

Royal Academy of Dance Faculty of Education

Disciplinary Offences Policy and Procedures

1. Introduction and Scope

All students are required to observe the Royal Academy of Dance's (RAD) and Faculty of Education's Student Charter, codes of conduct, policies, and regulations outlined in the Learning and Teaching Handbook and available on the RAD website and the Virtual Learning Environment (VLE).

This policy specifies the acts of disciplinary offences that the Faculty of Education penalises and outlines the procedure for investigating these instances.

2. Definition of Disciplinary Offences

The Faculty of Education defines a disciplinary offence as behaviour which, in its broadest sense, constitutes improper interference with the functioning or activities of the Royal Academy of Dance and/or the Faculty of Education, or those who work and study at the institution, or action which otherwise damages the Royal Academy of Dance and/or the Faculty of Education, whether on RAD premises or elsewhere. The Faculty of Education may also take disciplinary action in relation to behaviour which affects members of the public which is not honest and peaceable and which damages the standing of the institution. This policy should be read in conjunction with the Faculty of Education General Regulations and the following policies:

- [RAD Dignity and Respect Policy](#)
- [RAD Equality, Diversity and Inclusion Policy](#)
- [RAD Freedom of Speech Code of Practice](#)
- [RAD Safeguarding Policy and Procedures](#)
- [Student Grievance and Complaints Policy and Procedures](#)

Disciplinary offences include the following:

- 2.1 Any conduct that constitutes a criminal offence;
- 2.2 Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on RAD premises or engaged in any RAD activities;

- 2.3 Disruption of, or improper interference with, the academic, administrative, social or other activities of the Royal Academy of Dance;
- 2.4 Action likely to cause injury or impair health or safety on RAD premises or on teaching/professional placements which contribute to RAD studies;
- 2.5 Misuse or unauthorised use of RAD premises or items of property, including computer misuse;
- 2.6 Behaviour that brings the Royal Academy of Dance into disrepute, including that which occurs outside RAD Headquarters, for example at Placement Schools;
- 2.7 Bullying or harassment of any student of the Royal Academy of Dance, staff member of the Royal Academy of Dance, or any visitor to the Royal Academy of Dance;
- 2.8 Failure to respect the rights of others to freedom of belief and freedom of speech;
- 2.9 Failure to disclose name and other relevant details to an officer or employee of the Royal Academy of Dance in circumstances when it is reasonable to require that such information be given.

These examples are not intended to be exhaustive.

Please note that in order to discharge its duty of care to its staff and students, and to the wider community, the Faculty of Education must be informed of any alleged criminal activity by students. If at any time during a student's registration on a programme of study at the Royal Academy of Dance, they are cautioned for, or convicted of a criminal offence (with the exception of motoring offences for which a fine and/or up to three penalty points are imposed), the student is required to report this immediately to the Registrar.

3. Burden of Proof

In disciplinary offence cases, it is for the Faculty of Education to show that it is more likely than not that a disciplinary offence occurred.

4. Standard of Proof

The standard of proof applied during an investigation or by a Disciplinary Offences Panel is that of the balance of probability; that on the evidence put forward it is more likely than not that something was or was not the case.

5. Confidentiality and General Data Protection Regulations

The Faculty of Education deals with disciplinary offences in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. Personal data may be provided by the student, collected from tutors and other persons relating to a disciplinary offence and/or taken from publicly available sources such as social media. Any personal data obtained will be stored in line with data protection legislation and in accordance with the Faculty of Education's *Records Retention Schedule*.

6. Disciplinary Procedures

6.1 Stage 1: Initial Investigation

- 6.1.1 Any circumstances which indicate that a student appears to have committed a disciplinary offence are reported immediately to the relevant member of Faculty of Education staff, who initiates an initial investigation. This is normally the Programme Manager or senior manager.
- 6.1.2 The initial investigation focuses on possible evidence of disciplinary offence. For disciplinary offences, possible evidence may take the form of, but is not restricted to, observed behaviour or a verbal or written report or complaint.
- 6.1.3 Where it is determined that there is no evidence of possible disciplinary offence, the matter is concluded and the student is not made aware of discussions.

6.2 Stage 2: Formal Discussion

- 6.2.1 Where possible evidence of a disciplinary offence is identified, the relevant staff member contacts the student to arrange a formal discussion. This is normally the Programme Manager or senior manager. Where a suspected disciplinary offence involves more than one student, a formal discussion is arranged with all students concerned. This discussion may occur with all students together or separately as appropriate for the situation.
- 6.2.2 The student is given five working days' notice of the formal discussion. This notice provides details of the nature of the allegation and informs the student of the support available to them through the Student Support and Wellbeing Manager. It also informs the student that they are permitted to be accompanied at the formal discussion by a friend or representative who can be there in a supportive role but may

not contribute to the formal discussion in any other way. The formal discussion can take place in person or via video conferencing.

