Royal College of Art
Postgraduate Art & Design

Student Misconduct and Disciplinary Policy and Procedure 2026/27

Academic Year	2026/27
Approval date	4 November 2026
Approved by	Senate
Owner	Academic Registrar, Student Conduct and Complaints Manager
Next Review	August 2027
Related Policies	● Prevention of Harassment and Sexual Misconduct for Students ● Equality and Diversity Policy

1. Introduction

1.1. At the RCA ('the College') we are committed to maintaining a safe, supportive and inclusive environment for all. This is reflected in the values and behaviours explained within the Student Charter.

1.2. No-one at the College is expected to tolerate any form of misconduct. All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff and each student is expected to contribute to preventing unacceptable behaviours through self-awareness, and by modelling positive behaviour towards others, and raising any concerns.

1.3. No-one will be disadvantaged by the College in any way by disclosing misconduct. Reports of alleged misconduct made in good faith will be taken seriously, listened to without judgement, and dealt with in accordance with this policy and procedure.

1.4. The College will have due regard towards maintaining confidentiality in relation to any disclosure of misconduct, and information gathered and disclosed will be handled sensitively. Section 14 of this Policy explains more about this.

1.5. All parties involved in cases of misconduct will be treated with dignity, respect and fairness and provided with appropriate support. Students about whom allegations have been made will be presumed to be innocent until proven to have committed a disciplinary offence on the balance of probabilities (this is explained in section 12).

2. Policy Scope

2.1. This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of the RCA community.

2.2. This policy sets out behaviours that the College defines as misconduct and actions that we may take in response through the Student Disciplinary Procedure. Please also refer to the Prevention of Harassment and Sexual Misconduct Policy for students for more information about those types of misconduct. That policy is designed to be used in conjunction with this one.

2.3. This Policy applies to any student registered on a programme of study at the College. This includes students who are on a leave of absence. Students who have completed their programme of study or left the College for another reason can report misconduct under this procedure for up to two months after their registration has ended. However, please note that the ability for the College to act on a report about a student who is no longer registered at the College may be limited and decisions will be made on a case by case basis (also see paragraph 2.9 in relation to this).

2.4. This policy covers misconduct alleged to have been perpetrated by a student against a student, or against a member of staff, or against a third party, or against the College. If a student wants to formally report alleged misconduct of a staff member, this should be done under the Student Complaints Policy.

2.5. The misconduct may have occurred anywhere on the RCA's premises, or outside those premises where the conduct is connected to the RCA community and its safe or orderly operation, and/or the RCA's reputation.

2.6. The misconduct may have occurred in any form for example, in person, by phone, in writing, or online such as posts on social media sites, chat rooms, email, texts or instant messaging (this list is non-exhaustive).

2.7. Where a report under this policy relates to the conduct of a third party who is a member of the public, the RCA may have little scope to take action but will provide support to any student affected.

2.8. The RCA does not act as the police or a court of law, and its disciplinary processes are designed to regulate the conduct of its community. Any judgments reached as part of a College disciplinary process do not constitute a legal ruling on whether criminal activity has taken place. Please see the section of this policy 'Misconduct that may constitute a criminal offence' on pages 16 and 17.

2.9. The College reserves the right to carry out and complete the disciplinary process if a Responding Student withdraws from the College or completes their studies while the process is ongoing. Any penalty imposed for misconduct may be referred to in a reference given by the College for a student.

3. Expectations of Behaviour

3.1. The Royal College of Art is committed to the provision of a welcoming and safe environment for our community. Students, staff, and visitors of the College are always required to conduct themselves in an appropriate manner in their day-to-day activities, including in dealings with other students, staff, visitors, and external organisations.

3.2. Everyone in the College community is expected to behave:

- safely, and with care for the safety of others;
- with civility, consideration and respect for others;
- in accordance with College policies, rules and regulations, and all applicable laws.

3.3. All members of the College Community have a responsibility to treat each other with respect and to represent the College as responsible ambassadors through good conduct on and off campus.

Good conduct includes:

- Valuing the diversity of the College community and not discriminating against others
- Being honest, considerate, and courteous towards others
- Behaving in a respectful manner towards others so that they do not feel that they are being harassed, bullied, or coerced, whether within or outside the College
- Acting responsibly and showing respect for College property
- Acting within the law and not engaging in any activity or behaviour (including on social media) that is likely to bring the College into disrepute.

3.4. Definitions and examples of unacceptable behaviour are explained in section 5 of this policy.

4. Policy definitions

Misconduct	When someone acts inappropriately towards another person, or towards the College. This Policy covers misconduct that occurs in-person or on-line, including through social media.
Reporting Party	A person who witnessed or who is the subject of the alleged incident of misconduct
Responding Student	A person whose behaviour is alleged to have amounted to an incident of misconduct

Witness	A person who can provide eye-witness evidence, other direct evidence or, on some occasions, indirect evidence, about the allegation(s).

5. Definitions and examples of misconduct

5.1. **Harassment** is defined in the Equality Act (2010) as any unwanted conduct (including of a sexual nature) related to someone's relevant protected characteristic, which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person. Relevant protected characteristics are those defined in the Equality Act 2010.

In deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.

Harassment is also defined in the Protection from Harassment Act (1997) as a course of conduct which alarms another person or causes them distress. This does not need to be related to a protected characteristic. If the harassment is towards one person, the conduct needs to happen on at least two occasions. In the case of conduct in relation to two or more persons, conduct on at least one occasion in relation to each of those persons needs to happen.

5.2. **Sexual misconduct** is any unwanted and unpermitted sexual activity including sexual harassment and sexual violence. The conduct must have the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This unwanted sexual conduct can happen in person, on the phone, by text or email, or online.

It includes (but is not limited to) the following, within or outside a sexual or romantic relationship, without consent (this includes where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions):

- sexual intercourse, or engaging in a sexual act
- attempting to engage in sexual intercourse or engaging in a sexual act
- sharing private sexual materials of another person
- kissing
- touching inappropriately through clothes without consent
- inappropriately showing sexual organs to another person
- making abusive or degrading remarks or jokes of a sexual nature

Sexual harassment includes a wide range of behaviours, including but not limited to the following:

- Sexual comments, suggestive comments or jokes, which may be referred to as “banter” including where the intent is claimed to be humorous
- Suggestive looks, staring or leering
- Propositions, sexual advances or asking for sexual favours
- Making promises in return for sexual favours
- Commenting on someone's body, appearance or what they’re wearing
- Sexual gestures
- Intrusive questions about a person’s private or sex life or a person discussing their own sex life
- Sexual posts or contact in online communications, including on social media
- Sending sexually explicit emails, text messages or messages via other social media
- Spreading sexual rumours about a person
- Repeatedly contacting or following another person without good reason (stalking)
- Indecent exposure
- Upskirting (where someone takes a picture or video under a person’s clothing without their permission)
- Displaying sexually graphic pictures, posters or photos *(in the context of the RCA this does not refer to academic or artistic work involving sexual content, provided it is appropriately contextualised and does not target or harass others)*

5.3. **Abusive behaviour** is any unwanted behaviour which is reasonably likely to cause harm; or have the effect of violating another’s dignity; or create an intimidating, hostile, degrading, humiliating or offensive environment for another person. This includes oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging. Examples of abusive behaviour includes:

- Bullying – there is no legal definition of this, but it can be described as offensive, intimidating, malicious or insulting behaviour directed towards a person or a group which creates an intimidating, hostile or offensive environment for that person or persons. It may be an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient(s)
- Harassment (defined in paragraph 5.1)
- Threats to hurt another person
- Hate crimes
- Victimisation
- Abuse that takes place within an intimate relationship
- Acting in an intimidating or hostile manner
- Use of inappropriate language (including that of a sexualised nature)
- Distribution of offensive, threatening or illegal material
- Malicious communications
- Persistent minor offenses
- Physical misconduct such as any unwanted or unreasonable contact. Examples include pushing, shoving, punching, pinching, kicking, slapping, biting, pulling hair, and the use of implements or weapons against others

Other examples of behaviour or activity that may constitute misconduct include, but are not limited to, the following:

- Action that caused or is likely to cause a health and safety concern, injury or incident on College premises
- A breach of an RCA rule, regulation, policy, or procedure
- Unauthorised entry to or use of College premises
- Theft of, damage to, or defacement of, RCA property or the property of staff or other students or visitors to the RCA, caused intentionally or recklessly
- Fraud, deceit, deception or dishonesty in relation to the RCA, members of its staff, or in connection with holding any office of the RCA or being a student of the RCA.
- Disruptive behaviour that prevents other students, staff or visitors to the College from going about their activities, or the College from operating as normal.
- Vexatious or malicious complaints, or unsupported allegations made about a member of staff, student or other member of the RCA
- Failure to comply with a previously imposed penalty under this Policy or requirements put in place under this Policy
- Conduct which constitutes a criminal offence, or where a student has been convicted of a criminal offence

6. Freedom of Speech and Academic Freedom

The College is committed to protecting freedom of speech within the law and academic freedom, including the expression of controversial, unpopular or challenging views in teaching, learning, research and academic debate.

When considering a complaint or concern which relates to teaching, research, course materials, academic discussion or the expression of views, the College will take into account its legal duties relating to freedom of speech and academic freedom. This includes recognising that students and staff may encounter material, views or discussions which they find controversial, challenging, offensive or uncomfortable.

The College will consider the particular circumstances of the complaint, including the nature and context of the material or conduct, whether it was lawful, and whether it falls within the protections afforded to freedom of speech or academic freedom. These considerations will be balanced with the College's obligations to protect members of its community from unlawful discrimination, harassment, bullying and victimisation.

Complaints concerning freedom of speech or academic freedom will be considered in accordance with the RCA Code of Practice on Freedom of Speech, alongside any other relevant College policy or procedure.

7. Academic Misconduct

Matters relating to academic misconduct are covered by the RCA Academic Regulations and the Academic Misconduct Policy. Academic research misconduct allegations against a researcher come under the RCA Research Misconduct

Procedure. All RCA student policies, procedures and regulations are available on the RCA website.

