

Sotheby's INSTITUTE OF ART

STUDENT GUIDE TO THE NON-ACADEMIC MISCONDUCT POLICY AND PROCEDURE

What is the policy?

The Non-Academic Misconduct Policy and its procedures are the means by which the Institute deals with allegations of student misconduct. The policy does not cover academic malpractice (such as plagiarism), but does cover behavioural misconduct, including misconduct which breaches the Institute's Student Code of Conduct.

All decisions and findings reached at any stage of the procedures are made on the balance of probabilities. The balance of probabilities means that any decision-maker in these procedures (i.e. the Preliminary Enquiry Officer, the Conduct Review Panel or the Misconduct Appeals Board) must be satisfied that an allegation of misconduct is substantiated if, on the basis of the evidence considered, the occurrence of the event was more likely than not.

What are the formal procedures?

The Non-Academic Misconduct Policy has the following formal procedures under which alleged misconduct may be managed:

Procedure	Explanation of procedure
Formal procedures Section 3	Where the Institute deems that matters of concern cannot be dealt with appropriately via informal means, the following formal three-stage procedure may be instigated: <ul style="list-style-type: none">• Preliminary Enquiry• Conduct Review Panel• Misconduct Appeals Board
Preliminary Enquiry Section 4	A Preliminary Enquiry is the initial investigation stage when the Institute needs to look into allegations of misconduct on the part of a student. The Preliminary Enquiry will normally take place and be concluded within 14 days of an allegation being received. As part of the Preliminary Enquiry, you may be asked to attend an interview with the Preliminary Enquiry Officer to explore the allegations with you as part of information gathering, so as to ascertain any necessary next steps. There are 4 potential outcomes to a Preliminary Enquiry: <ul style="list-style-type: none">• There is insufficient or no evidence of any misconduct – no further action will be taken;• There is sufficient evidence, on the balance of probabilities, to form the basis of a charge of minor

	<p>misconduct – it is found that a student has committed a minor infringement of the Non-Academic Misconduct policy.</p> <ul style="list-style-type: none"> • There is sufficient evidence to form the basis of an allegation of major misconduct – the matter will be referred to a Conduct Review Panel to investigate the allegation of major misconduct. • There is sufficient evidence and/or reasonable grounds to refer the matter to another policy as appropriate – this may mean that no further disciplinary procedures are followed, or it may mean that there is a need to refer the case under another policy (e.g. Fitness to Study) <p>You will have the right to appeal against the decision of the Preliminary Enquiry Officer under stated grounds (please see <i>Misconduct Appeals Board</i> below for grounds), and within 14 working days of receiving the outcome of the Preliminary Enquiry.</p>
<p>Conduct Review Panel Sections 5 and 6</p>	<p>If it is deemed necessary to hold a Panel hearing, you will normally be informed at least 15 working days in advance. This information will include the date and time, any documentation or evidence, and an attendance list. The meeting may take place either in person or remotely. You'll have the right to be accompanied or call witnesses, and to submit witness statements or other documentary evidence in your defence.</p> <p>A decision of the Conduct Review Panel will be reached by a majority vote, and it will be one of the following:</p> <ul style="list-style-type: none"> • The allegation is not proven on the balance of probabilities and it should be dismissed. • The allegation is proven on the balance of probabilities and a penalty should be applied in line with the procedures. <p>If the misconduct allegation is proven, the Panel will then determine what penalties should be applied, and/or any further actions to be taken by the student. Any mitigating circumstances and/or aggravating factors will be taken into account as part of the decision-making.</p> <p>Please see the Table of Penalties for a list of possible penalties.</p>
<p>Misconduct Appeals Board Sections 5 and 7</p>	<p>You may submit an appeal against the decision of a Conduct Review Panel. You will have 15 working days of the date of the Hearing Outcome Letter following the Conduct Review Panel hearing to submit your appeal. Appeals must be made under one (or more) of the following grounds:</p> <ol style="list-style-type: none"> a) procedural irregularity; b) prejudice or bias on the part of a decision-maker; c) the disproportionate nature of the penalty d) new evidence which the student can demonstrate was for good reason not previously available, and which warrants further consideration. <p>If your appeal request meets at least one of the grounds, a Misconduct Appeals Board will be organised. The Board will review</p>

