



Student Misconduct and Disciplinary Procedure

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A. Introduction

1. ArtsEd is committed to delivering a high-quality service and excellent teaching and learning opportunities, and so it is expected that all members of the ArtsEd community will act responsibly and with consideration for others on ArtsEd's premises, online and offsite.
2. Students are expected to 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. If any student or staff member witnesses or experiences behaviour which falls short of those expectations, they are encouraged to report it to any member of staff, send details in writing to studentcases@artsed.co.uk or submit a [SpeakUp](#) report. We will first discuss how best to support the person making the report and then talk about the next steps we may be able to take.
4. This policy sets out examples of behaviour that may constitute student misconduct and the process for investigating and resolving it.

5. This policy should be read in conjunction with the following which can be found on the [Policies page of our website](#):
 - Code of Practice for Freedom of Speech
 - Support for Study Policy
 - Student Code of Conduct
 - Student Charter
 - Student Bullying, Harassment and Sexual Misconduct Policy
 - Student Substance & Alcohol Misuse Policy
 - Attendance Policy
 - Safeguarding Policy
 - Safe Spaces Statement
 - Health & Safety Policy
 - Student Complaints Procedure
 - Staff conduct policies such as the Staff Code of Conduct, Staff Anti-Harassment and Bullying Policy and Staff Disciplinary Policy & Procedure.
6. The above list is not intended to be exhaustive and, where appropriate, other policies and procedures should be considered.
7. All policies are carried out in accordance with our Equal Opportunities Policy and Data Protection Policy.

B. Scope

8. This policy applies to Higher Education students from the point of registration until graduation.
9. Where applicable, ArtsEd may seek approval from City St George's, University of London and/or Trinity College London to withhold granting an award to a student until a disciplinary matter has been given full consideration under this procedure. This may include withholding information that indicates that an award is forthcoming.
10. The policy applies at all times and is not limited to conduct during term time. It applies to activities on ArtsEd's premises and activity elsewhere, including online, which relates to ArtsEd.
11. This policy does not apply to suspected academic misconduct, such as plagiarism, cheating or collusion. These instances will be dealt with using the Academic Integrity and Misconduct Procedure.
12. This policy does not apply to alleged instances of staff misconduct. Students are still encouraged to report allegations to us so we can support them, but the process for investigating the allegations is different. These instances will be dealt with using the Staff Misconduct Procedure.

C. Examples of Non-Academic Misconduct

13. The following circumstances represent instances of non-academic misconduct, although this list is not exhaustive. Further detail and specific examples of behaviour can be found in Appendix 1.

- a. Unauthorised absence from the course, as set out in the Attendance Policy
- b. Misuse or abuse of alcohol or other substances
- c. Antisocial or abusive behaviour, bullying or harassment
- d. Sexual misconduct
- e. Misuse of property or damage to property
- f. Obstructing ArtsEd's activities (preventing us from ensuring and/or promoting freedom of speech, or from delivering learning, teaching and other services as we intended)
- g. Causing a health or safety concern
- h. Reputational damage
- i. Criminal offences

D. Process

14. **Reporting possible misconduct:** Anyone can report instance of non-academic misconduct by a student. They can notify a member of staff in their School (such as the Head of Year, relevant Head of Department, Director of the School), notify a member of the Registry team, submit a [SpeakUp](#) report or send an email to studentcases@artsed.co.uk.
15. **You should tell us as soon as you can to enable us to deal with the concern most effectively.** It may be difficult to investigate allegations of misconduct that took place some time ago.
16. **Early intervention:** 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 are not considered to be effective or appropriate, then the processes set out below will be followed.
17. **Precautionary action:** In very serious cases, we will consider whether we need to take temporary precautionary action before we investigate fully. We would only take precautionary action when we consider it necessary to protect ArtsEd or any member(s) of the ArtsEd community. Precautionary action is not intended to be a penalty or a finding of misconduct. Further detail can be found in Appendix 3.
18. **Investigation:** In all cases of alleged misconduct that cannot be resolved by early intervention, we will conduct an investigation.
19. **Resolution:** If the investigation finds evidence of misconduct, we will issue a sanction or refer the matter for further consideration at a Disciplinary Panel. If the investigation does not find evidence of misconduct, the case will be closed.
20. **Appeal:** A student may appeal a decision if certain grounds are met.
21. **External review:** A student may take a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
22. Further details on each stage of the process can be found below.

