



# Student Non-Academic Misconduct (Disciplinary) Policy and Procedures

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## Reference Points:

LAMDA's Non-Academic Conduct Policy is underpinned by:

- Equalities Act 2010: <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- Office of the Independent Adjudicator: <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinary-procedures/part-b-non-academic-disciplinary-procedures/>
- Sexual Offences Act 2003: <https://www.legislation.gov.uk/ukpga/2003/42/data.pdf>
- [Stalking and Harassment | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/stalking-and-harassment)
- Universities UK Guidance for higher-education institutions: How to handle alleged student misconduct: <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/guidance-for-higher-education-institutions.pdf>

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## 1. Purpose of this Policy

The purpose of this policy and its procedures is to enable students to identify and achieve acceptable standards of conduct, so that LAMDA maintains an inclusive, equitable and safe environment for all students, staff, visitors, and others, in keeping with its good name and reputation.

We expect you to ensure that students, staff, and visitors to LAMDA are treated with dignity, respect, and courtesy at all times.

This policy covers alleged non-academic misconduct by a student occurring on or off LAMDA premises (including via social media) where the behaviour has affected students, staff, and visitors to LAMDA.

Where the alleged misconduct occurs during LAMDA-related activities (e.g., placements, field trips or while studying or using facilities at partner organisations), LAMDA may investigate and act in response to the allegation.

This policy outlines:

- LAMDA's expectations for student conduct
- Types of misconduct
- What happens if you are alleged to have committed non-academic misconduct
- Disciplinary sanctions for misconduct
- Appeals

## 2. Expectations for student conduct

When you register as a student with LAMDA you agree to be bound by this policy and all other relevant LAMDA policies, available at: [Student Policies and Handbooks \(sharepoint.com\)](https://sharepoint.com). This policy applies to all LAMDA students during and outside term-time, throughout the whole of a student's registration.

- 2.1. You are expected to maintain good conduct at all times on LAMDA's premises, or in the vicinity of any premises owned, leased, or managed by LAMDA.
- 2.2. You are responsible for the conduct of your guests and for any damage caused by your guests while they are on LAMDA's premises or where they are invited to engage in online events. For the purposes of this policy, LAMDA's premises also includes premises owned, leased, or managed by any other organisation with which it is collaborating; LAMDA's activities also include relevant activities taking place under any collaboration arrangement.
- 2.3. Good conduct must also be maintained when you are taking part in any programme-related activities, work placements or performances, whether in external locations or on site at LAMDA. This includes online learning and any other online platforms, including social media, email, or messaging apps.
- 2.4. This policy covers misconduct arising from non-academic matters (for example, unacceptable behaviour towards students, staff, visitors or others, damage to LAMDA's property or reputation). Academic misconduct (for example, allegations of plagiarism or other cheating in assessment) is dealt with through LAMDA's Credit Framework, available at: [Student Central Information Point - LAMDA Credit Framework 2021-22.pdf - All Documents \(sharepoint.com\)](https://sharepoint.com)

### 3. Guiding Principles

- 3.1 Non-academic misconduct in breach of LAMDA policy may result in disciplinary action, wherever and whenever misconduct may have taken place, and when it is considered necessary for safeguarding or to protect the interests and reputation of LAMDA, its staff, students, or visitors.
- 3.2 In all procedures under this policy, you will be presumed to be innocent of an allegation of misconduct, until proven otherwise. The standard of proof required is on a balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred.
- 3.3 All misconduct proceedings, including preliminary investigation interviews, Misconduct Hearings and Misconduct Appeal Hearings, will be held in private.
- 3.4 LAMDA does not normally permit legal representation in misconduct procedures.
- 3.5 LAMDA aims for its non-academic misconduct procedures to be managed in a transparent, efficient, and timely manner. However, if there are exceptional circumstances which require variance from specified time limits, students will be advised. The pace of any criminal proceedings, police enquiries or investigations may also affect timescales.
- 3.6 All timescales in this Policy and procedures constitute working days, excluding bank holidays and statutory closure days.
- 3.7 LAMDA will not normally act on the basis of anonymous allegations of misconduct.
- 3.8 Submitting an allegation which is found to be false, misleading, frivolous or in bad faith is prohibited and may be considered misconduct.
- 3.9 Where there is good cause to do so, and at the Principal's discretion, in accordance with the Data Protection Act 1998 and General Data Protection Regulations 2018 (GDPR), LAMDA may disclose the outcomes of misconduct processes and/or information about students involved in such processes, to relevant parties, including:
- where disclosure is required by law or by the police;
  - those who need to know in order to discharge their responsibilities at work;
  - placement providers, sponsors, or potential employers;
  - where it considers that disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students, or the public interest.
- Where necessary, this may include sharing personal and sensitive/special data regarding individual students. All such information will be treated confidentially by all parties and in line with LAMDA's Privacy Policy.
- 3.10 The Principal may delegate their powers under this Policy to an appropriate senior member of staff to act on their behalf in matters of student misconduct.
- 3.11 Where reference is made under this policy to the Principal this will include the Principal's nominee or delegate.
- 3.12 A summary of the procedures of this Policy is provided in Appendices 3 and 4.

#### 4. What is Non-Academic Misconduct?

- 4.1 Non-academic misconduct includes breaking any current LAMDA rule, regulation, code of conduct, practice, or policy. These policies can be located at [Student Policies and Handbooks \(sharepoint.com\)](#).
- 4.2 LAMDA policy is that misconduct may be committed by any means or medium or platform. This includes (but is not limited to): in person, on the internet, on any form of social media; citizen journalism or photojournalism; by phone, email, messaging and other apps, or hard copy written material or images.

#### 5. Types of Non-Academic Misconduct

Non-academic misconduct falls into 6 main categories:

1. Actions which cause actual or potential distress or harm to others irrespective of whether or not distress or harm was intended, such as anti-social, hostile, or threatening behaviour.
2. Unwanted behaviours of a sexual nature. It covers all forms of sexual violence and sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded, or humiliated or creates a hostile or offensive environment).
3. Actions which cause actual or potential damage to the property of others.
4. Actions which disrupt the normal operations of LAMDA, and/or safe use of its premises, including reputational damage.
5. Actions which impede or interfere with work/study activities by students, staff, visitors and others or impact normal operations of LAMDA.
6. Actions which relate to the admissions process for LAMDA.

➤ **You will find examples of each in APPENDIX 1.**

#### 6. Relationship to Other Policies and Procedures

- 6.1 Within LAMDA, there are a range of related procedures and policies which may offer a more relevant, effective and immediate means of influencing and managing student conduct.

Where allegations of suspected misconduct are received, an Investigating Officer will determine the most appropriate action to be taken. This may be solely a non-academic disciplinary procedure or also involve other procedures.

You can expect to be signposted to appropriate sources of support by staff at every stage of a misconduct investigation.

