

Royal Northern College of Music
<b>Student Conduct Policy and Disciplinary Procedures</b>
Policy & Procedure
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RNCM  
ROYAL NORTHERN  
COLLEGE of MUSIC

## **Student Conduct Policy**

If you have been affected by the conduct or behaviour of another student, please refer to the flow diagram on page 10 of the [Student Complaints Policy](#).

### **1. Introduction**

The College is committed to providing an environment that facilitates and supports all students in their learning - one that preserves the freedom to learn, where academic, personal and professional standards are strictly upheld, where your rights, well-being, dignity and merits are respected. By joining the College community, and as outlined in the Student Charter, as a student, you agree to abide by all of our policies and procedures and adhere to the standards of behaviour expected of every member of our community. The College operates a zero tolerance policy with respect to bullying, harassment and sexual misconduct by any member of the College's community.

There may be occasions when students fail to meet the standards of behaviour expected, and we therefore need a framework to provide appropriate support and guidance in such circumstances. Failure to behave in the manner expected of you or to follow the College's rules and regulations may result in disciplinary action against you which could, in the most serious cases, lead to expulsion. Where we have to take disciplinary action, we will apply it fairly, consistently and fully taking into account all the circumstances of your case, bearing in mind your rights and those of the College. No formal sanction as a result of disciplinary action will be taken against you until a case has been fully investigated and the investigation concluded.

### **2. Purpose of the Policy**

This Policy and procedures sets out the standards of conduct that we require of you; our students, and the College's approach to dealing with allegations of student misconduct including bullying, harassment and sexual misconduct. The procedures detail how alleged breaches of the standards of conduct are managed and investigated through the College's disciplinary procedures.

Given the potential seriousness of student misconduct, student conduct and discipline is contained within the College's Articles of Government and as such is a formal Regulation of the College. This Policy and procedures are reviewed and approved by the Board of Governors following consideration and approval by the Academic Board.

### **3. Responsibility for Student Conduct**

The Principal is responsible through this Policy and procedures, for the maintenance of student discipline. The Academic Board regulates and oversees the conduct and discipline of the College's students under delegated authority from the Board of Governors, exercising this authority through the individuals and bodies identified within this Policy and procedures.

Authority for taking action for gross misconduct under this Policy and procedures resides with the Student Disciplinary Panel (Level 3 Action).

Depending on the nature of the misconduct, authority to take action under this Policy and procedures in cases of misconduct which are considered to be less serious (Level 1 and/or Level 2 Action) resides with the following individuals:

- Programme Leaders/ Heads of Schools

- Director of Research
- Academic Registrar

The Principal has the authority to impose a temporary suspension of study if it is determined that there may be undesirable consequences for the wider community if you were to be permitted to continue with normal College activities.

#### **4. Student Standards of Conduct**

You are required while on and off College premises, to behave as responsible members of the College community, and to represent and uphold the good name of the College. This also applies outside of formal term time and whilst you are on College activities such as placements and performances. You are expected to act;

- with civility, consideration and respect for others in the College and the local community;
- in a responsible manner that will help foster mutual respect and understanding between all members of the College community;
- not engage in any activity that is likely to bring the College into disrepute; and
- in accordance with all College policies, rules and regulations, and all applicable laws.

Although we seek to promote and facilitate good student conduct through awareness raising, support and positive encouragement, there are cases where this approach or other informal action is not sufficient. In such cases we will instigate formal disciplinary action according to the procedures in this Policy and procedures. Once formal disciplinary action has commenced, a case will usually be concluded even if the student against whom an allegation has been made has since left the College.

#### **5. Scope of Policy**

This Policy applies to all students registered and studying at the College including those who have accepted an offer of a place at the College and have arrived to start their programme but who have not yet completed the formal registration process. It continues to apply to students for up to three months after they have completed their programme of study. If you have an outstanding Level 2 or Level 3 disciplinary matter against you, or have submitted an intention to appeal against a disciplinary decision taken against you, you will not be permitted to graduate.

If you are the subject of an allegation of misconduct in a placement or workplace setting which is part of your programme of study you will normally be subject to the discipline Policy and procedures of your employer in the first instance. However, the College may also, or instead, decide to take action under this Policy and procedures if it is considered appropriate to do so.

Your behaviour on external professional engagements and during social activities including your conduct using social media or other forms of communication whether or not the College IT system is used, or whether or not it takes place during normal College opening hours, is also subject to scrutiny under this Policy and procedures.

