuss your report. The Student Casework Manager will work with you to try to help you determine a way forward that you feel comfortable with, including informal and early resolutions and/or the submission of a formal allegation of misconduct. The way forward will be conducted within the framework of restorative practice and may (depending on the situation and after a thorough risk assessment) include a restorative conversation.
 - 3.5.3 You may be accompanied at any meetings relating to your status as a reporting party by what is called a “support person”. The support person could be the Student Voice Officer, a representative from the Students’ Union, a friend, or a relative. The Support Person provides support during the meeting, but they are not normally expected to represent you or to advocate on your behalf unless this has been agreed in advance as a reasonable adjustment. The name of your support person, their relationship to you, and their email address must be provided to the Student Casework Manager before the meeting. The Student Casework Manager (or nominee) reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person. In this case, you will be given the opportunity to nominate a different support person.
 - 3.5.4 Notes of all meetings will be shared with you afterwards.

3.5.5 If you decide at the meeting to submit formal allegation of misconduct and this is recorded in the meeting notes, these procedures will subsequently be instigated based on your report and the meeting notes.

3.5.6 If you decide after the meeting to submit formal allegation of misconduct you must complete and submit the [allegation of misconduct form](#) and include the following information:

- the identity of the person(s) against whom the allegations are made
- the nature of the alleged misconduct
- the time and location when and where the alleged misconduct took place
- possible witnesses
- all available evidence to authenticate the allegation
- details of any action already taken.

3.6 Informal Action Leading To Early Resolution

3.6.1 Informal action enables steps to be taken to address your concerns (and achieve early resolution) without the need for formal investigation.

3.6.2 Informal action will be taken in the context of the College's values based framework and will be informed by restorative practice. The Student Casework Manager (or alternate) will work with you to clarify what matters to you and what a good and accountable outcome might look like for you. You will have individual agency to explore the possibility of reaching early resolution through an informal restorative approach which might include, for example, a facilitated and risk assessed conversation between you and the responding party or staff issuing guidance to the reporting party.

3.6.3 If informal action is taken to reach early resolution, a record of the type of action and the date it was taken is retained on the casework file.

3.6.4 When informal action is taken and leads to early resolution, no allegations have been formally made, investigated, or proven, and no consequences and sanctions can be formally applied/mandated. The College will respect your request for no formal action unless there is perceived to be a need to safeguard individuals and/or as part of effective risk management.

3.6.5 If you accept informal action as early resolution, you retain the right to submit formal allegation at a later point if the informal action does not address your concerns.

3.7 Formal Report of Allegations of Misconduct

3.7.1 The Dean of Students is responsible for overseeing the handling of formal allegations, drawing on advice from the Student Casework Manager (or nominee).

3.7.2 On receipt of a formal allegation, the Dean of Students will consider the nature of the allegation, its perceived seriousness, and the range of potential outcomes, and may

subsequently use their discretion to determine whether formal allegation warrants full investigation. Examples of low level misconduct where full investigation may not be warranted might include (note this is not an exhaustive list):

- antisocial behaviour under the influence of alcohol;
- the use of inappropriate language and behaviours;
- minor disruption in learning, teaching and performance contexts.

In such cases, the Dean of Students may manage the allegation via executive action rather than full investigation, but may only apply consequences and sanctions appropriate to low level misconduct.

- 3.7.3 Where you make an allegation against a member of staff's behaviour, the Dean of Students will refer your allegation to Human Resources for investigation. The Student Casework Manager will remain your point of contact.
- 3.7.4 If a formal allegation of misconduct is made against you, you (as the 'responding party') will be required to meet the Dean of Students (or nominee) in person to be formally advised of the allegation, and of your right of reply (which may include counter allegation).
- 3.7.5 Cases of contemporaneous submission of formal allegation and counter allegation will normally result in all allegations being considered by the same investigation and the same Investigating Officer, although separate Investigation Reports will be produced when investigation is concluded. The Dean of Students retains capacity to consider it necessary to appoint a separate Investigating Officer to conduct a discrete investigation.
- 3.7.6 You have the right to be accompanied to any meetings you attend as a "responding party" by a "support person" who could be the Student Voice Officer, a representative from the Students' Union, a friend, or a relative. Your support person provides support during the meeting, but they are not normally expected to represent you or to advocate on your behalf unless this has been agreed in advance as a reasonable adjustment. The name of your support person, their relationship to you, and their email address must be provided to the Student Casework Manager before the meeting. The Student Casework Manager reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person, in which case, you will be given the opportunity to nominate a different support person.
- 3.7.7 After meeting with the Dean of Students (or nominee) you (as responding party) will be formally informed, by email attachment, of the nature and seriousness of the allegation made and the action the College is consequently taking [the 'formal notification of proceedings letter'].
- 3.7.8 On receipt of a formal notification of proceedings letter, you must (in writing, by email) refute the allegations or accept them as presented and in full.