#### 6.2 Criminal Procedures

Where alleged misconduct could also constitute an offence under the criminal law, LAMDA may delay misconduct investigations or proceedings until the police and/or courts have completed their investigations and proceedings. In such circumstances, LAMDA's Principal will determine whether any action will be delayed.

If you report to LAMDA that you are the victim of a crime, this will not be reported to the police without your permission, other than in exceptional circumstances.

If you become the subject of a criminal investigation (for example, it is alleged that you have committed a crime), LAMDA will not take any internal disciplinary action against you in relation to this. However, LAMDA may take any action necessary for safeguarding.

LAMDA may also commence disciplinary action in relation to any matter that is not part of the criminal investigation.

In exceptional circumstances, the Principal may refer concerns to the police: where there is a perceived legitimate risk, or where LAMDA is legally obliged to do so. LAMDA will cooperate with the police in their investigation of an alleged breach of the law or of any matter that may involve a LAMDA student.

LAMDA is not bound by the outcome of any police or criminal investigation or prosecution when deciding whether to commence or proceed with any action or process under this Policy.

### **6.3 Criminal conviction**

If you obtain a criminal conviction during your registration with LAMDA, you must disclose this to us. The disclosure will be referred to the Executive Dean of the Drama School and/or Head of Technical Training, as appropriate, to consider whether any action under this policy should be taken, or whether there is justifiable cause not to do so and/or to follow an alternative process (for example, Fitness to Train).

## **7. Other Rules, Regulations and Obligations**

7.1 Investigation of misconduct under this policy and its procedures does not exclude LAMDA invoking other rules associated with conduct regarding academic or non-academic services, facilities, or areas.

7.2 LAMDA may, at its discretion, create additional rules pertaining to specific services, facilities, or areas of its operation.

7.3.1 The Principal of LAMDA shall have the power to exclude or suspend any student from LAMDA for a limited period in an emergency situation upon reasonable belief that there is good reason to do so. More information may be found on the Policies section on: <https://lamdaac.sharepoint.com/sites/CentralStudentInformationPoint>

## **8. Reporting non-academic misconduct**

If you wish to report alleged non-academic misconduct, you should fill in the form on [Addressing complaints \(sharepoint.com\)](#). The form will be emailed to the relevant person for review. Your allegation should be type of Non-Academic Misconduct (see Appendix 1 of this document). The form will then be passed on to the relevant staff for review. If you have made an allegation, you may be asked to a confidential meeting to discuss this.

### **9.1 What happens if I am alleged to have committed non-academic misconduct?**

LAMDA will investigate the allegation and you will be invited to attend a meeting in person. The aim is to make you aware of the required standards of behaviour, improve the wider student experience and provide constructive resolutions for your future improvement.

LAMDA recognises that non-academic misconduct may vary in severity and therefore there are three ways an allegation is handled:

- informal procedure
- formal procedure
- criminal procedure

## 10. Informal Procedure

### 10.1 Types of misconduct

These are relatively minor and LAMDA acts at an early stage, so that you may improve your conduct. Examples include:

- failure to conform to attendance requirements (early stage)
- inappropriate behaviour in class, including inappropriate attire
- inappropriate behaviour on LAMDA's premises, for example, littering.

### 10.2 Who will see me?

LAMDA recognises that some student conduct can and should, where appropriate, be dealt with informally by members of staff. Staff should engage with specialist support as appropriate, so that an investigation may be managed inclusively. Staff may also direct students to appropriate specialist support (such as well-being services).

### 10.3 Outcomes

A member of staff authorised by the Principal may issue an informal warning regarding future conduct, and/or indicate targets for improvement and/or a timeframe within which a further informal review of the student's conduct will be arranged.

An informal warning will **not** go on your student record. As appropriate, the member of staff shall advise you that failure to meet expectations may result in referral to the formal procedures.

## 11. Formal Procedure

### 11.1 Types of misconduct:

Where the conduct is not appropriate to be dealt with by informal procedures, then the formal procedure is followed.

Examples are:

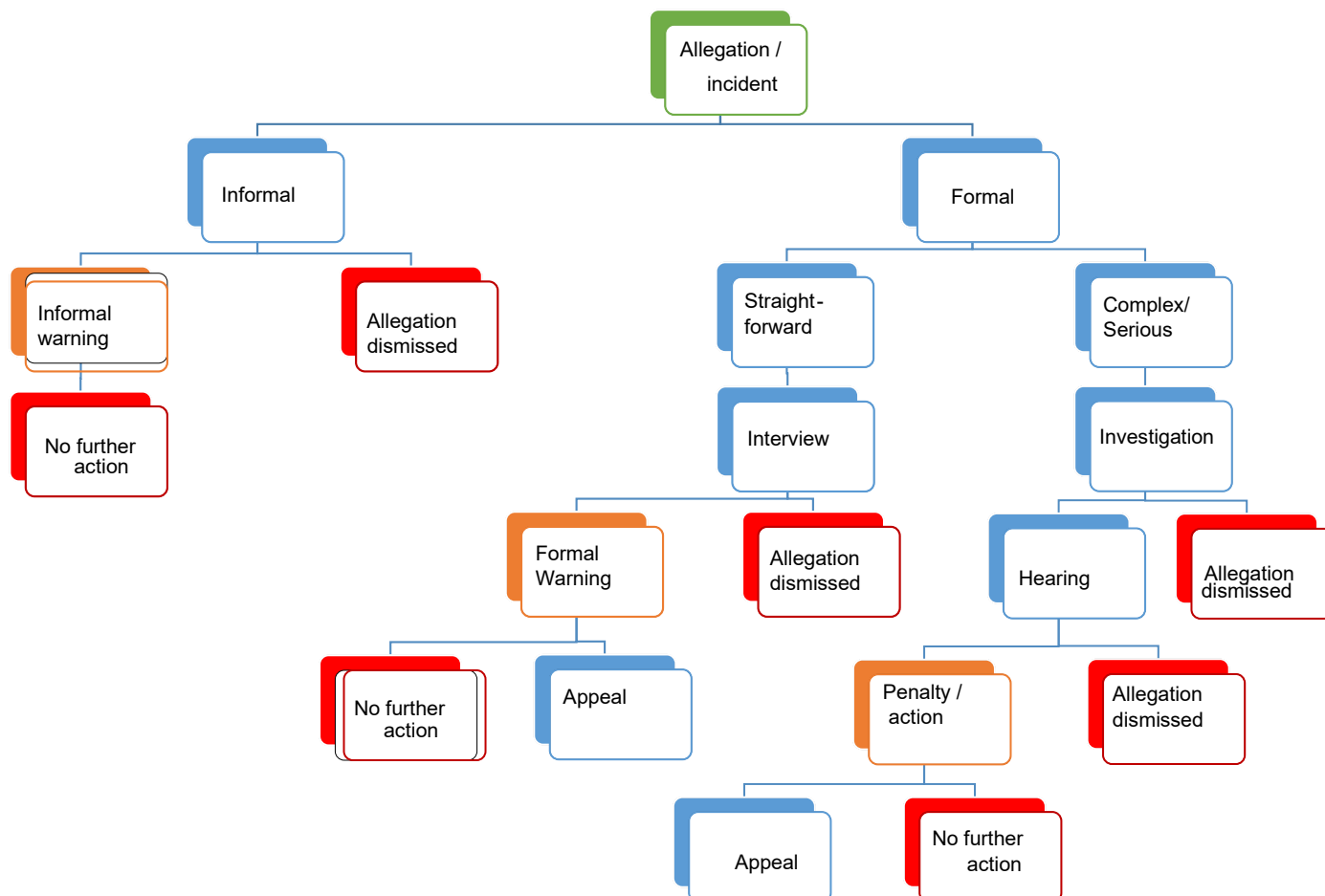
- failure to comply with expected standards of professionalism, LAMDA regulations or health and safety regulations
- abusive or hostile behaviour, sexual misconduct, harassment, physical misconduct
- damage to property
- disruption, obstruction, or interference with the work/study activities of LAMDA

