

Student Non-Academic Misconduct Policy and Procedures

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UK Quality Code reference:	Quality Code Expectations for Quality; Concerns, Complaints & Appeals; Enabling Student Achievement. OIA Good practice guide
OfS Conditions reference:	Conditions B2, B3, C1, C2
Equality & Diversity:	This policy is available in accessible formats on request.
Queries regarding this Policy should be directed to quality.office@nscd.ac.uk <i>This document was produced with the assistance of artificial intelligence tools for drafting and editing purposes. All content has been reviewed, amended where necessary, and approved by the author(s), who retain full responsibility for the final content.</i>	

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Part 1 – Non-Academic Misconduct Policy

1. Introduction

- 1.1 Northern School of Contemporary Dance (NSCD) is a registered Higher Education Provider with the Office for Students (OfS), with Taught Degree Awarding Power and a subscriber to the Office of the Independent Adjudicator (OIA).
- 1.2 NSCD is committed to providing a safe, inclusive, and supportive environment for all members of our community. We expect all students to conduct themselves with respect, in line with our values of kindness, inclusivity, and community, and in accordance with our published codes of practice.
- 1.3 This policy sets out NSCD's approach to non-academic misconduct. It defines what non-academic misconduct is, states the principles that govern how it will be addressed, and provides an overview of the process. The detailed step-by-step procedures are set out in the accompanying Part 2 of this document.
- 1.4 The burden of proof for all decisions under this policy is the balance of probabilities, that is, what, on the available evidence, is more likely than not to have occurred. Students are presumed innocent until the contrary is established on this standard.
- 1.5 This policy has been drafted in accordance with the UUK's Guidance for Higher Education Institutions on How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence, and the OIA's Good Practice Framework, particularly the sections covering disciplinary procedures, complaints, and appeals.

2. Scope and Principles

Who this policy applies to

- 2.1 This policy applies to all students registered with NSCD, whether they are studying at NSCD or on an NSCD-registered course delivered by a franchise partner provider, and regardless of mode or location of study.
- 2.2 It applies at all times during your registration with the School, not just during term time or on School premises.
- 2.3 It covers conduct that takes place online and via digital means, as well as conduct in person.
- 2.4 Students are always representatives of NSCD while registered with the School. Conduct off School premises that falls within the definitions of non-academic misconduct in this policy will, where necessary and appropriate, be referred into these procedures.

Relationship to other policies

- 2.5 Non-academic misconduct is distinct from academic misconduct (such as plagiarism), which is handled under the Academic Misconduct Policy.
- 2.6 Where a concern may relate to both academic and non-academic conduct, the Principal (or their nominee) will determine the appropriate procedure or procedures.
- 2.7 Where an allegation also involves potential criminal conduct, special provisions apply. See section 7 of this policy and Part 2 for further details.
- 2.8 Where a student's conduct may also engage the Policy on Harassment, Sexual Misconduct and Related Behaviours, the Principal will determine the appropriate procedure. Precautionary measures (including temporary suspension or exclusion) may be applied in

accordance with that policy and the Emergency Powers of Suspension independently of these procedures.

Core principles

2.9 All processes under this policy are governed by the following principles:

- Presumption of innocence: students are presumed innocent of any allegation until the contrary is established on the balance of probabilities.
- Natural justice: the School operates these procedures fairly, giving students proper notice of any allegation and a genuine opportunity to respond.
- Proportionality: outcomes and penalties will be proportionate to the seriousness of the misconduct.
- Consistency: cases will be handled consistently, taking into account relevant precedents and the circumstances of each case.
- Fairness and equality: all proceedings will comply with the Equality Act 2010, including the duty to make reasonable adjustments, and the School's duty of care to all students and staff.
- Confidentiality: proceedings will be held in private; information will be shared only as necessary and in accordance with data protection law.

