

ROYAL WELSH COLLEGE OF MUSIC AND DRAMA

POLICY AND PROCEDURES GOVERNING STUDENT CONDUCT 2023/2024

Title: Policy and Procedures Governing Student Conduct					
Version	Issue Date	Revision Description	Author	Approved By & Date	Next Review Date
1	Sept 2015	First RWCMD	Iestyn Henson	Academic Board June 2015	
2	Sept 2018		Iestyn Henson	Academic Board June 2018	
3	Sept 2020		Iestyn Henson	Academic Board June 2020	Annual Monitoring; June 2022
	t 2023		Iestyn Henson	Academic Board June 2023	Annual Monitoring June 2025

Index

1. Student Conduct: Introduction
2. Definitions of Misconduct
3. Procedures for Dealing with Allegations of Misconduct
 - 3.1 General Principles
 - 3.2 Advice on Procedures
 - 3.3 Informal Reporting of Allegations of Misconduct
 - 3.4 Formal Reporting of Allegations of Misconduct
 - 3.5 Risk Management and Precautionary Measures
4. Suspension for the purposes of investigation
5. Allegations which are also potential criminal offences
6. Investigations into Allegations of Misconduct and the Role of the Investigating Officer – The Evidence
7. Consideration of the Report of the Investigation Officer and the Role of the Director of Academic Administration and Student Experience – The Charge
8. Disciplinary Committee
9. Penalties (see also Appendix 1)
10. Appeal against a Penalty imposed.
11. Request for Review by the Reporting Party
12. Office of the Independent Adjudicator

Student Casework Regulations

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 are able to 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 treats misconduct offences very seriously and penalties will be given for proven cases, 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 of the College's regulations and policies on the College [HUB](#).
- 1.6 The College's [Student Charter](#) and Respect Statement set out our ethos, culture and 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.
- 1.7 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 for 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.
- 1.8 Occasionally, allegations are made with respect to incidents which have happened in previous Academic Years, or across more than one year. In this case, the *procedure* to be applied will be that which is in operation during the year when a formal allegation of misconduct is received by the College.

2. Definition of Misconduct

- 2.1 An act will be regarded as misconduct, and therefore 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 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 their 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 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 observe another penalty imposed under this regulation;
- 2.3.14 Failure to leave any of the College premises when reasonable 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 statement;
- 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 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 conduct which is likely to bring the College into disrepute.

3. Procedures for Deadline 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 against a student the College acts fairly and consistently in relation to all students.

- 3.1.3 All allegations, whether informal or formal, of bullying, harassment or victimisation will be regarded as a serious matter and will be dealt with in a sensitive, objective manner, respecting the rights of all parties involved.
- 3.1.4 The College will conduct disciplinary cases in a confidential and sensitive manner. The identity of individuals who make complaint 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 that the identity of those making the accusation will be made known to them.
- 3.1.5 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 that the allegation is more likely true than not.
- 3.1.6 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 Director of Academic Administration and Student Experience has overall responsibility for the operation of the disciplinary procedures and the Director of Academic Administration and Student Experience (or nominee) 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 Academic Registrar. Any student who is accused of misconduct, or otherwise involved in disciplinary investigations or hearings, is advised to seek advice from the Students' Union or may seek the support of the Student Voice Officer.

3.3 Informal reporting of allegations of misconduct

- 3.3.1 The College understands and recognises that from time to time a student or member of staff may wish to express concern about, or report in an information way, behaviour or incidents which might not otherwise warrant full investigation. Examples of this (but not an exhaustive list) might include:
- Antisocial behaviour under the influence of alcohol;
 - The use of inappropriate language
 - Unsolicited physical contact; and
 - Minor disruption in learning, teaching and performance contexts
- 3.3.2 The College acknowledges that what one person might regard as an isolated incident may, with reference to other reports, be regarded as more serious. It is therefore important that students and staff feel comfortable in expressing these concerns. You may do so by using the [RWCMD Report & Support Facility](#) ('a Report').
- 3.3.3 In making such a Report you are asked to provide such detail as you consider appropriate, with evidence wherever possible. This facility is also available to staff. Alternatively, you can raise your concern verbally with a staff member and either complete the Report together as a record of your discussion or ask the staff member to do so on your behalf. The online report form should be completed for each case you wish to place on record. The report form is received by the Academic Registrar and forms part of an online log. In consultation with the Director of Academic Administration and student Experience, the academic Registrar will consider and identify any cases which, individually or in pattern, merit further investigation under the provisions of these procedures. Depending on the nature of the Report, you may be invited to

meet with the Academic Registrar or another member of staff to discuss possible options and ways forward, including the submission of a formal allegation of misconduct. Reports made via this system will be maintained for the duration of the student life-cycle of the subject of the report but will be archived immediately thereafter.

