



## Student Misconduct and Disciplinary Procedure

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### A. Introduction

1. The Arts Educational Schools (ArtsEd) is committed to delivering a high-quality service and excellent teaching and learning opportunities and, because of this, it is expected that students will act responsibly and with consideration for others on ArtsEd's premises, online and offsite.
2. Staff and students are expected to act honestly and with integrity. Students must adhere to the Student Code of Conduct and all relevant ArtsEd's policies, procedures and regulations, including those set out in the Student Terms and Conditions.
3. This policy must be read in conjunction with:
  - i. [Safeguarding Policy](#)
  - ii. [Health & Safety Policy](#)
  - iii. [Student Anti-Harassment and Bullying Policy](#)

- iv. [Student Complaints Procedure](#)
- v. [Student Sexual Misconduct Policy](#)
- vi. [Attendance Policy](#)

4. The above list is not intended to be exhaustive and, where appropriate, other policies and procedures should be considered.

## **B. Scope**

5. This Student Misconduct and Disciplinary Procedure applies to current ArtsEd students studying a programme which leads to a Higher Education award and who are suspected of non-academic misconduct. Incidents of suspected academic misconduct, including plagiarism, cheating or collusion, will be dealt with using the Academic Misconduct Procedure.
6. Any student whose behaviour does not meet the standards expected or as set out in ArtsEd's policies, procedures and regulations may be dealt with through this Student Misconduct and Disciplinary Procedure. This policy applies to students from the point at which they register on their programme until such time as they graduate. The procedure applies at all times and is not limited to conduct during term time; it applies to activities on ArtsEd's premises and in respect of ArtsEd or ArtsEd-related activities elsewhere, including online.

### **Role of City, University of London, and Trinity College of London in this procedure**

7. ArtsEd's programmes which lead to Higher Education awards are validated by City, University of London (City). The three-year courses in Acting and Musical Theatre which are validated by City leading to the award of BA (Hons) are additionally validated by Trinity College of London as Professional Performing Arts Diplomas. The Trinity Professional Performing Arts Diplomas are only open to students in receipt of Dance and Drama Awards funding.
8. City has overarching responsibility for the quality and standards of Higher Education programmes offered by ArtsEd. Students have a right of appeal to City against a decision at the final stage of this procedure if the non-academic misconduct relates to the validated programme of study or has taken place on City premises. However, students sanctioned for a disciplinary matter that is not concerned with conduct relating to the validated programme of study or with an activity that has taken place on City premises, are not entitled to appeal to City against a decision at the final stage of this procedure **(please also see Section F below)**.
9. Non-academic misconduct which relates to Trinity Professional Performing Arts Diplomas (for students in receipt of Dance and Drama Awards funding only) will be dealt with solely under this procedure.

### **Rules of natural justice**

10. ArtsEd has legal obligations which will apply to this procedure such as the duty to act fairly and reasonably in relation to all parties in its application. This procedure seeks to operate in

a fair manner. However, it does not seek to reproduce elements of the criminal law or criminal justice system and it is not a formal legal process.

11. The procedure complies with the rules of natural justice, which confer on a student: the right to know the case against them; the right to be given an opportunity to defend themselves; the right to confidentiality and the right for the case to be considered by an impartial arbiter.

### **External referrals including legal proceedings**

12. If a student's conduct may be in breach of the law, ArtsEd may, at its discretion, refer the matter to the police and/or other suitable authorities. In addition, where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, ArtsEd may suspend its consideration of the matter under this or any other regulation, policy or procedure, irrespective of the stage of the process, until such investigation and/or proceedings have been concluded. ArtsEd's consideration of a matter under this procedure may be resumed at any stage should ArtsEd deem it to be appropriate in the circumstances.
13. ArtsEd reserves the right to report any criminal offence allegedly committed by a student to the police. However, if a person claiming to be the victim of a serious offence committed by a student does not wish the police to be involved, ArtsEd shall normally respect such wishes unless the safety of other students or staff may be at risk.
14. Action may be taken in respect of a student under this procedure notwithstanding the student's conviction or acquittal in criminal proceedings. ArtsEd is not bound by the outcome of any criminal prosecution although ArtsEd may, at its discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed against a student under this procedure.