There are different stages of the formal procedure, dependent upon the severity of the misconduct. LAMDA reserves the right to follow any or all these stages. At any stage of formal procedures staff must be mindful of Learning Agreements or other specialist needs and ensure that communications are presented in a way which are clear and accessible to the students involved.

Figure 1 shows the stages of informal and formal misconduct procedures:

Figure 1:

## Misconduct Procedures





## 11.2 Formal Procedures: Stage 1

### Stage 1: Disciplinary Interview



#### What will happen?

A member of staff will invite you to a private disciplinary interview.

You will be notified at least 24 hours' notice in advance of the meeting and be given the option of having a supporter present. The supporter should normally be a staff member or peer from within LAMDA.

At the interview, you will be asked to confirm that you know the purpose of the meeting. The nature of the alleged misconduct will be made clear to you. You must then be allowed to put your own case forward.

No recording of the interview will be permitted; agreed written notes will be taken, normally by another member of staff. This person does not take part in any decision-making.

All disciplinary proceedings must be conducted in a calm, professional manner by all involved. If inappropriate conduct occurs, either party has the right to suspend the interview until the Interview can be held in an appropriate manner. Student support services should be used as needed so that interviews are inclusive.

If a disciplinary matter is raised during a tutorial, then the tutorial must be terminated, and notice given that it has become a disciplinary interview. The student must be given 24 hours' notice but can agree to an earlier interview. At the end of the disciplinary interview if the matter has not been resolved to the satisfaction of the member of staff, a warning may be issued, or for very serious matters the case can be referred to the formal process.

#### 11.3 Stage 1 Outcomes:

After a disciplinary interview, a warning will be given by an authorised member of staff of LAMDA. You will receive either a verbal warning, written warning or final written warning:

Level of warning	Degree of misconduct	Outcome	Monitoring
<b>Verbal warning</b>	<p>Less serious issues and/or your first disciplinary incident</p> <p>Warnings may also include one or more of the penalties. (See Table of Penalties.)</p>	<p>A record of a verbal warning is issued. Both you and the staff member should sign the warning.</p> <p>Specific tasks for improvement might be included (e.g., for timekeeping, number of allowed absences in a specific time-frame)</p> <p><b>Failure to meet these will result in further disciplinary action being taken.</b></p>	<p>To be recorded for your file (ordinarily on Quercus), including the nature of the misconduct and acknowledgement by student</p> <p>A verbal warning can stay on your record for a <i>maximum of one term</i>. After this period, it cannot be used against you in further disciplinary interviews.</p>

<b>Written warning</b>	<p>More serious breaches of policies or regulations including continuation of misconduct.</p> <p>Warnings may also include one or more of the penalties (See Table of Penalties.)</p>	<p>Interview establishes continuation of misconduct, or substantive breaches.</p> <p>Written warning is issued, giving details of the nature of the warning and action points.</p> <p>You and the staff member arrange a further meeting to sign the warning.</p>	<p>A written warning can stay on your record for a <i>maximum of three terms</i>. After this period, it cannot be used against you in any subsequent interviews.</p>
		<p>Should there be a repetition of the breach of protocol or further disciplinary interviews made within the time frame of the warning, LAMDA may issue a subsequent written warning; or a final written warning.</p> <p><b>If a student is given a third written warning, this will become a final written warning.</b></p>	
<b>Final written warning</b>	<p>Severe cases of continued misconduct or breaches of regulations or policies</p> <p>In very serious cases, the conduct may be referred to the next stage.</p> <p>Warnings may also include one or more of the penalties. (See Table of Penalties.)</p>	<p>The warning states this is your last chance: a breach of a final written warning may lead to permanent exclusion from LAMDA.</p>	<p>A final written warning can stay on record for a <i>maximum of three terms</i>. After this period, it cannot be used against the student in further disciplinary interviews.</p>

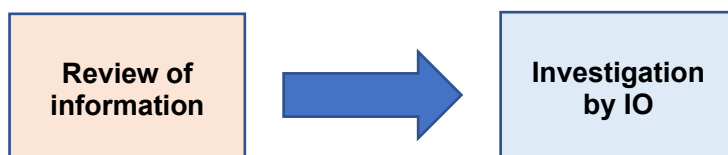
#### 11.4 Communication of outcomes:

The outcomes of a disciplinary interview will be shared with you, the Senior Management Team, and, where deemed appropriate, with relevant academic staff to support future good practice. If the investigation has arisen from a complaint by another student, they will also be notified that the matter has been dealt with, but not the specific circumstances discussed in disciplinary interview/s. A report from the investigating staff may be produced for the Senior Management Team to consider, if the case highlights areas for LAMDA to improve its processes and procedures.

#### 11.5 Appeals and Complaints

Where a student wishes to complain about or disagrees with the conduct or outcome of a Disciplinary Interview, they have the right to request a Preliminary Investigation.

## 12. Stage 2 (Formal Procedures): Preliminary Investigation



In cases of more serious allegations of misconduct, the Principal will appoint a member of staff to act as the Investigating Officer (IO). The IO will be a senior member of professional services or academic staff, unconnected to the student, the matter complained of, or to any people involved in the complaint. The IO will be formally trained in the conduct of investigations.

### 12.1 Information-gathering and review

The Investigating Officer (IO) will conduct a Preliminary Investigation to determine which policy, procedure or regulations is/are applicable, and what action, if any, should be taken. The IO will normally notify you in writing of this investigation, giving an expected date/timeline for its conclusion, and of any support available.

The IO may make any necessary enquiries to acquire further information. This may include:

- Request that an oral report of an allegation is put into writing before proceeding with the investigation.
- inviting the student concerned to make a written response to the allegations.
- interviewing any parties who may be able to provide necessary information.

The IO will review the information provided regarding the allegation and will determine whether there is sufficient evidence to proceed under this policy.

Investigation will not normally be carried out because of anonymous allegations of misconduct, except where there is just cause and/or reasonable grounds to do so. This will be determined by the IO in conjunction with a senior member of academic or administrative staff. A rationale for undertaking the investigation of an anonymous allegation will be recorded.

