

## Misconduct Policy and Procedure

### 1. Introduction

- 1.1 NFTS policy:** The National Film and Television School (the “NFTS” or the “School”) is committed to delivering a high-quality service and excellent teaching and learning opportunities. At the same time, it is expected that students and apprentices themselves will act responsibly and with consideration for others both at the School’s premises and beyond. Staff, students and apprentices are expected to act honestly and with integrity and to safeguard the public resources for which they are responsible.
- 1.2 Conduct:** Students and apprentices must adhere to the [Student and Apprentice Code of Conduct](#) and all School policies, procedures and regulations, including the [Student Terms & Conditions](#), the [Health & Safety Policy](#), and the [Bullying, Harassment and Sexual Misconduct Policy](#).
- 1.3 Legal obligations:** In operating this Policy and Procedure, the NFTS remains mindful of its legal obligations, including its obligations under the Equality Act 2010 to make reasonable adjustments.
- 1.4 Support and advice:** Any student involved in a misconduct process is encouraged to seek advice and support from the Student Support and Wellbeing team or the Students’ Union.
- Student Support and Wellbeing: [swellbeing@nfts.co.uk](mailto:swellbeing@nfts.co.uk)
  - Students’ Union: [supresident@nfts.co.uk](mailto:supresident@nfts.co.uk)

### 2. Scope

- 2.1 Students:** This Policy and Procedure applies to all students and apprentices (together referred to as ‘students’) of the NFTS throughout their period of registration. It applies to conduct which occurs at the School or out of the School, such as conduct at work or curriculum-related events and trips, social events or on social media.
- 2.2 Misconduct:** This Policy and Procedure shall apply in the event that a student’s conduct does not meet the standards set out in the [Student and Apprentice Code of Conduct](#) or any School policy, procedure or regulation.
- 2.3 Other issues:** This Policy and Procedure does not apply to:
- concerns or appeals about students’ academic misconduct which are dealt with under the [Academic Misconduct Procedure](#);
  - concerns falling under other NFTS policies or procedures.

For advice and guidance on which policy and procedure applies, please contact the Registrar: [ewheal@nfts.co.uk](mailto:ewheal@nfts.co.uk).

- 2.4 Issues falling within more than one School policy or procedure:** It is recognised that some cases can involve a combination of issues, where some fall within the scope of this Policy and Procedure and some do not, and the policy and procedure in each case to be applied will be assessed individually. In these circumstances, the student will be informed which issues will be considered under which procedure and they will be directed to any alternative procedure as appropriate to ensure all relevant issues are considered. Students will be informed of the implications, if any, of following two or more procedures (concurrently or consecutively), particularly where one procedure may be paused until another is completed.
- 2.5 Multiple students:** Where the issue(s) raised involve allegations against more than one student, the School may decide to consider the allegations concurrently, including through the appointment of one

investigator to investigate the allegations and the appointment of one Misconduct Panel which may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s).

**2.6 Permanent withdrawal from the School:** If a student under investigation for alleged misconduct permanently withdraws from the School during the process, or has permanently withdrawn prior to the investigation, the School reserves the right to continue to pursue disciplinary action. If a student found to have committed misconduct permanently withdraws from the School during or after a Misconduct Panel hearing, the School reserves the right to impose a sanction on the student (or former student). For example, the School might rescind a degree if it were found that a student had misrepresented their qualifications.

**2.7 Nominee:** Any reference in this Policy and Procedure to the holder of a role, for example the Registrar, the Quality Assurance Manager or the Director of Curriculum, shall include that person's nominee.

### 3. General Principles

**3.1 Key objectives:** The procedure is based on the principles of fairness and transparency. It is set out to ensure:

- a timely resolution of a report of misconduct;
- that the process is accessible, fair, transparent and evidence-based;
- that the processes, decisions and the reasons for decisions are clear and there is opportunity for independent review;
- that decisions made will be reasonable;
- that students and others involved are supported appropriately throughout the process;
- that all parties to a report of misconduct by a student are dealt with fairly, however fairness to the person reporting alleged misconduct is limited to what is fair and reasonable to investigate their complaint – this Policy and Procedure is not intended to resolve disputes between individuals but to address misconduct by students, and a reporting student will only be involved during any process as a witness.