8. RCA Students Union Disciplinary Procedure

The RCASU usually manages alleged breaches of their standards of behaviour by an individual Student Union member, in accordance with their Code of Conduct. However, if an allegation is likely to be in breach of College regulations, or where serious misconduct has taken place, or the RCASU believes that a Student Member may pose a risk to the College or the wider student body, they will inform the College. The College can then investigate it under this Policy and Procedure. Once that investigation is complete, the RCASU may consider its findings for the purposes of any action it is separately authorised to take under its own Code of Conduct.

9. Equality and Diversity

9.1. This Policy and the Student Disciplinary Procedure will operate within the context of the RCA Equality and Diversity Policy and general statement on anti-discrimination

9.2. Reasonable adjustments will be made to the application of the Policy and Procedure due to a disability or health condition to ensure fair access. Reporting parties, Responding Parties and witnesses should make any requests for reasonable adjustments known to the Investigating Officer.

10. Support for students

10.1. Students are encouraged to access confidential support from Student Support in any of the following circumstances:

- A student has been subject to misconduct; or
- A student has had an allegation of misconduct made against them; or
- A student has witnessed misconduct

10.2. Students can seek confidential support regardless of whether they want to report the incident. A member of the Student Support team can listen and help a student to understand their options. It is particularly important to seek support if the situation is impacting negatively on the student's wellbeing or mental health. Student Support staff have received specialist training in receiving safe disclosure and providing support.

10.3. The RCA Students' Union can also provide independent advice and support.

10.4. Any student involved in an incident of alleged misconduct can access support throughout the process, including during the investigation and any subsequent stages of this process. This includes personal support, such as Counselling, and academic support in relation to decisions about attendance, continuation, suspension or cessation of study.

10.5. Students who have been accused of misconduct can also read guidance on the RCA Report + Support platform.

10.6. Both Student Support and the RCA Students' Union can also provide information and signposting to external organisations who can provide specialist support. Specialist support organisations are also listed on the RCA Report + Support platform.

11. Informal resolution

11.1. The College recognises it is for the student affected to determine the preferred pathway for resolution. A student affected by misconduct may wish to try to resolve the behaviour informally as a possible route to early resolution, if it feels safe to do so. This could be by requesting a conversation with the other person, or in writing. Please note this is optional and students can instead choose to move straight to a formal process without taking informal action first. Engaging in informal resolution is not a barrier to bringing a formal complaint later.

11.2. An appropriate staff member may be able to support with this, via Report + Support.

11.3. No attempt for informal resolution will constitute a penalty, nor will a student suffer detriment for informal resolution. It is reasonable for a person to request that unwanted contact not be repeated, without the need for a formal finding of misconduct.

11.4. If a student is approached and told that their behaviour could be construed as harassment or sexual misconduct, they should be prepared to listen patiently and calmly. While it may be upsetting, they should allow the other person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working relationship to be resumed.

12. Disclosing misconduct to the College

'Disclosing' means letting the College know about an incident of misconduct. No-one will be disadvantaged by the College in any way by disclosing alleged misconduct. Someone may not be sure if what happened is misconduct, but they are encouraged to let the College know, so that support and advice can be offered.

There are different ways to make a disclosure which are described below, including what may happen if a disclosure is made in each of the different ways. It is not always necessary to make a formal report (section 11.6) for the College to investigate an incident of misconduct; the College may be able to act based on other ways that it is informed of incidents.

12.1. Who can disclose

Alleged misconduct can be disclosed by the person who the behaviour happened to, or by a witness to that behaviour, including:

- an RCA student
- a member of RCA staff
- a third party or visitor to the RCA
- a person external to RCA where the behaviour impacts on the reputation of the College and/or could harm members of the public or of the College community.

12.2. **When to disclose**

A disclosure should be made as soon as possible, so that support can be offered and any investigative action taken swiftly. A formal report of misconduct should normally be made within 20 working days of the incident to which it relates. However, the College understands that in some circumstances someone may take longer than this, for example where a matter has significantly impacted them and this has caused a delay in reporting: the Reporting Party should explain the reason for the delay and the College will consider whether the allegation can be investigated.

A disclosure can be made to the College whether or not the matter has been reported to the police.

12.3. **How to disclose**

There are different ways to make a disclosure. The person disclosing can choose the way that feels most appropriate to them:

- Speaking to a member of staff
- Via the RCA 'Report + Support' platform
- Making a formal report

12.4. **Speaking to a member of staff**

Disclosure in this way means telling a staff member about an incident of misconduct. A student might feel able to disclose to a member of academic or support staff. The staff member will take the disclosure seriously. Depending on the staff member's role, they will either explain the options (including the option of confidential support, and advice about possible options for action, without a need to commit to any decision about what action to take) or they will refer the student to a specialist staff member who will explain this information. A staff member might also refer the student to submit a report on the RCA Report + Support platform (see section 11.5 below).