6.2.3 Attendance at formal discussions is required as follows:

- Student
- Programme Manager (or designate)
- A witness of the offence or a senior manager, as appropriate
- Optional: Student Support and Wellbeing Manager or a friend/representative of the student's choosing

Where a student is unable to attend the formal discussion on the specified date and time they can request an alternative provided there are valid reasons supported by appropriate evidence. Where the Programme Manager is unable to attend the formal discussion, a senior academic member of staff is designated.

6.2.4 The formal discussion provides an opportunity for the student to explain their behaviour and/or actions and for the student to be shown how their behaviour and/or actions have been identified as a disciplinary offence. The student is also given the opportunity to raise any previously undisclosed extenuating circumstances that may have impacted upon their ability to make a rational choice at the time of the disciplinary offence. In such cases, the student is advised that consideration of extenuating circumstances may need to be reviewed by a Disciplinary Offences Panel.

6.2.5 The main points and outcome of the formal discussion are recorded in the Disciplinary Offences Formal Discussion Report (Appendix A).

6.2.6 If the student does not attend the formal discussion and there are no valid reasons for non-attendance, the case proceeds to the Disciplinary Offences Panel stage, as appropriate (see Section 6.3 below).

6.2.7 Following the formal discussion and normally within ten working days of the instance of possible disciplinary offence being identified, the relevant staff member informs the student in writing of one of the following outcomes:

- That there is insufficient evidence of a disciplinary offence

- That it is likely that an act of disciplinary offence took place, but further consideration is required
- That there is unequivocal evidence of a disciplinary offence

The student is also sent a copy of the Formal Discussion Report.

- 6.2.8 Where the outcome is insufficient evidence of a disciplinary offence no further action is taken and the matter is closed.
- 6.2.10 Where the outcome is that it is likely that a disciplinary offence took place, but further consideration is needed, the case is submitted to a Disciplinary Offences Panel.
- 6.2.11 Where the outcome is that there is unequivocal evidence of a disciplinary offence the Programme Manager recommends that a penalty is applied. The case is referred to a senior academic member of staff who reviews the evidence and the formal discussion report to determine the penalty to be applied (see Section 13 below). The outcome and penalty to be applied are subsequently confirmed in writing to the student and recorded on the student's file.

6.3 Stage 3: Disciplinary Offences Panel

- 6.3.1 Disciplinary Offences Panels conduct their business in accordance with the [*Procedures for Hearings by Panel*](#).
- 6.3.2 The membership of a Panel comprises the following:
- Student
 - Programme Manager (or designate)
 - Senior academic staff member (Chair)
 - Optional: A witness of the offence, if relevant
 - Optional: Student Support and Wellbeing Manager or a friend/representative of the student's choosing
 - Servicing Officer
- 6.3.3 The Chair of the panel is a senior academic staff member who was not part of the formal discussion and has no current academic connection with the student (or students). A witness of the offence is invited to join the panel if it is deemed necessary. The student is permitted to be accompanied at the Panel hearing by the Student Support and Wellbeing Manager or a friend/representative of their choosing.

- 6.3.4 The purpose of a Panel hearing is to review all evidence to determine whether it is more likely than not a disciplinary offence occurred.
- 6.3.5 Valid evidence in relation to extenuating circumstances that the student may wish to present to the Panel is a signed and dated letter from a medical practitioner (GP or clinical specialist) that states the dates when the circumstances affected the student and how the circumstances affected the student's ability to make a rational choice at the time that the disciplinary offence took place.
- 6.3.6 In cases where it is proposed to convene a Panel outside the student's programme module delivery dates and the student states in writing that they are unable to attend the Panel hearing either in person or virtually, an option to defer the hearing until the next available opportunity within the programme module delivery dates is offered. The student is informed of the possible impact of such a delay on their ability to progress to the next stage or level of their programme, if applicable.
- 6.3.7 Prior to the Panel hearing, the Panel members and student are provided with copies of all evidence relating to the disciplinary offence, including the Formal Discussion Report, and any evidence provided by the student, including submitted written statements and letters relating to extenuating circumstances.
- 6.3.8 A Panel may come to one of the following findings:
- That there is insufficient evidence of a disciplinary offence
 - That a disciplinary offence took place
 - That a disciplinary offence took place and there is evidence of extenuating circumstances

The findings are normally reported to the student at the end of the Panel meeting and the student is informed of their right to appeal, if relevant. The findings and any penalty to be applied are subsequently confirmed in writing to the student and recorded on the student's file.