Whilst the College anticipates that most matters involving student misconduct are dealt with under this Policy and procedures, matters may arise where it is appropriate for the College to implement other College processes as an alternative or in addition.

These include:

- College Academic Regulations and procedures
- Code of Practice on Freedom of Expression
- Health and Safety policies
- IT Acceptable Use Policy
- Library rules
- Social Media guidance

This Policy and procedures:

- do not apply to allegations of academic misconduct apart from in exceptional circumstances, for instance where the seriousness of the allegations warrants action under the Policy
- are not intended to be used to limit lawful protest
- are not usually used to intervene in disputes under private contractual arrangements, for example between a student and a landlord.

## **6. Terminology**

Throughout this Policy and its various procedures, a student bringing an allegation of misconduct is referred to as the 'reporting' student and the student(s) against whom the allegation is made as the 'responding' student(s).

## **7. Disciplinary Offences**

A disciplinary offence (misconduct) under this Policy and procedures is defined as improper interference, in the broadest sense, with the proper functioning or activities of the College, or those who work or study in the College; or action which otherwise damages the College. This includes bullying and/or harassment, sexual harassment and sexual misconduct.

The following provides a substantive but not exhaustive list of activities which the College regard as constituting misconduct:

- a) any breach of College Regulations, Codes of Practice or Policies;
- b) disruption or interference with the academic, administrative, professional, performance, social or other activities of the College, whether on College premises or elsewhere;
- c) obstruction or interference with the functions, duties or activities of any student, member of staff or other employee of the College or any authorised visitor or audience member to the College;
- d) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, which may manifest as bullying, harassment, sexual misconduct or domestic abuse (whether expressed orally, in writing or electronically including blogs, social networking websites and other electronic means);

- e) any behaviour which could constitute discrimination or harassment on the grounds of sex, sexual orientation, gender, gender reassignment, race (including anti-Semitic behaviour<sup>1</sup>), religion, disability or age of any student or member of staff of the College or any visitor to the College;
- f) failure to respect the reasonable exercise of the rights of others to freedom of belief and freedom of speech;
- g) distribution or publication of a poster, notice, sign or any electronic publication including audio-visual material, social media post, blog or webpage, which is offensive, intimidating, threatening, indecent or illegal;
- h) bribery or attempted bribery including but not limited to offering or giving money, gifts or any other advantage to any student or member of staff of the College with the intention of inducing that person to perform their role improperly or of rewarding that person for performing their role improperly;
- i) misrepresentation or falsification of pre-entry qualifications, previous study, work experience, or personal statements which emerges post-admission to a programme of study;
- j) conduct (wherever occurring) resulting in a formal police caution, community resolution order or other penalty imposed by the police;
- k) conviction of a criminal offence whilst an enrolled student by any court of competent jurisdiction;
- l) failure to declare an unspent criminal conviction during the admissions process for serious sexual offences, drug offences involving supply of drugs and offences involving violence against the person;
- m) misuse of computers, including the unauthorised use of the College's logo or name, or any breach of the College's policies on the use of its information systems, including social media;
- n) fraud, deceit, deception or dishonesty in relation to the College, its students, staff or visitors;
- o) action which may cause injury or jeopardise the health and/or safety of others whilst on College premises or on any other sites associated with the College through its professional or other programmes;
- p) theft, defacement or deliberate damage to any property of the College, or any property of a member of the College (including damage resulting from negligence);
- q) acts of disturbance that threaten the rights and privacy of any member of the College, whilst on College premises or engaged in College activity, or resident in College licensed accommodation;

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<sup>1</sup> Defined by the College in accordance with the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism as "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

- r) unfounded and malicious complaints brought against a member of the College under the Student Complaints procedures;
- s) production, possession, storage, supply or offer to supply, sale, use or misuse of a controlled drug or psychoactive substance as defined by the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016 (as amended from time to time) either within or outside of College;
- t) possession or use on College premises or whilst engaged in College business off-site of any firearm or dangerous weapon;
- u) a failure to comply with a previously-imposed penalty or reasonable instruction under this Policy or any other College Code, Policy, Rule or Regulation.

### **Definition of Sexual Harassment and Misconduct**

The following provides a substantive but not exhaustive list of activities which we regard as constituting sexual harassment and misconduct:

Sexual harassment relates to unwanted behaviour of a sexual nature which violates your dignity, makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment, including but not limited to:

- a) Gesturing or making sexual remarks about somebody's body, clothing or appearance.
- b) Asking questions about someone's sex life.
- c) Displaying pornographic or sexual images on posters / calendars / cards.
- d) Unwelcome sexual advances.
- e) Telling sexually offensive jokes.
- f) Intimidation, or promising resources or benefits in return for sexual favours.