3.7.9 If you accept an allegation as presented and in full, full investigation will not be instigated (because the allegation has been admitted). The Dean of Students will instead proceed direct to “the charge” (see paragraph 7), regardless of the seriousness of the offence.

3.7.10 There is a range of support available to students who are personally affected by allegations raised. You are strongly encouraged to link with the Student Services Team to potentially receive support in the context of making, or being subject to, allegation.

3.7.11 You are encouraged to raise concerns without fear of recrimination, confident that the College takes allegations of misconduct seriously. However, an allegation should never be made on a malicious or vexatious basis and should never be used as a threat against an individual. An allegation which is found to be deliberately false, misleading, frivolous or in bad faith may be considered misconduct.

3.8 Risk Management and Precautionary Measures

3.8.1 In cases of allegations of bullying, harassment, improper or violent behaviour, sexual misconduct and regardless of your wishes regarding the way ahead, the College will need to consider the need for precautionary measures where such measures are deemed necessary to safeguard the community and/or as part of effective risk management.

3.8.2 Risk assessment is undertaken by the Dean of Students. In reaching a decision about precautionary measures, account will be taken of the perceived risk of harm posed to the reporting student, to the alleged perpetrator, and/or the wider student community, while simultaneously seeking to sustain all parties’ engagement with a positive teaching and learning environment wherever possible (in the context that responding parties will be presumed innocent of the allegation until proven otherwise).

3.8.3 In reaching a decision about precautionary measures, account will be taken of any of the relevant issues below:

- the nature of the alleged misconduct
- the circumstances of the incident
- the circumstances of those involved
- the views of the CPS/police (where relevant)
- the support needs of all parties
- the potential for the victim and alleged perpetrator to come into contact with each other
- the need to ensure that a full and proper investigation can be carried out without impediment (either by the police or College)
- the need to protect the reporting student, the alleged perpetrator or potential witnesses while the allegation is being dealt with as part of a criminal or disciplinary process
- the College’s duty of care and the interests and welfare of all parties involved
- how best to mitigate perceived risk while having the minimum possible negative impact on the accused/alleged victim and others who may be affected or involved
- the need to treat all parties as fairly and as equally as possible

- the practicality and wider implications of imposing any measures in individual cases
- reasonableness and proportionality
- visa considerations and professional practice matters.

3.8.4 Any necessary precautionary measures will be implemented without prejudice for the reporting, responding, or other parties, as appropriate. Such measures will not be considered as an indication of guilt.

Measures may include:

- restricting contact between the reporting and responding parties, or potential witnesses
- requiring any party involved to move to alternative accommodation
- prohibiting the reporting and responding parties, or other relevant parties from accessing certain areas or facilities of the College
- re-arranging tutorial/seminar/rehearsal groups and performance
- temporarily suspending the responding party from their studies pending the outcome of any policies/disciplinary investigation

The above list is not exhaustive. See also section 4 Suspension for the Purposes of Investigation and section 5, Misconduct which is also a Criminal Offence.