### **Burden of Proof**

15. The "burden of proof" (determining whose responsibility it is to prove an issue) under this procedure will fall upon ArtsEd and not upon the student.
16. The '**standard of proof**' (the level of proof required) used by ArtsEd will be '**the balance of probabilities**', i.e., that based, on the evidence presented, it is more likely than not that the alleged incident happened. The '**standard of proof**' used by ArtsEd is a lower standard of proof than the criminal standard. In criminal proceedings, the '**standard of proof**' is '**beyond reasonable doubt**', i.e., that the evidence presented must be so convincing that no reasonable person could have any doubts that the alleged incident took place.

## **C. Definitions of Non-Academic Misconduct**

17. The following circumstances are examples of non-academic misconduct, although this list is not exhaustive:
  - i. Antisocial behaviour
  - ii. Bringing the School into disrepute

- iii. Damage to, or misappropriating, School property
- iv. Fighting, assault or threatening behaviour
- v. Hate crimes
- vi. Infringement of Health & Safety rules and procedures
- vii. Misuse of alcohol, solvents, drugs and/or legal highs on School premises
- viii. Misuse of School facilities or name
- ix. Negligence which causes unacceptable loss, damage or injury
- x. Persistent or prolonged unauthorised absence (non-attendance) from your course
- xi. Possession, or supply of controlled drugs
- xii. Sexual misconduct (this includes any behaviour of a sexual nature which is unwelcome, unreciprocated and repeated and which might cause a stressful or intimidating working, studying or social environment). Please refer to the (Student Anti-Harassment, Bullying and Sexual Misconduct Policy and the Sexual Misconduct Policy for further details and definitions)
- xiii. Theft, fraud, deliberate falsification of records or other documents
- xiv. Unacceptable behaviour towards students, staff or members of the public. For example:
  - a. breach of confidence
  - b. bullying, harassment (sexual or otherwise) and racism
  - c. putting others at risk of harm
  - d. verbal and written abuse in any form (including on social media)
- xv. Unauthorised use of computers or computer records, or disregard of ArtsEd's IT policies
- xvi. Other behaviour which may also constitute a criminal offence
- xvii. Breach of any ArtsEd's regulation, procedure or policy.

## **D. Underlying Principles**

### **Fairness and transparency**

16. The consideration of a student misconduct and disciplinary case will be based on the principles of fairness and transparency which should ensure:
  - i. a timely resolution and conclusion, with an emphasis on local resolution at the earliest opportunity;
  - ii. that the process is evidence-based;
  - iii. that ArtsEd's processes, decisions and the reasons behind our decisions are clear and there is opportunity for independent review;
  - iv. that decisions made will be reasonable and, where required, provide appropriate redress;
  - v. that, regardless of the allegation against a student, the student is supported by ArtsEd and does not suffer any disadvantage during the process. ArtsEd reserves the right to take disciplinary action against a student and include the finding in the student's record, where appropriate.

### **Early intervention**

17. Members of staff are encouraged and empowered to address minor issues, such as short periods of unauthorised absence or low level anti-social behaviour, through early intervention, positively supporting students to develop their understanding of what constitutes acceptable and professional behaviour before circumstances escalate towards formal action. If informal discussions with students and/or warnings are not considered to be effective or appropriate, then the processes set out within **Section E** of this procedure should be followed.

### **Variation of the process set out in the Student Misconduct and Disciplinary Procedure**

18. In exceptional cases, ArtsEd reserves the right at any stage of this procedure (**as set out in Section E**) to vary the process it follows in the interests of fairness and/or health and safety. Where such a decision is made, ArtsEd will notify all relevant parties and provide its rationale for the modification of the procedure.

### **Precautionary Action**

19. ArtsEd may in appropriate cases temporarily suspend and/or exclude a student for a defined period or until a matter is considered under this procedure. This is a precautionary measure, and is not a penalty and does not indicate that ArtsEd has concluded that the student has breached its rules regarding student conduct. **Please see Appendix B.**

### **Representation**

20. Any student subject to this procedure will be entitled to be accompanied by a student representative, a current student of ArtsEd or a current member of staff at any stage of our process. Students who wish to be accompanied to a meeting must notify us prior to the relevant meeting. The person accompanying the student cannot speak for or on behalf of the student. Such a person will only be there to offer support to the student.
21. Neither ArtsEd nor the student would normally be represented by a legal practitioner at meetings or hearings. We do not usually expect students to access legal support or advice under this Procedure. Where legal advice is sought, you should be aware that we reserve the right to request that any legal proceedings be suspended where our internal procedures have not been completed. You should also be aware of the position of the Office of the Independent Adjudicator on such matters.