	<p>whether the original decision by the Conduct Review Panel should stand, or be replaced with a new decision.</p> <p>The appeal will either be found to be <i>upheld/partially upheld</i> (in which case the original decision may be overturned, and either modified or replaced with a new decision) or <i>rejected</i> (original decision remains).</p>
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Completion of Procedures

Misconduct Appeals Board concludes the Institute’s misconduct procedures and there are no further internal mechanisms to deal with subsequent appeals. However, should you still feel not satisfied, you shall have the right to request a review of the decision by the Institute’s validating organisation, the University of Manchester.

In the event that you appeal to the University of Manchester for a review and the issue still remains unresolved to your satisfaction, you are entitled to ask the OIA ([Office of the Independent Adjudicator](#)) to review your complaint. You should make any such complaint to the OIA within 12 months of the date of the Completion of Procedures Letter, which will be issued by the University of Manchester.

Definition of Misconduct

Non-academic misconduct is improper interference, in the broadest sense, with the proper functioning or activities of the Institute, or with those who work or study in the Institute, or action which otherwise damages the Institute. There is a non-exhaustive list of examples that would be considered non-academic misconduct in paragraph 2.9 of the Policy.

Please also make sure you familiarise yourself with the Institute’s [Student Code of Conduct](#), which sets out the expected standards of behaviour for our students. Contravention of the Student Code of Conduct may constitute misconduct, and disciplinary procedures may be invoked.

Penalties

Below is a non-exhaustive list of penalties. The Preliminary Enquiry Officer may only impose Category 1 penalties, and penalties from both Category 1 and Category 2 lists are available to both the Conduct Review Panel and Misconduct Appeals Board.

Penalties will only be considered and applied after it has been determined on the balance of probabilities that misconduct has occurred. The Conduct Review Panel and Misconduct Appeals Board will take account of any mitigating and aggravating factors when considering cases and in determining appropriate penalties.

<i>Table of Penalties</i>
Category 1 Penalties

- a. A formal warning or a final warning (for a repeated offence);
- b. A formal written reprimand, which will then be added to the student's file;
- c. A requirement to make a verbal/written apology to any party concerned, as, and if, appropriate;
- d. 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;
- e. Requirement to remove material published either in hard copy or electronically that is deemed to be inappropriate;
- f. Set conditions or expectations for the student's future behaviour.

Category 2 Penalties

- g. Restricted ability to contact the complainant, where the complainant is a student or member of staff of the Institute;
- h. Requiring that the student does not represent the Institute in a paid or unpaid capacity for a specified period of time. This could include employment by the Institute on a contractual or casual basis, engaging in placement activities, representing the Institute at events, or voluntary roles, such as student representative;
- i. Conditions for the continuation of student status;
- j. Exclusion from, or restrictions concerning, participation in specified activities (including external programme-related activities) or use of specified facilities at the Institute for a stated period. Conditions for return to those activities may be specified;
- k. The suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date;
- l. Expulsion from the Institute, with or without the right to re-register for any further programme of study with the Institute;
- m. Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.

FAQs

I'm under investigation under the Non-Academic Misconduct procedures; can I still attend classes?

This will depend on the nature of the allegation which has been made against you. In all cases, you can expect to be informed of the allegation and to be given an opportunity to respond before a final decision is reached, so continue attending classes in the meantime. An exception to this is where the Institute's Director or Head of Quality decides that an immediate suspension is necessary to protect other students and staff. Such a suspension would be treated as a precautionary measure, pending further investigation.

I'm under criminal investigation by the police. Will I also have to undergo internal disciplinary procedures at the Institute?