3. Definitions of Non-Academic Misconduct

3.1 Non-academic misconduct is any aspect of a student's conduct that is relevant to their relationship with the School and falls within one of the following categories:

- Physical misconduct
- Sexual misconduct
- Harassment, abusive behaviour, and related behaviours
- Damage to property
- Unauthorised taking or use of property
- Causing a health and/or safety concern
- Operational obstruction (improper interference with the functioning or activities of the School)
- Reputational damage (action which brings the School into disrepute)
- Action which deviates from accepted institutional, professional, academic, or ethical standards

3.2 The following is a non-exhaustive list of examples of conduct that falls within one or more of the above categories. No student shall engage in conduct, on or off School premises, that:

- Causes physical harm, or is intended to cause physical harm, to another person
- Causes psychological harm or distress, or is intended to do so
- Constitutes sexual misconduct, harassment, or related behaviours as defined in the Policy on Harassment, Sexual Misconduct and Related Behaviours
- Threatens, intimidates, discriminates against, or constitutes an assault or attempted assault of any kind on any member of the School community, visitor, or any other person

- Constitutes hostile or threatening behaviour, including inappropriate language or persistent unwanted contact by any means
- Constitutes acts intended to deceive the School
- Causes wilful damage to School property, or the property of students, employees, or visitors
- Misuses, wilfully damages, or steals School property, including IT and specialist equipment
- Does not follow safe practice or breaches the School's health and safety policies
- Constitutes anti-social behaviour, including as a result of intoxication through alcohol or drugs
- Involves the unlawful possession, use, or supply of drugs or weapons
- Constitutes unauthorised entry onto School property
- Disrupts, obstructs, or interferes with the activities, functions, or duties of the School, its students, staff, or visitors
- Brings, or could bring, the School into disrepute
- Breaches any rule, regulation, code of conduct, or policy which the School makes for its students
- Is at variance with professional standards of conduct whilst on placement or engaged in professional practice

3.3 Nothing in this policy is intended to limit the lawful expression of views protected by the Higher Education (Freedom of Speech) Act 2023. The lawful expression of views - including views that may be considered controversial, unpopular or offensive - will not, of itself, amount to misconduct under this policy. This policy will be operated consistently with NSCD's Code of Practice on Freedom of Speech and its commitments to academic freedom.

Safe conduct

3.4 All NSCD students are training to a professional standard in their discipline. Safe conduct concerns the standards of behaviour required to practise safely and effectively. This is distinct from professional and academic competence, which is assessed through the normal assessment system. Breaches of relevant Student Codes of Practice and/or School Code of Behaviour may be subject to action under this policy.

Admissions misconduct

3.5 Students who are alleged to have gained admission by making false, misleading, or incomplete statements, or by producing falsified documents, are subject to investigation and action under these procedures. This includes any student found to have deliberately concealed or misrepresented information to the Disclosure and Barring Service (DBS).

4. Responsibilities

4.1 All students are responsible for:

- Reading and complying with this policy and its procedures, and all other applicable School policies and codes of practice
- Treating all members of the NSCD community with respect
- Reporting concerns about the conduct of others to the delivery provider (main institution in which you are studying) at the earliest opportunity.

- 4.2 The School Principal / Head of Institution (for franchise partners) is responsible for:
- Overall responsibility for the operation of this policy and its procedures
 - Appointing Preliminary Enquiry Officers and Misconduct Panel members
 - Taking action under Emergency Powers of Suspension where necessary
 - Delegating responsibilities under this policy as appropriate, providing that any nominee can act and be seen to act impartially
- 4.3 The Head of Quality & Compliance is the lead contact for this policy and is responsible for:
- Maintaining and reviewing the policy and procedure
 - Supporting the operation of the Preliminary Enquiry and Panel processes
 - Ensuring appropriate record-keeping in accordance with data protection requirements
- 4.4 All staff have a responsibility to:
- Be aware of and apply this policy
 - Report concerns about student conduct to the appropriate person at the earliest opportunity
 - Treat students fairly and with respect throughout any process under this policy
- 4.5 Senate is responsible for approving and overseeing this policy, and for receiving annual monitoring reports on the operation of these procedures.

