



## Non-Academic Misconduct Policy & Procedures

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## **1 Introduction**

Oxford Business College (OBC) is committed to providing a high standard of learning, teaching and assessment for all students as set down in the Learning Teaching and Assessment Strategy. This can only be achieved if members of the College work alongside each other in an environment which promotes respect and kindness. Students at the College are expected, therefore, to conduct themselves at all times in a manner which demonstrates respect for the College, their fellow students, staff, and members of the wider community.

## **2 Purpose**

This document sets out the procedures that should be followed where the Student Code of Conduct has been breached in respect of non-academic misconduct. Breaches of the Oxford Business College Student Code of Conduct may lead to disciplinary action, such as temporary suspension being taken against a student. Repeated breaches of the Student Code of Conduct, or serious breaches of conduct may constitute Gross Misconduct and could result in permanent exclusion.

## **3 Scope**

This Non-Academic Disciplinary Policy applies to all students who have signed a Student Declaration with Oxford Business College. It may also apply to any member of the public who attends classes or avails themselves of other services that the College offers online or in person at any of the College's facilities. This includes people making enquiries as well as students attending full-time, part-time or short courses. This policy does not cover staff disciplinary procedures, which are set out in the Staff Handbook.

The College may report any breaches of the law to the police. The College's Student Code of Conduct, and subsequent implementation of the Academic Misconduct Procedure or Non-Academic Disciplinary Procedure will be applied independently of any police investigation or prosecution that may or may not arise. Students who breach the Student Code of Conduct may be subject to the College's Non-Academic Disciplinary Warning System (Appendix 1). Academic and Non-Academic Misconduct Procedures can run alongside one another.

## **4 Location and time of non-academic misconduct**

The behaviour of students in relation to non-academic matters that are addressed by this Policy include, but are not restricted to, the following:

- The behaviour of students during the delivery of courses or any time when within College premises, including car parks.
- The behaviour of students away from the College campus when they are representing the College, travelling to or from the College or are involved in an incident that is of a serious nature and/or places the reputation of the College at risk.
- The behaviour of students in virtual environments including the VLE, online video conferencing and social media platforms where they are in contact with staff, students or other College stakeholders.
- The behaviour of students on College approved work placements / experience.

## 5 Gross Misconduct

Any behaviour involving violence or the threat of violence, deliberate damage to property, putting the health and safety of others in danger, disruptive behaviour, bullying, harassment, intimidation, dishonesty (including cheating and theft) or any illegal activity is likely to be treated as Gross Misconduct.

Disciplinary action may be taken against students for repeated breaches of the college's Code of Conduct or whose behaviour is considered by the college to constitute Gross Misconduct. Gross Misconduct will normally be dealt with under Stage 3 SMT involvement of the disciplinary procedure. In such circumstances, a member of the Senior Management Team (SMT) has the power to temporarily suspend a student pending an investigation and the outcome of the Stage 3 hearing, without prejudice. Under these circumstances, the student is not permitted to enter any Oxford Business College premises other than by invitation such as to attend an examination, attend an Investigation Hearing or by prior appointment with a member of staff investigating the case.

The following are specific examples of behaviour which may be considered Gross Misconduct. This is not a comprehensive list:

- Taking part in any activities that break the law including theft, fraud, criminal damage, violent or threatening and aggressive behaviour
- Bringing, using or distributing prohibited drugs, alcohol or illegal substances into the College or within the immediate vicinity of the College including the car park.
- Carrying, threatening to use or using an offensive weapon or bringing a potential or imitation weapon into the college or within the immediate vicinity of the College
- Causing damage to College property by graffiti or vandalism to buildings, equipment, books or furnishings
- Gambling on the College premises
- Smoking in any of the College buildings
- Smoking in a non-smoking area within the vicinity of the College including the car park
- Carrying out any actions which affect College security or endanger others
- Failure to follow Health and Safety regulations
- Interfering with fire equipment or notices
- Racial, sexual, disability or special needs discrimination
- Bullying or harassment, including sexual harassment
- Swearing or using abusive or insulting language.
- Allowing anyone else to use your ID (College identity card)
- Interference with software belonging to or used by the college or misuse of computer facilities
- Posting damaging or offensive messages, attacking staff or other students on online networking sites
- Making malicious or false complaints about the College and its staff or students which lead to external action by the authorities
- Any deliberate damage to IT systems, accessing internet pornography, hacking, downloading software without permission or deliberately introducing viruses.

- Distributing or publishing a poster, notice, sign, electronic or internet posting or any other publication either on College premises or computer networks, which is offensive, intimidating, threatening, indecent or illegal, or is likely to make others fearful, anxious or apprehensive or which could reasonably be expected to harm significantly and unfairly the standing or reputation of the College
- Misuse or unauthorised use of College premises or items of property, including computer misuse
- Obstructing or being unreasonably unhelpful to College staff investigating a breach of College procedures
- Conduct which prevents, obstructs, or disrupts teaching, learning and assessment, or the administration of the business of Oxford Business College
- Failure, without reasonable excuse, to attend a disciplinary hearing as witness or defendant when requested to do so or interfering with or intimidating witnesses.