4. Suspension for the Purposes of Investigation

- 4.1 Where an allegation is of sufficient seriousness, and because of a risk assessment indicated above, the Dean of Students *may* approve that a responding party (as a student accused of misconduct) be suspended from the College pending the final outcome of investigation. Such suspension will only be instituted in circumstances where it is deemed necessary to protect members of the College and such protection cannot be reliably effected by the implementation of precautionary measures.
- 4.2 Suspension, once instigated, will normally remain in place until the final outcome of investigation is known (in cases of serious misconduct, the final outcome will normally be determined by a College Disciplinary Committee). However, suspension will be regularly reviewed via a process of risk assessment review.
- 4.3 Suspension shall normally be interpreted as exclusion from all College campuses and services. However, as a suspended student you may visit the campus to access any support required in relation to the case and to attend meetings as pre-arranged in relation to the case.
- 4.4 If you are suspended for the purpose of investigation, you may make representations about such suspension (including verbal representation) to the Principal or their nominee within ten working days of the date of the suspension, for which purposes you may be accompanied by a chosen representative.
- 4.5 If no disciplinary action is subsequently taken the College will ensure, so far as possible, that you have not been disadvantaged by suspension.

5. Allegations of Misconduct, where Allegation May Also Constitutes Criminal Offence

- 5.1 The College expects you will report an allegation of a criminal offence to the police; however, in some circumstances the allegation will be made by the College on behalf of the Reporting Party. In exceptional circumstances, the College will seek the advice of, or report an alleged crime to, the police contrary to the wishes of the student or other reporting party if disclosure of the information is necessary to protect the student, or others, from harm or prevent a further crime taking place. In these circumstances, the student or other reporting party has no obligation themselves to speak to the police or otherwise pursue a police investigation. The College's Procedures will, in most cases, be paused while police action is ongoing. Precautionary, neutral action may still be taken because of risk assessment (see Section 3.6).
- 5.2 In deciding whether to make such a disclosure and in deciding what information to disclose, the College will undertake a Risk Assessment (see Section 3.6). The College will consider its obligations under the General Data Protection Regulations / Data Protection Act and any potential harm that unauthorised disclosure may cause to you as the Reporting Party. If you decide not to involve the police, you still have the option of requesting that the College considers the matter under its regulations and procedures. The College may, of its own volition, also decide to engage its regulations and procedures. In these circumstances the case will be dealt with as a potential breach of these regulations and not as a criminal offence.
- 5.3 Conduct which may constitute a criminal offence may also amount to misconduct which, in addition to any criminal process, may therefore be dealt with under this policy if that conduct:
- took place on College and/or University premises; and/or
 - affected other members of the College and/or University; and/or
 - damaged or was likely to damage the reputation of the College and/or University.
- 5.4 The following procedures apply where the alleged misconduct would also constitute an offence under criminal law if proved in a court of law:
- 5.4.1 in the case of all other offences under the criminal law, no disciplinary action (other than investigatory suspension, para 4 above) may be taken under these regulations unless the matter has been reported to the police and either the reporting party has prosecuted, or a decision not to prosecute has been taken, at which time the Dean of Students may decide whether disciplinary action under these regulations may be taken;
- 5.4.2 where a finding of misconduct is made and the responding party has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under these regulations.
- 5.5 Any conduct that could amount to, or has been proven as, a criminal offence (including activity prior to enrolment and/or outside College) may be considered as misconduct under these procedures. You are obliged to:
- (i) notify College that you have been subject to police interview or arrested, including for caution, within five working days of interview or arrest;
 - (ii) keep College updated about the progress of such cases.

- 5.6 If you are convicted of a criminal offence that results in a custodial sentence you will be considered to have demonstrated serious misconduct without the need for formal investigation under these procedures and you will be subject to sanctions and consequences to be determined by a College Disciplinary Committee.