Sexual misconduct relates to all unwanted conduct of a sexual nature, including, but not limited to:

- a) Engaging or attempting to engage in a sexual act with another individual without consent.
- b) Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating or offensive environment.
- c) Sexually touching another person without their consent.
- d) Inappropriately showing sexual organs to another person.
- e) Recording explicit images or recordings of another person without their consent.

## **8. Levels of Action**

The College has three levels for managing alleged student misconduct:

- Level 1: Local Intervention
- Level 2: Disciplinary Action
- Level 3: Disciplinary Hearing

Where the College has sufficient evidence to establish, on the balance of probabilities, that misconduct has occurred, we will usually determine an appropriate sanction for the student(s) involved. The circumstances and context of each case will be taken into account when determining what sanctions should be imposed.

The following table provides a framework for staff investigating reports of misconduct and students regarding the levels at which allegations of misconduct are usually considered, and highlights typical sanctions which could be applied at each level where misconduct is proven. The table is intended to be illustrative and not exhaustive, and the College anticipates that there will be circumstances when alternative sanctions are appropriate. The more serious sanctions can only be imposed following a disciplinary process at the appropriate level.

## Levels of Action and Sanctions

<b>Level 1 (Local intervention)</b>	
<p>Misconduct at Level 1 is usually defined as an incident or issue which is relatively contained and minor. Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Attempted deception or fraudulent behaviour</li> <li>• Actions which cause, or could have caused a health and safety concern</li> <li>• Anti-social behaviour</li> <li>• Behaviour which disrupts learning activities including performance activities</li> <li>• Incidents showing a lack of respect for other members of the College community and/or local community</li> <li>• Minor misuse of social media which impacts on the College community</li> <li>• Vexatious, defamatory or malicious claims about other members of the College community</li> <li>• Failure to respect the rights of others to freedom of expression within the law</li> <li>• Misuse and/or unauthorised use of College property.</li> </ul>	<p>The College will seek to address the incident or issue as quickly and as close to source as possible, with decisions taken at a local level. Typical sanctions include:</p> <ul style="list-style-type: none"> <li>• Verbal warning from a senior member of staff</li> <li>• Formal written warning</li> <li>• Requirement for a formal apology</li> <li>• Removal of access to a service provided by the College or to the use of specified facilities for a given period of no longer than one week.</li> <li>• Requirement on the student to give an undertaking as to their future behaviour within the College.</li> </ul>
<b>Level 2 (Disciplinary Action)</b>	
<p>Misconduct at Level 2 is usually defined as serious but contained incidents of misconduct and/or persistent minor incidents of misconduct. Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Impact on others from possession and/or use of illegal drugs</li> <li>• Impact on others from use of other substances including alcohol</li> <li>• Physical, written or verbal abuse or intimidation against another member of the College community, including via social media;</li> <li>• Disruption of or improper interference with the academic, administrative, social or other activities of the College</li> <li>• Bullying, harassment or discrimination against another person, including the use of discriminatory language</li> <li>• Sexual harassment</li> <li>• Serious deception or fraudulent behaviour</li> <li>• Damage to or theft of property from the College or members of the College community;</li> <li>• Acts which bring or threaten to bring the University's reputation into disrepute</li> <li>• Persistent failure to comply with sanctions at Level 1.</li> </ul>	<p>The College will seek a full investigation of the misconduct for the consideration of the Academic Registrar (or their nominee). Typical Sanctions include:</p> <ul style="list-style-type: none"> <li>• Any sanction at Level 1</li> <li>• Attendance on an educative programme appropriate to the misconduct (paid for by the student)</li> <li>• Reparation to the College or individual in respect of loss caused</li> <li>• Removal of access to a service provided by the College or to the use of specified facilities for a given period of no longer than one academic term.</li> <li>• Referral to the Police or other external authority</li> <li>• Financial Penalties (up to £250).</li> </ul>