**3.2 Standard of proof:** The “standard of proof” (the level of proof required) will be the “balance of probabilities”, i.e. that it is more likely than not that something happened.

**3.3 Burden of proof:** The “burden of proof” (determining whose responsibility it is to prove an issue) will fall upon the School and not upon the student.

**3.4 Accompaniment, representation:** Any student involved in a misconduct process has the right to be accompanied by a Students' Union representative, a current NFTS student or a current NFTS member of staff at any stage of the procedure. Neither the student nor the NFTS will normally be permitted to be accompanied or represented by a legal practitioner at meetings or hearings.

**3.5 Information obtained:** All information obtained within the procedure will be held in accordance with data protection legislation and the [Student Privacy Notice](#).

**3.6 Confidentiality:** Misconduct processes will be treated with an appropriate degree of confidentiality. Information will only be shared with relevant staff (and, if appropriate, other individuals, such as other parties involved or an external investigator if relevant) in order for the misconduct process to be dealt with (including for the misconduct to be investigated) and/or otherwise processed in accordance with data protection legislation and/or if the misconduct results in the implementation of a separate NFTS procedure.

**3.7 Precautionary action:** The School may in appropriate cases temporarily suspend and/or exclude a student for a defined period or until a matter is considered under this Policy and Procedure, as set out

in Appendix 3. This is a precautionary measure, and not a penalty, and does not indicate that the School has concluded that the student breached its rules regarding student conduct.

**3.8 Academic Standards Committee:** Outcomes of misconduct hearings by any Misconduct Panel will be recorded, anonymised and reported within the NFTS to the Academic Standards Committee.

#### **4. Criminal investigations**

**4.1 Reporting to police:** Where the behaviour constitutes a criminal offence, the person who has experienced the behaviour is encouraged to report the matter to the police. The police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The School will help the person who has experienced the behaviour to do this where appropriate.

**4.2 Reporting to police by the School:** The School will only in exceptional circumstances report an alleged incident to the police against the wishes of a student. However, if the Registrar considers it is necessary in order to protect a student or other member of the School community from harm, or the conduct affects the interests of the School, it may be reported to the police.

**4.3 Ongoing police investigation / court proceedings:** The School will not normally investigate complaints about student behaviour while there is an ongoing police investigation or court proceedings. However, the School will consider whether any precautionary temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned.

**4.4 Concluded criminal proceedings:** Once any criminal proceedings are concluded the School may decide to proceed with action under this Policy and Procedure or may choose not to do so, depending on the circumstances of the case. The fact that a student has been acquitted of a criminal offence does not preclude the School from taking action for a breach of the Student Code of Conduct.

**4.5 Impact of conviction:** A conviction will be taken as conclusive evidence that the offence has occurred, and no further investigation will be required by the School. The Misconduct Panel may, at its discretion, take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.

**4.6 Notification of conviction:** Students are required to notify the School immediately of any conviction of a relevant criminal offence in a court of law or formal caution for a relevant criminal offence by a police officer.

**4.7 Precautionary action / penalties:** Where a student has been convicted of a criminal offence, the School will consider the nature of the offence and whether it is appropriate for the student to remain on the course. Where it is deemed appropriate, a student may be suspended under paragraph 3.7 of this Policy and Procedure as a precaution. The case may then be referred to a Misconduct Panel to consider penalties where appropriate. In these circumstances, the deliberations of the Misconduct Panel will include an assessment of the risk posed to staff or students. Any penalty imposed by the criminal court will also be taken into account.

#### **5. Process**

**5.1 Deadline for reporting misconduct:** Under normal circumstances, an alleged incident should be reported as soon as possible after it has taken place or has been brought to a person's attention, as delays to reporting could impair the School's ability to investigate the alleged incident. However, it is recognised that there may be occasions when circumstances may not allow for this, and therefore the School may consider cases at any time particularly where they are of a serious nature. Where a case is deemed out of time a rationale for that decision will be provided to the reporting party.