E. Reporting Possible Misconduct

23. When reporting possible misconduct, you can choose to give your name or remain anonymous. We encourage you to provide your name so that we can contact you and ensure that you are supported. We are usually unable to investigate allegations of misconduct that are submitted anonymously but we do keep a record of reports that are made and can use this to review and enhance our procedures.
24. If you are a student and you tell us about an instance of possible misconduct, we will first ensure that you are safe and supported. We may tell you about sources of support that could be useful or encourage you to speak to a relevant member of staff at ArtsEd. You may also contact the Student Support team directly on studentsupport@artsed.co.uk or visit them in Registry. We may take precautionary action to make sure that everyone is safe.
25. We will then talk to you about what we can do next. We will consider whether this policy applies and what the next steps are.
26. If the person you are reporting is not a current Higher Education student at ArtsEd, the steps in this policy would not apply. However, we would still support you to take the matter further if you wish, for example by taking forward an allegation of staff misconduct in line with the Staff Misconduct Procedure, or reporting an allegation to the police if appropriate and you wish to do so.
27. Occasionally, this policy may not apply even if the student is a Higher Education student. For example, we may consider behaviour that looks like misconduct by a Higher Education student under the Support for Study procedure if we have reason to believe that a student's behaviour was caused by their ill health. Staff who are unsure should consult the Registry team.
28. Sometimes you may tell us about an instance of possible misconduct where someone who has experienced the alleged misconduct directly, e.g. in the case of assault or bullying. This person is sometimes called the 'victim'. If you tell us about alleged misconduct which someone else experienced, we will usually ask them to make a report themselves and will not usually investigate without their consent.
29. The person who makes the report about what happened will be the **reporting party**. We realise that going through an investigation may be difficult and we will talk to the reporting party about what will happen next before we do anything further.
30. The person who is accused of the misconduct will be asked to respond to the allegations. We call this person the **responding party**. In the case of this procedure, the responding party will be a student.
31. Reporting parties should be aware that:
 - a. Your name and information you share will be provided to the responding student so that they can respond to the allegations being made.
 - b. After the investigation, we will let you know whether there needs to be a disciplinary panel hearing. You would be invited to attend this but we can talk to you about what would be involved.
 - c. You and anyone else who can provide information about what is alleged to have happened will be a 'witness' in the case. We will investigate and manage the case.
 - d. This means that you do not have a right to know exactly what has happened at disciplinary meetings or hearings or to see copies of all the notes. It also means

- that you cannot determine the sanction that should be applied, or appeal the decision if you do not agree with what we have found.
- e. However, we realise the importance of knowing what has happened and how we have dealt with your concern. We will share the outcome of an investigation (upheld or not upheld) that you have reported. We will also share details of any sanctions that apply to you (e.g. if the other student has been asked to apologise to you).

F. Investigation

- 32. Sometimes there may not be a reporting party (e.g. in the case of unauthorised absence and referral from the Attendance Policy). In these cases, we will still investigate as set out below, ensuring that the responding student has an opportunity to provide their response.
- 33. In cases where there is a reporting party, the Registrar (or nominee) will assign an investigator once the reporting party has agreed that we may proceed with an investigation.
- 34. The investigator will usually be a member of staff within the responding student's School with no prior involvement with the case. Sometimes, we may need to use a different member of staff with relevant expertise or to avoid a conflict of interest, such as someone from a different School or from Registry.
- 35. The investigator will:
 - a. Inform the responding student that allegations have been made against them, setting out as much detail as possible about what is alleged to have happened and when. They will normally also say who has made the allegations so that the responding party can respond properly.
 - b. Direct each party to this policy and any other relevant policies or procedures, e.g. the Student Charter.
 - c. Invite each party to share in more detail what has happened – this will usually be at individual meetings, but could also be in writing if appropriate.
 - d. Ensure that each party knows what will happen next.
- 36. The investigation meetings should take place as soon as possible, usually within ten working days of the reporting party confirming that an investigation can begin. The investigator will ensure that each party has at least three working days' notice of their meeting.
- 37. The investigator will invite each party to bring someone to their meeting for support if they wish. A friend, family member or ArtsEd staff member may be appropriate, and each party should inform us in advance if anyone will be accompanying them.
- 38. No party, including ArtsEd, would usually be represented by a legal practitioner at meetings or hearings. Under very exceptional circumstances, we may allow a legal professional to attend. The Registrar (or nominee) will consider such requests on a case-by-case basis, considering:
 - a. The seriousness of the allegation
 - b. Complexities in the evidence likely to be presented
 - c. The capacity of the individual to understand the case against them
 - d. Likely procedural challenges
 - e. The need for fairness in the cross-examination.