<b>Level 3 (Disciplinary Hearing)</b>	
<p>Misconduct at Level 3 is usually defined as allegations of gross misconduct, or persistent serious incidents of misconduct at Levels 1 and/or 2. Examples of misconduct which will usually be considered at this level include:</p> <ul style="list-style-type: none"> <li>• Dealing illegal drugs and/or possession of quantities of drugs beyond normally associated with personal use, and/or possession of paraphernalia used in dealing drugs</li> <li>• Sexual misconduct, including sexual violence and abuse;</li> <li>• Serious sexual harassment</li> <li>• Physical violence</li> <li>• Serious physical, written or verbal abuse or intimidation against another member of the College community, including via social media</li> <li>• The commission or suspected commission of a criminal offence</li> <li>• Persistent failure to comply with sanctions under Level 2.</li> </ul>	<p>The College will seek a full investigation of the misconduct for consideration at a Formal Disciplinary Hearing. Typical Sanctions include:</p> <ul style="list-style-type: none"> <li>• Any sanction at Level 1 and/or 2</li> <li>• Suspension from the College, and/or exclusion from parts of the campus, for a given period of time</li> <li>• Permanent expulsion from the College.</li> </ul>

In response to a report or disclosure of alleged misconduct, the Academic Registrar will consider at which Level of Action the complaint should be investigated. The procedures may be entered at any level without the requirement for an earlier level to have been commenced or concluded, although it is anticipated that most situations can be managed by action taken at Levels 1 and/or 2. The level at which the procedure is implemented will depend on factors such as the nature of the allegation, the seriousness of any risk posed and the student's response to any steps taken so far by the College to manage the situation.

A student's unreasonable failure to engage with an investigation may in itself become a disciplinary matter.

Detailed information about how the levels are determined in a particular case and sanctions applied can be found in the Disciplinary Procedures below.

## **9. Precautionary measures**

We may use precautionary measures as a temporary means of mitigating risk to other members of the College community for the duration of part or the whole of an investigation. Details are set out in paragraph 17 in the Disciplinary procedures below.

## **10. Completion of Procedures**

Where you decide to withdraw from your programme, or are withdrawn on academic grounds, and there is an outstanding conduct concern, the disciplinary process will normally continue until completed so that a formal judgement may be reached whether or not you choose to engage with the process.



## **11. Conduct which may be a criminal offence**

If your conduct may be in breach of the criminal law, the College will usually at its discretion suspend or delay taking action under this Policy pending the outcome of any Police inquiry and/or criminal investigation/prosecution.

We may take action in respect of a student under this Policy and procedure notwithstanding a conviction or acquittal in criminal proceedings.

## **12. Rights, entitlements and responsibilities of students under this Policy.**

Under this Policy and in line with the Student Charter and other College policies, we acknowledge your rights and set out the expectations of how you will interact with the disciplinary procedures as follows:

- You will be treated fairly and consistently within the procedures under this Policy.
- You will be provided with details of any allegations made against you which are subsequently investigated under the disciplinary procedures.
- You will be provided with details of any conditions of suspension should you be suspended under this Policy.
- You are entitled to and will be given an opportunity, to state your case and to be heard in any disciplinary meeting.
- Where you make a counter-claim against any allegation, the College will investigate this.
- You are expected to engage in any disciplinary procedures in a polite, courteous and prompt manner.
- You are expected to attend disciplinary meetings when invited to do so.
- You are expected to follow the disciplinary procedures and fulfil your responsibilities within them.
- When you are accused of misconduct against a fellow student, the College will provide the same level of support for both parties and, as far as is possible, ensure that the parties have separate named contacts.

## **13. Support for Students**

When applying this Policy, we will consider what support and guidance may be offered to you prior to the decision to undertake a formal investigation, throughout the investigation and following its outcome. In this respect, all students are treated equally regardless of their part in the process. Support and guidance will be given to both the responding student(s) and reporting student.

In addition to support provided by the College, if you have been the victim of sexual misconduct from another student or a member of staff you can access external support from Saint Mary's Sexual Assault Referral Centre which has a 24 hours service, seven days a week – 0161 276 6515.

## **14. Confidentiality**

You should be aware that, in the course of dealing with allegations of student misconduct, as well as sharing information internally as necessary, we may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as agencies such as Social Services, the Disclosure and Barring Service or the Police. We will normally notify the student when doing so, but may do so on occasion without notification to the student such as in situations deemed to be of risk.

## **15. Disclosing the Outcome of an Investigation**

The reporting and responding parties will be provided with an indication of the outcome of the investigatory process where we are able to share this information. Our ability to share the outcome is dependent on the principles of the General Data Protection Regulation and if a staff member is involved, employment law.

Following the investigation of a complaint we will review our processes and procedure, and where necessary, take action as a result of learning from the complaint. In this case both the reporting and responding parties will be informed of any changes we have made.

## **Student Disciplinary Procedures**

- 16.** Allegations that students have failed to comply with the standards of conduct may result in the College taking action under this Policy and procedures and/or such other College procedures as it considers reasonable and appropriate.