Students can contact the Student Support team via the Student Support intranet page or by emailing student-support@rca.ac.uk

Students can contact the Students Union Advice Officer via self-bookable appointments on their webpage or by clicking on the webpage to send an email.

12.5. **Disclosing via the RCA 'Report + Support' platform**

Alleged misconduct can be disclosed via the RCA Report + Support Platform. Disclosing in this way does not automatically trigger an investigation (unless there is a safeguarding concern). Disclosures can either be made with the person's contact details, or anonymously.

12.6. **Reporting with contact details**

A report submitted on the Report + Support platform by a student will be received by a member of the Student Support team. They will contact the student to offer a meeting, either in person or online. The purpose of the meeting is for them to listen to the student and to understand what has happened. They will then be able to explain available options: this includes the option to request that the matter is formally

investigated, and the option to get support. Students can choose to get support even if they decide not to request a formal investigation.

A report submitted by a member of staff of either an allegation about a student's alleged misconduct to another student, or a report of a wellbeing concern about a student, will be responded to by a member of the Student Support team.

A report submitted by a member of staff of an allegation of a student's misconduct towards a staff member will be received and responded to by HR or Student Support.

A report submitted by a third party of an allegation of a student's misconduct will be received and responded to by HR.

12.7. Reporting anonymously

Students can report alleged misconduct anonymously via the RCA Report +Support platform. Reporting anonymously could mean that the College will be unable to take any further action because it may not be possible to carry out an appropriately robust investigation, or to take action without compromising someone's anonymity. However, anonymous reports will be recorded and will be used by the College to monitor incidents of misconduct. Further information about anonymous reporting is available at our Report +Support platform.

Students are strongly encouraged to talk to a member of Student Support staff or the RCA Students' Union if they have an allegation of harassment or sexual misconduct that they do not feel they can raise without doing so anonymously. The Students' Union or member of staff can advise the student whether, if they chose to make an anonymous report, there are any actions that the College is able to take without the Reporting Party's details being included in a report.

12.8. Making a formal misconduct report

12.8.1. Students and staff can complete the Student Misconduct form to formally report misconduct by a student where they would like the College to take action, which is usually to conduct an investigation.

12.8.2. A student who wants to formally report alleged misconduct by a staff member should instead complete the Student Complaints Form.

12.8.3. Students' Union or Student Support staff can assist students to make a formal report to the College if required.

12.8.4. The RCA Student Disciplinary Procedure below explains what happens after a report is submitted. The Procedure is designed to be transparent and fair. Staff involved in any part of a student disciplinary investigation will have had no earlier involvement with the case.

12.8.5. A Reporting Party's report or complaint will normally be considered as evidence should an investigation take place. The Reporting Party may be asked to co-operate with requests for information and assistance and may be asked to attend or participate in an Appeal Panel as a witness. The RCA is mindful of the sensitive nature of

processes which involve the consideration of allegations of sexual misconduct, and will, where possible, make appropriate adjustments to its processes to support affected students (for example, by ensuring that any direct contact during a Panel is limited where possible).

12.8.6. If a misconduct allegation is found to have been made vexatiously or maliciously, or without reasonable grounds, the College may consider taking disciplinary action against the student making that allegation. Where appropriate, the allegation itself may be referred for investigation under this Procedure.

13. Decisions made in student misconduct cases

13.1. The standard of proof is the level of proof required to make a decision. In student disciplinary cases, the standard of proof is “the balance of probabilities”, that is, it is more likely than not that something happened. It is for the College to prove that misconduct has occurred, it is not for the Responding Student to prove that misconduct did not occur.

13.2. Where an allegation of misconduct is upheld, the College will normally apply a penalty. The penalty will be dependent on the severity and impact of the misconduct. Any previous penalties may also be considered. The College will ensure that any penalty is proportionate, considers any relevant mitigating circumstances and explains its reason for a particular penalty. Paragraph 45 of the Student Disciplinary Procedure lists the range of possible penalties.

14. Meetings, Panels and Representation

14.1. A student may be accompanied by another person if asked to attend a meeting or hearing under the Student Disciplinary Procedure. This applies to any party reporting alleged misconduct (the Reporting Party), being a witness of alleged misconduct or being investigated for misconduct (the Responding Student). This person will normally be another student, an RCASU student representative or a friend from outside the College.

14.2. The role of the accompanying person is to support the student. They may also be consulted for advice and support during the meeting/hearing. They may speak on a student’s behalf but may not answer questions on a student’s behalf. The College would need to see written consent for another person to represent a student (i.e. speak on their behalf) in a meeting/hearing or in any part of the Student Disciplinary Procedure.

14.3. A student accompanying another student to a meeting/hearing or representing a student in any part of the student disciplinary process cannot also be a witness to the alleged misconduct.

14.4. The Student Disciplinary Procedure is an internal procedure and not a formal legal process, therefore the College does not normally expect legal representation to be required for either students or the College. However, the College may allow legal

representation at Appeal Panel in exceptional circumstances e.g. where a student's conduct may also amount to a serious criminal offence.