39. The investigator will also inform the responding student that if they do not respond, or do not attend a scheduled meeting, the investigation may continue in their absence. Where reasonable and appropriate, we will allow some flexibility to enable the responding student to attend if at all possible.
40. The investigator will contact the reporting party first (where there is one). At the meeting, or via email, the investigator will ask the reporting party:
- To share more detail about what happened and when
 - To answer questions to help the investigator understand what happened
 - To share any evidence or supporting information (such as emails or other messages, written records or documents, or details of witnesses).
41. The investigator will then follow up with the responding party. They may be able to provide more detailed allegations at this stage. At the meeting, or via email, the investigator will:
- Present the allegation(s) and any evidence
 - Ask the responding student party to give their account of what happened and when
 - Ask the responding student any questions to help them understand what happened
 - Ask the responding student to share any evidence or supporting information (such as emails or other messages, written records or documents, or witness details).
42. The investigator may need to obtain information from a third party, including witnesses that either party has named, or other parties who may be able to provide relevant information. The investigator will only give the third party as much detail about the student and the allegations as is necessary to obtain the evidence/information required.
43. The investigator must take notes of these meetings and send copies to the student and the Student Cases team in Registry on studentcases@artsed.co.uk.
44. The investigator will consider whether there is evidence of misconduct.
45. The **standard of proof** they will use to make this decision is the '**balance of probability**'. This means that they need to find evidence that it is **more likely than not** that the alleged incident happened. This is a lower standard of proof than in a criminal court where someone needs to be satisfied so that they are sure (sometimes called being sure beyond reasonable doubt).
46. The **burden of proof** is on ArtsEd – this means that we have to prove that misconduct has taken place, rather than the responding student proving that it did not.
47. If there is no evidence of misconduct, the case will be closed. The investigator will inform Student Cases who will ensure that the responding student and the reporting party are informed of this.
48. If there is evidence of misconduct, the investigator will ask the responding student for any **mitigating factors**. The responding student may wish to tell us if there is a reason that they acted in a certain way, for example, that they were experiencing personal or health difficulties. They may also wish to express what their intentions were when they acted a certain way, or that they are sorry for what happened.
49. The investigator will then decide whether the matter can be resolved at Stage 1 (minor misconduct) or Stage 2 (major misconduct). The investigator must inform Student Cases of this decision in writing, with reasons.

G. Stage 1 Resolution

50. Minor instances of misconduct can usually be resolved at Stage 1. Examples of minor misconduct are provided in Appendix 1 but a minor instance of misconduct could be one where:
- Other people have not suffered; and/or
 - 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
 - The student is showing regret and is willing to cooperate with advice; and/or
 - Guidance is likely to put an end to a one-off matter.
51. In this case, the investigator may attempt to resolve the matter by:
- Giving guidance to the student as to how the student should modify their conduct; and/or
 - Offering any reasonable support to the student such as referring the student to the Student Support Team; and/or
 - Informing the student that another occurrence of the incident of misconduct will result in a misconduct panel hearing; and/or
 - Issuing a sanction from the list of Stage 1 sanctions in Appendix 2.
52. The investigator should take into account any mitigating or aggravating factors. **Mitigating factors** are described above. **Aggravating factors** may include that the responding student intended to cause harm, acted a certain way because of a specific characteristic of the reporting party, has not shown that they are sorry for their behaviour or has repeated the behaviour.
53. The responding student will be informed of the outcome and of any sanction to be applied. If they accept and comply with the sanction, the case will be closed. If they do not accept and/or comply with the sanction, the case will be escalated to Stage 2.
54. The reporting party (where there is one) will be informed of the outcome and any sanctions which apply to them.