Any misconduct as defined in this Policy will be considered under one of the three Levels of Action described in section 8 above.

## **17. Criminal Offences and Legal Proceedings**

If an allegation of misconduct might constitute a criminal offence or where a police, criminal or other legal investigation or legal proceedings are likely or under way, the Academic Registrar (or nominee) may give formal notice to a student of an intention to invoke the Disciplinary Procedures but may postpone further action until the investigation and/or proceedings have been concluded. However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to the student or others. The Academic Registrar will normally consult with the relevant external agencies before determining how to proceed.

In such cases precautionary measures may be taken under these procedures to mitigate risks, pending the progression or outcome of any police, criminal or other legal investigation or proceedings.

We are not bound by the outcome of any criminal prosecution although we may at our discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy and procedures.

## **18. Precautionary Measures**

We may take precautionary measures if deemed necessary to ensure the safety and/or wellbeing of other members of the College community pending the investigation of a claim of alleged misconduct, and/or pending the outcome of any disciplinary action subsequently taken, or an appeal.

If precautionary measures are taken, this is not considered a sanction under this Policy and procedures and does not indicate any pre-judgement about the outcome of the investigation and of any subsequent disciplinary hearing. We have a responsibility to take reasonable steps to protect a students' academic position/ progression through their programme in these circumstances regardless of the allegations.

Measures might include:

- temporary suspension of a student from their programme of study or a learning activity, including a placement;
- temporary exclusion from College premises either particular areas or as a whole;
- temporary exclusion from extra-curricular activities and events, including performances;
- temporary removal of access to College facilities and/or resources including online resources;
- temporary non-contact agreements.

If the precautionary measure deemed necessary is temporary exclusion or suspension, the Academic Registrar (or nominee) will make a recommendation to the Principal. For other precautionary measures, the Academic Registrar (or nominee) will make a recommendation to a nominated member of the Principal's Executive Team for other actions.

The student will be notified in writing of the decision, with reasons, normally within three working days of the date of the decision.

The Academic Registrar will notify the student's Head of Programme to request that they consider whether specific arrangements can reasonably be put in place for the student in order to minimise any impact on their studies, and to make these arrangements as appropriate.

In relevant cases specific arrangements will be put in place if learning is being delivered online to prevent, as far as is reasonably possible, virtual contact between the reporting and responding parties.

Where a precautionary measure is taken the student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:

- that the College has failed to follow the procedure set out in this Policy and procedures
- that the decision was unreasonable and/or disproportionate
- that material new information/evidence is available which was not reasonably available before.

Where a student is suspended and/or excluded as a precautionary measure the Academic Registrar and the Principal will review on a monthly basis whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time.

## **19. Level 1: Local Intervention**

A student should report or disclose an alleged incident of misconduct as soon as possible after it has occurred, to the Academic Registrar (or nominee) who will determine if the alleged incident is relatively contained and minor.

Level 1 normally involves intervention at a local level by the Programme Leader, Head of School (if the misconduct is performance-related) or Director of Research (if the misconduct relates to a research degree student) or their nominee. Staff responsible for taking action under Level 1 will have been trained in undertaking

investigations and will be supported by the Academic Registrar (or nominee) prior to invoking this Policy and procedure. The member of staff undertaking the investigation will be assisted by a member of Professional Services staff.

On receiving a report of alleged misconduct, the staff member or their nominee will investigate the matter. They will gather any evidence, including from the reporting student (whom they will meet) and witnesses if appropriate. They will also meet with the responding student(s). The responding student will be given at least five working days' notice of the date and time of the meeting, details of the nature of the incident, a copy of this procedure and be informed who will be present at the meeting. They can be supported at the meeting by a member of the College's Students' Union, a fellow student or a member of staff. The purpose of the meeting is to hear from the student their response to the report and allegations.

The staff member will determine whether, on the balance of probabilities, the alleged misconduct is founded and, if so, decide upon an appropriate sanction. Possible sanctions at Level 1 are detailed in paragraph 8 above.

The Academic Registrar (or nominee) will normally notify the responding student within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken. The student will be informed of the procedure to appeal against the decision (see paragraph 22 below).

The outcome will be recorded on the responding student's file but will be removed after the completion of the student's programme provided that there are no further instances of misconduct.

If the responding student is found guilty of misconduct on a subsequent occasion, a previous caution (and any other previous penalty) can be taken into account when deciding on the Level of Action under which the misconduct will be investigated and any sanction imposed.