14.5. Responding Students need to apply in writing for permission to bring a legal representative to an Appeal Panel in their capacity as a legal professional. It is at the discretion of the Pro Vice-Chancellor (Education and Student Experience) whether to grant permission for legal representation, advised by appropriate colleagues, taking into account the following factors:

- The seriousness of the allegations against the Responding Student and the potential penalty;
- Whether any points of law are likely to arise;
- The capacity of the Responding Student to understand the case against them;
- Any procedural difficulties;
- The need to avoid delay; and
- The need for fairness between the Responding Student and the Reporting Party.

14.6. There is no right of appeal against their decision. Where permission is granted, the College may also choose to be represented at the hearing by an individual who is legally qualified: if so, the Responding Student will be informed of this in advance.

14.7. Any legal representation approved by the College will only be within an Appeal Panel. This will not be approved as part of the initial investigation meetings conducted in accordance with the Student Disciplinary Procedure.

14.8. The commencement of legal proceedings by a student against the College will not automatically prevent the College from considering or continuing to investigate an allegation under this Procedure.

14.9. A student who is required to attend a meeting may request one adjournment where they are unable to attend for a reasonable reason. Requests should be made as soon as possible and, where appropriate, supported by relevant information. The person responsible for arranging the meeting will consider the request having regard to the circumstances, the reason for the request, the stage of the procedure and the need to avoid unnecessary delay. Where an adjournment is agreed, a new date will be arranged and the student will be expected to attend.

14.10. Where a student does not attend a meeting or hearing, the College will normally first consider whether the student has provided a reasonable explanation for their non-attendance and whether a further opportunity to attend is appropriate. Where the student has not provided a reasonable explanation, or has failed to attend without sufficient notice, the meeting or hearing may proceed in their absence, provided that the student has been given reasonable notice of the date, time and purpose of the meeting or hearing and a reasonable opportunity to participate.

14.11. If a student does not attend a scheduled investigation meeting and does not provide a reasonable explanation for their non-attendance, the investigation will proceed without the student's further input. The investigator will consider the information and

evidence available and reach an outcome based on that evidence. The student's failure to attend or provide information will not, in itself, be treated as evidence that the allegation is substantiated.

14.12. Where a student provides a reasonable explanation for their non-attendance, the College will consider whether an alternative date or other reasonable adjustment is appropriate. This may include circumstances where the student is unable to participate because of illness or another significant circumstance outside their control.

14.13. Where a student does not engage with the investigation after being given a reasonable opportunity to do so, the College may proceed to an outcome on the basis of the information and evidence available to it. The burden of establishing that misconduct occurred remains with the College, and any decision that an allegation is substantiated must be supported by the evidence available.

15. Confidentiality

15.1. The College will have due regard towards maintaining confidentiality in relation to any disclosure of misconduct, and information gathered and disclosed will be handled sensitively.

15.2. Where a report is investigated, for it to be considered fully, the content will usually need to be disclosed on a need to know basis to members of staff who need to be involved in order to resolve it. For the College, this will mean that staff will only receive information about the case that is necessary and proportionate to their role and involvement. It is not possible to identify everyone that may be involved in a case from the outset e.g. an Appeal Panel will only be arranged when a case has been referred, and those individuals may change as a case progresses, and staff change roles.

15.3. To participate effectively in the process, it is expected that information of a sensitive nature will need to be shared across the student parties involved in the case. For example, a student cannot respond to an allegation made against them without knowing what has been alleged. However, the same expectations of confidentiality will apply, although this is not intended to restrict students from speaking to supporters, such as Counsellors or Students' Union Advisor. Where disclosure about allegations and/or a misconduct investigation is made by either party inappropriately, this may be a disciplinary issue in its own right.

15.4. Witness statements will normally need to be shared with the reporting and Responding Parties, and decision makers, as part of the investigation report.

16. Outcomes

16.1. The Responding Student will be informed of the outcome of the investigation and any penalty imposed, in accordance with this Procedure. Anyone else directly affected by a decision made following a report of alleged harassment or sexual misconduct under this policy, including the Reporting Party, will be provided with relevant information about the decision and the reasons for it. This information could include:

- what steps were taken to investigate the report;
- a summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence;
- who made the decision(s)
- what measures may be put in place to prevent the issue that led to the report happening again.

Witnesses are not normally informed of the outcome, nor given a copy of the investigation report.

16.2. This information will normally be provided within 10 working days of the conclusion of the relevant College disciplinary or other process.

16.3. Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

16.4. The outcome will be shared by the Academic Registrar or Chief Operating Officer with the relevant staff involved in the case.

17. Dignity and respect

All students and staff engaging in the student disciplinary process must behave with dignity and respect for each other. Abusive behaviour will not be tolerated. The process will be halted where unreasonable behaviours occur in-person or online, including through social media. The College will make further use of the Student Disciplinary Procedure where behaviours may constitute misconduct.

Student Disciplinary Procedure

Preparation

1. A student who plans to submit a report of alleged misconduct, or who has had an allegation of misconduct made against them, should read the Student Misconduct and Disciplinary Policy and this Procedure.