### **Communicating with students**

22. Discussions with students and investigations under this procedure may take place by a variety of means, including face-to-face, telephone and videoconference. ArtsEd will usually correspond with a student by email and ask that the student use email to correspond with us. Only where necessary and appropriate, would we use other modes of communication to correspond with you.

### **Student Engagement**

23. ArtsEd may proceed with any steps under this procedure in the absence of the student, or if the student fails to engage with the procedure. In exceptional circumstances, some flexibility may be exercised where a student makes a demonstrable case by providing a 'good reason' in writing as to why they were unable to reasonably engage with the misconduct and disciplinary process. In such cases, the student must have demonstrable evidence to support the reason(s) for their lack of engagement.
24. ArtsEd will determine what constitutes a 'good reason' in these circumstances, but it may include students having a serious illness or operation or being directly involved with a medical emergency. By way of example, the following reasons are not considered by ArtsEd to be 'good reasons' for not engaging with the student misconduct and disciplinary process:
- i. Being on holiday
  - ii. Forgetting to respond to ArtsEd's enquires or forgetting to attend a scheduled meeting

### **Access to services and student awards**

25. ArtsEd reserves the right to refuse the provision of any service or facility to a student until consideration of a matter of concern under this procedure is concluded.
26. Where applicable, ArtsEd may seek approval from City and/or Trinity to withhold granting an award to a student subject to this procedure until its consideration of a matter of concern is complete. This may include withholding information that indicates an award is forthcoming.

### **Duty of Care**

27. ArtsEd takes its duty of care seriously. ArtsEd owes a duty of care to all members of its community to ensure the health, safety and wellbeing of its students, pupils, staff and visitors. In exceptional cases therefore, and in accordance with this procedure, ArtsEd may determine that a student presents a risk to themselves or to other members of the community which may result in:
- i. temporary suspension for a defined period whilst the matter is considered under the relevant ArtsEd procedure (see Appendix B)
  - ii. temporary suspension or permanent termination of registration as a where repeated or serious misconduct has been verified or admitted to by the student penalty under this procedure (see Appendix A).

### **Equality Act and Human Rights Act**

28. ArtsEd is mindful of its legal obligations under the Human Rights Act 1998 and the Equality Act 2010 and is committed to promoting equality, diversity and inclusion in all its activities and processes. ArtsEd promotes equality regardless of any protected characteristic and/or diverse background and ensures:
- i. that its practices and functions including this Procedure are accessible and barrier free;
  - ii. that reasonable adjustments are made for disabled students who use this Procedure, noting ArtsEd's enhanced duty to make reasonable adjustments when responding to

- and managing instances of student misconduct and disciplinary involving a disabled student.
- iii. that student carers of disabled people and students with dependants who are subject to this Procedure are treated fairly and any relevant adjustments will be made for such students where necessary;
  - iv. that in the coordination and make up of decision-making panels ArtsEd will fulfil its commitments to the Equality duty.

### **Confidentiality and Data Protection**

29. All information obtained as part of this Student Misconduct and Disciplinary Procedure will be held in accordance with General Data Protection Regulations (GDPR), Data Protection legislation and the **Student Privacy Notice**. ArtsEd will ensure that matters handled by it as part of this process are undertaken with the appropriate level of confidentiality and information will only be made available to those who need it for the purposes of managing and responding to the provisions of this Procedure.
30. In some instances, aspects of a student's misconduct or disciplinary action taken by ArtsEd against a student may need to be disclosed to other relevant staff and external organisations as part of the management of a case. Where there are elements which are particularly sensitive and the student has concerns about their confidentiality, the student can raise this with the Registrar who will discuss how disclosure can be minimised, if possible and appropriate to do so.
31. Where ArtsEd needs to liaise with, and obtain information from, a third party as part of this Procedure, ArtsEd will only give the third party as much detail about the student and the student's situation as is necessary to obtain the evidence required. Staff will ensure that discussions held during meetings are undertaken with the appropriate level of confidentiality, unless doing so could put others at risk. Students are actively encouraged to discuss and seek support about matters they may be experiencing from close family, relatives and friends who can offer the appropriate assistance.
32. Where a student had raised allegations involving another student or a member of staff and it has been upheld, ArtsEd will advise the student raising the allegations of this. However, it may not be appropriate to share any specific details with students, particularly where further action is being taken.
33. When students or staff members bring an allegation to ArtsEd's attention, these parties should avoid disclosing unnecessary personal information (for example, medical conditions) unless it is relevant to the issues raised. It is important to avoid disclosing other people's personal data when bringing concerns unless written permission has been given by the person(s) to do so.