- 3.3.4 IMPORTANT – the submission of a Report via Report and Support remains an *informal* approach and *must* be followed by a formal allegation of misconduct. The formal allegation can be made by any student or any member of staff.

3.4 Formal Report of Allegations of Misconduct

- 3.4.1 Formal allegations of misconduct are made to the Director of Academic Administration and Student Experience who is responsible for overseeing the handling of the allegations, drawing on advice from the Academic Registrar (or nominee).
- 3.4.2 Allegations of misconduct should be made promptly in writing using the Allegation of Student Misconduct Form (available online), and include the following information:
- The identity of the person(s) against whom the allegations are made
 - The nature of misconduct
 - The time and location
 - Possible witnesses and
 - Details of any action already taken
- 3.4.3 The College is aware that there may be a number of barriers to reporting incidents. Therefore, you have the option to submit an anonymous or third-party report. However, you are reminded that in submitting an anonymous report there may be insufficient information for the College to take any action other than to collect data for monitoring purposes.
- 3.4.4 There is a range of support available to students who have been personally affected by the allegations raised. In making a report, students are encouraged to express a desired outcome or preferred option for resolution. This may include a request that no further action is taken. Where a request is received that no further action is taken the College will respect this unless there is perceived to be a need to safeguard individuals and/or as part of effective risk management.
- 3.4.5 Students 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 an allegation should never be used as a threat against an individual. Malicious allegations by students may themselves be the subject of disciplinary action.

3.5 Risk Management and Precautionary Measures

- 3.5.1 In cases of allegations of bullying, harassment, improper or violent behaviour, 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. The Risk Assessment is undertaken by the Director of Academic Administration and Student Experience. 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 or the wider student community.

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

3.5.2 Any necessary precautionary measures will be implemented without prejudice for the accused student or alleged victim or other parties as appropriate. Such measures will not be considered as an indication of guilt.

Measures may include:

- restricting contact between accused student, alleged victim, or potential witnesses
- requiring any party involved to move to alternative accommodation.
- prohibiting the accused student, alleged victim, or other relevant parties from accessing certain areas or facilities of the College
- re-arranging tutorial/seminar/rehearsal groups and performance;
- temporarily suspending the accused student 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 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 as a consequence of a risk assessment indicated above, the Director of Academic administration and Student Experience may approve that student accused of misconduct be suspended from the College pending the outcome of the investigation. Such suspension should only be instituted in exceptional circumstances where it is deemed necessary to protect members of the College.
- 4.2 Suspension shall normally be interpreted as exclusion from all College campuses and services. However, the student may visit the campus to access any support required in relation to the case and to attend meetings as arranged.
- 4.3 Students suspended for the purpose of investigation may make representations about such suspension (including verbal representation) to the Principal or their nominee, for which purposes they may be accompanied by a chosen representative. If no disciplinary action is subsequently taken the College will ensure so far as possible that student has not been disadvantaged by the suspension.

5. Misconduct which is also a Criminal Offence

- 5.1 The College expects that students 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.
- 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 3.5). The College will take into account its obligations under the General Data Protection Regulations / Data Protection Act and any potential harm that the unauthorised disclosure may cause to the Reporting Party. If the Reporting Party decides not to choose to involve the police, they will still have the option of requesting that the College considers the matter under the Student Conduct Procedure. The College may, of its own volition, also decide to engage the Student Conduct Procedure. 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 fall to 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 student has prosecuted or a decision not to prosecute has been taken, at which time the Director of Academic Administration and Student Experience may decide whether disciplinary action under these regulations may be taken.
- 5.4.2 Where a finding of misconduct is made and the student 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.

6. Investigations into cases of misconduct and the role of the Investigating Officer – The Evidence

- 6.1 Students against whom a formal allegation of misconduct is made will be informed, by email attachment, of the nature and seriousness of the allegation made, that they are the subject of an investigation, and the identity of the investigating officer who will look into the case.
- 6.2 In each case which is to the subject of formal disciplinary proceedings an Investigating Officer will be appointed, who will normally be a senior member of staff at Head of Department Level or above. The Director of Academic Administration and Student Experience 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 Investigation Officers, when they are first appointed, will be required to undertake a briefing session about their role with the Academic Registrar.
- 6.4 The essential role of the Investigation Officer is to read and hear the allegation, gather information, both oral and material, and to report to College on these matters. Administrative Support may be provided by Registry staff, where requested. The Investigating Office, having gathered and considered the evidence, makes a recommendation to College as to whether a charge of misconduct should be raised against a student and if so to indicate the nature of the misconduct as defined in this policy. *The Investigating Officer does not determine guilt or innocence.*
- 6.5 The investigating Officer shall normally investigate the allegations within 20 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 the student will be held in person, or facilitated by online communications, as appropriate.
- 6.6 The Investigating Officer will conduct a formal interview with the principal parties of the allegation and witnesses or others who may be able to provide information or evidence. A record of each meeting will be taken. The Investigation 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 or CCTV footage.
- 6.7 Upon completion of the investigation, the Investigation Officer will submit a written report and present this to the Director of Academic Administration and Student Experience. The report will include a concluding section, addressing the principal allegations of misconduct and drawing attention to any other aspects of misconduct which may have been identified by the evidence. The report will 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 Investigation Officer and the Role of the Director of Academic Administration and Student Experience – The Charge