## 6 Unacceptable Conduct

Behaviour that makes others feel uncomfortable, embarrassed or afraid may not be treated as a Gros Misconduct but is still considered acceptable at the College. The following is not a comprehensive list:

- Leaving litter including cigarette butts anywhere in or around the College campus, including the car park (students are expected to use the bins provided for their rubbish)
- Smoking in front of the entrance to College campuses
- Wearing clothing with offensive pictures or slogans
- Taking part in noisy or disruptive behaviour
- Bringing visitors into the college without permission
- Eating or drinking in classrooms or other learning areas without permission
- Selling or distributing goods without permission
- Engaging in academic malpractice such as plagiarism (see the Academic Malpractice Policy)
- Failure to follow reasonable instructions of a member of staff
- Causing disruption to the learning of others. Where students are causing serious disruption to the learning of others, they may be required to leave the classroom and/or Oxford Business College premises immediately. This action by a Tutor or other member of staff dealing with the incident does not constitute suspension or expulsion and will not prejudice the subsequent handling of the case, which will normally be dealt with under Stage 3 of the disciplinary procedure.

## 7 Disciplinary Procedures

Where it is deemed necessary, the conduct of any student will be investigated as is appropriate to the particular circumstances of the case. The Non-Academic Misconduct Disciplinary Policy and Procedure may also invoke other policies such as Student Code of Conduct, Safeguarding, Equality and Diversity Policy and the Anti-Bullying & Harassment Policy as well as the Sexual Harassment Policy.

### **Stage 1 - Verbal Warning**

If a Senior Manager at the College consider an offence that has been brought to their attention merits a lesser penalty than that of suspension or expulsion from the College, they may proceed under the Stage 1 procedures and delegate responsibility of dealing with the case to an appropriate member of staff, who will act as the Investigating Officer (IO) and conduct a Stage 1 Warning Hearing with the student.

The Investigating Officer, who will be independent of any of the incident(s), will be appointed by a College Senior Manager. A list of typical staff members recommended for Investigating Officer is included in Appendix 3.

The procedure for Stage One is as follows:

- The IO will invite the student to a 1:1 meeting.
- The IO will provide the student with a copy of this document. The IO will speak to the student in question and any relevant witnesses and establish what happened.
- The IO will discuss the incident(s) with the student during the meeting. The IO will decide if a warning is appropriate or not. If they believe a warning is appropriate, they should give it verbally.
- The student should also be warned verbally that any repeat of the misconduct may result in further action.
- A note of any warning must be made by the IO and sent to the Registrar to be placed on the student's file.

If the decision is to issue a Stage 1 Warning, practical measures to avoid recurrence must be identified and agreed by both the student and the IO and incorporated into the Warning. There is no right of appeal against a Stage 1 Warning.

### **Stage 2 – Written Warning**

Where the breach of the student code of conduct is of a more serious nature or there has been no improvement in the behaviour which warranted the Stage 1 Warning, the student will be invited to attend a Stage 2 disciplinary interview with a member of the Senior Management Team (SMT) not including the Executive Principal.

At least 3 days' written notice will be given, and the notice will state:

- the nature of the breach and a summary of the evidence
- a copy of this document
- confirmation of the time and place of the interview

The SMT member will discuss the concern or complaint with the student (as per the Stage 1 procedure) and, after considering any explanation given, decide whether a Stage 2 Warning should be given.

If the decision is to issue a Stage 2 Written Warning, practical measures to avoid recurrence must be identified and agreed by both the student and the Head of Academics and incorporated into the Warning, which will be sent to the student within 5 working days from the date of the Stage 2 disciplinary interview.

A copy of the Warning must be sent to the Academic Board to be placed on the student's file and copies provided to the SMT.

There is no right of appeal against a Stage 2 Warning

### **Stage 3 – Investigation Hearing**

Where Gross Misconduct is alleged to have occurred or misconduct is repeated after the Head of Academic's Stage 2 Written Warning, the student will be invited to attend an Investigation Hearing (IH) with the Senior Management Team, chaired by an SMT member, with no prior involvement in the case. The Executive Principal cannot be involved at this stage.

At least 5 days written notice will normally be given and the notice will state:

- the nature of the breach of the student code of conduct and a summary of evidence
- a copy of this document
- confirmation of the time and place of the interview.

The Chair of the Investigation Hearing (IH) will invite a member of the Student Council (SC), the Head of Academics, or other member(s) of the Senior Management Team to join the Hearing and a note-taker will also be present. Students will be entitled to be accompanied by a friend, fellow student, and relative or staff member of their choosing.

During the Hearing the Chair will present the case against the Student and may refer to witness statements, attendance records, previous warnings or any other relevant documentation that relate to the case. The Student has the right to call witnesses who may be questioned by either the student and/or their representative.

After hearing the student's case, the Chair of the IH will listen to the view so the IH and make one of the following decisions:

- No further action will be taken
- The student will receive a stage 3 Written Warning
- The student will be suspended from the class or the college, for a specified period of time
- The student will be permanently excluded from the class or the college; this decision may be reviewed after a minimum of 12 months should the student wish to enrol on a college course again.
- Further investigation is needed before a final decision can be made.