### **Reporting and Monitoring**

34. An annual summary report of the number of student misconduct and disciplinary cases and overall actions taken to resolve them will be received by the City Course Board, the Higher Education Committee and the Board of Trustees. There will be no reference to individual

cases. The reports will show trends and make recommendations for action where necessary. A confidential record will be kept separately of individual cases as determined by the General Data Protection Requirements.

## **E. Procedure to be followed when investigating Student Misconduct**

35. The ArtsEd Student Misconduct and Disciplinary Procedure consists of three stages which set out the standard procedure to be followed when considering an allegation of student non-academic misconduct. However, you should note that the Registrar or nominee retains the right to vary this procedure in some cases, where it is considered appropriate and/or necessary to do so. For example, there may be instances where the Student Misconduct and Disciplinary Procedure will need to be paused so that the matter can be referred to other ArtsEd processes, such as Fitness to Study, or externally.
36. The Student Misconduct and Disciplinary Procedure consists of the following stages:
- **Stage 1: Initial Investigation ('Minor Misconduct' and 'Repeated Misconduct or Serious Misconduct')**
  - **Stage 2: Misconduct Panel Hearing**
  - **Stage 3: Appeals against the outcome of Stage 2 considerations ('Initial Scrutiny' and 'Appeals Process')**

### **Stage 1: Initial Investigation**

37. Where a staff member or student observes, or is informed of, an incidence of non-academic misconduct by a student, that person (or someone acting on that person's behalf), should report the incident to the student's Head of Year, relevant Head of Department, Director of the relevant School or Registrar.
38. The staff member or student can also report their concern by:
- i. sending an email to [studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk) or
  - ii. using the Incident Reporting Toolkit, [SpeakUp](#).
39. Upon receiving notification of an incident of non-academic misconduct, the Head of Year, relevant Head of Department, Director of the School or the Registrar should make arrangements normally within 10 working days for the gathering of any evidence available, including signed witness statements, if appropriate, and make an initial assessment to determine if the incident falls under the Student Misconduct and Disciplinary Procedure or whether it is covered by another ArtsEd procedure.
40. If the Head of Year, relevant Head of Department or Director of the relevant School is unsure which procedure/s should be used, then advice can be sought from the Registrar.

### **Stage 1: Initial Investigation (Minor Misconduct)**



41. If the incident is minor in nature, it can normally be handled by a relevant member of staff within the relevant school who will act as the Investigating Officer. The Investigating Officer, as part of resolving the incident, should give appropriate guidance to the student.
42. A minor incident could be one where, for example:
- i. other people have not suffered; and/or
  - ii. any loss (physical, material), is minor or temporary and the student will be able to repair any damage quickly and effectively to compensate; and/or
  - iii. the student is showing regret and is willing to co-operate with advice; and/or
  - iv. guidance is likely to put an end to this one-off matter.
43. Examples of minor misconduct are:
- i. a lack of respect or courtesy towards fellow students and/or staff
  - ii. a minor breach of Health & Safety rules
  - iii. a one-off incident of alcohol abuse
  - iv. unauthorised absence from the course
44. If the Investigating Officer determines that the incident should be resolved at Stage 1, the Investigating Officer should:
- i. inform the student in writing that an alleged incident of misconduct by the student has been reported and the exact nature of the concern that has been raised (e.g. misuse of alcohol, repeated non-attendance etc.); and
  - ii. point the student to any relevant documents covering the alleged incident of misconduct (e.g. the Student Handbook or the Student Terms and Conditions etc.) and provide the student with a copy of these Procedures; and
  - iii. arrange a meeting with the student and another independent member of staff (for example another Head of Year from a different subject or another Lecturer) to discuss the alleged incident.
45. If possible, this should take place as soon as possible and within ten working days of the alleged incident being reported. The student should be given at least three working days' notice of the meeting; and the Investigating Officer should:
- i. remind the student that they have the right to bring another current student (representative or otherwise) or staff member with them; and
  - ii. where appropriate, inform the student that they have the right to produce any supporting information at or ahead of this meeting, including any signed witness statements; and
  - iii. inform the student that if they do not attend this meeting, the investigation may continue in the student's absence.
46. At the meeting, the Investigating Officer should present the allegation, and any evidence, to the student and invite the student to give their account of the incident, including providing any supporting information if the student has not already done so.