- 6.3.9 Where the finding is that a disciplinary offence has been committed, or the extenuating circumstances submitted are not accepted by the Panel, a penalty is applied (see Section 7 below). If the disciplinary offence is a first or second instance,

the student is also required to meet with the Student Support and Wellbeing Manager who will refer the student to professional services, if relevant. The student's case is also referred for review under the [Fitness to Practise Policy](#) and [Fitness to Study Policy](#).

6.3.10 Where the finding is that a disciplinary offence has been committed and there are extenuating circumstances which clearly demonstrate that the student's ability to make a rational choice was impaired at the time the offence took place, the student is required to meet the Student Support and Wellbeing Manager who will refer the student to professional services, as appropriate. The student's case may also be referred for review under [Fitness to Practise](#) and [Fitness to Study](#).

6.3.11 Disciplinary offences cases are reported to the Dean.

7. Penalties

The penalties for a disciplinary offence are as follows:

7.1 Disciplinary Offences

Level of Disciplinary Offence	Penalty
Disciplinary Offence	First Instance: Formal reprimand. (see section 7.2) Second Instance: Formal reprimand and temporary exclusion from use of specified RAD facilities. Third Instance: Terminate registration.
Disciplinary Offence which would normally result in criminal prosecution	Terminate registration.

7.2 Formal Reprimand

7.2.1 A formal reprimand is written notification confirming the nature of the disciplinary offence.

7.2.2 The reprimand may include appropriate actions for the student to undertake or to be added to an existing action plan, which

may form part of a Grounds for Concern see [Grounds for Concern Policy and Procedure](#)

7.2.3 The reprimand will remain on the students file and be shared with placement schools where appropriate.

7.2.4 The reprimand will not be noted on the student's transcript but will normally be disclosed in references.

8. Appeals

The student may appeal against a Disciplinary Offences Panel's findings through the [Grievance and Complaints Policy and Procedure](#).

Created	16 March 2023
Approved by Policy and Strategy Committee	9 May 2023
Ratified by the Education Sub-committee of the Board of Trustees of the Royal Academy of Dance	5 June 2023
Signed on behalf of the Education Sub-committee of the Board of Trustees of the Royal Academy of Dance by the Chair	
Review Date	May 2024

Appendix A

Disciplinary Offences Formal Discussion Report

This form should normally be completed by the Programme Manager in conjunction with the [*Disciplinary Offences Policy and Procedures*](#).

1. Meeting Details

Location of Meeting:	
Date of Formal Discussion:	
Persons in Attendance:	

2. Student Details

Forename:		Surname:	
Programme:			
Level/Stage:			

3. Please provide a brief summary of the nature of the Disciplinary Offence in accordance with Section 2 of the *Disciplinary Offences Policy and Procedures*.

Brief summary of the nature of the suspected Disciplinary Offence

4. Please specify any evidence considered as part of the Formal Discussion.

Evidence considered as part of the Formal Discussion

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5. Please summarise below the main points of the discussion.

Summary of main points discussed

6. Please tick the appropriate box to indicate whether the student raised any previously undisclosed extenuating circumstances and submitted evidence of such extenuating circumstance (see Sections 6.2.4 and 6.3.8 in the *Disciplinary Offences Policy and Procedures*).

Extenuating Circumstances Not Indicated	
Extenuating Circumstances Indicated	
Evidence of Extenuating Circumstances Provided	

7. Please tick the appropriate box to indicate the outcome of the Formal Discussion (see Sections 6.2.7 to 6.2.11 in the *Academic Misconduct and other Disciplinary Offences Policy and Procedures*).

Disciplinary Offences	
1) That there is insufficient evidence of a disciplinary offence	
2) That it is likely that an act of disciplinary offence took place, but further consideration is required	

3) That there is unequivocal evidence of a disciplinary offence	
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8. Please tick the appropriate boxes below to confirm that essential information has been communicated to the student, as appropriate:

If the outcome is that further consideration is required, the case will be referred to a Disciplinary Offences Panel	
If the student has raised previously undisclosed extenuating circumstances, the case will be referred to a Disciplinary Offences Panel	
If the outcome is that there is unequivocal evidence of a disciplinary offence, the case will be referred to a senior academic member of staff to determine the appropriate penalty (see Section 7 in the <i>Disciplinary Offences Policy and Procedures</i>)	

9. Declaration

I confirm that the content in this report accurately reflects the Formal Discussion ☐

Programme Manager (or designate) Signature:	
Programme Manager (or designate) Name:	
Date:	

<i>For Penalties Only</i>	Date form and evidence (if any) received:
Senior Academic Name:	
Decision and penalty to be applied:	