## 13. Stage 2 (Formal Procedures) Preliminary Investigation: Interview



If the Investigating Officer (IO) believes that more information is needed, they will invite you for an interview to acquire further information.

### 13.1 What will happen?

- You will be notified via your LAMDA email at least 24 hours in advance of the meeting.
- You will not be required to attend (although it is in your interests to do so). However, should you fail to attend without good reason, the IO will proceed in your absence.
- You will not be required to make a statement or give any explanation either in writing or during the meeting.
- No recording of the interview will be permitted; agreed written notes will be taken.
- The Investigating Officer has the discretion to terminate the interview at any point, for example, if any attendee displays unacceptable behaviour.

### 13.2 Who can attend?

You should normally give the Investigating Officer at least 24 hours' notice of anyone expected to accompany you.

- Legal representation is not permitted for anyone.
- The Investigating Officer and normally another member of staff will be present to take notes. This person does not take part in the decision-making.

- You may be accompanied for support to the interview by a member of staff, a student representative, or a family member. This support person must not be connected to the incident concerned and may not act as a legal representative.

### 13.3 Outcomes:

#### Preliminary Investigation: Report

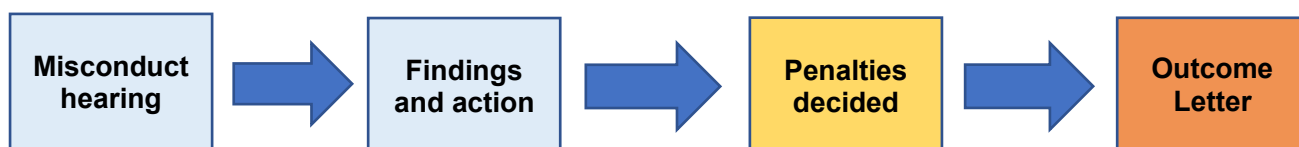
On completion of the Preliminary Investigation, the IO will complete a report, detailing the alleged breach of the policy, the established facts, the findings, and the recommended outcome. The Report will be completed within five working days of the investigation interview.

The Preliminary Investigation Report will state one of the following recommendations:

- no further action is required, **or**
- remedial action via the informal resolution route, **or**
- the case should be referred to a Misconduct Hearing.

The student will be notified in writing, by email to their LAMDA email account, of the outcome of the Preliminary Investigation within seven working days of the date of the Preliminary Investigation interview.

## 14. Stage 3 (Formal Procedures): Misconduct Hearing



A Misconduct Hearing considers cases referred to it by the Investigating Officer. The aim of the Misconduct Hearing is to determine if an allegation of misconduct has been substantiated and to decide appropriate outcomes.

### 14.2 What will happen?

The Misconduct Hearing will be conducted by an Adjudicator, appointed by the Head or Principal. The adjudicator is a senior member of professional services or academic staff, unconnected to the student or their programme of study, the matter complained of, the Preliminary Investigation, or to any people involved in the complaint.

Where it is not possible to appoint an Adjudicator from LAMDA's staff (for example, owing to a potential conflict of interest), the Principal may appoint a senior member of staff from another appropriate organisation as the Adjudicator.

The Adjudicator makes the final decision on the processes of the Hearing. This includes:

- Admission of written or oral evidence or refusal to admit evidence or hear witnesses where this is deemed irrelevant
- The Adjudicator has sole discretion to proceed with a Hearing or to adjourn it in the absence of particular participants
- The Adjudicator may adjourn the Hearing where the timeframes for providing documentation, or notifying witnesses, or for other good cause, have not been met.
- Making decisions on any point of procedure

The Adjudicator will appoint a Secretary to provide administrative support and act as note-taker for the Hearing. The Secretary does not take part in any decision-making.

### 14.3 Misconduct Hearing: Attendance and Support

#### Attendance

If you are unable to attend the hearing on the specified date, you may request a deferral of the hearing as soon as possible and at least 48 hours before the hearing, by contacting the Adjudicator (by email) stating the reason(s) for the request. Only one deferral request is permitted. Where the student and/or any other relevant parties do not request deferral and fail to attend a hearing, the Adjudicator may decide to continue the Hearing or to reschedule. Only one rescheduling opportunity is permitted.

#### Support

- You may be accompanied for support to the Misconduct Hearing by a member of staff, a student representative, or a family member.
- LAMDA may also arrange for you to be accompanied by an appropriate person from our external network of Alumni and Global Majority allies (on request).
- Legal representation is not permitted for anyone.
- Any support person must be unconnected to the incident concerned and may not act as a legal representative.

### 14.4 Preparation in advance of the Misconduct Hearing:

**At least 5 working days before the hearing, LAMDA will send you written notice**, via LAMDA email account, of the following:

- a) the date, time, and venue of the hearing;
- b) details of how to contact the Adjudicator;
- c) details of any witnesses and/or expert advisers called by LAMDA;
- d) all documentary evidence, including the Preliminary Investigation Report and copies of any witness statements;
- e) notification of the rules governing the conduct of Misconduct Hearings, as set out in this Policy, including the student's right to be accompanied.

**At least 48 hours in advance of the hearing, you must normally give LAMDA** written notice via your LAMDA email account:

- a) details of any documentary evidence, including any personal written statement and witness statements;
- b) details of any witnesses to be called in their defence;
- c) details of any mitigating circumstances, and any evidence in support of this, where appropriate.

Any documentation submitted after this deadline will be accepted at the discretion of the Adjudicator, where it is reasonable to do so and if this will not unduly compromise the proceedings.

The Adjudicator has the discretion to refuse to allow a person to attend where prior written notice has not been given.

### 14.5 What happens at the Misconduct Hearing?

- a) All parties will normally attend the Misconduct Hearing at the same time.
- b) Presentation of the case:
  - The Investigating Officer will normally present their case first, and call any witnesses

- The student may not ask questions of the witnesses but will be invited to reply to the allegations and may call witnesses. The student may also be invited to present any relevant mitigating circumstances.
  - The Investigating Officer, acting on behalf of LAMDA, may ask questions of any witnesses.
- c) Closing statement
- At the conclusion of all presentations, the student may make a closing statement.
  - The Adjudicator may also make a closing statement and will advise the student of the expected timescale of decisions
- d) Adjudicator's decision  
The Adjudicator will aim to reach a decision and findings without adjournment.

However, if the Adjudicator decides that they need further information to reach a decision or for other good cause, they may adjourn the case. The student will be notified of an adjournment normally within one working day.

#### **14.6 Misconduct Hearing: Findings and Action**

The Hearing will determine:

- a) whether any misconduct allegation(s) have been substantiated;
- b) the Hearing may also determine whether any other or further concerns have emerged and should be considered, or which require further investigation;

Once the Misconduct Hearing has reached its findings, it will determine:

- a) any appropriate penalties which should be applied to the student;
- b) any action deemed necessary by either the student, LAMDA or any other relevant party;
- c) whether there are any matters which should be referred under alternative LAMDA policies and procedures.