- 7.1 The Director of Academic Administration and Student Experience will consider the Investigation Officer's report, its conclusions, and recommendations, mindful of any specific evidence which may be drawn to attention.
- 7.2 Where the Investigation Officer has found insufficient or no evidence of misconduct the Director of Academic Administration and student Experience will dismiss the case and inform all parties in writing.
- 7.3 Where the Investigation Officer has found evidence of low-level misconduct, the Director of Academic Administration and Student Experience will put this charge to the student concerned. This will be done by meeting in person and the student charged with misconduct will have the right to be accompanied to this meeting by a friend or student union representative. The Academic Registrar or nominee will produce a report of the meeting (or, if appropriate, incorporate a report in an outcome letter).
- 7.4 Where the charge of low-level misconduct is admitted by the student, the Director of Administration and Student Experience will determine a penalty, in accordance with the principles of the Penalty Tariff (See appendix 1). The student retains the right to appeal *against the penalty imposed*
- 7.5 Where the Investigation Officer has found evidence of serious misconduct the Director of Academic Administration and Student Experience will put the charge to the student in writing, and will refer the

case to a College Disciplinary Committee. Where a student does not admit a charge of low-level misconduct, this too will be referred to a College Disciplinary Committee

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

- 8.1 Students whose cases are referred to the College Disciplinary Committee, will be informed of this in writing, normally at least seven calendar days in advance of the meeting. The letter will set out the charge of misconduct and will detail the documentation and evidence that will be presented to the Committee.
- 8.2 The students charged with misconduct have the right to attend the Disciplinary Committee Meeting, speak and give oral evidence and to be accompanied and/or represented by a member of staff, a friend, elected officer of the Students' Union representative.
- 8.3 The Chair of the Disciplinary Committee will determine, before the meeting, whether supplementary oral evidence will be heard. All parties should be mindful that the Investigation Officer will have gathered the oral evidence during investigation. If students charged with misconduct wish to draw on supplementary oral evidence, they must inform Registry as least 48 hours before the meeting is due to take place, giving the names and details of witnesses.
- 8.4 Students charged with misconduct may also make a written response to the charge. This must be received at least 24 hours before the scheduled meeting. If the written response includes elements of mitigation, it is expected that this will be supported by evidence.
- 8.5 If for any reason a student charged with misconduct cannot attend on the day/time given, they may request a revised date, but may only do so once. Students may choose not to attend the hearing, but in such circumstances the meeting will continue in their absence. In such circumstances also, a written response to the charge is strongly advised.
- 8.6 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*
 - Academic Registrar or nominee (Secretary)

The members of the Disciplinary Committee shall have had no previous involvement with the case(s) or associate with the student(s)

*Note that if the President of the Students' Union has served 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.

- 8.7 The functions of the Disciplinary Committee are as follows:
 - 8.7.1 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;
 - 8.7.2 To consider the response of the student against whom the charge has been made;
 - 8.7.3 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

Investigation Officer's report and the evidence therein, also call witnesses to speak directly to the Committee, but is not obliged to do so;

- 8.7.4 To consider, if the charge is not proven, the way in which College will ensure that, as far as possible, the student has not been disadvantaged by disciplinary action;
- 8.7.5 To consider, if the charge is proven, an appropriate penalty, with reference to the Penalty Tariff (see section 9 below and Appendix 1). Such penalties include formal warnings, suspension and exclusion.

8.8 The Disciplinary Committee as an Appeal Panel.

Where formed as an Appeal panel, the Disciplinary Committee shall, in addition to the above:

- 8.8.1 Consider appeals against verbal or written formal warnings imposed by the Director of Academic Administration and Student Experience; and
- 8.8.2 Consider appeals against compensatory fines, suspension (or the length of suspension) and expulsion (see also section 10)

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

8.9 Format of Hearings

Hearings by the Disciplinary Committee should take the following format:

- 8.9.1 The charge of misconduct will be explained first by the Chair of the Disciplinary Committee;
- 8.9.2 The Investigating Officer* will introduce their report and its accompanying evidence;
- 8.9.3 The student charged with misconduct will be asked to respond to the charge and the evidence presented;
- 8.9.4 The Disciplinary Committee may ask the Investigating Officer questions or the student questions and may call witnesses as appropriate;
- 8.9.5 The Chair will invite final comments and will sum up the case;
- 8.9.6 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 Director of Academic Administration and Student Experience may introduce the report

The Committee will inform you of the outcome of the case within five working days of the hearing and provide you with notice of your right to appeal the decision.