47. If following this meeting it is agreed that an incident of misconduct has been verified, the Investigating Officer should:
- i. issue either a verbal or written warning to the student that his or her conduct is unacceptable; and
  - ii. give guidance to the student as to how the student should modify his or her conduct; and
  - iii. offer any reasonable support to the student such as referring the student to the Student Support and Engagement Team; and
  - iv. inform the student that another occurrence of the incident of misconduct will result in a Misconduct Panel being called; and
  - v. follow up the verbal warning with a written summary of the warning normally within five working days of the meeting taking place or issue a formal written warning also normally within five working days of the meeting taking place
48. The Investigating Officer must take notes of this meeting and a copy of these should be sent to the student, along with the written summary of the verbal warning or the written warning itself as appropriate or necessary. A copy should also be sent to [studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk) at the same time.

### **Stage 2: Initial Investigation (Repeated Misconduct or Serious Misconduct)**

49. This might be where:
- i. there has been a breach of regulations, policy and/or procedure that could have potentially led to someone being harmed or something being damaged (e.g., a breach of Health & Safety regulations where no one was actually injured); and/or
  - ii. someone or something has come to harm; and/or
  - iii. the law has been broken; and/or
  - iv. the loss of damage is significant and cannot be quickly repaired; and/or
  - v. where the misconduct is repeated; and/or
  - vi. where there are multiple incidents of misconduct; and/or
  - vii. where the student shows no real signs of regret and/or it is the opinion of ArtsEd that the student does not understand the inappropriateness of their actions; and/or
  - viii. where the student has brought ArtsEd, or could bring ArtsEd, into disrepute.
50. Examples of repeated misconduct or serious misconduct are:
- i. an incident that potentially brings ArtsEd into disrepute.
  - ii. persistent failure to respond to or comply with formal disciplinary sanctions imposed under these procedures or other ArtsEd policies and procedures.
  - iii. possessing, supplying or dealing in illegal substances or those that are considered to induce a 'legal high'.
  - iv. a serious breach of Health & Safety rules.
  - v. sexual misconduct
  - vi. violent behaviour.
  - vii. repeated and unauthorised absence from the course.

51. If the alleged incident of misconduct is considered to be serious in nature, is of multiple incidents of misconduct, if the student does not amend their conduct following an initial warning, or the student does not agree with the outcome of a Stage 1 investigation, Student Cases must be informed. Staff members and students can report their concern to Student Cases by:
- i sending an email to [studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk); or
  - ii using the Incident Reporting Toolkit, [SpeakUp](#).
52. Once received, the appropriate staff in the Registry Team will:
- i. inform the student in writing that an alleged incident or incidents of misconduct by the student has been reported and the exact nature of the concern(s) raised (e.g., an action likely to cause injury or impair safety on ArtsEd's premises, violent, threatening or offensive behaviour or language whilst on ArtsEd's premises or engaged in ArtsEd's activity); and
  - ii. point the student to any relevant documents that cover the alleged incident/s of misconduct (e.g. the Student Harassment, Bullying and Sexual Misconduct Policy, the Student Code of Conduct, the Student Terms and Conditions, any other appropriate ArtsEd's policies, procedures and regulations etc.) and provide the student with a copy of the relevant policies, procedures and regulations; and
  - iii. inform the student that an investigation of the alleged incident will take place by a named member of staff appointed as Stage 2 Investigator and that a Misconduct Panel will be called to consider the alleged incident(s) to consider the outcome of the investigation; and
  - iv. ask the Stage 2 Investigator to investigate the alleged incident/s.
53. The Stage 2 Investigator shall:
- i. investigate the alleged incident/s of misconduct by the student, including gathering any written, oral and other information from relevant sources; and
  - ii. inform the student that the student will be required to attend a hearing of the Misconduct Panel; and inform the student that they may produce a written response to the concern/s raised and to present any supporting information, if the student wishes to do so. The student should normally be given a deadline of ten working days to do this and be advised that the Misconduct Panel may still go ahead if no response is received; and
  - iii. inform the student about the services available from the Student Support and Engagement Team; and
  - iv. convene a Misconduct Panel normally within ten working days of the deadline for receipt of any supporting information; and appoint a Secretary to the Misconduct Panel - this will usually be an appropriate member of the Registry Team who has not been involved in the case previously.
  - v. inform the student of the date of the Panel hearing and that they have the right to bring a current student (representative or otherwise) or staff member with them; and

- vi. inform the student that if they do not attend the hearing, the investigation may continue in the student's absence and that disciplinary action may be taken against the student.
- vii. provide the student with a copy of the investigation report and any evidence that will be considered by the Misconduct Panel. Report may be redacted only where appropriate to do so. All redactions must comply with GDPR requirements.