If the responding student is not satisfied with the outcome of the Level 1 procedure they may submit an appeal to as set out in section 22 below.

Where a student denies an allegation made against them, or where it is felt that the matter is of such seriousness that it should be dealt with at a higher level, the students' Programme Leader, Head of School or Director of Research will explain in writing the grounds for this and refer immediately to Level 2 or, on the advice of the Academic Registrar, directly to Level 3 of the disciplinary procedure.

## **20. Level 2 and Level 3 Disciplinary Action / Disciplinary Hearing.**

Examples of allegations of serious and/or persistent misconduct at Level 2 and gross misconduct at Level 3 are set out in paragraph 8 above.

An Investigating Officer who is fully trained in investigating cases of serious student misconduct will be nominated by the Academic Registrar (or nominee) to investigate allegations under Level 2 and Level 3. When the matter has been referred to the Student Conduct Policy and Disciplinary Procedures following a formal investigation into a student complaint through the Student Complaints Policy, the report of the Investigating Officer will replace the need for a separate investigation under this Policy and its procedures. All investigations are carried out in accordance with the operating principles set out in this Policy and procedures. As part of any investigation:

- any action taken under Level 1 is reviewed;

- the reporting person is asked to provide a written statement and any evidence of the allegations, including identifying witnesses and invited to attend a meeting with the Investigating Officer;
- the Investigating Officer gathers evidence from other sources as appropriate, for instance CCTV footage, relevant information from College staff, postings on social media;
- the responding student is informed of the allegations and the supporting evidence in writing and is invited to attend a meeting with the Investigating Officer to gather facts about the alleged misconduct.

### **Reporting Student**

The reporting student is informed of the procedure that will be followed, that their identity and that of any witnesses cannot normally be withheld from the responding student, and how their statement and any evidence will be used and shared. Within the confines of data protection rules and the confidentiality of proceedings, they may be kept informed of progress. The student will be given at least five working days' notice of any meeting and can be accompanied to the meeting by a member of the College's Students' Union, a fellow student or a member of staff. The Head of Programmes Administration or nominee will be present as an independent observer at any meeting called at this stage and to take notes.

### **Responding Student**

The responding student has a right to respond to the allegation(s) of misconduct and provide any evidence in support, including witness statements, in writing and/or at a meeting with the Investigating Officer. They may also identify any witnesses to be interviewed as part of the investigation. Care is taken to avoid placing the student in a position whereby they incriminate themselves unfairly. The student will be given at least five working days' notice of any meeting and has the right to be accompanied to the meeting by a member of the College's Students' Union, fellow student or a member of staff. The meeting will be arranged within 20 working days of the receipt of the case by the Academic Registrar. The Head of Programmes Administration or nominee will be present as an independent observer at any meeting called at this stage and to take notes. The student may choose not to attend a meeting with the Investigating Officer and/or not to respond to the allegations. In such circumstances the Academic Registrar (or nominee), in consultation with others as appropriate, will normally decide whether or not action under the Procedures should continue.

If the student continues to deny the allegations made against them, or where it is felt that the matter is of such seriousness that it should be dealt with at a higher level, the Academic Registrar will explain in writing the grounds for this and refer the case to the Head of Programmes Administration as Secretary of the Student Disciplinary Panel (Level 3 of the Disciplinary Procedure).

The Investigating Officer provides a report and any evidence, including the responding student's statement within 10 working days of the conclusion of the investigation, to the Academic Registrar with a recommendation as to whether the matter is to be concluded at Level 2 under the Policy and the possible sanctions, or is to be considered by the Student Disciplinary Panel at Level 3. The report may also be provided to the responding student for information.

The Academic Registrar considers the report, evidence and recommendations. He/she may decide to meet the responding student to explore further matters raised in the investigation and may take any advice he/she wishes. He/she determines whether the matter can be concluded at Level 2, or may be gross misconduct to be considered by the Student Disciplinary Panel at Level 3.

## **21. Level 2 Disciplinary Action**

If the matter can be concluded at Level 2, the Academic Registrar may:

- dismiss the allegation, or
- find that a breach of discipline did occur, but take no further action, or
- decide to issue a further warning to the student, or
- find that a breach of discipline did occur and impose an appropriate sanction.

Possible sanctions at Level 2 are detailed in paragraph 8 above.

The Academic Registrar (or nominee) will normally notify the responding student within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken. The student will be informed of the procedure to appeal against the decision (see paragraph 23 below).

The outcome will be recorded on the responding student's file but will be removed after the completion of the student's programme provided that there are no further instances of misconduct.