The action that the Institute may decide to take will depend upon the exact nature of the alleged criminal offence, but normally the Institute will not take any disciplinary action in respect of the student if the matter is already being investigated by the police – the criminal

process will take priority. However, once that process has concluded, the Institute may consider if a breach of discipline is likely to have occurred (e.g. if you had breached the Institute's Student Code of Conduct), and you may then be referred under the Non-Academic Misconduct Policy for an internal investigation. In all cases, the Institute has a right by law to take any reasonable precautionary measures, such as suspending the accused student from their studies, or excluding the accused student from certain facilities at the Institute. Such measures might be necessary, for example, in order to protect the reporting student or others whilst the allegation is being dealt with as part of a criminal process or disciplinary process. Any such action would be a precautionary measure only, it is not a penalty or sanction and does not indicate that the Institute has concluded that you have committed a breach of discipline or a criminal offence.

What penalties could be given as a result of action under the Non-Academic Misconduct Policy?

The penalties that could be given, should allegations of misconduct be upheld, are listed in the Policy and range from a written warning or compensatory action, through to exclusion, suspension or expulsion. The Table of Penalties is reproduced in this guidance, above.

Do all allegations of misconduct go to a Conduct Review Panel?

Not all allegations of misconduct will need referring to a Panel. The Institute's policy is always to seek an early resolution wherever possible. As part of the Preliminary Enquiry process you may be asked to attend an interview with one or more members of staff to inform you of an allegation against you and to invite you to respond. To conclude the Preliminary Enquiry, the Preliminary Enquiry Officer will determine whether the case needs referring to a Conduct Review Panel.

What would a Conduct Review Panel hearing involve?

You will be invited in writing to attend a Panel hearing. You can submit a written statement and/or supporting documents in advance of the hearing. You will receive a copy of the same documentation which is distributed to the Panel members (all participating parties in a hearing receive the same documentation). During the hearing itself you will be invited to respond to the allegations, and the Panel members will ask you questions. Normally, the Registrar will attend the hearing to present the allegations against you, but they will not be a member of the Panel and will not take part in any decision-making.

Can I bring anyone with me to a hearing?

You have the right to be accompanied and to call witnesses, but you must make a request for them to attend to the panel Secretary at least 3 working days prior to the meeting. The Panel Chair has the ultimate discretion to allow to admit or refuse any representative. You may be accompanied at the hearing by a fellow student or a member of staff of the Institute of your own choice, who is present as an observer only.

Can I appeal against a decision of a Preliminary Enquiry or a Conduct Review Panel?

The Non-Academic Misconduct Policy allows you to appeal a decision provided it meets one of the grounds as stated above on p.2. Your appeal submission will be initially reviewed to see whether there are sufficient grounds for your case to proceed to a hearing. If there are, a

Conduct Review Panel or a Misconduct Appeals Board will be arranged and you will be invited to attend and/or provide evidence. If you decide to appeal, you should submit a completed Non-Academic Misconduct Appeal Form to the Registrar (who normally acts as Secretary at these hearings), together with any supporting documentation/evidence that you wish to be taken into account.

What is the deadline for submitting an appeal?

You must submit your appeal within 14 working days of the date of being informed of the outcome of the Preliminary Enquiry or Conduct Review Panel. If you do not submit it by this deadline, your appeal may be rejected for being out of time, without being considered. If you do not meet the ground(s) upon which you are appealing, your appeal may also be summarily rejected.