**5.2 Misconduct process – timeframe:** Once commenced, a misconduct process will be dealt with as quickly and expeditiously as possible. The whole process, including the appeal process, should normally be completed within 90 calendar days of the date of receipt of the initial report. This timeframe requires students to engage with the process by meeting all of the School's stipulated deadlines and attending any meetings to which they are invited. There may be cases where, for good reason, the School needs to extend the timeframe for dealing with the case. Students will be kept informed of any extensions or delays.

**5.3 Withholding of award:** Where applicable, the School may 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.

**5.4 Minor misconduct / serious misconduct:** Members of staff are encouraged to address minor misconduct cases through early intervention, positively supporting students to develop their understanding of what constitutes acceptable behaviour through guidance before circumstances escalate towards formal action for serious misconduct under this Policy and Procedure. If informal discussions with students and/or warnings are not considered to be effective or appropriate, then the processes described below for should be followed.

#### **Minor misconduct**

**5.5 Minor misconduct:** Minor misconduct is usually where:

- it has caused minor disruption and is not aimed at other individuals;
- if applicable, any loss is minor and the student will be able to repair any damage quickly and effectively to compensate;
- the student is showing regret and is willing to co-operate with advice; and/or
- guidance is likely to put an end to this one-off issue.

**5.6 Minor misconduct – examples:** Examples of minor misconduct are:

- a lack of respect or courtesy towards fellow students and/or staff;
- a minor breach of health and safety rules;
- a one-off incidence of alcohol abuse;
- unauthorised absence from the course.

**5.7 Initial report:** Incidences of minor misconduct should be reported to the student's Head of Department or the appropriate Director/Manager.

**5.8 Student notification:** If the Head of Department or Director/Manager considers that the incident can be handled within the Department and/or is a first-time minor offence they should:

- inform the student in writing that an alleged incident of misconduct has been reported and the exact nature of the concern that has been raised;
- point the student to any relevant documents covering the alleged incident of misconduct (e.g. the Student and Apprentice Code of Conduct, the Student Terms & Conditions, any relevant School policy) and provide the student with a copy of this Policy and Procedure;
- arrange a meeting with the student and another independent member of staff (e.g. a Curriculum Coordinator, another Head of Department or Manager) to discuss the alleged incident. If possible, this should take place within five working days of the alleged incident being reported and where practicable the student should be given at least two working days' notice of the meeting;
- remind the student that they have the right to be accompanied by a Students' Union representative or a current NFTS student or a current NFTS member of staff;
- where appropriate, inform the student that they have the right to produce any supporting information at or ahead of this meeting; and
- inform the student that if they do not attend this meeting without good reason, the meeting may continue in their absence.

**5.9 Student meeting:** At the meeting, the Head of Department or Director/Manager 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 they have not already done so. A brief written record of the meeting should be made by the Head of Department or Director/Manager.

**5.10 Meeting follow-up:** If following the meeting it is agreed that an incident of misconduct has been verified, the Head of Department or Director/Manager should:

- within five working days of the date of the meeting, issue to the student either a formal written warning that their conduct is unacceptable or a verbal warning that their conduct is unacceptable with a written summary of the warning;
- give guidance to the student as to how they should modify their conduct;
- offer any reasonable support to the student, e.g. referring them to the Student Support and Wellbeing team;
- inform the student that another occurrence of the incident of misconduct may result in a Misconduct Panel being called;
- send the student a copy of the written record of the meeting.

### **Serious misconduct**

**5.11 Serious misconduct:** Serious misconduct is usually where:

- there has been a breach of regulations that could have potentially led to someone or something being harmed (e.g. a breach of health & safety rules where no one was injured);
- someone or something has come to harm;
- the law has been broken;
- the loss of damage is significant and cannot be quickly repaired;
- the misconduct is repeated;
- there are multiple incidents of misconduct;
- the student shows no real signs of regret and/or it is the opinion of the Head of Department that the student does not understand the inappropriateness of their actions;
- the student has brought, or could bring, the School into disrepute.