6. Investigations into Cases of Misconduct and the Role of the Investigating Officer – *The Evidence*

- 6.1 Where a full investigation into a formal allegation of misconduct is warranted, the College will seek to instigate investigation as soon as possible after formal allegation is submitted and has been presented to the responding party.
- 6.2 An Investigating Officer will be appointed, who will normally be a senior member of staff at Head of Department level or above. The Dean of Students will consider the nature of the allegation, its perceived seriousness, and the range of potential outcomes. In cases of substantial and serious alleged misconduct, including misconduct which may be a criminal offence, consideration will be given to appointing an Investigating Officer who is external to RWCMD, but who is nevertheless suitably qualified and trained. However, in these circumstances, the case will be investigated as a potential breach of regulations and not as a criminal offence.
- 6.3 You will be formally informed, by email attachment, that you are the subject of an investigation and of the identity of the investigating officer who will look into the case.
- 6.4 Investigating Officers, when they are first appointed, will be required to undertake a briefing session about their role with the Student Casework Manager.
- 6.5 The essential role of the Investigating Officer is to read and hear the allegation, gather information, both oral and material, and to report to College on these matters. Administrative Support will be provided by the Student Casework Manager (or nominee). The Investigating Officer, having gathered and considered the evidence, makes a recommendation to College as to whether an allegation should be upheld and, consequently, a charge of misconduct should be raised against a responding party. If a charge of misconduct is recommended, the report will also indicate the nature, level of seriousness, and impact of the misconduct as defined in this policy. *The Investigating Officer does not determine guilt or innocence.*
- 6.6 The Investigating Officer shall normally investigate the allegations within 30 working days. The timescale may be expended by agreement with the individual(s) who is (are) the subject of the allegations or, in exceptional circumstances, by the College. Meetings with relevant parties will be held in person, or facilitated by online communication, as appropriate.
- 6.7 Reporting and responding parties are considered principal parties of the allegation and witnesses for the purpose of investigation.
- 6.8 The Investigating Officer will conduct a formal interview with the principal parties of the allegation as well as witnesses or others who may be able to provide information or evidence. All available information and evidence should be shared by witnesses at this point - it will not be

possible to provide additional, new information at later stages of the procedure unless you can demonstrate that it was unreasonable to provide the information at this stage. Follow up meetings will be arranged as necessary to afford all relevant witnesses the opportunity to respond to new allegation or information identified during investigation. A record of each meeting will be taken and shared with the witness. The Investigating Officer may also gather other forms of evidence and documentation that are relevant to the case, such as photographs, information kept on IT systems or electronic devices, and CCTV footage.

- 6.9 A witness is not required to attend investigation meetings and can formally decline. The College will respect the decision of those witnesses who decline to attend but, in this circumstance, any written or verbal evidence/contribution the witness has already submitted in relation to the allegation will be classed as 'hearsay'. Hearsay is a legal term for evidence that is not tested by asking questions in person of the person providing the evidence. The Investigating Officer will determine whether hearsay evidence should be included as part of the investigation's evidence base. If it is included, the Investigating Officer will decide what weight or importance should be given to this evidence. It is likely that hearsay evidence (if admissible) is likely to be given lower weight or importance.
- 6.10 Upon completion of the investigation, the Investigating Officer will submit a written report and present this to the Dean of Students. The report will include a concluding section addressing the principal allegations of misconduct (and any other aspects of misconduct which may have been identified), and the seriousness and impact of any misconduct which may have been demonstrated, on balance of probabilities, by the evidence. The report may also contain recommendations, which may be addressed to College, to either party of the allegation, or which may relate to process and procedure.

7. Consideration of the Report of the Investigating Officer and the Role of the Dean of Students – The Charge

- 7.1 The Dean of Students will consider the Investigating Officer's report, its conclusions, and recommendations, mindful of any specific evidence which may be drawn to attention.
- 7.2 Where the Investigating Officer has found insufficient or no evidence of misconduct the Dean of Students will dismiss the case and inform all parties in writing.
- 7.3 Where the Investigating Officer has found evidence of *low-level* misconduct, the Dean of Students will present this charge to you. As the 'responding party', you will be required to meet the Dean of Students in person to be formally presented with the charge. Notes of this meeting will be shared with you afterwards. After the meeting you will be sent, by email attachment, written confirmation of the charge [the notification of charge letter].
- 7.4 You are required to accept or refute the charge. You may do this during the meeting with the Dean of Students (in which case your response will be formally recorded in the meeting notes) or you may email your response to the Dean of Students within ten working days of the date of the notification of charge letter.