#### **14.7 Misconduct Hearing: Outcome Letter**

The Investigating Officer and any other appropriate parties will send a Misconduct Hearing Outcome Letter to the student's LAMDA email address, normally within five working days after the date of the hearing.

The letter will set out the decision(s) of the Misconduct Hearing and confirm the reason for the decisions, any actions or penalties that apply and provide information on the right of appeal.

The student will also be advised that the finding(s) and decision(s) of the Misconduct Hearing may be taken into consideration in the event of a future finding of misconduct under this Policy.

A record of the outcome and any penalty imposed will remain on the student's record at minimum until they cease to be registered as a LAMDA student. Record(s) and evidence of the misconduct, including any records of any suspension or exclusion relating to it may be retained for six years. The findings and decisions of the Misconduct Hearing will be communicated to the student, the Principal, and any other interested parties as deemed appropriate by the Adjudicator the Panel, and in accordance with LAMDA's records retention schedule.

Where the Misconduct Hearing determines that, on the balance of probability, the allegation(s) and/or concerns were **not** established, or are without foundation, that decision will be communicated to everyone involved in the case, including the complainant(s), normally within five working days of the Hearing date.

#### 14.8 Misconduct Hearing: Penalties

Where the Misconduct Hearing upholds an allegation of misconduct, the Adjudicator may impose one or more penalties. These may be applied simultaneously. The most serious penalty that can be imposed is permanent exclusion from LAMDA. In determining the findings and penalty, the Adjudicator will consider:

- a) the **severity of the offence**, including any aggravating factors resulting from its impact;
- b) the **student's engagement with LAMDA** during the misconduct process;
- c) any evidence of **malicious intention**;
- d) the number of **previous and/or contemporaneous misconduct offences**, both non-academic and academic;
- e) whether **concerns about conduct** have been drawn to the student's attention before this instance;
- f) whether the student is in **receipt of any formal warnings**, or any other sanctions;
- g) any **mitigating circumstances and/or aggravating factors**.

The Misconduct Hearing and Misconduct Appeal will also consider other potential consequences that may result (for example, disruption of training), so that penalties applied may be relevant and in proportion to the severity of the offence.

The Adjudicator may order that any penalty should be applied immediately or should be deferred. The conditions of any deferral will be clearly stated as part of the decision. The imposition of a penalty may be contingent upon the student failing to fulfil any conditions set.

**Figures 2 and 3** below indicate the penalties applicable for non-academic misconduct.

<b>Figure 2.</b>	
<b>Penalties applicable at Disciplinary Interview, Misconduct Hearing or Appeal</b>	
a	A verbal warning.
b	A written warning.
c	A final written warning (for a repeated offence).
d	A requirement to make a verbal/written apology to any party concerned, as, and if, appropriate.
e	The payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred.

f	Withdrawal of privileges (particularly any privileges abused by the student) for a stipulated period of time: e.g., casting opportunities.
g	Requirement to remove material deemed inappropriate, whether published in hard copy and/or electronically.
h	Set conditions or expectations for the student's future behaviour. This is normally a written document specifying the conditions to be completed within a given time-frame.

### Figure 3

#### Penalties applicable at Misconduct Hearing or Appeal

a	Mandatory attendance at a workshop or course within a specified time period. Where a student is required to complete a workshop, course, or restorative exercise, this may result in a delay to graduation.
b	Restorative action such as a reflective statement or project
c	Restricted ability to contact the complainant, where the complainant is a LAMDA student or staff member.
d	Requiring that the student does not represent LAMDA in a paid or unpaid capacity for a specified period of time.  This could include employment by LAMDA on a contractual or casual basis; representing LAMDA at other events, including for scholarships, or voluntary roles such as student ambassador or similar.  Where a student is contracted to undertake paid employment for LAMDA, action may also be taken under LAMDA's staff disciplinary procedures.
e	Conditions are set for the continuation of student status.
f	Exclusion from, or restrictions concerning, participation in specified activities (including external programme-related activities) or use of specified LAMDA facilities for a stated period. Conditions for return to those activities may be specified.
g	The suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date.  Where a student's studies are suspended or in the case of exclusion, the Adjudicator will determine whether there is just cause to deprive the student of any credits already achieved and any award to which they may lead.
h	Permanent exclusion and removal of student status, and with or without the right to re-register for any further programme of study with LAMDA.
i	Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

#### 14.9 Impact of Misconduct Procedures on Progression and Release of Results

Normally your academic progression will not be affected if misconduct allegations (including any appeal process against a Misconduct Hearing decision) are under investigation or consideration.

A student involved in a misconduct procedure will normally be permitted to progress through their programme whilst an Assessment Board makes a decision concerning academic progression. This is no indication of LAMDA's view of alleged misconduct, nor



does it indicate that you will be able to continue with a programme of study after a decision of the Misconduct Hearing or Misconduct Appeal. The fact that you are still engaged in study will not be considered as a mitigating factor in either proceeding.

**Finalists:** If an investigation into non-academic misconduct (including an appeal against a Misconduct Panel decision) is continuing when the Assessment Board considers your marks for an assessment or award, the marks or final result may be released.

However, you may not normally graduate until the conclusion of the misconduct case. This could mean that a student may not graduate with their peers.

## 15. Misconduct Appeal

### 15.1 Appeal: Rights and Grounds

Where a student disagrees with a decision or finding(s) of the Misconduct Hearing, they have a right to appeal to the Principal of LAMDA. The decision of the Misconduct Hearing stands unless and until it is overturned following a successful appeal.

You may appeal the decision only on these grounds:

- a) there has been **procedural irregularity**, i.e., that some rules or procedures were not applied correctly;
- b) there was **prejudice or bias** on the part of a decision-maker;
- c) the decision(s) is/are wholly **unreasonable** and/or the sanction or outcome wholly **disproportionate**;
- d) there is **new evidence** that is material to the case, which you can demonstrate was not previously available, and sufficient evidence remains that this warrants further consideration by a Misconduct Appeal.