2. As explained in the Student Misconduct and Disciplinary Policy, there are various ways to disclose an incident of misconduct to the College. The Student Disciplinary Procedure explains what happens once a report has been made of alleged misconduct by a student, which the Reporting Party wishes the College to investigate.

3. The RCA Students' Union can provide students with independent advice about reporting misconduct. Wellbeing support is available from Student Support.

4. Reports of misconduct should normally be made within 20 working days of the incident to which they relate, so that we can engage with the matter swiftly. However, we understand that in some circumstances someone may take longer than this, for example where a matter has significantly impacted you and this has caused a delay in reporting: please explain the reason for the delay and we will consider whether the allegation can be investigated.

5. This Procedure sets out the usual timescales for each stage of the process. The College will seek to progress cases as quickly as reasonably practicable, while ensuring that all parties have a fair opportunity to participate and that the investigation and decision-making process is thorough. There may be cases where, for good reason, the College is unable to meet the usual timeframe. The College will inform a student where it is unable to meet the published timescale and the reason why. If any party in the process is unable to provide requested information within the stipulated deadline, they should let us know the reason for this.

6. Where more than one student is involved in a case of suspected misconduct, the College may choose whether to take joint or separate action against them under the Student Disciplinary Procedure. The College will take steps to ensure that it adopts a consistent approach in relation to all the students involved.

7. If the allegation contains matters that extend beyond the remit of this Procedure, we will assess how we can best manage all matters in the most effective way and will explain our approach to the student.

8. As noted in the Student Misconduct and Disciplinary Policy, a student will not be disadvantaged in their studies or in any other way if they make an allegation of misconduct. The only exception to this position is where an allegation is found to have been made vexatiously or maliciously, or without reasonable grounds. A Responding Student will not be disadvantaged if a misconduct case against them is not upheld.

Reporting of Misconduct

9. All formal reports of alleged misconduct should be made by completing the online Student Misconduct Form. The report should include the name of the student/s and details of the alleged misconduct. However, as explained in the Student Misconduct and Disciplinary Policy, there are various ways to disclose an incident of misconduct to the College which may also lead to a formal investigation.

Acknowledgement of the Misconduct Report

10. Within 5 working days of receiving a report of alleged misconduct, the College will:
    - Provide a written acknowledgement to the Reporting Party
    - Provide information about support that is available through Student Support and RCASU and offer to refer the student to this support.
    - Confirm the need for confidentiality to enable a fair process

11. Where the College decides that the report will be investigated, the Reporting Party will be notified, including the scope of the investigation, the allegation(s) and how the matter will be considered under this Procedure.

12. The Responding Student will be notified of the commencement of the investigation, the allegations being investigated and of support available throughout the investigation.

Precautionary Action

Temporary Precautionary Measures

13. Depending on the nature of the alleged misconduct, a risk assessment may be undertaken.

14. Depending on the outcome of the risk assessment, the College may put Temporary Precautionary Measures in place before an investigation starts, if the College considers that there is an actual or potential risk to any individuals in the College community (including the Responding Student) arising from the Responding Student's alleged behaviour. Measures may also be put in place where there is a potential or immediate risk to College premises or facilities or to the overall reputation of the RCA, or to members of the public.

15. As their name suggests, the actions are temporary and precautionary pending investigation: they are not penalties and will not be used as such. They do not pre-determine the outcome of the Student Disciplinary Procedure. The purpose of temporary measures is to enable the College to exercise its duty of care to staff and students while an investigation takes place.

16. Measures can include but are not limited to:

    - Establishing a no-contact agreement in relation to another member of the College community
    - Excluding the Responding Student from all or part of the College premises or use of facilities (including RCASU activities, facilities and premises)
    - Suspending the Responding Student from their programme

17. The risk assessment and decision to impose temporary precautionary measures will be taken by the Academic Registrar (or nominee)

18. If any of these temporary measures are put in place, the Responding Student will be informed in writing of the reasons for the decision, what the measures are, the period of time for which they will apply and if applicable, when they will be reviewed. Where no-contact agreements are put in place, the College will also inform the Reporting Party.

19. The Responding Student may appeal against a decision to suspend and/or place conditions on them to the Academic Registrar within 5 working days of receipt of confirmation of the temporary measures. While the appeal is being considered, the temporary precautionary measures will remain in place. The Responding Student will be notified of their decision within 5 working days of receipt of the appeal.

20. Wherever possible, and where there would be no impact on the specific temporary precautionary measures put in place, the College will permit the Responding Student to continue with their studies. Where this is not possible (e.g. because they are not permitted to be on College premises or do not have access to usual facilities), the College will consider putting in place a special scheme of study while temporary precautionary measures are in place (e.g. where a student has reasonable access to alternative resources that would enable the learning outcomes to be met). Use of a special scheme of study is an academic decision that will be taken by the School/ Research Office in conjunction with the Academic Registrar.

Fitness to Study

21. A student's fitness to study may be considered if there is evidence to show that they are potentially not fit to engage with their programme at this time. The Student Disciplinary Procedure may be suspended temporarily if the College decides that fitness to study needs to be addressed first (under the RCA Support to Study Policy), or the two processes may be run at the same time. The College may still put in place temporary precautionary measures. Further information is set out in the Support to Study Policy.