**5.12 Serious misconduct – examples:** Examples of serious misconduct are:

- an incident that potentially brings the School into disrepute;
- persistent failure to respond to or comply with formal disciplinary sanctions imposed under this Policy and Procedure or other School policies and procedures;
- possessing, supplying or dealing in illegal substances or those that are considered to induce a 'legal high';
- a serious breach of health & safety rules;
- bullying, harassment or sexual misconduct;
- physical misconduct including hitting, pushing or restraining another person;
- repeated instances of unauthorised absence, lateness or failure to attend without good reason.

**5.13 Initial report:** Cases or suspected cases of serious misconduct should be reported in writing to the Registrar.

**5.14 Preliminary review:** On receipt of a report of serious misconduct the Registrar will undertake a preliminary review of the case to determine whether there may be a case to answer. Following this review the Registrar may:

- find there is no case to answer, dismiss the allegation and take no further action;
- consider that the formal misconduct process is not an appropriate way of dealing with the student's behaviour, and following a discussion with the student about their behaviour issue a formal warning. This warning will be recorded and taken into account in any future disciplinary action against the student. The Registrar may also restrict the student's future access to School facilities and extra-curricular activities such as the bar and Cinema Club;

- arrange for the allegation to be investigated by an investigator in accordance with paragraphs 5.15 – 5.19 below; or
- take precautionary action in accordance with Appendix 3.

**5.15 Student notification:** The student will be informed in writing of the outcome of the Registrar's preliminary review. If relevant, the student will be pointed to any relevant documents covering the alleged incident of misconduct (e.g. the Student and Apprentice Code of Conduct, the Student Terms & Conditions, any relevant School policy) and provided with a copy of this Policy and Procedure.

**5.16 Investigation:** Where appropriate, the Registrar will appoint an investigating officer to investigate the alleged misconduct. The Investigating Officer will usually be the Quality Assurance Manager or other Manager but may be an external investigator. In conducting the investigation, the Investigating Officer may meet with the reporting student or staff member and any other relevant persons (including any witnesses), and may consider documentary, audio, video and other evidence.

**5.17 Student interview - notification:** The Investigating Officer shall:

- arrange an interview with the student against whom the allegations have been made. The student should where practicable be given at least three working days' notice of the interview and the arrangements for it (including its date, time and location, the names and roles of those who will be present);
- inform the student in writing of the allegations to be considered and the purpose of the interview, which shall be to determine whether serious misconduct may have occurred;
- provide the student with copies of any evidence or documents to be considered in connection with the allegations;
- remind the student that they have the right to be accompanied by a Students' Union representative or a current NFTS student or a current NFTS member of staff. The student must inform the Investigating Officer who will be accompanying them at least one working day before the interview;
- where appropriate, inform the student that they are required to submit before the interview a written statement of their perception of the events and any supporting evidence;
- inform the student that if they do not attend this meeting without good reason, the investigation and misconduct process may continue in their absence and on the basis of the evidence provided.

If the student notifies the Investigating Officer before the interview that they are unable to attend the interview on the scheduled date, and provide a satisfactory reason for their non-attendance, only one further attempt to reschedule the interview will be made.

**5.18 Student interview:** At the interview, the Investigating Officer should present the allegations, and any evidence, to the student and discuss this with them, asking the student to give their perspective of the events, including providing any supporting information if they have not already done so. A brief written record of the meeting should be made by the Investigating Officer.

**5.19 Investigation follow-up:** The Investigating Officer will prepare a written report of the investigation and will make findings of fact and recommendations for next steps. This will include making one of the following recommendations to the Registrar:

- That the allegation be dismissed and no further action be taken;
- That the student's behaviour should be treated as minor misconduct and the student should be issued a formal warning (to be recorded and taken into account in any future disciplinary action against the student), and where appropriate that the student's future access to School facilities and extra-curricular activities such as the bar and Cinema Club should be restricted;
- That serious misconduct may have occurred and the case should be referred to a Misconduct Panel in accordance with this Policy and Procedure.

The Registrar shall notify the student of the Investigating Officer's recommendations and the decision taken by the Registrar within 10 working days of the conclusion of the investigation.