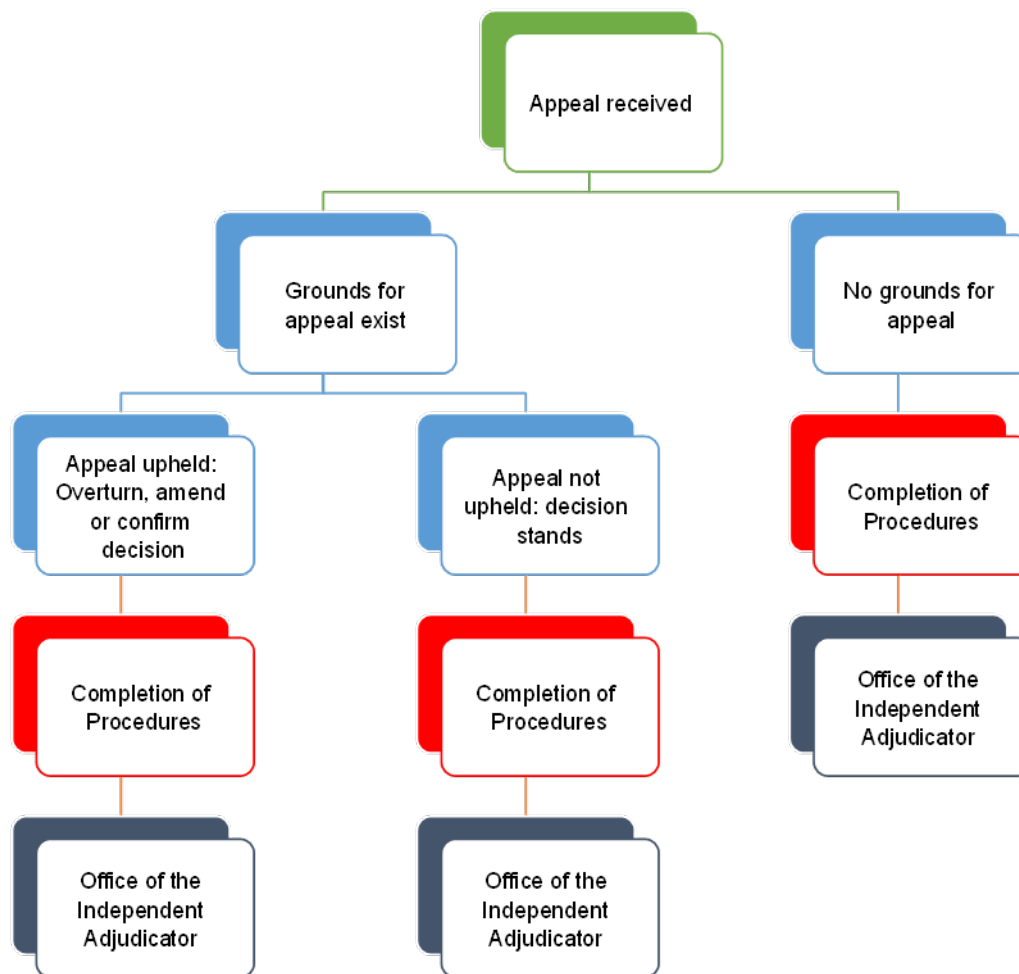
### 15.2 How to Make an Appeal

You should submit an appeal form to the Principal of LAMDA. Your appeal should:

- a) state the ground(s) for the appeal;  
Appeals which do not state any grounds may be summarily rejected.
- b) specify and include copies of any supporting documentation, which you believe should be considered;
- c) identify any evidence which they consider should be considered (e.g., witnesses the student wishes to call);
- d) provide any information relating to mitigating circumstances.

An appeal must normally be made in writing within 10 working days of the date of the Misconduct Hearing Outcome Letter. Appeals submitted after this deadline may be rejected for being out of time. The Principal may, for good cause, extend the time period in which the student may submit an appeal.

**Figure 4: Misconduct Appeal Procedures**  
**Misconduct Appeal Procedures**



### 15.3 – Review of the appeal submission

The Principal reviews the appeal submission. They will determine if:

- there is sufficient evidence that the appeal may meet one or more of the grounds of appeal,
- **or** that there is some other good cause for the appeal to merit further consideration.

The student will be invited to submit any additional documentation or statements that they wish to have considered. It is not sufficient for an appeal merely to state the grounds upon which the student is appealing.

### 15.4 Matters Considered

As part of its decision-making, the Misconduct Appeal may take the following into account:

- the severity of the offence, including any aggravating factors resulting from its impact;
- the student's engagement with LAMDA during the misconduct process;
- any evidence of malicious intention;

- the number of previous and/or contemporaneous misconduct offences, both non-academic and academic;
- if concerns about conduct have been drawn to the student's attention prior to this instance;
- whether the student is in receipt of any formal warnings, or any other sanctions;
- any mitigating circumstances and/or aggravating factors accepted by the Principal (or delegate).

In determining whether an appeal should be upheld:

- Whether the evidence is of sufficient significance to cast doubt upon the reliability of the finding(s) and/or decision(s) arrived at by the original Misconduct Hearing;
- whether there are any other or further concerns which have emerged which should be considered, or require further investigation or warrant referral under another procedure (for example, Fitness to Train)

In reaching decision(s):

- whether any penalties previously handed down to the student warrant amendment (including an increase in severity, where fair and reasonable in the event of new evidence or information), or rescindment;
- any action deemed necessary by either the student and/or LAMDA;
- whether there are any matters which should be referred under alternative procedures

### 15.5 Misconduct Appeal: Outcomes

After considering all the evidence, the Principal will determine whether the appeal has met the grounds and make one of the following finding(s):

- the appeal is upheld:** there is sufficient evidence to demonstrate, on the balance of probabilities, that one or more of the grounds of appeal have been met. The Principal may:
  - overturn, amend, or (having reviewed the outcomes) confirm that the original findings and/or decision should stand.
  - where the original findings and/or decision are overturned, the Principal will make new finding(s) and/or decision(s), which will replace those of the original Misconduct Hearing.
- In the case of significant evidence coming to light, the appeal outcome could be to reconvene the original Misconduct Hearing for further consideration
- the appeal is not upheld: there is no evidence, insufficient evidence, and/or the Principal is not satisfied, on the balance of probabilities, that one or more of the grounds of appeal have been met. Therefore, the original finding(s) and decision(s) of the Misconduct Hearing will stand. However, the Principal has the authority to make any reasonable orders (including referring the student under different procedures) or make any recommendations to Academic Board in accordance with its findings.

### 15.6 Misconduct Appeal Outcome: Notification to Student

You will be sent an Appeal Outcome Letter, normally within twenty-one working days of receipt of the appeal submission. This letter will set out the decision(s) of the Principal and the reasons for

the decision(s). The student will be advised of their right to take a complaint, if applicable, to the Office of the Independent Adjudicator.

A copy of the Appeal Outcome Letter will be placed on the student's file. This record of the outcome of an appeal will be retained for six years after conclusion of the student's course of study at LAMDA.

#### **Impact on future cases of misconduct**

You will also be advised that the finding(s) and decision(s) of the Misconduct Appeal (and where applicable the original or new Misconduct Hearing) may be taken into consideration if future cases misconduct or unprofessional behaviour occur under this policy.

The finding(s) and decision(s) of the Appeal may also be taken into consideration by LAMDA when determining temporary exclusion or suspension in the future.

#### **15.7 Student Failure to Comply with Decisions**

Failure by a student without good reason, in LAMDA's view, to:

- a) comply with any decision reached or order issued by LAMDA under this policy and procedures (including by the Investigating Officer, a Misconduct Hearing, a Misconduct Appeal or LAMDA's Principal), or
- b) comply with the terms of a temporary exclusion or suspension made under this policy and procedures

may itself constitute an act of misconduct and may therefore be dealt with either in accordance with this Policy, or under LAMDA's Fitness to Train procedures, as deemed appropriate by the Principal or their nominee.

