



# **Non-Academic Misconduct Procedure: Higher Education**

## Salford City College Group Non-Academic Misconduct Procedure

<b>Owned and Authorised by:</b>	Head of HE Quality
<b>To Ensure that:</b>	Higher Education students understand the process that SCC Group will use in dealing with non-academic misconduct.
<b>Which Applies to:</b>	All non-academic misconduct and disciplinary matters
<b>Person Responsible:</b>	Head of HE Quality HE Partnerships and Operations Co-ordinator
<b>Operators:</b>	Head of the University Centre at SCC Head of HE Quality HE Partnerships and Operations Co-ordinator Heads of Department HE and Access Support Officer
<b>Version:</b>	1
<b>Review date:</b>	July 2022

### Introduction

- 1.1 This Procedure deals with judgements against students in relation to non-academic misconduct and disciplinary matters, whether reports of such misconduct are received from other students, staff or from external sources such as members of the public or Police.
- 1.2 There is a distinction between non-academic matters (for example, misconduct involving damage to SCC Group's property or reputation) and academic matters (for example, allegations of plagiarism). Academic matters in relation to misconduct are subject to the Academic Misconduct Procedure.
- 1.3 SCC Group reserves the right, with the appropriate notification of all parties involved, to make practical/ operational changes to these documented procedures to suit individual case requirements or changes in legislation.
- 1.4 SCC Group will make every reasonable effort to meet the time limits expressed in this document. Where they are not met SCC Group will be expected to provide a justifiable explanation. Students should however be aware that timescales may be reasonably extended during SCC Group vacations when students themselves and/or appropriate staff may not be available. The pace of any criminal proceedings may also affect time limits.

### Principles

- 2.1 All students of SCC Group are required at all times to conduct themselves in an appropriate manner in their day to day activities, including in their dealings with other students, staff, the local community and external organisations. This

procedure is designed to help and encourage students to achieve and maintain acceptable standards of conduct, and to protect SCC Group community.

- 2.2 SCC Group's aim during an investigation or disciplinary procedure is to deal with matters sensitively and with due respect for the privacy of any individuals involved. All staff and students must treat any information communicated to them in connection with non-academic misconduct matters with appropriate confidentiality.
- 2.3 SCC Group aims to deal with all non-academic misconduct issues in a fair and consistent manner, ensuring that those involved are made aware of appropriate support, and that issues referred for disciplinary action are dealt with as quickly as the specific circumstances allow.
- 2.4 SCC Group's approach in dealing with non-academic misconduct issues is to be educative and corrective rather than punitive where possible.

### **Eligibility**

- 3.1 This Procedure applies to all students in SCC Group who are studying on Pearson courses and University Centre Birmingham courses.
- 3.2 The Procedure covers not only individual cases of non-academic misconduct, but also may be applied collectively to a group of students, including student clubs and student societies (whether affiliated or non-affiliated).

### **Powers, Limitations and Exclusions**

- 4.1 This Procedure should be viewed in the context of local and institutional rules, regulations, policies or Codes of Practice where these exist. Students should make themselves aware of the rules relating to the use of SCC Group premises and services. Ignorance of these Regulations does not excuse students from adherence to them.
- 4.2 When an issue is potentially relevant to other related institutional procedures, the relevant staff will determine an appropriate sequence for the matters to be considered.
- 4.3 Reference to a student's general record with SCC Group, including academic performance, may be made at any stage of the disciplinary process.
- 4.4 Whilst SCC Group cannot intervene in private agreements (including accommodation and other business arrangements), it must respond to all reports of misconduct involving students.
- 4.5 The standard of proof that will normally apply in the operation of these procedures is 'the balance of probability' as in civil justice rather than 'beyond reasonable doubt' as in criminal justice.
- 4.6 In a case that involves actions that are potentially criminal in nature, SCC Group will normally refer the matter to the Police in the first instance. SCC Group reserves the right, however, to undertake a risk analysis or disciplinary action in advance of

the resolution of criminal proceedings.

4.7 In some cases, students who have outstanding disciplinary procedures against them may not graduate in person or in absentia until the outcome of the disciplinary procedures is decided. In such cases, students will be notified of this at the onset of disciplinary procedures.

### **Types of Non-Academic Misconduct**

5.1 Non-academic misconduct of any type may warrant disciplinary action under this Procedure.

5.2 For cases of minor misconduct, recourse to formal disciplinary procedures will normally only be taken once reasonable efforts have been made to remedy the difficulties through informal guidance.

5.3 The following types of misconduct (these types not being exhaustive) may lead SCC Group to invoke formal disciplinary procedures:-

- Unacceptable behaviour, towards students, staff or members of the public, for example:
  - verbal and written abuse in any medium, including social media;
  - bullying, harassment (sexual or otherwise) and victimisation, including initiations or hazing, putting others at risk of harm;
- Misuse of SCC Group facilities or name;
- Repeated or serious failure to follow regulations or instructions, including failure to clear debts against SCC Group;
- Infringement of SCC Group Health and Safety rules;
- Theft, fraud, deliberate falsification of records or other documents;
- Fighting or assault;
- Sexual misconduct;
- Damage to SCC Group property;
- Possessing, consuming or supplying controlled drugs or legal highs;
- Inappropriate behaviour caused by excess consumption of alcohol;
- Conviction of a criminal offence;
- Making false, vexatious or malicious complaints;
- Any action liable to bring SCC Group into disrepute.