- 7.5 If you admit the charge in full, the Dean of Students will advise you in writing of the consequences and sanctions (see appendix 1) that will be applied and of your right of appeal against them. If you admit the charge during the meeting with the Dean of Students, this information may be included in the notification of charge letter. Otherwise, notification of consequences and sanctions and your right to appeal against them, will be sent by email attachment [the notification of consequences and sanctions letter].
- 7.6 If you do not admit the charge in full or in part, the Dean of Students will issue formal, written notification of the charge of low level misconduct and will refer the case to a College Disciplinary Committee.
- 7.7 Where the Investigating Officer has found evidence of serious misconduct the Dean of Students will put the charge of misconduct to you in writing by email attachment and will refer the case to a College Disciplinary Committee.

8. Disciplinary Committee – Purpose, Membership, Function and Responsibilities

- 8.1 The principal parties will be informed in writing, normally at least ten working days in advance of a hearing, when their case has been referred to the College Disciplinary Committee. The letter will set out the charge of misconduct and will detail (and provide, albeit in appropriately redacted form) the documentation and evidence that will be presented to the Committee.
- 8.2 The principal parties have the right to attend the Disciplinary Committee Meeting, speak and give oral evidence, and to be accompanied and/or represented by a support person. Arrangements can be made for the reporting party to attend the Committee separately, or remotely. if appropriate/requested.
- 8.3 New material/new witnesses are not normally expected to be presented/called to a Disciplinary Committee (but witnesses referenced in the original investigation may be re-called). New material/witnesses may be submitted/called in exceptional circumstances, but only with the approval of Chair of the Disciplinary Committee (who may seek advice from the Student Casework Manager). The assessment to allow the material/witness will be based on consideration of: (i) the relevance of the material/witness to the case; AND (ii) whether the material/witness could reasonably have been called earlier in proceedings. You must provide a statement outlining relevance and explaining why you could and did not submit at an earlier stage at least five working days before a hearing. Failure to provide this statement means new material/witness will not be permitted.
- 8.4 The reporting party may submit a written impact statement to the Committee. This must be received by the Student Casework Manager at least 24 hours before the scheduled hearing. The Committee will not consider a written impact statement that is not submitted at least 24 hours before the scheduled hearing, unless the reporting party can demonstrate why it was not reasonable for them to meet the deadline.

- 8.5 The responding party may make a written response to the charge. This must be received by the Student Casework Manager at least 24 hours before the scheduled hearing. If the written response includes elements of mitigation this must be supported by evidence. The Committee will not consider a written response to the charge that is not submitted at least 24 hours before the scheduled hearing, unless the responding party can demonstrate why it was not reasonable for them to meet the deadline.
- 8.6 If for any reason a principal party cannot attend a hearing on the day/time given, they may request a revised date but may only do so once.
- 8.7 If the responding party chooses not to attend the hearing it will continue in their absence. If you choose not to attend your hearing as a responding party, you are strongly advised to submit written response to the charge at least 24 hours before the scheduled hearing.

- 8.8 The membership of the Disciplinary Committee shall be constituted as follows:

- One member of the College's Senior Management Team (Chair)
- One staff member of the Academic Board
- The President of the Students' Union or nominee*
- Student Casework Manager or nominee (secretary)

The members of the Disciplinary Committee will not have had any previous involvement with the case(s) or substantive association with the principal parties. Parties will be informed of the constitution of the Disciplinary Committee prior to documentation being circulated and will be given the opportunity to raise any concerns in relation to membership, for example if they have grounds to consider that a member may be biased.

*Note that if the President of the Students' Union serves on a Disciplinary Committee of a case, they may not subsequently serve on a Committee convened to consider an appeal. In this case, the President of the Students' Union may nominate an alternate or may request that this role be fulfilled by a representative of NUS Wales.

- 8.9 The functions of the Disciplinary Committee are as follows:

- 8.9.1 To consider the report of the Investigating Officer, its conclusions and recommendations, and to note a charge of misconduct made by the College as a consequence;
- 8.9.2 To consider the responding party's response to the charge;
- 8.9.3 To determine, on the balance of probability and in light of the evidence, whether the charge of misconduct has been proved. In doing this, the Committee may, in addition to considering the Investigating Officer's report and the evidence therein, also call witnesses to speak directly to the Committee, but is not obliged to do so;
- 8.9.4 To consider, if the charge is not proven, the way in which College will ensure that, as far as possible, the responding party has not been disadvantaged by disciplinary action;
- 8.9.5 To consider, if the charge is proven, appropriate consequences and sanction (see section 9 below and Appendix 1).