#### **15.8 Office of the Independent Adjudicator**

LAMDA will follow the guidance published by the Office of the Independent Adjudicator (OIA) in issuing Completion of Procedures Letters to students.

Once a Completion of Procedures Letter has been issued, if a student wishes to complain about, or disagrees with, a decision or finding(s) of the Misconduct Appeals Panel, they may be able to take their complaint to the OIA: <http://www.oiahe.org.uk>

#### **15.9 Monitoring**

In accordance with their terms of reference, a Misconduct Hearing or Misconduct Appeal may refer matters relating to individual student cases to Academic Board, which is responsible for:

- a) Reviewing and monitoring disciplinary matters, statistical data and any related issues arising from these procedures;
- b) reviewing and acting upon urgent recommendations made by the Misconduct Hearing and/or Misconduct Appeal;
- c) monitoring outcomes of cases, and any recommendations arising;
- d) conducting, for quality assurance and enhancement purposes, an annual review of all cases, recommendations and outcomes arising from the misconduct process and panel proceedings.

Where misconduct has been established in a case, or where a student has been temporarily suspended or excluded, or expelled under this policy, copies of the summary record and the outcome letter shall be placed on the relevant student's file and a record of the proceedings of every Misconduct Panel and Misconduct Appeals Panel shall be kept by LAMDA for record and

monitoring purposes. Both records shall be retained in accordance with LAMDA's records retention schedule.

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**Version Control: Document History and Next Review**

Academic Board has responsibility for approval of any amendments to this policy and for keeping all such academic policies under regular review.

**Review**

<b>Version</b>	2
<b>Date policy approved by Academic Board:</b>	23 November 2022
<b>Due for next review:</b>	A/Y 2022-23
<b>Owner</b>	Head of Student and Academic Services

## Appendix 1 – Examples of non-academic misconduct

<p>Physical Misconduct Hostile or Threatening Behaviour</p>	<ul style="list-style-type: none"> <li>• Anti-social behaviour because of intoxication through alcohol or drugs.</li> <li>• Behaviour which causes physical harm, or is intended to cause physical harm, to another individual or individuals.</li> <li>• Intimidating, coercive, or threatening actions and behaviour</li> <li>• Inappropriate or unnecessary physical contact</li> <li>• Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip</li> <li>• Ridiculing and undermining behaviour, such as insults, name-calling, inappropriate jokes, offensive language, and gestures</li> <li>• Pestering, stalking, or spying</li> <li>• Hate speech, offensive images and literature</li> <li>• Preventing or attempting to prevent a person's right to freedom of speech or freedom of belief within the law on LAMDA's premises.</li> </ul>
<p>Bullying</p>	<ul style="list-style-type: none"> <li>• Ridiculing a person</li> <li>• Shouting or screaming at a person</li> <li>• Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance</li> <li>• Persistently 'singling out' a person without good reason</li> <li>• Deliberately excluding, isolating, or ignoring an individual</li> <li>• Making threats or comments about academic success or failure</li> </ul>
<p>Victimisation</p>	<p>Treating someone less favourably because they claim discrimination due to:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• gender reassignment</li> <li>• being married or in a civil partnership</li> <li>• being pregnant or on maternity leave</li> <li>• disability</li> <li>• race including colour, nationality, ethnic or national origin</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation</li> </ul> <p>These are protected characteristics of the Equality Act 2010.</p>

	<ul style="list-style-type: none"> <li>• Treating someone less favourably if they give information or evidence relating to a discrimination claim (Equality Act 2010).</li> </ul>
Sexual Misconduct	<ul style="list-style-type: none"> <li>• <b>Verbal harassment</b> such as whistling, catcalling, sexual comments, sexual innuendo, telling sexual jokes and stories, spreading rumour about a person's sex life</li> <li>• <b>Non-verbal harassment</b> such as staring, displaying pictures of a sexual nature (including online and image-based abuse), sending communications with a sexual content, making sexual gestures, asking for sexual favours; non-consensual sexual touching, attempting to engage in a sexual act without consent</li> <li>• <b>Criminal sexual offences</b>, including coercive control, sexual assault, rape (as defined by the Sexual Offences Act 2003), sharing private sexual materials of another person without consent (revenge porn).</li> </ul>
Misconduct relating to property	<ul style="list-style-type: none"> <li>• Causing damage to LAMDA's property, or to the property of students, staff, or visitors on LAMDA premises.</li> <li>• Theft, unauthorised taking or use of property belonging to another.</li> <li>• Misuse, wilful damage, defacing, or conversion to improper use of LAMDA property (including IT, specialist and non-specialist equipment).</li> <li>• Unauthorised entry onto LAMDA's property.</li> </ul>
Misconduct affecting the normal operations of LAMDA, and/or safe use of its premises	<ul style="list-style-type: none"> <li>• Breach of the health and safety policy, or failure to follow safe practice.</li> <li>• Actual or attempted disruption, obstruction, or interference with the activities of LAMDA (including training, assessment, administrative or social activities) on LAMDA's premises.</li> <li>• Inappropriate noise levels on LAMDA's property or within the vicinity of LAMDA's property.</li> <li>• Actions, omissions, or statements intended to deceive LAMDA.</li> <li>• Damage, or potential damage, to the reputation of LAMDA.</li> </ul>
Misconduct affecting work/study activities by students, staff, visitors, and others	<ul style="list-style-type: none"> <li>• Actual or attempted disruption, obstruction or interference with the functions, duties or activities of any student or employee of LAMDA's or any visitor to LAMDA.</li> <li>• Failure to comply with expected standards of professionalism, outlined in LAMDA's Regulations and rules of practice in the Student Handbook, available in LAMDA World Student Resources: <a href="#">Student Resources (sharepoint.com)</a>.</li> <li>• Failure to comply with standards of conduct or published codes governing conduct when engaged in professional practice, training, or employment, or during a placement forming part of your programme of study.</li> </ul>

	<ul style="list-style-type: none"> <li>• Unlawful possession, use or supply of drugs or weapons.</li> <li>• Any criminal offence committed whilst you are a LAMDA student.</li> <li>• Failure to disclose relevant criminal convictions (including those obtained whilst a LAMDA student), or failure to report cautions or other warnings or sanctions imposed by the police or other law enforcement agencies, in accordance with the relevant LAMDA policies and guidance.</li> <li>• Repeated breach of any of LAMDA's regulations.</li> </ul>
Misconduct relating to applications for admission	<ul style="list-style-type: none"> <li>• Making (or suspected of making) false or misleading or incomplete statements or representations, or produced falsified documents, in support of an application for a place at LAMDA.</li> <li>• Such cases will be managed under the procedures outlined in LAMDA's Admissions Policy and, where applicable, the Criminal Records policy.</li> <li>• Where a registered student is alleged to have gained or facilitated admission to LAMDA by making false, misleading, or incomplete statements or representations, or by producing falsified documents, you will normally be subject to investigation and action under these procedures.</li> <li>• This will also apply to you if you are found to have concealed or misrepresented offences, or to have deliberately provided misleading, incomplete, or inaccurate information to the Disclosure and Barring Service (DBS).</li> </ul>



**Appendix 2 - Harassment as a result of protected characteristics as defined by the Equality Act 2010**

The following examples of harassment related to protected characteristics are intended to be illustrative but not exhaustive. LAMDA reserves the right to consider reported incidents as harassment even when they are not included below.