5. Communication of Policy

- 5.1 This policy is published on the NSCD and franchise partner provider websites and on the Virtual Learning Environment.
- 5.2 Students will be made aware of this policy and its procedures at induction.
- 5.3 NSCD will endeavour to provide this policy in alternative formats on request.
- 5.4 Students and staff who have questions about this policy should contact the Quality Office at quality.office@nscd.ac.uk

6. Legal Framework

- 6.1 All processes under this policy are conducted in accordance with the following legislation and guidance:
- Human Rights Act 1998
 - Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)
 - Equality Act 2010, including the duty to make reasonable adjustments
 - OfS Conditions of Registration B2, B3, C1, and C2
 - UUK Guidance for Higher Education Institutions on How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence
 - OIA Good Practice Framework: Disciplinary Procedures; Complaints and Appeals
- 6.2 Records of all misconduct proceedings, including investigation reports, outcome letters, and Completion of Procedures Letters, will be held in accordance with NSCD's Records Management Policy and the Data Protection Act 2018. Students will be informed of any record held on their file. All information is treated confidentially and in accordance with the School's Data Protection Policy.
- 6.3 The internal misconduct process is a civil matter. It is based on an allegation that a student has breached one or more of the School's policies. This is distinct from any criminal process,

which is an external procedure based on an allegation of a criminal act and is proven to a higher standard (beyond reasonable doubt). The School cannot make a finding of a criminal offence, but it can and will consider whether a breach of this policy has occurred independently of any criminal investigation.

7. Overview of Non-Academic Misconduct Procedures

7.1 NSCD recognises that many conduct concerns can be resolved informally. Where this is not possible, the formal procedure set out in Part 2 of this document applies. The formal procedure consists of three stages:

- **Stage 1 - Informal procedures and warnings:** A member of staff may issue an informal warning for minor conduct issues without triggering the formal process.
- **Stage 2 - Preliminary Enquiry:** An investigation is conducted to determine whether there is sufficient evidence to uphold a charge of minor misconduct (dealt with at this stage) or to refer the matter to a Misconduct Panel.
- **Stage 3 - Misconduct Panel:** A formal hearing to determine whether major misconduct has been substantiated and, if so, to impose an appropriate penalty.
- **Stage 4 - Appeal:** Students may appeal against a decision of the Misconduct Panel on specified grounds. Appeals meeting the threshold are heard by a Misconduct Appeals Panel.

7.2 Where misconduct is also a criminal offence, the School may delay internal proceedings pending the outcome of police or court investigations, or may impose precautionary measures in the meantime. The School's decision to proceed under this policy is made independently of any criminal proceedings and is not affected by their outcome.

7.3 Full details of each stage of the procedure, including timescales, documentation, hearing procedures, and outcomes, are set out in Part 2 of this document.

8. Support for Students

If you are referred under this policy: NSCD recognises that facing a misconduct allegation can be stressful. You are encouraged to seek support.

NSCD Student Support & Wellbeing: studentservices@nscd.ac.uk *

Policy queries: quality.office@nscd.ac.uk

At every stage of the process, you are entitled to be accompanied by a friend, family member, or student peer. Details of your rights at each stage are set out in Part 2.

**Students registered at a franchise partner provider should access support from the partner institution.*

8.1 Students will be notified of available support when they are informed that a Preliminary Enquiry is to take place.

8.2 Nothing in these procedures prevents a student from accessing the NSCD Support Through Studies procedures at any point.

9. Related Documents

- Part 2: Non-Academic Misconduct Procedure (this document)
- Student Learning Culture & Code of Practice (NSCD students)
- Policy on Harassment, Sexual Misconduct and Related Behaviours
- Academic Misconduct Policy
- Emergency Powers of Suspension
- Student Engagement & Support Through Studies Policy
- Criminal Records Policy
- Student Complaints Policy & Procedures
- IT Policy on Acceptable Use
- Admissions Policies
- Student Terms and Conditions

10. Key Contacts

Name	Role	Email
Quality Office	Policy oversight and process queries	quality.office@nscd.ac.uk
Student Services	Student support and general enquiries	studentservices@nscd.ac.uk

Part 2 – Non-Academic Misconduct Procedures

This document sets out the step-by-step procedure for managing non-academic misconduct at NSCD. It should be read alongside Part 1 (Policy), which sets out the scope, definitions, and core principles that apply throughout.

If you receive a notification under this procedure, contact studentservices@nscd.ac.uk for support, or quality.office@nscd.ac.uk for a process query.

1. Informal Procedures

- 1.1 NSCD recognises that many concerns about student conduct can and should be dealt with informally. Members of staff are empowered to address minor conduct issues without triggering the formal procedure.