## **Stage 2: Misconduct Panel Hearing**

54. A Misconduct Panel should normally consist of three senior staff (normally Head of Department/Year or equivalent) who have not had prior involvement in the case.
55. For the Panel Hearing:
  - i. the Panel will have received the investigation report and any evidence to consider;
  - ii. the reporting party making the allegation may be invited to speak;
  - iii. the student should be invited to present any evidence in support of their case, this may include witnesses or signed witness statements;
  - iv. the Panel may seek procedural advice from the Quality Team in Registry and may also invite them to the Panel Hearing, as appropriate.
56. Following due consideration of all evidence relevant to the alleged incident/s of misconduct, the Panel will make one of the following recommendations:
  - i. to dismiss the allegation and take no further action, either because the student has no case to answer or because the allegation has not been proven; or
  - ii. to determine that one or more of the allegations has been proven and the student has committed non-academic misconduct; or
  - iii. to refer the allegation for consideration under another ArtsEd regulation, policy or procedure
57. Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in Appendix A should be applied. When deciding a penalty the Panel must take into account any mitigating or aggravating circumstances.
58. The Panel may take into account any circumstances presented by the student when applying any of the penalties set out in Appendix A and will apply a penalty that is appropriate in all the circumstances.
59. The Panel must ensure that a penalty does not incur any unintended consequences either for the student, or for other students.
60. The Panel Secretary will inform the student in writing, normally within five working days of the decision, of the outcome of the case and will set out the reasons for the Panel's decision.
61. A confidential record will be kept on the student's file, which will include the minutes of the Panel hearing and details of subsequent actions.

62. The relevant School's Director will be informed of the outcome of the Misconduct Panel Hearing.

**Stage 3: Appeals (against the outcome of Stage 2 considerations)**

63. A student may request to appeal the findings of the Misconduct Panel on one or more of the following grounds:
- i. That there has been a procedural irregularity that was material to the Panel's decision;
  - ii. That there was bias on the part of the Misconduct Panel;
  - iii. That the decision is unreasonable and/or that the penalty is disproportionate;
  - iv. That there is new material evidence which the student can demonstrate was, for good reason, not previously available.
64. If the student wishes to appeal, the student should:
- i. submit an appeal in writing to the Secretary to the Panel within ten working days of the date of written notification of the decision;
  - ii. specify the grounds under paragraph **63 above** that the student wishes to appeal on.
65. An appeal is not a re-hearing of the case. Dissatisfaction with the outcome of the Stage 2 consideration alone is not a ground for appeal.

**a. Initial Scrutiny**

66. ArtsEd will normally acknowledge the receipt of a student's appeal within five working days. The appeal will be scrutinised by two members of ArtsEd's staff who have been nominated by the Registrar and who have not previously been involved in the case. The purposes of the initial scrutiny are:
- i. To ensure that the appeal documentation has been fully completed and that all relevant evidence has been enclosed; and
  - ii. To reach an initial view on whether sufficient evidence has been provided to merit consideration of a claim on one or more of the grounds for appeal.
67. An appeal may be rejected if the documentation is not complete and/or insufficient evidence has been provided. Also, where a request to appeal is received outside of the timeframe in **paragraph 66**, and no evidence of a good reason for the delay is presented by the student, the nominees may dismiss the appeal and issue a Completion of Procedures Letter.
68. If there is sufficient evidence to merit consideration of the appeal on one of the grounds set out in **paragraph 63** above the appeal will progress. The appeal and a copy of the file from any earlier stages of this procedure will be referred to the Registrar or their nominee.
69. If there is insufficient evidence to merit consideration of the appeal on any of the grounds set out in **paragraph 63** the appeal will be rejected and a Completion of Procedures Letter will be issued to the student unless the student has a right of appeal to City as set out in **Section F** below. If the student has a right to appeal to City but does not do so within City's timescales, ArtsEd will issue a Completion of Procedures letter.

70. Students will be informed of the outcome of the initial scrutiny, by the Secretary to the Panel, normally within ten working days of the acknowledgement being sent. Where an appeal is rejected, reasons will be provided.