<b>Definition</b>	<b>Examples</b>
<p><b>Racial Harassment</b>                      Racial harassment is unwanted conduct that occurs on the grounds of a person’s race, including their ethnic or national origins, colour, or nationality.</p>	<ul style="list-style-type: none"> <li>• Racist jokes and language,</li> <li>• Expression and perpetuation of racist views and stereotypes,</li> <li>• The display of racist materials,</li> <li>• Deliberately excluding or refusing to cooperate with someone on the grounds of their race</li> <li>• Incitement of hatred and/or prejudice towards individuals of particular racial groups</li> <li>• Display of offensive graffiti or insignia</li> <li>• Encouraging or coercing others to commit racial harassment</li> </ul>
<p><b>Harassment on the grounds of sex</b>                      The Equality Act (2010) defines sex as referring to a male or female of any age. Harassment on the grounds of sex describes unwanted conduct that is directed at a person because they are male or female. Harassment on the grounds of sex is different to sexual harassment.</p>	<ul style="list-style-type: none"> <li>• Deliberately excluding or refusing to cooperate with someone on the grounds of their sex</li> <li>• The expression and perpetuation of sexist views and stereotypes</li> <li>• Sexist jokes and language</li> </ul>
<p><b>Sexual Harassment</b>                      The Equality Act 2010 defines sexual harassment as occurring when a person engages in unwanted conduct which is of a sexual nature.</p>	<ul style="list-style-type: none"> <li>• Physical contact, ranging from invasion of personal space, inappropriate touching, or physical assault</li> <li>• Intrusive questions and remarks about a person’s private life</li> <li>• Inappropriate remarks about a person’s appearance or dress</li> <li>• Sexually explicit language, jokes, verbal, and physical innuendo</li> <li>• Using demeaning, gender-specific terminology</li> </ul>

	<ul style="list-style-type: none"> <li>• Display or circulation of sexually explicit materials</li> <li>• Coercive demands for sexual favours, (such as promotion or academic success depending on the response to the demand)</li> <li>• Intrusion by pestering, spying, or stalking</li> <li>• Persistent, unwanted advances</li> <li>• Treating a person less favourable because they have submitted to, or rejected, unwanted conduct of a sexual nature</li> </ul>
<p><b>Harassment on the grounds of disability</b>  Harassment on the grounds of disability is unwanted conduct directed at a person on the grounds of their physical or mental disability.</p> <p>Harassment may relate to the disability itself or the person’s real or presumed abilities. The Equality Act defines disability as: a physical or mental impairment which has a long term and substantial adverse effect on a person’s ability to conduct normal day-to-day activities.</p> <p>Physical or mental impairment includes sensory impairments such as those affecting sight or hearing. Long term means that it has lasted or is likely to last for at least 12 months or for the rest of the disabled person’s life. Substantial means more than minor or trivial.</p>	<ul style="list-style-type: none"> <li>• Individuals being ignored, disparaged, or ridiculed because of their disability,</li> <li>• Unnecessarily intrusive and inappropriate remarks or questions about a person’s condition</li> <li>• Excessive and unnecessary references to a person’s disability</li> <li>• Deliberately excluding someone from events or meetings on the grounds of their disability</li> <li>• Refusal to work or study alongside someone with a disability</li> </ul>
<p><b>Harassment on the grounds of sexual orientation</b> is unwanted conduct resulting from a person’s perceived or actual sexual orientation</p>	<ul style="list-style-type: none"> <li>• Actual or threatened unwanted disclosure of sexuality,</li> <li>• Gossip or speculation in relation to a person’s sexuality</li> <li>• Derogatory or homophobic comments, jokes, and language</li> <li>• Excluding same-sex partners from events</li> <li>• Intrusive questioning about a person’s private life</li> <li>• Refusal to work or study alongside someone on the grounds of their actual or perceived sexual orientation</li> </ul>
<p><b>Harassment on the grounds of gender reassignment</b></p>	<ul style="list-style-type: none"> <li>• Excluding a person;</li> <li>• Jokes and name-calling;</li> </ul>

<p>Harassment on the grounds of gender reassignment is unwanted conduct directed at a person who intends to undergo, is undergoing or has undergone a gender reassignment process.</p> <p>The Equality Act defines gender reassignment as: People who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.</p>	<ul style="list-style-type: none"> <li>• Refusing to acknowledge someone’s acquired gender and persistently using the wrong pronoun</li> <li>• Persistently calling someone by their birth name without consent after they have changed their name as part of their transition - “deadnaming”</li> <li>• Actual or threatened unwanted disclosure of the person’s previous gender</li> </ul>
<p><b>Harassment on the grounds of religion or belief</b></p> <p>Harassment on the grounds of religion or belief is unwanted conduct directed at a person on the grounds of their religion or a comparable belief system. The Equality Act defines religion and belief in the following ways: ‘Religion’ means any religion and includes a lack of religion.</p> <p>‘Belief’ means any religious or philosophical belief and includes a lack of belief. For a philosophical belief to be protected under the Equality Act: it must:</p> <ul style="list-style-type: none"> <li>• be genuinely held</li> <li>• be a belief and not an opinion or viewpoint based on the present state of information available</li> <li>• be a belief as to a weighty and substantial aspect of human life and behaviour</li> <li>• attain a certain level of cogency, seriousness, cohesion, and importance, and</li> <li>• be worthy of respect in a democratic society, not incompatible with human dignity</li> <li>• not conflict with the fundamental rights of others.</li> </ul>	<ul style="list-style-type: none"> <li>• Insulting or ridiculing a person’s religion or belief (including items worn for religious reasons);</li> <li>• Denigration of customs associated with a person’s religion or belief</li> <li>• Expressing and perpetuating stereotyped perceptions and assumptions about a religion or belief and its followers; and</li> <li>• Coercive pressure to convert or conform to a religion or belief system.</li> <li>• Harassment may also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or on the grounds of a person’s non- adherence to a religion or belief system.</li> </ul>
<p><b>Harassment on the grounds of age</b></p> <p>Harassment on the grounds of age is unwanted conduct related to a person’s actual or perceived age.</p>	<ul style="list-style-type: none"> <li>• Jokes, name-calling, and comments relating to a person’s actual or perceived age</li> <li>• Inappropriate references to age</li> <li>• Comments about a person’s presumed abilities based on their actual or perceived age.</li> </ul>