Informal warnings

- 1.2 A member of the Leadership or Management team may issue an informal warning to a student about their conduct, indicate targets for improvement, and set a timeframe for review. The student will be advised that failure to meet expectations may result in referral for formal consideration. Examples of conduct that may lead to an informal warning include inappropriate behaviour in class.
- 1.3 A written note of any informal warning, and acknowledgement by the student, will be held centrally by the school.
- 1.4 Where a student disagrees with an informal warning, they have the right to request that a Preliminary Enquiry be conducted under the formal procedures.

2. Formal Procedure: Overview

- 2.1 The formal non-academic misconduct procedure consists of three stages:
 - **Stage 1 - Informal procedures and warnings:** A member of staff may issue an informal warning for minor conduct issues without triggering the formal process.
 - **Stage 2 - Preliminary Enquiry:** Initial investigation to determine whether there is a case to answer and what the appropriate next step is.
 - **Stage 3 - Misconduct Panel:** Formal hearing for cases of alleged major misconduct, or where a student disputes a minor misconduct finding.
 - **Stage 4 - Appeal:** Review of a Panel decision on specified grounds, by a Misconduct Appeal Reviewer and, where appropriate, a Misconduct Appeals Panel.
- 2.2 All proceedings are held in private. Where partnership arrangements with other organisations are in place for delivery of learning, any variations to these procedures will be set out in the relevant guidance to students.
- 2.3 The School may proceed with any stage of this procedure in the absence of a student, provided the student has been given proper written notice and those conducting the procedure are satisfied they have sufficient information to proceed. The School may also proceed if a student withdraws from their course.

3. Preliminary Enquiry (Stage 2)

How to raise a concern

- 3.1 Any member of staff, from NSCD or a franchise partner provider (including external or guest teachers), any examiner, placement provider, student, or member of the public who believes that misconduct may have been committed by a student should notify the school as soon as possible. Reports should be made in writing using the Non-Academic Misconduct Referral Form (Appendix A) and sent to quality.office@nscd.ac.uk.
- 3.2 Anonymous allegations will not normally be investigated, except where the School is satisfied that there is just cause, giving particular consideration to the seriousness of the allegation and whether the person facing the allegation has sufficient information to respond.

Appointment and initial steps

- 3.3 On receipt of an allegation, the Quality Office will appoint a Preliminary Enquiry Officer. The Preliminary Enquiry Officer may make initial enquiries to determine whether to open a full investigation. Where an investigation is opened, the student will normally be notified in writing, together with an expected timeline and information about support available.
- 3.4 The provider responsible for the delivery of the course will usually conduct the Preliminary Enquiry for matters relating to students registered with them.
- 3.5 The Preliminary Enquiry will normally be completed within **14 calendar days** of receipt of the allegation. The student will receive confirmation of the outcome in writing normally **within 48 hours** of the conclusion of the Enquiry. In complex or sensitive cases, this timescale may be extended; the student will be notified of any extension in writing.

The investigation

- 3.5 The Preliminary Enquiry Officer will review all available information and determine whether there is sufficient evidence to proceed. They may make further enquiries, including inviting the student to make a written response, and interviewing the student and any other relevant parties.
- 3.6 The Preliminary Enquiry Officer may delegate any investigative actions, including interviews, to other staff or External Officers acting on behalf of the NSCD or franchise partner provider.
- 3.7 Where a case is referred to the Non-Academic Misconduct Policy following an investigation under another NSCD policy (such as the Harassment and Sexual Misconduct Policy), that investigation may take the place of a Preliminary Enquiry.

Your rights at the Preliminary Enquiry interview

- 3.7 Where an interview is held as part of the investigation, the following applies:
 - You will be informed in advance in writing of the nature and purpose of the meeting.
 - You are not required to attend, but it is in your interests to do so. You are not obliged to make a statement or give any explanation.
 - You may request reasonable adjustments to any stage of this procedure. Requests should be made to the Preliminary Enquiry Officer at the earliest opportunity.
 - You may be accompanied by a family member or friend (from inside or outside the School). You should normally give at least **24 hours' notice** of anyone accompanying you.

- Written notes of the interview will be made and normally circulated to you within 2 working days for your agreement and any corrections.
- The Preliminary Enquiry Officer may terminate the interview if any person present displays unacceptable behaviour.