H. Stage 2 Consideration

55. The investigator may not be able to resolve the matter at Stage 1. This may be because:
- The responding student does not accept and/or comply with the sanction issued at Stage 1; or
 - The misconduct is major.
56. Examples of major misconduct are provided in Appendix 1, but a major instance of misconduct could be one where:
- Someone or something has come to harm or could have come to harm; and/or
 - The loss or damage is (or would have been) significant and cannot be quickly repaired; and/or
 - The misconduct is repeated; and/or
 - There are multiple incidents of misconduct; and/or

- e. The student shows no real signs of regret and/or we conclude that the student does not understand the inappropriateness of their actions; and/or
 - f. The student has brought ArtsEd, or could bring ArtsEd, into disrepute; and/or
 - g. The law has been broken.
57. Student Cases will:
- a. Provide the responding student with a copy of the investigation report, including any evidence used, and the reason that the matter is being referred to Stage 2.
 - b. Inform the responding student that they will be required to attend a misconduct panel hearing.
 - c. Invite the responding student to submit a written response to the investigation report, evidence and Stage 2 referral if they wish, along with any supporting information. It is expected that all information about the alleged incident itself will have been gathered during the investigation. The student should be given a deadline to do this and be advised that the panel hearing may still go ahead if no response is received.
 - d. Arrange a panel hearing that should normally take place within ten working days of the deadline for receipt of any supporting information.
 - e. Inform the responding student of the date of the panel hearing and invite them to bring someone with them to support them. As above, this person would not usually be a legal professional although we can consider requests of this nature on a case-by-case basis.
 - f. Inform the responding student that if they do not attend the hearing, the hearing will usually continue in their absence and that further disciplinary action may be taken against them. Where reasonable and appropriate, we will allow some flexibility to enable the responding student to attend if at all possible.
58. Student Cases will also inform the reporting party (where there is one) that the matter is being considered at a misconduct panel hearing. They will invite them to attend the hearing, invite them to bring witnesses (where appropriate) and invite them to bring someone with them to support them if they wish.
59. We acknowledge that it may be difficult for the reporting party to attend the hearing. We will do all we can to support them to attend in a way that supports them (e.g. remotely so that they do not have to encounter the responding party).

I. Stage 2 Misconduct Panel Hearing

60. A misconduct panel should normally consist of three senior staff (such as a Head of Department, Head of Year, or equivalent) who have not had prior involvement in the case.
61. A secretary will take minutes at the panel hearing and will also be a member of staff with no prior involvement in the case.
62. The investigation report, evidence and the responding student's response will be shared with the panel in advance.
63. At the misconduct panel hearing:
- a. The chair will present the allegation and invite the investigator to summarise the investigation and the findings.
 - b. The chair will invite the reporting party and other witnesses (where relevant) to speak.

- c. The panel may ask any questions of the investigator or witnesses.
 - d. The chair will invite the responding student to respond to what they have seen and heard at or before the panel hearing, and to present any evidence in support of their case.
 - e. The panel may ask questions of the responding student.
 - f. The panel may seek procedural advice from Registry, who may have been invited to the panel hearing, as appropriate.
 - g. The chair will ask everyone apart from the panel and secretary to leave the hearing so they can discuss what to do next.
64. The panel will then decide one of the following:
- a. That there is no evidence of misconduct and to close the case; or
 - b. That one or more of the allegations has been proven (on the balance of probability) and that there is evidence of misconduct; or
 - c. To refer the allegation for consideration under another regulation, policy or procedure.
65. If the panel finds evidence of misconduct, the responding student should be invited to provide mitigating factors. The responding student may wish to tell us if there is a reason that they acted in a certain way – for example, that they were experiencing personal or health difficulties. They may also wish to express what their intentions were when they acted a certain way, or that they are sorry for what happened.
66. The panel will then determine which, if any, sanction should be applied, referring to Appendix 2.
67. When deciding on a sanction, the panel must take into account any mitigating or aggravating circumstances. Mitigating factors are described above. Aggravating factors may include that the responding student intended to cause harm, acted a certain way because of a specific characteristic of the reporting party, has not shown that they are sorry for their behaviour or has repeated the behaviour.
68. The panel must also ensure that a sanction does not cause any unintended consequences, either for the responding student or for anyone else.
69. Student Cases will inform the responding student in writing of the outcome of the panel, usually within five working days of the decision. They will include the reasons for the panel's decision.
70. A copy of the minutes from the panel hearing will also be shared with the responding student.
71. The reporting party (where there is one) will be informed of the outcome of the panel hearing and of any sanctions or decisions which apply to them.
72. The relevant School's Director will also be informed of the outcome of the panel hearing.
73. 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.