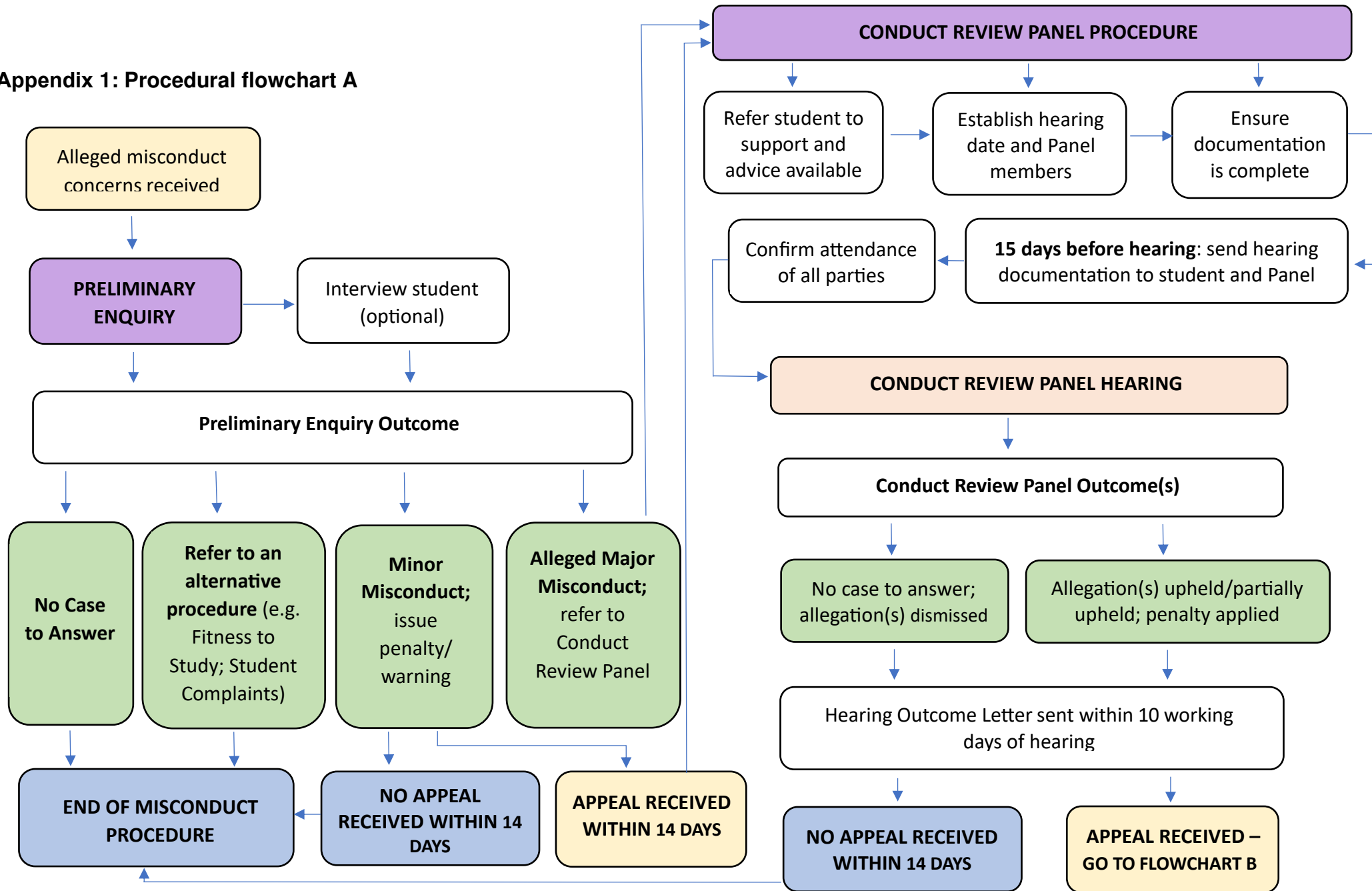
What can I do if my appeal is unsuccessful?

If your appeal is rejected by the Misconduct Appeals Board, you have the right to request a review of your case by the Institute's validator, University of Manchester. This will be subject to the regulations and policies of the University, and you should refer to the University of Manchester's Teaching and Learning Support Office for details of procedures for appeal, and for the relevant staff contacts, which are set forth at:

<http://www.tlso.manchester.ac.uk/appeals-complaints/>

Following their review, the University will issue you with a Completion of Procedures (CoP) letter. Should you still be unsatisfied with the outcome, you will be able to take your case to the Office of the Independent Adjudicator (OIA), which is the ombudsman for student complaints in Higher Education. You will have 12 months from the date of your CoP letter in which to lodge a case with the OIA. Visit <http://www.oiahe.org.uk/> for more information.

Appendix 1: Procedural flowchart A



Appendix 2: Procedural flowchart B