Preliminary Enquiry findings

3.8 On completion of the Enquiry, the Preliminary Enquiry Officer will produce a written report. You will receive a copy of the report. The report will state one of the following findings:

- **(a) No case to answer:** There is insufficient or no evidence of misconduct. No further action will be taken, and you will be informed in writing. You will also be told whether any record of the enquiry will be held on your file, and why.
- **(b) Minor misconduct:** There is sufficient evidence of a minor infringement of this policy. The Preliminary Enquiry Officer will impose an appropriate Category 1 penalty (see Part 2, section 6). The case will not proceed to a Panel. A record will be kept on your file.
- **(c) Major misconduct - referred to Panel:** There is sufficient evidence of a major infringement to warrant referral to the Misconduct Panel. Note: multiple minor allegations may together constitute major misconduct.
- **(d) Referral to another policy:** There are sufficient grounds to refer the matter under another policy (such as Support Through Studies, or the Policy on Harassment, Sexual Misconduct and Related Behaviours), either instead of or alongside these procedures.

Disagreeing with a Preliminary Enquiry outcome

3.9 If you disagree with a finding of minor misconduct (including disagreement with any penalty imposed), you have the right to request that your case be heard by the Misconduct Panel. You must make this request in writing to the Preliminary Enquiry Officer normally within 7 calendar days of receiving the outcome letter.

4. Contractual Cooling Period: Special Provisions

- 4.1 When you formally accept an offer of a place at NSCD and sign the student Terms and Conditions, you enter into a student contract. The first 14 days of your enrolment constitute the 'Contractual Cooling Period'.
- 4.2 If, during the Contractual Cooling Period (or after formal acceptance but before enrolment), you are alleged to have behaved in a way that may breach our policies or your student contract, the allegation will be referred into the Preliminary Enquiry procedure.
- 4.3 If the Preliminary Enquiry Officer finds, on the balance of probabilities, that a serious breach has occurred which makes it inappropriate for you to begin or remain on your course, they may recommend to the Principal that your contract be terminated immediately, without referral to a Panel.
- 4.4 Examples of conduct that would warrant this in the Cooling Period include but are not limited to: conduct constituting unlawful discrimination, harassment or victimisation on the basis of

a protected characteristic as defined by the Equality Act ¹ or sexual misconduct, violence, or bullying.

- 4.5 If the Principal upholds the recommendation, you will be notified in writing immediately and provided with a copy of the Preliminary Enquiry Report. You will have the right to request a review of this decision by the Chair of the Board of Governors within 7 calendar days of the notification.
- 4.6 If the Principal does not uphold the recommendation, the matter will be referred to a Misconduct Panel.

Conduct before the student contract was signed

- 4.7 Where behaviour that would constitute a serious breach of the student contract is found to have occurred before you signed the contract, the Preliminary Enquiry Officer will refer the matter to the Principal to determine whether you should reasonably have disclosed this in your application.
- 4.8 If the Principal determines that you should have disclosed the information, your contract will normally be terminated on the basis of a false, fraudulent, or misleading application. You will have the right to request a review by the Chair of the Board of Governors within 7 calendar days.
- 4.9 If the Principal determines there were no reasonable grounds to expect disclosure, they will determine any necessary action, including any support to be put in place.

5. Misconduct Panel (Stage 3)

Convening a Panel

- 5.1 Where a Preliminary Enquiry Officer refers a case to a Misconduct Panel, the Quality Office will appoint a Secretary to make the arrangements and will appoint Panel members.

Panel membership

- 5.2 The Panel will comprise:
 - A Chair - a senior member of the School's staff, unconnected with the student's programme of study, or a senior member of staff from another higher education institution
 - Two other members, unconnected with the student's programme of study, normally drawn from School staff or staff from other higher education institutions
 - In the case of a panel concerning a student registered at a franchise partner provider, one panel member will be from NSCD.
- 5.3 No member of the student's programme team will serve on the Panel. No-one who has had formal involvement in the case will serve as Chair or Panel member. All Panel members must be able to act and be seen to act impartially.
- 5.4 Because NSCD is a small specialist institution, it may involve appropriately experienced staff from other higher education providers in Panel proceedings. This ensures independence and avoids conflicts of interest. It does not change the process or your rights within it.
- 5.5 The quorum for a Panel hearing is the Chair and two other members.