- 5.20 Referral of serious misconduct:** Where the Investigating Officer has recommended that the case be referred to a Misconduct Panel, the Registrar will refer the case to a Misconduct Panel for a decision in accordance with paragraphs 5.21 – 5.25 below.
- 5.21 Misconduct Panel – information:** The student will be notified of the time, date and location of the Misconduct Panel hearing, and all evidence or documentation to be provided to the Misconduct Panel will also be made available to the student, at least five working days before the date of the hearing. The student will be asked to submit to the Secretary of the Misconduct Panel at least three working days before the date of the hearing any evidence or information not previously submitted to the Investigating Officer, the names of any witnesses, any mitigation for the attention of the Misconduct Panel and the name of any Students' Union representative or a current NFTS student or a current NFTS member of staff who will be accompanying them.
- 5.22 Misconduct Panel – student attendance:** If the student notifies the Secretary to the Misconduct Panel before the hearing that they are unable to attend the hearing on the scheduled date, and provides a satisfactory reason for their non-attendance, the Registrar will consider whether in all the circumstances the hearing should be rescheduled. In this case, only one further attempt to reschedule the hearing will be made. If the student does not attend the hearing without good reason, the hearing may continue in their absence and on the basis of the evidence and documentation provided.
- 5.23 Student admission:** If the student admits the misconduct, it will not be necessary to hold the hearing and the student will be notified of this. The Chair of the Misconduct Panel will explain to the student the penalties that may be applied in this case and may act on behalf of the Misconduct Panel to determine the appropriate penalty.
- 5.24 Misconduct Panel hearing:** Any Misconduct Panel hearing will be conducted in accordance with the procedure set out in Appendix 1.
- 5.25 Determination by Misconduct Panel:** If the Misconduct Panel determines that any allegation against the student has been proven, the Misconduct Panel will decide what penalties should be applied having regard to the list of indicative penalties set out in Appendix 2. The student's file/record will be made available to the Misconduct Panel at this stage along with a short summary of the student's current academic position. In making a decision on the penalties to be applied, the Misconduct Panel will take account of any previous penalties on record and any mitigation brought to the attention of the Misconduct Panel by the student, and will impose penalties on an individual basis.
- 5.26 Student notification:** The student will be notified in writing of the decision on their case and any penalty to be applied, with reasons, within five working days of the Misconduct Panel hearing. The student will also be informed of any required next steps and of their right to request an appeal against the decision and the timescale for doing so. If the misconduct case has been brought against the student as the result of a report made by another student or member of staff, the reporting student or member of staff, where reasonable and to the extent that data protection and confidentiality allow, may be informed of the outcome of the misconduct process.

## **Appeals**

- 5.27 Appeal request:** Where a Misconduct Panel applies a penalty set out in Appendix 2, the student may, within 10 working days from the date of the written notification of the decision on their case and any penalty to be applied, request an appeal against the decision and/or any penalty on one or more of the following grounds:
- there has been a material procedural irregularity which has demonstrably affected the Misconduct Panel's decision;
  - the Misconduct Panel's decision is unreasonable and/or any penalty is disproportionate;
  - there is material new evidence which the student was unable, for valid reasons, previously to provide and which would have significantly affected the Misconduct Panel's decision.

- 5.28 Appeal grounds and evidence:** The student will need to:
- make a formal request for an appeal in writing to the Director of Curriculum;
  - make clear on which of the three grounds for an appeal under paragraph 5.27 they rely and provide evidence that an appeal is justified;
  - provide the Director of Curriculum with a copy of the misconduct case file and Misconduct Panel decision;
  - make clear the outcome sought.

- 5.29 Appeal request response:** Upon receipt of a request for an appeal under paragraph 5.27, the Director of Curriculum will:

- write to the student to acknowledge receipt of the request for an appeal;
- inform the student when they might expect to hear the outcome of the appeal, which should normally be within 10 working days from the request for an appeal;
- take one of the following actions:
  - dismiss the request for an appeal and issue a Completion of Procedures Letter, where the Director of Curriculum determines that either the request for an appeal is received outside the timeframe specified in paragraph 5.27 above and no evidence of a good reason for the delay is presented by the student, or none of the grounds for an appeal under paragraph 5.27 has been disclosed;
  - undertake a review of the case, including all the evidence and documents supplied by the student and to the Misconduct Panel, where the Director of Curriculum determines that one or more of the grounds for an appeal under paragraph 5.27 has been disclosed. The Director of Curriculum may invite the student to a meeting to discuss their appeal, informing the student in advance of the purpose of the meeting, giving at least two working days' notice and reminding the student that they have the right to be accompanied by a Students' Union representative or a current NFTS student or a current NFTS member of staff.