## **22. Level 3: Disciplinary Hearing (Student Disciplinary Panel)**

The Student Disciplinary Panel has a responsibility for considering a matter that cannot be concluded appropriately at Level 2 or allegations of gross misconduct referred to it by the Academic Registrar. It will normally aim to hear such a case within 20 working days of notification.

The Student Disciplinary Panel is convened by the Academic Registrar. The membership of the Student Disciplinary Panel is as follows:

- the Director of Programmes (Chair);
- two full-time member of the College teaching staff, at the invitation of the Chair.

A member of Academic Services staff will attend the meeting of the Panel to take notes.

Consideration will be given to the balance of the panel in terms of knowledge, experience and representation and to reflect the responding and reporting students in the particular case. Panel members are to be independent and impartial.

### **Student Disciplinary Panel – proceedings**

Students subject to a hearing by the Student Disciplinary Panel under this Policy, will be notified in writing of the following:

- a clear description of the nature of the misconduct against them;
- the time, date and place fixed for the meeting which they are expected to attend. You will normally be given no less than five working days' notice of the meeting - you may request for this period to be extended if the circumstances are reasonable;
- the right to be accompanied/represented at any meeting by a fellow student, Students' Union representative or a member of College staff;
- the right to call witnesses on your behalf, to question these and other witnesses and to submit documentary evidence. Advance notification of witnesses

attending any meeting must be made to the Head of Programmes Administration as appropriate;

- the content of any documentation which the Panel intends to refer to or make use of during the meeting.

The Investigating Officer who undertook the investigation normally presents the case to the Student Disciplinary Panel. The Secretary arranges for the information collected during the investigation that are to be considered by the Disciplinary Panel, including, but not limited to, the investigation report and written statements, to be provided to the Panel members and the student and/or the student's support if they have one, at least seven working days prior to the hearing.

The responding student may provide a written statement and evidence in response to the allegations to be considered to the Secretary at least four working days prior to the hearing date. The Secretary arranges for the information to be provided to the Panel.

Notice of any witnesses to be called by the student and/or the Investigating Officer at the hearing must be given in writing to the Secretary to the Disciplinary Panel at least three working days in advance of the date of the hearing, together with a written statement of the contribution that each witness will make.

If a student chooses, without good reason, not to present a response to the allegations for consideration by the Panel and/or not to attend a Disciplinary Hearing, the Panel may decide to continue with the hearing and to reach a finding in their absence.

The Student Disciplinary Panel will conduct its business in accordance with the rules of natural justice. Findings will be made on the balance of probabilities and decisions may be by a majority.

The Disciplinary Panel determines its findings and reaches a decision in the matter. It may make one of the following decisions:

- the allegation of misconduct is unfounded, or
- the allegation of misconduct is unfounded, however an alternative charge of misconduct is founded, or
- the allegation of misconduct is founded but to take no further action, or
- the allegation of misconduct is founded and to impose an appropriate sanction, or
- the allegation of misconduct is founded and to recommend that the student be suspended, excluded or expelled.

Possible sanctions at Level 3 are detailed in paragraph 8 above.

The Academic Registrar (or nominee) will normally notify the responding student within five working days of the meeting of the staff member's decision, with reasons, and any actions to be taken. The student will be informed of the procedure to appeal against the decision (see paragraph 23 below).

The College notifies external organisations of any investigation and/or outcome where it has an obligation to do so, such as Student Finance England or the DBS.

## **23. Appeals**

Following a finding of guilt, you will have the right of appeal against both the finding and any penalty imposed as a consequence on one or more of the following grounds:

- procedural irregularity or administrative error;
- availability of new evidence which could not reasonably have been expected to be presented to the original hearing;
- the disproportionate/unfair nature of the penalty.

### **Appeals against Level 1, Level 2 or Level 3 sanctions**

You have the right of appeal against a Level 1, 2 or 3 sanction. Appeals will be heard by the Deputy Principal (Performance and Programmes).

You must submit your appeal in writing, stating the grounds for the appeal, no later than ten days after you receive the outcome of the disciplinary meeting from the Head of Programmes Administration.

When the above documentation has been received, the information will be passed to the Deputy Principal (Performance and Programmes) (or their nominee) to either reject or uphold the appeal. You will be notified by the Academic Registrar of the decision within 10 working days. The decision of the Deputy Principal (or nominee) is final and a decision letter and a 'Completion of Procedures' letter will be issued.

### ***Appeals against expulsion***

Appeals against expulsion from the College will be reviewed by the Deputy Principal (Operations) (or their nominee), provided that they have not been involved previously in the particular disciplinary procedure against the student.