¹ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

What you will receive before the hearing

- 5.6 You will normally receive written notice at least **10 days before** the hearing of:
- The date of the hearing
 - The names of Panel members, the School Representative, and any witnesses called by the School
 - The name and contact details of the Panel Secretary
 - All documentary evidence, including the Preliminary Enquiry Report and any witness statements
 - Confirmation of your right to be accompanied or represented
- 5.7 In all cases, written notice of the exact date and all documentation will be provided at least **7 calendar days** before the hearing.

Submitting your evidence

- 5.8 You may submit a written statement and any supporting evidence or witness statements. These should normally be provided to the Panel Secretary at least **48 hours before** the hearing. Late submissions will only be accepted at the Chair's discretion.
- 5.9 Both you and the School may call witnesses. Names of witnesses should normally be provided to the Panel Secretary at least **48 hours before** the hearing. The Chair has ultimate discretion to admit or refuse any witness.

Your rights at the hearing

- 5.10 You have the right to:
- Be accompanied by a friend or family member (you should notify the Panel Secretary of their name at least 48 hours before the hearing)
 - Be represented (the Chair has discretion over who may act as representative; prior written notice is required)
 - Make written and oral submissions
 - Call witnesses
 - Make a closing statement

Hearing procedure

See Appendix C for Guidance on Hearings.

- 5.11 All parties will normally be present at the same time, unless a reasonable adjustment requires otherwise (for example, in cases involving alleged serious sexual misconduct).
- 5.12 The School Representative will present the concerns first and call witnesses. You (or your representative) will then be invited to respond and call your own witnesses. You may present mitigating circumstances. The Panel may ask questions of all present. You and the School Representative may also ask questions of each other and of witnesses, through the Chair.
- 5.13 At the close of the hearing, you (or your representative) may make a closing statement. The Chair will then close the hearing and the Panel will deliberate in private.
- 5.14 The Panel will determine its findings and decisions on the balance of probabilities, by majority vote. Individual votes are confidential. The Panel will endeavour to reach a decision without adjournment.

Hearing Outcome Letter

- 5.15 The Panel Secretary will send a Hearing Outcome Letter to you normally within **7 calendar days** of the hearing. This will set out the Panel's findings and decisions, the reasons for them, and details of your right of appeal. The Outcome Letter will also include information about support services available to the student. A copy will be placed on your student file.
- 5.16 If the Panel finds that the allegations were not substantiated, this will be communicated to all parties normally within 7 calendar days.

Impact on academic progression

- 5.17 If your case is still ongoing when the Board of Examiners meets to consider your results, you will normally be allowed to progress academically. This does not reflect any view the School has reached about the alleged misconduct, and it will not be considered a mitigating factor by a Panel.
- 5.18 If you are in your final year and your case is still ongoing when your results are considered, your marks may be withheld and you will not be able to graduate until the case is concluded. Please refer to Annex A.1 Academic Regulations & Credit Framework.

6. Penalties

- 6.1 Where the Misconduct Panel determines that misconduct has been substantiated on the balance of probabilities, it may impose one or more of the penalties set out in the table below. More than one penalty may be applied simultaneously. In determining the appropriate penalty, the Panel will have regard to the severity of the misconduct; any aggravating factors, including evidence of malicious intent, previous misconduct, and any existing formal warnings or sanctions; the student's engagement with the process; proportionality; established precedents; and any accepted mitigating circumstances.
- 6.2 Where the Panel imposes conditions on the student's continued enrolment, those conditions must be proportionate to the nature and severity of the misconduct found and must not be imposed for an indefinite period without a specified review date. The student will be informed in writing of the precise terms of each condition, its duration, what will constitute a breach, and the likely consequence of breach. Where conditions would restrict access to studios, performance spaces or curriculum activities, the Panel must consider whether this would materially impede the student's ability to complete their programme, and either identify a reasonably practicable alternative arrangement or reserve such conditions for cases where the seriousness of the misconduct justifies that impact. Breach of any condition will be treated as a further act of non-academic misconduct and may be referred directly to a Formal Hearing. The student retains the right to appeal both the imposition of conditions and their specific terms in accordance with section 7.
- 6.3 The Panel may order that a penalty is imposed immediately or deferred, on conditions specified by the Panel. The Panel also has discretion to indicate when and in what circumstances a record of misconduct may be considered spent, at which point it will be removed from the student's file.