**b. Appeal Process**

71. An Appeal process will normally be completed within 15 working days of the outcome of the initial scrutiny and will be undertaken by the Registrar or their nominee who will determine one or more of the following outcomes:
- i. Dismiss the appeal, either in whole or in part; or
  - ii. Uphold the appeal, either in whole or in part.
72. Where an appeal is upheld, either in whole or in part, the Registrar or nominee will take one or more of the following actions:
- i. Quash the decision of the Misconduct Panel and determine that no further action should be taken against the student and request that the written record be removed from the student's file; or
  - ii. Apply a different penalty as set out in Appendix A; or
  - iii. Refer the case back to the Misconduct Panel (stage 2) for further consideration; or
  - iv. Refer the case back to a new Misconduct Panel (stage 2) for fresh consideration; or
  - v. Refer the concern for consideration under another ArtsEd policy, procedure or regulation.
73. The Registrar or nominee may take into account any mitigating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances. As such, the Registrar may:
- a. ratify the sanction applied following Stage 2 consideration
  - b. amend the sanction applied following Stage 2 consideration.
  - c. revoke the sanction applied following Stage 2 consideration.
74. The decision of the Registrar or nominee is final. The Stage 2 Panel Secretary will inform the student in writing, normally within five working days of the decision, of the outcome of the case and will set out the reasons for the Registrar's decision. Where appropriate, a Completion of Procedures Letter will be issued.

**F. External Review**

**City, University of London (Senate Regulation 13: Student Disciplinary)**

75. Students may only appeal to City, against the final decision under this Procedure by ArtsEd if:
- i the misconduct relates to the programme of study leading to an award made in City's name.
  - ii if the misconduct relates to an activity that has taken place on City's premises.

76. A student may only appeal to City, against the final decision under this Procedure by ArtsEd once the student has completed the procedure outlined in this Student Misconduct and Disciplinary Procedure. **For more information, please refer to [City University of London's Senate Regulation 13: Student Disciplinary](#).**

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

77. Decisions taken under this procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <http://www.oiahe.org.uk>. The OIA can be contacted at 0118 959 9813 or [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this procedure. It should be noted that matters must be referred to the OIA within 12 months of the date of the Completion of Procedures letter.

## **G. Support Available for Students**

78. ArtsEd has a duty of care to ensure that the necessary guidance and support is available for students.
- a. **Student Support:** Students should be directed to the Student Support and Wellbeing Team where there is a concern about a student's fitness to study. The student can contact the Student Support Team by sending an email to [studentsupport@artsed.co.uk](mailto:studentsupport@artsed.co.uk).
  - b. **Student Counselling:** Personal Tutors can encourage students to seek counselling. Students can also self-refer to ArtsEd's Counselling Service. Students can book a session with the Counselling Team by sending an email to [Counselling@artsed.co.uk](mailto:Counselling@artsed.co.uk). The Student Counselling Service offers confidential space for students to seek advice about, and discuss matters impacting upon, their psychological wellbeing. Students are offered:
    - i. short term 1-2-1 counselling which can help students work on immediate problems;
    - ii. assistance with developing healthy coping techniques;
    - iii. support with gaining understanding of underlying issues; and iv. assistance with developing a longer-term treatment plan, if necessary.
  - c. **Togetherall:** Togetherall is a clinically-managed, online community designed to improve mental health. Students can access the 24/7 online support via our Student Services Online Platform or by visiting [www.togetherall.com](http://www.togetherall.com).
79. Students who have any questions about this Student Misconduct and Disciplinary Procedure should contact [studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk).
80. Any member of staff concerned about a student's misconduct, may wish to discuss those concerns with the Quality Team. In so doing, the member of staff will remain mindful of the confidential and sensitive nature of the matter being discussed. Staff members can send an e-

mail to the Student Support Team ([studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk)) who will consult with appropriate staff and determine what steps should be taken. Any member of staff who is in doubt about what to do in the event of a concern arising regarding a student misconduct matter should contact the Quality Team, in the first instance.