J. Appeals against the Stage 2 decision

74. A student may appeal the misconduct panel's decision on the following grounds:

- a. That there has been a procedural irregularity that was material to the panel's decision; and/or
 - b. That there was bias on the part of the panel; and/or
 - c. That the decision is unreasonable and/or that the sanction is disproportionate; and/or
 - d. That there is new material evidence which the student can demonstrate was, for good reason, not previously available.
75. If the student wishes to appeal, the student should:
- a. Submit an appeal in writing to studentcases@artsed.co.uk within ten working days of the date of written notification of the decision; and
 - b. Specify the grounds that the student wishes to appeal on.
76. 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.
77. The Registrar (or nominee) will consider the appeal and may decide:
- a. To reject the appeal because there is no evidence that the grounds set out above have been met. This includes rejecting the appeal if the documentation is not complete or the appeal has been received outside the timeframe set out above; or
 - b. To uphold the appeal, either fully or partly, and to:
 - i. Overturn the panel's decision and decide that a different sanction, or no sanction, should be applied instead; or
 - ii. Refer the case back to the previous misconduct panel for further consideration or a new misconduct panel for fresh consideration; or
 - iii. Refer the case for consideration under a different policy, procedure or regulation.
78. The outcome of the appeal will usually be communicated to the student within 15 working days.
79. Students may then appeal to City St George's, University of London, against the final decision made by ArtsEd but only if:
- a. the misconduct relates to the programme of study leading to a City St George's award; and/or
 - b. if the misconduct relates to an activity that has taken place on City St George's premises.
80. For more information, including the timescale to submit such an appeal, please refer to City St George's Senate Regulation 13 (Student Disciplinary), available on their [Policies webpage](#).
81. A Completion of Procedures letter will be issued when all internal and City St George's procedures have been exhausted.

K. The Office of the Independent Adjudicator (OIA) for Higher Education

82. If you remain dissatisfied with the final decision made under this policy and City St George's Senate Regulation 13, you may be able to take a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education, an independent body which can review decisions made by Higher Education providers.

83. A complaint should be taken to the OIA within twelve months of the final decision.

84. Information and eligibility rules are available online at www.oiahe.org.uk.

L. Criminal or Legal Matters

85. Our role is to consider whether there is evidence of student misconduct, i.e. a breach of our own rules and expectations for student behaviour. We will not make findings about criminal matters.

86. If a student's conduct may be in breach of the law, we may, at our discretion, refer the matter to the police and/or other suitable authorities. However, we will normally respect the wishes of the person who has experienced the alleged misconduct (sometimes called the victim) if they do not wish to notify the police, unless the safety of others may be at risk.

87. Where criminal or legal proceedings are ongoing, we may take precautionary action but will not take any further disciplinary action until those proceedings have been concluded.

88. If a student is convicted of a crime, we will take that as confirmation that the offence occurred and will not conduct our own investigation. We will consider whether that offence constitutes misconduct and then what sanction, if any, to apply. We may still need to investigate any other concerns that were not considered via the criminal or legal proceedings.

89. If a custodial sentence is imposed and is shorter than twelve months, we will suspend the student status immediately, and resume action under this regulation when the sentence has been served. We will write to the student to inform them of this and the steps that they will need to take after release.

90. If a custodial sentence is imposed and is twelve months or more, we will withdraw the student immediately. We will write to the student to inform them of this. The student may be eligible to reapply for a course after the sentence has been served, subject to our usual admissions criteria.

91. If a student is not convicted of a crime, we may still take action under this policy. It is possible that the student's behaviour falls short of our expectations and constitutes misconduct, even though it does not constitute a criminal offence, and so we may decide that there are still concerns that we need to investigate.

M. Reporting and Monitoring

92. An annual summary report of the number of misconduct cases and overall actions taken to resolve them will be received by the 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 improvements where necessary. A confidential record will be kept separately of individual cases as determined by the general data protection requirements.

93. The HE Committee and Board of Trustees will also be notified in cases where the Registrar or nominee takes temporary precautionary action.