- 6.3 The Quality Office will maintain anonymised summary records of misconduct findings and penalties for the purposes of consistency. Panel members may request access to these records when determining penalties.

Table of Penalties

Category 1 penalties - may be imposed by the Preliminary Enquiry Officer, Misconduct Panel, or Misconduct Appeals Panel

- a. A formal warning or a final warning (for a repeated offence)
- b. A requirement to make a verbal or written apology to any party concerned, where appropriate
- c. Payment of compensation for damage or loss caused, not exceeding the value of that damage or loss
- d. Withdrawal of privileges (particularly any privileges abused) for a period not exceeding one month (i.e. representation roles, access to particular facilities, participation in external showcases)
- e. Requirement to remove material published in hard copy or electronically that is deemed unlawful
- f. Setting of conditions or expectations for the student's future behaviour

Category 2 penalties - may only be imposed by the Misconduct Panel or Misconduct Appeals Panel

- g. Mandatory attendance at a workshop or course within a specified timeframe
- h. Restorative action such as a reflective statement or project
- i. a no-contact order prohibiting direct or indirect contact with named individuals, including contact via third parties, electronic or social media means
- j. Prohibition from representing the School in any paid or unpaid capacity for a specified period
- k. Conditions for the continuation of student status (*see 6.2 of the procedures*)
- l. Exclusion from, or restrictions on, participation in specified activities or use of specified facilities for a stated period
- m. Suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date
- n. Permanent exclusion and removal of student status, with or without the right to re-register for any further course of study with the School
- o. Such other penalty as may be deemed appropriate, provided it is proportionate and relevant to the offence

7. Appeal against a Decision of the Misconduct Panel (Stage 4)

Grounds of appeal

- 7.1 Following a Misconduct Panel hearing, a student may submit an appeal against the Panel's decision under one or more of the following grounds:
- **(a) Procedural irregularity:** rules or procedures were not applied correctly
 - **(b) Prejudice or bias:** on the part of a decision-maker
 - **(c) Unreasonable decision or disproportionate penalty:** the decision(s) or sanction is unreasonable
 - **(d) New evidence:** evidence that was not available at the time and could not with reasonable diligence have been produced, and which is material to the case
- 7.2 An appeal cannot be submitted on the grounds of disagreement alone with the outcome. It must meet one of the above grounds.

How to appeal

- 7.3 An appeal must normally be submitted within **14 calendar days** of the date of the Hearing Outcome Letter. Appeals submitted after this deadline may be rejected as out of time.
- 7.4 To appeal, submit the Misconduct Appeal Form (Appendix D) together with any supporting documentation to quality.office@nscd.ac.uk. Include all information and mitigating circumstances you wish to be considered.

Appeal review process

- 7.5 The appeal will be forwarded to the NSCD Quality Office, who will nominate a Misconduct Appeal Reviewer. The Reviewer may be a senior member of NSCD staff, a Board of Governors member, or an External Officer.
- 7.6 The Reviewer will determine whether the appeal demonstrates one or more of the grounds for a Misconduct Appeals Panel to be convened. An appeal must demonstrate grounds - it is not sufficient simply to state them.
- 7.7 The Reviewer will normally notify you of their decision within **21 calendar days** of receiving your appeal submission.
- 7.8 Where the Reviewer does not find grounds but determines that natural justice requires further consideration, they may use their exceptional discretionary powers to refer the case to the Misconduct Appeals Panel.
- 7.9 Where the Reviewer finds that the appeal does not meet the grounds and does not exercise discretionary powers, the appeal will be rejected and the original Panel decision will stand. An Appeal Outcome Letter will be sent to you normally within 21 calendar days of receipt of the submission.

8. Misconduct Appeals Panel

Membership

- 8.1 The Appeals Panel membership mirrors that of the Misconduct Panel: a Chair (senior member of NSCD staff or another institution, unconnected with the student's programme), and two other members. No-one who sat on the original Misconduct Panel, or who has had formal involvement in the case, will sit on the Appeals Panel.

What you will receive

- 8.2 Where a Misconduct Appeals Panel is convened, you will receive written notice of the hearing, the names of Panel members, and all relevant documentation, normally at least **10 days** before the hearing. At the point of notification of the hearing, you will be invited to submit any additional documentation or statements.