- 81. Where it is considered that there is a real and immediate threat to the personal safety of any person, please call 999.**



## **Appendix A: Indicative list of penalties for Non-Academic Misconduct**

If an incident/s of misconduct is verified or admitted to by the student, any one or more of the following penalties may be imposed:

### **A. For minor incidents of misconduct or for misconduct or where there was no potential for harm to be caused:**

- i. a reprimand and formal warning about future behaviour;
- ii. a requirement upon the student to give a written undertaking as to their future good conduct within ArtsEd and to make a written apology;
- iii. a requirement upon the student to pay for any damage to property they may have caused or to recompense ArtsEd for any loss it may have suffered arising from the student's misconduct; iv. a requirement upon the student to undertake specified tasks or services for the benefit of ArtsEd and its community up to a maximum of forty hours;
- v. a requirement for the student to comply with any conditions of a 'No Contact Agreement';
- vi. a fine of not more than £500;

### **B. For repeated or serious incidents of misconduct, especially where there was potential for harm to be caused or harm was caused, in addition to penalties (Ai) to (Avi) listed above, any one or more of the following penalties may be imposed:**

- i. a fine of not more than £1000;
- ii. restriction of access to ArtsEd or a specified part thereof for a fixed period of time (an 'exclusion'). A student who receives such a penalty will have restricted rights to enter ArtsEd's premises and/or to participate in ArtsEd's activities or access to services, the terms of the restriction being notified to the student. An order of restricted access may include a requirement that the student shall have no contact with a named person or persons;
- iii. suspension from ArtsEd for a fixed period. A student who is suspended will be prohibited from entering ArtsEd's premises and from participating in ArtsEd's activities, although the suspension may be subject to qualification, such as permission to work on an assessment or project. An order of suspension may include a requirement that the student shall have no contact with a named person or persons;
- iv. expulsion from ArtsEd, which means that the student shall cease to be a student of ArtsEd and will lose all rights and privileges of being a student (with or without credit or award already achieved).
- v. Any material recorded during an established 'breach' of any agreed Health and Safety arrangements or the approved Risk Assessment will not be allowed to be included in the final edited version of material submitted for assessment. Such material will not be allowed to be transmitted or made public in any form including distribution on social media or online video exhibition.

## **Appendix B: Temporary Exclusion and/or Suspension**

1. Where a concern is raised relating to a student's conduct, whether on or off ArtsEd's premises, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the School, its members, an external organisation, or members of the public, the Registrar shall consider whether the student should be temporarily suspended and/or excluded for a defined period of time (which may be extended) or until a matter is considered under the relevant ArtsEd procedure.

Note: The imposition of a temporary suspension and/or exclusion is precautionary; it is not a penalty and does not indicate that ArtsEd has concluded that the student has breached its rules. However temporary suspension/exclusion may have consequences for the student which are unavoidable.

2. Where the Registrar or nominee based on the evidence available determines that such a risk exists, they may take one or both of the following precautionary actions until such time as the matter is considered under the relevant ArtsEd procedure:
  - a. Temporarily suspend a student from their course. This may include suspension from performances or any other ArtsEd activity, including production, progress reviews and graduation, and may include access to the building being removed.
  - b. Temporarily exclude a student from using all or particular ArtsEd facilities and/or entering ArtsEd's premises including premises where ArtsEd programmes are taught.
3. The Registrar or nominee may impose conditions on a temporary suspension and/or exclusion, and where practicable and appropriate will make arrangements to mitigate the impact of a temporary suspension and/or exclusion on a student, such as allowing students to study remotely using online resources or at specific sites, or to attend for specific sessions.
4. Where a student who is temporarily suspended and/or excluded requires access to ArtsEd's premises for any reason, the student should write to the Registrar to ask for permission, giving at least 2 working days' notice.
5. The Registrar or nominee may take urgent action to temporarily suspend and/or exclude a student with immediate effect prior to providing the student with formal written notification.
6. The Registrar or nominee will formally notify a student in writing that the student is being/has been temporarily suspended and/or excluded, and will notify the student of any relevant conditions.
7. Where a student is temporarily suspended and/or excluded under this Appendix, the Registrar or nominee will review at regular intervals 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, and whether its terms should be maintained or varied.

### **Right of Appeal**

8. A student may submit an appeal against the temporary suspension or exclusion on the following grounds:
  - a. Material procedural irregularity
  - b. Disregard of material evidence
  - c. New evidence has become available

- d. Demonstrable bias or prejudice
9. An appeal must be submitted in writing to the Principal or nominee within ten working days from the notification of the temporary suspension or exclusion decision.
10. The Principal or nominee will consider the student's appeal normally within five working days from the date received and will:
  - a. Maintain the terms of the temporary suspension and/or exclusion.
  - b. Vary the terms of the temporary suspension and/or exclusion.
  - c. End the temporary suspension and/or exclusion.

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Owned By	Registrar
Approving Committee / Ratifying Body	HE Committee
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