9. Penalties

Where the charge of misconduct is proved, including by admission of the student, the following penalties may be imposed.

- 9.1 Formal Warnings. There are three categories of formal warnings which may be issued depending on the seriousness of the misconduct.
- 9.1.1 Verbal formal warning – this may be issued by the Principal or by the Director of Academic Administration and Student Experience (where allegations are undisputed). You have the right for these to be given in the presence of a Students’ Union representative or ‘friend’. The Disciplinary Committee can also issue this sanction.
- 9.1.2 Written formal warning – this may be issued by the Principal or by the Director of Academic Administration and Student Experience (where allegations are undisputed) or by a Disciplinary Committee
- 9.1.3 Final written warning – this may be issued by the Principal or by the Director of Academic Administration and Student Experience or by a Disciplinary Committee

Verbal and Written Formal warning will remain on record for a specified period, normally one year. Any repeated occurrence of a similar offence may result in a recommendation to the Principal, or their nominees, that you be referred to a Disciplinary Committee. Following the issuing of a final written warning to a student, any further cases of misconduct will be referred to a Disciplinary Committee, with the anticipation of expulsion should the further charge of misconduct be proven.

- 9.2 Compensation (in a case of damage). You may be required by the Principal or their nominee or by the Disciplinary Panel to pay compensation of up to £1000. The compensation is to be paid to the College or to the owner or possessor of the property damage 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.
- 9.3 Suspension (disciplinary). The Disciplinary Committee has the authority to suspend you from the College on disciplinary grounds for such period as the Disciplinary Committee considers just and reasonable in the circumstances.
- 9.4 Expulsion. The Disciplinary Committee has the authority to expel you from the College on disciplinary grounds.

Decisions on which of the above penalties should be applied will be made in accordance with a tariff of penalties available in Appendix 1

10. Your Rights of Appeal

- 10.1 You have the right of appeal against any penalty which has been imposed
- 10.2 Appeals against penalties imposed by the Principal or Director of Academic Administration and Student Experience will be considered by the Disciplinary Committee
- 10.3 Appeals against conclusions of and penalties imposed by the Disciplinary Committee shall be considered by an alternate Disciplinary Committee
- 10.4 An appeal will be considered on limited and strict grounds and appellants must demonstrate 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.
- 10.5 Notice of appeal shall be made in writing to the Academic Registrar and shall be received not later than 10 working days after the formal notification of the Disciplinary Committee's decision.
- 10.6 Members of the Disciplinary Committee that imposed the penalty or any member of the College's Senior Management Team who had issued a warning shall not normally take part in the Appeal Disciplinary Committee. The Academic Registrar is the Secretary to all panel meetings but may nominate an alternate.
- 10.7 Appellants will be invited to make representations about their case in person and may be accompanied as at all meetings within this procedure.
- 10.8 The appeal Disciplinary Committee shall have available the range of decisions afforded any Disciplinary panel and may uphold a previous penalty or amend as it considered appropriate.
- 10.9 The decision of the Disciplinary Committee considering the appeal shall be final, and the student will be notified of the outcome withing a period of 5 working days following the meeting.
- 10.10 If an appeal is successful and a penalty is removed, the College will ensure as far as possible that students have not been disadvantaged by any disciplinary action or suspension.

11. Informing Others of the outcome and Request for Review by Reporting Party

- 11.1 It is understood that those who have alleged misconduct will wish to know the outcome of each case. It should however be noted also that whilst students may allege misconduct, it is College that has raised a 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, including students who have made an allegation, of the outcome of the case and of the penalty imposed. 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 in order to fulfil their roles and responsibilities.
- 11.4 There is no right of appeal for the Reporting Party. However, the Reporting Party may request a review of the casework and seek confirmation in writing that regulations and procedures have been followed. If the Reporting Party believes that regulations have not been followed, or alternatively (and having been informed of the outcome and the penalty imposed) believes that College has not acted appropriately, a Formal Complaint may be made and will be considered under separate provision.

12. Office of the Independent Adjudicator

At the conclusion of a Disciplinary Case, College will write to the student against whom action has been taken, to indicate that formal procedures have been completed. This is called a Completion of Procedures Letter.

If your appeal against a disciplinary outcome is unsuccessful 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 Academic Registrar.