- 5.30 Determination by Director of Curriculum:** Having completed the review, the Director of Curriculum will determine whether the appeal is upheld or dismissed (in whole or in part). Where an appeal is upheld (in whole or in part), the Director of Curriculum will take one or more of the following actions:

- quash the decision of the Misconduct Panel, determine that no further action should be taken against the student and request that the written record be removed from the student's file;
- apply a different penalty having regard to the list of indicative penalties set out in Appendix 2, in which case the Director of Curriculum may take into account any mitigating circumstances presented by the student and will apply a penalty that is appropriate in all the circumstances;
- refer the case back to the Misconduct Panel for further consideration;
- refer the case back to a new Misconduct Panel for fresh consideration; or
- refer the concern for consideration under another School regulation or procedure.

The decision of the Director of Curriculum is final.

- 5.31 Student notification:** The Secretary to the Misconduct Panel will normally within five working days from the determination by the Director of Curriculum notify the student of the outcome, with reasons, and arrange for a Completion of Procedures Letter to be issued to the student.

## **6. The Office of the Independent Adjudicator**

- 6.1 OIA scheme:** Decisions taken under this Policy and 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 <https://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 Policy and procedure. It should be noted that matters must be referred to the OIA within 12 months of the Completion of Procedures Letter.

## **7. Misconduct Panel Members**

**7.1 Membership – voting and non-voting:** Each Misconduct Panel reports to the Academic Standards Committee and is comprised as follows:

- Chair - a current or former member of the Academic Standards Committee appointed by the Registrar;
- at least two independent Heads of Department from different specialisations;
- the Quality Assurance Manager, who will act as a non-voting secretary to the Misconduct Panel.

Meetings of a Misconduct Panel may be attended by a clerk, who will usually be the Registrar, and a note-taker.

**Updated and approved by the Academic Standards Committee – January 2025**

**Appendix 1****Misconduct Panel – Hearing Procedure**

1. A Misconduct Panel hearing will be held in closed session.
2. The Misconduct Panel will normally meet in person but, if this cannot be arranged, may meet electronically. Where a Misconduct Panel meets electronically, all members of the Misconduct Panel, the student, any witnesses and any Students' Union representative or current NFTS student who is accompanying the student must use their camera.
3. If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s).
4. The Misconduct Panel will determine the process for the conduct of the hearing, including how evidence should be given and whether any measures should be put in place to protect the reporting person or any other witnesses.
5. The hearing will be conducted as follows:
  - The Chair will invite all parties, except any witnesses, into the room.
  - The Chair will open the proceedings.
  - The Chair will establish the names and identities of everyone present at the hearing and confirm the names of all witnesses who have supplied evidence and/or may be attending the hearing.
  - The Secretary to the Misconduct Panel will keep a record of all persons present at the hearing.
  - The Chair will explain the purpose of the hearing and the extent of the Misconduct Panel's powers in taking decisions on behalf of the School.
  - The Chair will explain the penalties which are possible outcomes of the hearing if the allegations of misconduct are upheld, as set out in Appendix 2.
  - The Misconduct Panel will not have access to the student's previous record unless and until any allegation of misconduct is upheld.
  - The Chair will ask the Investigating Officer to present the case against the student, including the submission of written or oral witness statements.
  - Any witness attending in person will only be present for the presentation of their evidence and will be reminded of their duty to maintain confidentiality.
  - The Chair will ask the student or their representative to respond to the allegations, including the submission of written or oral witness statements.
  - The Chair and any member of the Misconduct Panel may ask questions of anyone present at the hearing at any time for the purposes of clarification.
  - The Chair will invite the Investigating Officer to make a final statement.
  - The Chair will invite the student or their representative to make a final statement.
  - The Chair will ask everyone except the members of the Misconduct Panel, the Secretary to the Misconduct Panel, any clerk and any note-taker to withdraw from the room in order for the Misconduct Panel to deliberate and determine whether any allegation of misconduct has been proven, and any penalties to be applied in accordance with this Policy and Procedure.
6. The Chair is responsible for ensuring that the hearing is conducted in a fair manner but that the