Appendix 1: Examples of Non-Academic Misconduct

Disciplinary offence	Severity	Examples of behaviour (non-exhaustive)
Unauthorised absence from the course The Attendance Policy sets out attendance requirements and the steps taken when attendance is unsatisfactory.	Major	Persistent or prolonged unauthorised absence which disrupts your learning or the learning or experience of others. Failure to withdraw from the programme following discussion with the Director of School (or nominee) at Stage 5 of the Attendance Policy is likely to result in referral this procedure and a recommendation that the student is withdrawn following a misconduct panel hearing.
	Minor	Short-term, one-off instance of unauthorised absence.
Misuse or abuse of alcohol or other substances on ArtsEd premises or at ArtsEd events The Student Substance and Alcohol Misuse Policy sets out further expectations for students' use of alcohol and other substances.	Major	Repeated or serious misuse or abuse of alcohol, solvents, drugs and/or legal highs where there was disruption to learning or harm was caused.
	Minor	A one-off instance of alcohol abuse outside the classroom where no harm was caused.
Antisocial or abusive behaviour, bullying or harassment Antisocial behaviour may involve showing a lack of respect or courtesy towards others. Abusive behaviour may involve using violent, indecent, disorderly, threatening or offensive behaviour or language in person or online. Bullying and harassment are defined within the Student Bullying, Harassment & Sexual Misconduct Policy and other examples of behaviour are provided there. The Code of Practice for Freedom of Speech ensures that all members of the community have the right to express their ideas and opinions within the law.	Major	Harassing behaviour relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age.
		Physical assault such as fighting or assault, including punching, kicking, biting, slapping or pulling hair.
		Threats to hurt another person.
		Acting in an intimidating or hostile manner.
	Major/minor, depending on circumstances	Stalking (online and/or in person), e.g. following someone, repeatedly trying to make contact with them, watching or spying on them (including online).
		Verbal assault
	Minor	Displaying or distributing offensive material, e.g. images, posters, jokes, online content
		Use of inappropriate language

		A breach of someone's confidence.
		Excluding an individual, withholding information or dismissing their views or opinions.
		Mocking, belittling or insulting comments, gestures or expressions.
		Minor physical misconduct such as pushing or shoving.
Sexual misconduct Sexual misconduct is defined within the Student Anti-Harassment Bullying, & Sexual Misconduct Policy. Further details and examples of behaviour are provided there.	Major	Sexual intercourse or engaging in a sexual act without consent
		Attempting to engage in sexual intercourse or in a sexual act without consent
		Kissing without consent
		Grabbing, groping or touching inappropriately without consent, including through clothes
		Showing or sending sexually explicit images or text to others without their consent
		Making or sharing private sexual images/videos of another person without their consent, including upskirting
	Major/minor, depending on circumstances	Inappropriately or non-consensually showing sexual body parts (e.g. genitals, breasts or buttocks) to another person
		Making unwanted remarks, looks, suggestions or jokes of a sexual nature
Misuse of property or damage to property Including ArtsEd's property and premises and other premises used to deliver or support your programme or other services.	Major/minor, depending on circumstances	Causing damage to property, through actions or negligence.
		Misuse or unauthorised use of property, including computer or internet misuse.
		Unauthorised entry onto or unauthorised use of ArtsEd premises or facilities.
		Taking or using someone else's property without permission.
Obstructing ArtsEd's activities Obstructing the activities of students, members of staff and other members of our community, including obstructing someone's right to free speech.	Major/minor, depending on circumstances	Disrupting or interfering with any activities, e.g. preventing learning, teaching or services from being delivered.
		Obstructing or interfering with someone's right to express their ideas and opinions within the law (see our Code of Practice for Freedom of Speech).

This also includes committing fraud, deceit, deception or dishonesty – that is, any acts/omissions/statements intended to deceive us.		Conduct constituting unsuitability for the profession.
		Failure to comply with this procedure or a sanction imposed under this procedure.
		Failure to comply with any other policies, procedures, codes of conduct or terms and conditions.
		Relying on fraudulent documentation or claims, for example when applying to study with us, when requesting authorised absences, wellbeing support, reasonable adjustments or financial support, or when making a claim for extenuating circumstances.
		Note that misconduct which gains or may have gained an academic advantage may also be considered academic misconduct.
	Minor	Low-level disruption to classes e.g. use of phones, lack of engagement, not following instructions.
Causing a health or safety concern Behaviour or negligence that did cause or could have caused harm or injury.	Major	Disabling fire extinguishers.
		Possessing or supplying controlled drugs.
	Minor	Smoking or vaping in non-designated areas.
		Obstructing access to a building or room.
Reputational damage	Major/minor, depending on circumstances	Behaviour which has caused damage or could have caused damage to the reputation of the School, e.g. disruptive behaviour in the community.
		Misuse of the School's name.
Criminal offences Conduct constituting a criminal offence, where that conduct took place on our premises or online, and/or affected or concerned other members of our community, and/or damages our reputation, and/or itself constitutes misconduct as defined here.	Major	Any criminal offence.