An SMT member will write to the student within 5 working days to communicate the decision including the reasons for it, which will have immediate effect. If relevant, the timescale and procedures for reviewing an exclusion will be provided.

The letter will affirm the student's right of appeal to the Executive Principal, stating that this must be done within 10 working days of receipt of the decision letter. In case of permanent exclusion, the letter will also state that the exclusion may be reviewed after a specific period of time (usually 6 to 12 months) and the student may be readmitted to the College subject to a satisfactory interview with a member of the SMT and to certain conditions being met.

## **Appeal**

A student who wishes to appeal against a disciplinary decision must do so within 10 working days of the date they were informed of the decision. To do so, they should write to the Executive Principal, stating their main grounds for appeal.

The Executive Principal can reach a final decision based upon the documentary and/or new evidence or convene an appeal hearing.

At an appeal hearing, the SMT member who made the decision in Stage 3 of the procedure will be asked to present and explain the reasons for the decision.

The student will be invited to explain the grounds for the appeal.

The Executive Principal may ask questions of the student and the SMT member presenting the case and will then consider whether to allow or dismiss the appeal. Any witnesses will normally be asked to be on call to answer any questions.

If the appeal is upheld, the Executive Principal may decide on lesser disciplinary action, or no disciplinary action. If the appeal is dismissed the Executive Principal will issue a statement saying that they have decided to uphold the recommendation at Stage 3.

The Executive Principal's decision is final and is not subject to any further appeal and will be confirmed in writing to the student within 5 working days.

## **8 Warnings**

If a student has received a warning for non-academic misconduct, the following will apply.

### **Length of Warnings**

Warnings will normally remain current for 12 months from the date of issue. This may be varied at the time the warning is issued and the period must be defined in a warning letter otherwise the 12 months period remains standard.

All disciplinary records must be accurately kept by the registrar, with a list of student names and their sanction dates with clear dates of duration for each sanction.

### **Stages of Warnings**

No more than one warning will be issued at each stage form 1-3.

The Non-Academic Misconduct Warning System is run independently from the Academic Misconduct Warning System so students may have warnings on both systems running side by side.

A summary of the Oxford Business College Non-Academic Misconduct Warning System can be found in Appendix 1.

Verbal warnings and written warnings that are not likely to lead to suspension or exclusion should be dealt with on a day to day operational basis and do not require a formal investigation process.



## **9 Suspension & Exclusion**

In the case of serious incidents / safeguarding concerns, a member of the Senior Management Team may suspend a student pending an Investigative Hearing.

A specified period of Suspension (usually no more than 15 days) or a permanent exclusion may also be issued by the Chair of the Investigative Hearing (IO) as the outcome of the Hearing.

## Appendix 1

### Summary of the Non-academic Disciplinary Warnings Stages

Stage	Member of Staff Responsible	Sanction	Route of Appeal
<b>1 Verbal Warning</b>	Non- academic misconduct warnings can be given by an Investigating officer with delegated powers from the Senior Management Team (SMT).	Verbal warning and the record placed on file (College sanctions may be applied)	None
<b>2 Written Warning</b>	Non- academic misconduct warnings can be given in writing by a member of the SMT.	First written warning and the record placed on file (College sanctions may be applied)	None
<b>3 Written Warning</b>	Non- academic misconduct warning can be given by the Chair of the Investigative Hearing (IH) who must be an SMT member excluding the Executive Principal.	Final written warning and the record placed on file (College sanctions may be applied)	None

**Appendix 2**

**Meeting Template**

Managers might find helpful to note discussions/outcomes in relation to meetings

<b>STRICTLY PRIVATE &amp; CONFIDENTIAL</b>	
Stage of Non-academic misconduct disciplinary procedure (1-3)	
Name of Investigating Officer (IO)	
Name of Chair of the Investigation Hearing (IH)	
Name of student	
Course details	
Programme	
Issue of concern	e.g. timekeeping.
Date of Last Disciplinary Meeting (if applicable)	
Name(s) of other attendee(s) (if applicable)	

<b>Background:</b>	
<b>Investigation of issues/Summary of key points discussed:</b> <i>(What is covered will depend upon each individual case)</i>	
<b>Outcome:</b> <i>(Depending upon the individual case)</i>	
Date	
Signed by the IO or IH	

### Appendix 3

#### Typical staff recommended for Investigating Officer (IO) or to handle Stage 2 & 3 investigations

##### Stage 1

Area of Inquiry	Recommended Investigating Officer/s
Students	Safeguarding Lead, PREVENT lead, Quality Officer
Issues with Academic Staff	Programme Leader/Coordinator
Issues occurring outside College	Student Support Officer
Issues with Admin or Admissions Staff	HR or Operations Manager

##### Stage 2 & 3

Area of Inquiry	Recommended SMT Member
Students	Head of Academics
Issues with Academic Staff	Director
Issues occurring outside College	Head of Student Support & Welfare
Issues with Admin Staff	Central or HR Central Operations Manager