hearing does not replicate a court of law. The Chair may vary the procedure set out above depending on the nature of the case and the persons present at the hearing and may adjourn or defer the hearing at any time.

7. The “standard of proof” (the level of proof required) used by the Panel will be the “balance of probabilities”, i.e. that it is more likely than not that something happened.

**Appendix 2****Misconduct – Indicative List of Penalties****Minor misconduct**

1. A reprimand and formal warning about future behaviour.
2. A requirement upon the student to give a written undertaking as to their future good conduct within the School and to make a written apology.
3. A requirement upon the student to pay for any damage to property they may have caused or to recompense the School for any loss it may have suffered arising from the student's misconduct.
4. A fine of not more than £500.

**Serious misconduct**

5. Any of the penalties listed in paragraphs 1 – 4 above.
6. A fine of not more than £1,000.
7. Restriction of access to the School or a specified part thereof for a fixed period (an 'exclusion'). A student who receives such a penalty will have restricted rights to enter School premises and/or to participate in School activities or access to School services. An order of restricted access may include a requirement that the student shall have no contact with a named person or persons.
8. Suspension from the School for a fixed period. A student who is so suspended will be prohibited from entering School premises and from participating in School 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. Access to WorkVivo may also be suspended for the duration of the fixed period.
9. Expulsion from the School, which means that the student shall cease to be a student of the School and will lose all rights and privileges of being a student (with or without credit or award already achieved).
10. Any material shot or 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 the film/programme. 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 3**

#### **Misconduct – Precautionary Action**

1. Where a concern is raised relating to a student's conduct, whether at the School or out of the School, 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 placement provider, or members of the public, the Registrar shall consider whether precautionary action should be taken.
2. Precautionary action may be taken, for example, to:
  - Ensure that a full and proper investigation can be carried out (either by the police or a School investigator);
  - Protect the reporting student or others whilst any allegation is being investigated.
3. Precautionary action may include one or more of the following:
  - Moving a student from a particular group or cohort;
  - Preventing a student from accessing facilities of the School such as the bar or the canteen, or attending events such as Masterclasses or graduation;
  - Suspending the student from the School site;
  - Suspending the student from their studies including access to WorkVivo;
  - Preventing the student from going on placement or work experience.
4. The imposition of a temporary suspension and/or exclusion is precautionary; it is not a penalty and does not indicate that the School has concluded that the student has breached its rules. However temporary suspension and/or exclusion may have consequences for the student which are unavoidable.
5. The type of alleged misconduct, the circumstances of the incident, and the circumstances of the individuals involved will all be relevant in assessing risk and in determining whether precautionary action is required. A risk assessment will be carried out, which will also include consideration of the support arrangements that need to be put in place for all students involved in the case.
6. Precautionary measures shall last until the completion of any criminal proceedings and/or any misconduct procedure brought under this Policy and Procedure, or until no longer required. The risk assessment and any precautionary measures that are put in place will be reviewed at regular intervals and reconsidered where appropriate. A failure to comply with a precautionary measure should trigger a review and is likely to result in more serious measures being put in place.
7. The Registrar has authority for the imposition of precautionary measures and will notify the student in writing of the measures that are being imposed and the reasons for them.
8. The Registrar 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.
9. Where a student who is temporarily suspended and/or excluded requires access to the School site for any reason, the student should write to the Registrar to ask for permission, giving at least two working days' notice.
10. If a student disagrees with the decision to impose precautionary measures, the student may apply to the Director of Curriculum for a review within five working days of being notified of the decision. The Director of Curriculum will issue a decision within five working days of the student's request for a review. Their decision is final.