You must submit your appeal in writing, stating the grounds for the appeal, no later than ten working days after receiving the decision of the Student Disciplinary Panel to the Head of Programmes Administration. In making their decision, the Deputy Principal (Operations) (or nominee) will:

- a) review the procedures followed;
- b) establish whether you have presented any new evidence that could not have reasonably have been expected to be presented to the original hearing and this evidence is material and substantial to the findings;
- d) review the penalty imposed.

The Deputy Principal (Operations) (or nominee) will decide in their discretion whether to reject or uphold the appeal. You will be notified by the Academic Registrar of the decision within 10 working days. The decision of the Deputy Principal (or such nominee) is final and a decision letter and 'Completion of Procedure' letter will be issued.

The Deputy Principal (Operations) (or nominee) has the authority to confirm, set aside, reduce or increase the penalty previously imposed or, if new evidence that is material and substantial has been established, to refer the case back for consideration by a newly constituted Student Disciplinary Panel.



## **24. Custodial Sentences and Students on Remand**

Where information is provided to the College that a student is convicted of an offence and given a custodial sentence or is remanded in custody pending the outcome of criminal proceedings, the matter will be reported to the Academic Registrar as soon as possible.

The Academic Registrar determines:

- whether or not to invoke the College's disciplinary procedures either at the time or deferred, and
- the student's registration status, i.e. whether the student is withdrawn temporarily or his/her registration terminated (which could have a bearing on the position relating to their fees and student loan).

Such matters are decided on a case-by-case basis taking into account the length of the sentence, the crime committed and the academic position of the student. In reaching their decision, the Academic Registrar takes advice as appropriate in the circumstances, but this will usually include the Head of Programme and Director of Programmes. The Academic Registrar will notify the student in writing of their decision and whether and how the student may be able to apply for re-admittance.

## **25. Return to Study**

A student may request to return to study following an imposed suspension of their programme of study or a decision of exclusion for a period of time or after serving a custodial sentence or period of remand. Any such request must be made in writing by the student to the Academic Registrar.

The student will be invited to meet with the Academic Registrar and their Head of School to consider the request to return to study. The student may be required to produce a statement and/or satisfactory evidence to support the request to return (for example, evidence of engagement with support and conditions of release etc.) from recognised professionals prior to the meeting being arranged. The Academic Registrar will arrange for other information to be gathered as necessary, including about the student's previous academic record and profile and any external advice available regarding risks where appropriate.

Depending on the length of the period of absence, the student may be required to re-audition in order to return to study.

The Academic Registrar together with the Director of Programmes will determine whether to permit the student to return to study. In reaching their decision, they may consult with the student's Head of School and/or Head of Programme.

In each case the Academic Registrar will consider the nature of the matter/offence, any particular circumstances, any potential risks to the College, its staff and students and any other pertinent issues and decides:

- on re-admission and the timing of it, and
- any conditions associated with re-admission.

The Director of Programmes will consider any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study.

The decision is notified to the student in writing, with reasons, within a reasonable time of the student's written request to return to study. If the request is turned down, the letter includes information on the individual's right of appeal and the process of re-application for a return to study.

The student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:

- the College has failed to follow the procedure set out in this Policy and procedure
- the decision was unreasonable and/or disproportionate
- material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 23 above.

The College will work collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student will be invited to attend a meeting or be in contact by other means with appropriate members of academic staff and/or support services. An action plan may be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Director of Programmes in respect of the student's return. The action plan will include a timetable for any review. If conditions are attached, failure to comply may lead to further action under the Student Disciplinary Procedures. The student will be sent a copy of the action plan.

## **26. Office of the Independent Adjudicator for Higher Education (OIA)**

The RNCM subscribes to the independent scheme for the review of student complaints.

Once you have completed our internal 'Student Conduct and Disciplinary' procedures we will issue you with a 'Completion of Procedures' letter.

If you are dissatisfied with the outcome you may be able to apply for a review of your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

The OIA's Complaint application form is available from the OIA's website [www.oiahe.org.uk](http://www.oiahe.org.uk).

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of the Completion of Procedure letter provided by the College

You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

**Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures, which is evidenced by the Completion of Procedures letter.**

The OIA *will* consider complaints connected with welfare issues, contractual issues, a breach of procedure, discrimination or poor practice.

The OIA *will not* consider complaints connected with academic judgement, admission to the College, matters which are the subject of court or tribunal proceedings or employment matters.

We will comply with any recommendations of the OIA.