Appendix 2: Sanctions for Non-Academic Misconduct

Stage 1 Sanctions

For minor incidents of minor misconduct, the following sanction(s) may be applied:

- A reprimand and a formal verbal or written warning about future behaviour.
- A requirement for the student to make a written apology and/or to provide a written commitment to their future good conduct within ArtsEd.
- A requirement for the student to pay for any damage to property they may have caused or to compensate ArtsEd for any loss it may have suffered arising from the student's misconduct.
- A requirement for the student to undertake specified tasks or services for the benefit of ArtsEd and its community up to a maximum of forty hours.
- A requirement for the student to comply with any conditions of a No Contact Agreement.
- A fine of not more than £500.

Stage 2 Sanctions

For repeated or serious incidents of misconduct, especially where there was potential for harm to be caused or harm was caused, any of the above sanctions and/or the following: sanction(s) may be applied:

- A fine of not more than £1000.
- Exclusion, i.e. restriction of access to certain spaces, activities, facilities, people or services of ArtsEd for a fixed period of time.
- Suspension from ArtsEd for a fixed period. A student who is suspended will not be considered a current student. They will be prohibited from entering ArtsEd's premises and from participating in ArtsEd's activities, although the suspension may be qualified, for example providing permission to work on a specific assessment or project.
- Expulsion from ArtsEd, which means that the student shall cease to be student of ArtsEd and will lose all rights and privileges of being a student (with or without credit or award already achieved).

Appendix 3: Temporary Action

1. If alleged misconduct represents a potential or actual threat to the safety, security, health, wellbeing, proper operation or reputation of the School or any member of the community, we may take temporary action until we have considered the matter in full.
2. Temporary action is precautionary. It is not a penalty and does not indicate that we have concluded that the student has breached our rules. However, we acknowledge that temporary action may have consequences for the student which are unavoidable.
3. The Registrar (or nominee) will consider the evidence available and determine whether temporary action should be taken.
4. Temporary action may include, but is not limited to:
 - a. partial or full exclusion from certain facilities, activities or spaces
 - b. full or partial suspension from the student's course, which may include suspension from classes, rehearsals and performances, including those that are assessed, suspension from ArtsEd premises and/or from other ArtsEd resources
 - c. issuing a no-contact agreement between the responding student and the reporting party and/or other affected parties.
5. The Registrar (or nominee) may impose conditions on temporary action. They may also, where practicable and appropriate, make arrangements to mitigate the impact of temporary action on a student, such as allowing students to attend for specific sessions.
6. The Registrar (or nominee) will formally notify a student in writing that temporary action is being taken. They will notify the student of any relevant conditions and will tell them how long the temporary action will remain in place and when it will be reviewed.
7. The Registrar (or nominee) will review at regular intervals whether it is reasonable for the temporary action to continue, and whether its terms should be maintained or varied.
8. 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 via the Student Cases team at studentcases@artsed.co.uk to ask for permission, giving at least two working days' notice.

Right of Appeal

9. A student may submit an appeal against the temporary action on the following grounds:
 - a. There has been a procedural irregularity with a material impact on the decision (for example, the evidence was not properly considered, or there was demonstrable bias or prejudice in the decision); and/or
 - b. New evidence has become available that was not available earlier for a valid and overriding reason
10. An appeal must be submitted in writing to the Principal (or nominee) within ten working days from the notification of the temporary action.

11. The Principal (or nominee) will consider the student's appeal normally within five working days from the date received and will decide to:
 - a. Maintain the terms of the temporary action
 - b. Change the terms of the temporary action
 - c. End the temporary action.
12. The Principal's decision is final.

Version Control	
Document Title	Student Misconduct and Disciplinary Procedure
Maintained By	Quality and Course Manager
Owned By	Registrar
Approving Committee / Ratifying Body	HE Committee
Last Reviewed	<p>June 2025:</p> <ul style="list-style-type: none"> • Minor changes to reflect OIA Good Practice Framework and to separate investigation from decision-making process. • Additional detail on what reporting and responding parties can expect. • Additional examples of behaviour that may constitute misconduct and categorised as major/minor. • Structural and formatting edits.
To be Reviewed	Academic year 2029-30 (or prior if required)
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Web location	https://artsed003.blob.core.windows.net/policy/student-misconduct-and-disciplinary-procedure.pdf