The report of the Disciplinary Panel is presented to the Principal as Chair of Academic Board.

8.10 Format of Hearings

Hearings by the Disciplinary Committee should take the following format:

8.10.1 The charge of misconduct will be explained first by the Chair of the Disciplinary Committee;

8.10.2 The Investigating Officer* will introduce their report and its accompanying evidence;

8.10.3 The responding party will be asked to respond to the charge and the evidence presented (or their written response to the charge will be noted);

8.10.4 The reporting party will be asked to outline the impact on them (or their written impact statement will be noted);

8.10.5 The Disciplinary Committee may ask the Investigating Officer and/or the principal parties questions and may call witnesses as appropriate;

8.10.6 The Chair will invite final comments and will sum up the case;

8.10.7 The Committee will then consider the case in private and reach its conclusions.

*where the misconduct has been considered by an External Investigating Officer and this individual is unavailable, the Dean of Students may introduce the report.

8.11 The Committee will inform the responding party (by email attachment) of the outcome of the case within five working days of the hearing and provide them with notice of their right to appeal the decision.

9. Consequences and Sanctions (see also Appendix I)

Where the charge of misconduct is proved, including by admission, a range of consequences and sanctions may be imposed. You must observe consequences and sanctions within the designated time period or submit evidenced extenuating circumstances¹ⁱ during the time period which explain why you cannot reasonably be expected to do so (in which case the designated time period will be extended appropriately). Failure to observe a consequence or sanction imposed under this regulation within the designated period and without submission of evidenced and acceptable extenuating circumstances will constitute serious misconduct which will automatically be considered by a College Disciplinary Committee.

9.1 Sanctions and Consequences Applicable to Low Level Misconduct

a.	Provision of a written reflection to account for the behaviour.
b.	Expectations and/or conditions for the student's future behaviour are set for a fixed period.
c.	An apology to any person(s) affected by the misconduct (if requested and appropriate).
d.	Mandatory attendance at a workshop or course related to the behaviour/issue within a fixed period.
e.	Mandatory engagement with appropriately defined support resources, including (but not restricted to) 1:1 coaching and mentoring, within a fixed period
f.	A requirement to remove any material (either physical or electronic) associated with the misconduct within a fixed period.
f.	Limitations to ability to access College property (this may include specific buildings/areas/times).

¹ Please see the Extenuating Circumstance Regulations and Procedures for *examples* of extenuating circumstances that may or may not be considered in this context.

g.	Verbal Warning. This may be given in the presence of a 'support person'. Verbal formal warning will remain on record for a specified period, normally one calendar year or termination of study, whichever is soonest.
h.	Written Warning. This will be issued by email attachment. Written formal warning will remain on record for a specified period, normally one calendar year or termination of study, whichever is soonest.
i.	Final Warning. This will be issued by email attachment. Written formal warning will remain on record for a specified period, normally one calendar year or termination of study, whichever is soonest. Any further allegations of misconduct will be automatically referred to a Disciplinary Committee with the anticipation of expulsion should the further charge of misconduct be proven on balance of probabilities.
j.	Payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred or £1000. Compensation is to be paid to the College or to the owner or possessor of the property damaged or to the person injured as the Principal or Disciplinary Committee shall decide. The Principal shall have regard to your means and may allow time to discharge the sum or order the sum to be paid in prescribed instalments.

9.2 Sanctions and Consequences Applicable to Serious Misconduct

a.	Any sanction/consequence that may be applicable to low level misconduct.
b.	A requirement of no contact (direct or indirect) from the student to any RWCMD student or staff member identified by the Disciplinary Panel except where essential in the context of teaching and learning.
c.	The suspension of studies, in whole or in part, for a specified period which the Committee determines is just and reasonable, or until an agreed review date.
d.	Permanent exclusion and removal of student status, and with or without the right to re-register for any further programme of study with RWCMD.