Hearing procedure

- 8.3 The Appeals Panel hearing follows broadly the same procedure as the Misconduct Panel hearing. Your Misconduct Appeal submission will constitute your written representations and evidence. Further additional documentation will not normally be accepted, unless in exceptional circumstances at the discretion of the Chair.
- 8.4 If you are unable or do not wish to attend the Appeals Panel hearing, an additional written statement in lieu of attendance will normally be allowed, at the Chair's discretion.

Appeals Panel outcomes

- 8.5 After the hearing, the Appeals Panel will determine whether misconduct was established, and the appropriate decision(s). The Panel may:
- **Uphold the appeal:** the Panel will set aside or vary the original finding(s) and/or decision(s), and impose any appropriate revised penalty or take other appropriate action.
 - **Not uphold the appeal:** the original finding(s) and decision(s) of the Misconduct Panel will stand.
- 8.6 The Hearing Outcome Letter will be sent to you normally within **7 calendar days** of the hearing. The Outcome Letter will also include information about support services available to the student. The decision of the Misconduct Appeals Panel is final within the School's internal procedures.
- 8.7 If the appeal is upheld, any penalty already imposed by the Misconduct Panel will be reviewed and may be varied or removed.

9. Completion of Procedures and the Office of the Independent Adjudicator

- 9.1 Once all internal procedures under this policy have been exhausted, the School will issue a Completion of Procedures (COP) Letter. This letter will normally be issued within **28 days** of:
- the Misconduct Appeals Panel Outcome Letter, where an appeal was heard by the Panel;
 - notification that an appeal has been dismissed without a Panel hearing, where the appeal procedure permits that outcome; or
 - the expiry of the appeal window, where the student has not submitted an appeal and has requested a COP Letter or has confirmed in writing that they do not intend to appeal.

9.2 Students wishing to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) must do so **within 12 months** of the date of the COP Letter. Referrals made before internal procedures are concluded will not ordinarily be accepted by the OIA.

9.3 The OIA is an independent body that reviews student complaints against higher education providers in England and Wales. It may recommend a range of remedies including revision of an outcome, a formal apology, or financial compensation. It does not conduct a rehearing of the case but considers whether the School's procedures were followed and whether the outcome was reasonable in all the circumstances.

9.4 The COP Letter will include information on how to contact the OIA. Further information is also available at www.oiahe.org.uk

9.5 NSCD is a subscriber to the OIA scheme and will co-operate fully with any OIA review, providing requested documentation within the timeframes specified by the OIA.

10. Timescales Summary

10.1 In line with OIA good practice guidelines, the formal proceedings will normally be concluded within 90 calendar days of the start of the investigation, excluding any period during which criminal proceedings are ongoing.

10.2 Unless otherwise stated, all timescales in this procedure are calendar days, excluding bank holidays and statutory closure days. The School will endeavour to meet these timescales in all cases. In complex or sensitive cases, timescales may need to be extended; the student will always be notified of any extension.

Stage	Action	Timescale
Preliminary Enquiry	Student notified of outcome	Normally within 14 days of allegation receipt; outcome letter within 48 hours of conclusion
Misconduct Panel	Written notice sent to student	At least 10 days before hearing; all documentation at least 7 days before
Misconduct Panel	Hearing Outcome Letter	Normally within 7 days of date of hearing
Appeal submission	Deadline for student to appeal	Normally within 14 days of Hearing Outcome Letter
Appeal review	Reviewer notifies student of decision	Normally within 21 days of receipt of appeal submission
Completion of Procedures	Letter issued	Within 28 days of Appeal Outcome Letter (where applicable)

Cooling Period review	Chair of Governors responds	Normally within 14 days of receiving request for review
Interview notes	Circulated to student for agreement	Normally within 2 working days of interview

10.2 Failure by a student to comply with any decision reached or order issued under this policy, without good reason, may itself constitute an act of misconduct and may be dealt with under this policy or the Support Through Studies procedures, as deemed appropriate by the CEO/Principal.

Appendices

Appendix A: Non-Academic Misconduct Referral Form template

Appendix B: Preliminary Enquiry Report Form template

Appendix C: Guidance on Hearings

Appendix D: Misconduct Appeal Form template