Misconduct that may constitute a criminal offence

22. If the alleged misconduct could constitute a criminal offence against another individual (e.g. student, staff), it will normally be the Reporting Party's decision as to whether they report the matter to the police. The College will provide information and support to the Reporting Party including advice about the options available to them, and it is then their choice how to proceed.

23. There are limited circumstances where the College may report an incident to the police even if the Reporting Party decides not to. This would be where the reported incident causes serious concern about the safety of students, staff, or the public.

24. If the alleged misconduct could constitute a criminal offence against the College, we will decide if we intend to report this matter to the police and/or manage the circumstances through the Student Disciplinary Procedure as a non-criminal matter. This decision should be taken at Academic Registrar level or above.

25. Where alleged misconduct may also constitute a criminal offence and is reported to the police, the notes taken by the College in meetings with reporting and / or responding parties may also be requested by the police to use as part of a criminal investigation.

26. Where alleged misconduct is reported to the police or where the College receives information that a student has allegedly committed a criminal offence, we will consider the implications of this position in relation to the need for any temporary precautionary measures. We will normally suspend the Student Disciplinary Procedure while criminal proceedings are in progress. Where a student is acquitted of a criminal offence, we may subsequently progress the Student Disciplinary Procedure if there is evidence that the alleged misconduct was in breach of our Student Misconduct and Disciplinary Policy.

27. If a student is convicted of any criminal offence that occurred on or off College premises, the College will consider the nature of the offence in relation to their ongoing registration with the College and may take action under this Procedure or another relevant College Policy or Procedure.

Addressing misconduct

Investigation

28. The misconduct investigation process will normally include the following sequence of actions:

    a. The Student Casework team will acknowledge receipt of the report of alleged misconduct within 5 working days.

    b. If the Student Casework team requires further information before deciding whether it is appropriate to proceed with an investigation, they will inform the Reporting Party.

    c. If an investigation takes place, the Student Casework team will appoint an appropriately independent and suitably qualified Investigating Officer to investigate the alleged misconduct. The Investigating Officer will have no conflict of interest or prior involvement in the matter.

    d. The Investigating Officer will invite the Reporting Party to attend a meeting with them, either in person or online, which will normally be held within 15 working days from the date of the acknowledgement.

e. The purpose of this meeting is to discuss the allegations they have made and take a full account, to ensure that the allegations are fully understood by the Investigating Officer.

f. The Investigating Officer may be accompanied by another member of staff who will take notes of the meeting, or the Investigating Officer will take notes themselves, or record meeting notes via Zoom if the meeting happens online.

g. The Reporting Party may choose to be accompanied at this meeting (see the meetings, hearings and representation section of the Policy). Notes of the key points discussed in the meeting (not a verbatim record) will be made and will be shared with the Reporting Party, who will be invited to notify of any errors they perceive about the record of the meeting. If the Reporting Party does not respond to the invitation to check the notes within the stated timeframe, the notes will be accepted as an agreed record.

h. The Responding Student will be notified of the allegations made against them usually within 5 working days of a decision to investigate a report of misconduct. They will be invited to attend a meeting with the Investigating Officer (either in person or online) to discuss the allegations against them and to provide their response. This meeting will normally be held within 15 working days from the date of notifying them of the allegation. They will be provided with any supporting evidence that has been submitted by the Reporting Party, or collected by the College, normally within 5 working days before the meeting. The Investigating Officer may be accompanied by another member of staff who will take notes of the meeting, or the Investigating Officer will take notes themselves, or record meeting notes via Zoom if the meeting happens online.

i. The Responding Student may choose to be accompanied at this meeting (see the Meetings, hearings and representation section of the Policy). If the Responding Student does not respond to the invitation to check the notes within the stated timeframe, the notes will be accepted as an agreed record.

j. Witnesses, where there are witnesses to the misconduct, may be invited to meet with the Investigating Officer or to provide a written statement. It is for the Investigating Officer to decide which witnesses to invite to provide evidence. A witness needs to be someone who can provide eye-witness evidence, other direct evidence, or, on some occasions, indirect evidence, about the allegations. It is up to a witness to decide whether they agree to participate in an investigation, it is not a requirement.

k. Any other relevant information will be collected.

l. The Investigating Officer will usually compile an investigation report within 30 working days of appointment, which will include the allegations, a summary of the evidence gathered during the investigation, and the investigation findings. Notes from interviews with parties, copies of relevant documents and witness statements will be available as appendices to the investigation report, and will be provided to the decision makers and parties as appropriate, having regard

to confidentiality, data protection, the need for a fair process and any potential safety risks.

m. The investigation report will be considered by the Academic Registrar and the Chief Operating Officer (or their respective nominee), acting in accordance with the College's approved scheme of delegation, who will determine whether the allegation(s) are upheld on the balance of probabilities.