10. Your Rights of Appeal

- 10.1 A responding party does not have the right to appeal the charge of misconduct, but has the right of appeal against any consequence or sanction that has been applied.
- 10.2 Notice of appeal must be made in writing to the Student Casework Manager. Intention to appeal must be received no later than 10 working days from the date of the letter (from the Dean of Students or Disciplinary Committee) formally notifying you of the charge and consequences/sanction.
- 10.3 Appeal will be considered on limited and strict grounds. The Student Casework Manager will determine the eligibility of appeal based on your demonstration of at least one of the following:
- that new evidence or extenuating circumstances have become known which you could not have reasonably made known at the time of the initial consideration and/or;
 - that the original hearing was not conducted fairly and/or in accordance with the published regulations;

- the grounds under which and appeal against suspension or expulsion may be made are as above and in addition, that the original penalty imposed was excessive under the circumstances.

Appeal will not be heard unless at least one of the above is demonstrated and evidenced.

- 10.4 Eligible appeals against penalties imposed by the Principal or Dean of Students will be considered executively by a senior member of College who has not had any previous involvement with the case(s) or association with you.
- 10.5 Eligible appeals against conclusions of, and consequences/sanctions applied by, the Disciplinary Committee shall be considered by an Appeal Disciplinary Committee.
- 10.6 Membership of an Appeal Disciplinary Committee is the same as membership of a Disciplinary Committee (see paragraph 8.6). Members of the Disciplinary Committee that imposed your original consequences/sanctions shall not normally be members of your Appeal Disciplinary Committee. The Student Casework Manager is the secretary to all panel meetings but may nominate an alternate.
- 10.7 You will be informed of the constitution of the Appeal Disciplinary Committee prior to documentation being circulated and will be given the opportunity to raise any concerns in relation to membership, for example if you have grounds to consider that a member may be biased.
- 10.8 You will be invited to make representations about your appeal in person, and you may be accompanied at all meetings within this procedure by a support person.
- 10.9 The appellate decision maker (either a senior member of College or an Appeal Disciplinary Committee) may uphold or amend the consequences/sanctions imposed, with reference to the full range of consequences/sanctions available, as it considers appropriate.
- 10.10 The appellate decision is final, and you will normally be notified of it within 10 working days.
- 10.11 If your appeal is successful and a consequences/sanctions is removed, the College will ensure as far as possible that you have not been disadvantaged by any disciplinary action or suspension.

11. Informing Others of Outcome

- 11.1 College understands that reporting parties will wish to know the outcome of their allegation. However, it must be noted that whilst students may allege misconduct, College raises the charge against a student, and it is to College that the charge will have been answered. In some cases, an investigation or other elements of disciplinary action may have identified issues which are confidential; yet in others, a student against whom action is taken will be entitled to confidentiality and protection under GDPR.

- 11.2 College will normally inform the Reporting Party of whether the allegation has been upheld (or not) providing sufficient information to enable the reporting party to understand how that decision was reached. No other detail will be shared.
- 11.3 College will not normally inform others of the outcome, including students or staff called as witnesses, without the express permission of the principal parties. Details of disciplinary action is shared with College staff only to the extent required to fulfil their roles and responsibilities.
- 11.4 Reports alleging misconduct will be maintained for the duration of the student life cycle of the subject of the report but will be archived immediately thereafter.

12. Request for Review by Reporting Party/Witnesses

There is no right of appeal for the Reporting Party. However, if (as the Reporting Party) you are dissatisfied with the way in which the regulations and procedures have been administered, you may submit a complaint using the Student Complaints Procedure to request, inter alia as preferred, a review of the casework and confirmation in writing that regulations and procedures have been followed. This complaint must be submitted within 10 working days of the date you were formally notified of the outcome of your allegation. This formal complaint will be considered under separate provision. Advice and guidance on submission of a formal complaint may be sought from the Student Voice Officer.

13. Office of the Independent Adjudicator

College will write to the student against whom action has been taken after all opportunities for appeal have been exhausted, to indicate that all formal procedures have been completed. This is called a Completion of Procedures Letter.

You may, following issue of a Completion of Procedures letter, lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Manager.