They will decide either:

- That the allegation(s) are not upheld and no further action will be taken; or
- That the allegation(s) are upheld and a penalty will be imposed in accordance with this Procedure and the College's approved scheme of delegation.

n. Where further information is required before a decision can be made, the Academic Registrar and Chief Operating Officer may refer the matter back to the Investigating Officer for further investigation.

o. Where the allegations are not upheld, the case will be closed and the Responding Student will be informed in writing.

p. Where an allegation is upheld, the Academic Registrar and Chief Operating Officer will determine the appropriate penalty in accordance with this Procedure and the College's approved scheme of delegation. Where the proposed penalty requires approval or determination by another College authority under the College's approved scheme of delegation, the matter will be referred to that authority for approval or determination.

q. Where an allegation is upheld, the Responding Student will be informed of this in writing, in addition to any penalty imposed, the reasons for the decision and their right to appeal.

Appeal

29. The Responding Student may appeal in writing to casework@rca.ac.uk **within 10 working days** of the date of receipt of the outcome, on one or more of the following grounds:
    - The College has failed to follow its procedure;
    - The decision is unreasonable in light of the findings and/or the penalty is disproportionate;
    - New information and/or evidence is available that was not previously available for good reason.

30. The Student Casework team will undertake an initial review to confirm that the appeal falls within one or more of the permitted grounds. Where an appeal does not meet the

permitted grounds, the student will be informed that it will not be referred to an Appeal Panel and issued with a Completion of Procedures Letter.

31. Where the appeal meets the permitted grounds, it will be referred to an Appeal Panel.

Appeal Panel

32. Where the Responding Student appeals a disciplinary outcome, the appeal will be considered by an Appeal Panel. The Student Casework team will be responsible for organising the Panel. The Panel may take place in person or online.

The Responding Student will:

- Be notified of the Appeal Panel and given the opportunity to submit a written response, supporting documentation and the names of any witnesses they wish to call;
- Be given at least 20 working days' notice of the date of the Panel; and
- Be provided with the written information about the case that will be considered by the Panel at least 10 working days in advance of the Panel.

The Panel will:

- Review the investigation report and any supporting documentation;
- Hear from and question the Investigating Officer, where appropriate, in relation to the investigation findings;
- Ask questions and hear the Responding Student's response to the appeal;
- Hear from the Reporting Party, where appropriate;
- Hear from and question any witnesses who are called; and
- Consider the grounds of appeal and determine whether the original decision and/or penalty should be upheld, varied or overturned.

33. The membership of the Appeal Panel will be the Pro Vice-Chancellor (Education and Student Experience) (or nominee) who will Chair, a Senior Academic (Associate Dean or Dean or Director of Research) , a Senior Professional Services staff member, and normally either the RCASU President or Vice-President or a nominated and trained student representative appointed by the RCASU. A Panel will still proceed if the RCASU chooses to not take part. Panel members will not have had any previous involvement with the case.

34. To avoid conflict of interest, the RCASU Officer – or a nominated and trained student representative appointed by the RCASU – on the Appeal Panel cannot also support or represent any student involved in the disciplinary process or hearing.

35. A member of the Student Casework team will act as Secretary to the Appeal Panel.

36. The Appeal Panel will consider the appeal in accordance with the ground(s) of appeal relied upon by the Responding Student in their appeal submission.

37. The Appeal Panel may:

- Dismiss the appeal and uphold the original decision and/or penalty;
- Uphold the appeal and overturn the original decision and/or penalty;
- Uphold the appeal and vary the original decision and/or penalty;
- Refer the matter back for further investigation or reconsideration where this is necessary to remedy a procedural irregularity or because the relevant new evidence has emerged.

Penalties

38. Upheld allegations may result in one or more of the following penalties being imposed:

    - apology
    - written warning or final written warning
    - restrictions or conditions on remaining at the College e.g. non-contact agreement
    - requirement to undertake relevant training
    - restriction on use of or access to specified College facilities or premises
    - financial penalty
    - requirement to pay for any damage caused
    - return of property
    - requirement that the student seeks support to address their behaviours
    - suspension from all College activities for a prescribed period
    - permanent exclusion from the College

39. Any relevant mitigating circumstances will be considered when determining any penalty.

40. Any decision to suspend or exclude a student will be referred to the President and Vice Chancellor as set out in the College Ordinances. The Academic Registrar or nominee will recommend suitable action to the President and Vice Chancellor to approve.

41. The Responding Student will normally be notified of the outcome of the Appeal Panel within 10 working days, along with reasons for the decision.

Completion of Procedures and the Office of the Independent Adjudicator for Higher Education (OIA)

Students who remain dissatisfied may submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The Completion of Procedures Letter will explain how to do this as well as the applicable timescales.

42. This decision will be final, and the Responding Student will be provided with a Completion of Procedures letter which concludes the process. That letter will provide information about their right to approach the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk) if they wish to seek external independent review of the College's procedure and decision.

43. A Reporting Party does not have the right of appeal against an outcome decision. However, if a Reporting Party has concerns about how the matter was handled or the process that was used in reaching a decision, they can submit a complaint via the RCA Student Complaints Form.