14. Reporting and Monitoring

The Student Casework Manager will produce an annual casework report for the RWCMD Quality Assurance Committee and the USW Student Casework Group. This will report detail the number of cases handled at each Level, a summary of the outcomes, and highlight any recommendations for improvement/development.

15. Related Regulations and Procedures

- Harassment and Sexual Misconduct Policy
- Student Complaints Regulations
- Safeguarding Policy and Procedures
- Respectful Space Statements
- Extenuating Circumstances Regulations and Procedure
- Support to Study Regulations and Procedure
- Dignity at Work and Study Policy

Disciplinary Offences & Consequences & Sanctions

- a. The tables overleaf indicate the consequences and sanctions that may be imposed in proven or admitted cases of student misconduct.
- b. The scale and impact of the misconduct (low level or serious) will be considered on a case-by-case basis by the Investigating Officer assigned to the case and outlined in their Investigation Report.
- c. Consequences and sanctions applied in response to (proven or admitted) low level misconduct may be given by the Principal, the Dean of Students, or a Disciplinary Panel.
- d. Consequences and sanctions applied in response to (proven or admitted) low level misconduct may be deferred by the Principal, the Dean of Students, or a Disciplinary Panel and only imposed should any future breach of the Regulation occur.
- e. Consequences and sanctions applied in response to (proven or admitted) serious misconduct may only be imposed by a Disciplinary Panel.
- f. The consequences and sanctions that may be applied in response to low level misconduct may also be applied by a Disciplinary Panel in response to serious misconduct of the same type.
- g. The table should be considered in conjunction with the relevant sections of the Policy and Procedures Governing Student Misconduct.

1. Examples of Behaviours That May Be Considered as Low Level Misconduct

a.	Breach of RWCMD Regulations, Policies or Terms and Conditions
b.	Antisocial behaviour (in College or Halls)
c.	Damage to College or others' property
d.	Malicious allegations; vexatious complaints against College or its members
e.	Breach of health and safety; endangering students, staff or visitors
f.	Interference with freedoms of students, staff or visitors and/or the disruption of college activities
g.	Falsification of records; impersonation of others
h.	Misuse of College property, facilities or equipment
i.	Causing physical harm, threatening, offensive or indecent behaviour
j.	Bringing College into disrepute
k.	Contravention of College's Respect Statements and/or Dignity at Work/Study Policies

2. Sanctions and Consequences Applicable to Low Level Misconduct

a.	Written reflection to account for the behaviour
b.	Set expectations and/or conditions for the student's future behaviour for a fixed period
c.	An apology to any persons affected by the misconduct (if requested)
d.	Mandatory attendance at a workshop or course related to the behaviour/issue within a fixed period
e.	Mandatory engagement with appropriately defined support resources, including (but not restricted to) 1:1 coaching and mentoring, within a fixed period
f.	A requirement to remove any material (either physical or electronic) associated with the misconduct within a fixed period
f.	Limitations to ability to access College property (this may include specific buildings/areas/times)
g.	Verbal Warning
h.	Written Warning
i.	Final Warning
j.	Payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred or £1000, whichever is lowest.

3. Examples of Behaviours that may be Considered as Serious Misconduct

a.	Behaviours that may be considered as low level misconduct which are repeatedly or persistently demonstrated
b.	Behaviours that may be considered as low level misconduct which an Investigating Officer determines have had serious impact
c.	Behaviours that may be considered as low level misconduct for which sanctions/consequences have already been imposed
e.	Any behaviours for which sanctions/consequences have already been imposed and the student has not observed the applied sanctions/consequences within the designated time period
f.	Possession, use or distribution of drugs and prohibited substances
g.	Theft or fraud
h.	Sexual harassment, sexual assault, online harassment, hate crimes and stalking
i.	Discrimination of any kind

4. Sanctions and Consequences Applicable to Serious Misconduct

a.	Any sanction/consequence that may be applied to low level misconduct
b.	A requirement of no contact (direct or indirect) from the student to any RWCMD student or staff member identified by the Disciplinary Panel except where essential in the context of teaching and learning
c.	The suspension of studies, in whole or in part, for a specified period or until an agreed review date.
d.	Permanent exclusion and removal of student status, and with or without the right to re-register for any further programme of study with RWCMD