5.4 Multiple incidents of misconduct or acts of serious misconduct may lead to higher disciplinary action being taken.

### **Initial Assessment, Guidance and Referral**

6.1 Heads of Department and Head of HE Quality will normally be responsible for making an initial assessment regarding reports of non-academic misconduct and will determine whether the matter can be handled locally with appropriate guidance, or whether the case should be referred to further disciplinary action.

6.2 Guidance might be appropriate where:

- Other people have not suffered; and
- The loss (physical, material) is minor and the student will be able to repair the

- damage quickly and effectively to compensate; and
- The student is showing regret and is willing to cooperate with advice; and
- Guidance is likely to put an end to this one-off issue.

6.3 Cases referred to the Heads of Department will normally require consideration in a disciplinary context. Disciplinary action, rather than guidance, will be appropriate where:

- Someone or something has come to harm; or
- The loss or damage is significant and cannot be quickly repaired; or
- Where the misconduct is repeated; or
- Where the student shows no real signs of regret and/or it is the opinion of the staff member making the complaint that the student does not understand the inappropriateness of his/her actions.

6.4 If a member of staff is in doubt as to whether or not guidance or referral is appropriate or if there is an indication that the misconduct may be part of a wider issue, s/he will discuss the situation with the Head of HE Quality and a joint decision will be taken as to the appropriate category of SCC Group response.

6.5 In cases where a report is made directly to a Head of Department (e.g. by a member of the public, student or any other party affected), the Head of Department will assess the report and determine whether guidance or further investigation and possible disciplinary action is appropriate. If a report does not require disciplinary action, the Head of Department will provide guidance to the student.

## Investigations

7.1 Heads of Department are responsible for investigating allegations of non-academic misconduct. The investigation may include (but is not limited to):

- Interviews with relevant staff;
- A check of CCTV and swipe access records if available;
- Interviews with students, staff, members of the public or members of the emergency services who may have information;
- Emailing other students to ask for information (if appropriate, e.g., in a SCC Group Residence);
- Review of any other relevant information.

7.2 Where the Heads of Department identifies a student responsible for non-academic misconduct, s/he will also check for previous cases of misconduct (academic or non-academic) involving the student.

## Managing Risk

8.1 SCC Group has a responsibility to manage risk to staff, students, and its reputation. The following situations are likely to result in a risk assessment:

- A report of misconduct indicating a risk to a student/s or to others; or to the reputation of SCC Group;
- Incidents reported to SCC Group by the Police, or involving the Police, including those where a student is being investigated or has been reported to the Procurator Fiscal.

## Disciplinary Action

### 9.1 Process

- 9.1.1 There are three stages of disciplinary action. SCC Group reserves the right to act at any stage, or to omit stages, depending on the gravity of the offence or where a conflict of interest exists. However, it is anticipated that most reports of misconduct will be handled at Stage 1, with only serious or repeated cases being escalated to higher stages.
- 9.1.2 Cases of misconduct involving prospective students holding an offer of a place will always be referred to Stage 2.
- 9.1.3 At every stage in the disciplinary process the student will have the right to be accompanied to meetings with staff by a member of SCC Group. A member of SCC Group is a person who is either presently a student (but who is unrelated to the case), or is an employee of SCC Group. Students should be aware that no other persons may accompany or represent them during disciplinary meetings, including legal representation.
- 9.1.4 In cases involving multiple students, the Heads of Department will decide whether to meet with each student individually or as a group. If a student wishes to request an individual meeting, s/he should write to the relevant Head of Department investigating the incident. The request will be considered in the context of the case and the student will be notified of the decision.
- 9.1.5 If a student has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with the Student Conduct Officer, in conjunction with a SCC Group Disability Adviser.
- 9.1.6 In exceptional circumstances where it is not physically possible for a student to attend a disciplinary meeting in person, every attempt will be made to allow the student to submit written or recorded statements and evidence as appropriate to the matter under review. Reasonable time frames will be respected for the forwarding of such material. Students should be aware that in the event of their non-attendance at any disciplinary meeting, SCC Group reserves the right to proceed with the appropriate disciplinary steps in the student's absence. Failure to attend a disciplinary meeting without good reason may result in further disciplinary action.
- 9.1.7 An appeal against a disciplinary decision is admissible only where one of the following grounds are alleged to apply:
- new evidence exists of which SCC Group was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required).
  - evidence exists of a material procedural error or irregularity taking place during the disciplinary process, which may have had a significant impact on the outcome.
- 9.1.8 An appeal must be made in writing within 10 working days of the date of the decision subject to review.

9.1.9 The following are NOT considered valid grounds for requesting a review of a disciplinary decision and appeals based on such reasons will be rejected:

- Dissatisfaction with the outcome of a disciplinary process;
- The retrospective reporting of extenuating personal circumstances that might have been reasonably made known at the time;
- Lack of awareness of the relevant SCC Group procedures or regulations.

9.1.10 Students should note that the outcomes of disciplinary action may be shared with complainants where it is deemed appropriate. In such cases, students will be advised that outcomes about them may be shared and students may, under certain circumstances, object to the data being shared. SCC Group will separately consider any objections made and will advise on the outcome. The right of others to understand the outcome of a disciplinary process may exceed students' right to privacy. Where information is shared with the complainant(s), they will be informed that the outcomes are provided in confidence, and there will be restrictions in how that information can be used.

## 9.2 Stage 1

### *Staff*

9.2.1 The investigating Head of Department, in consultation with the Head of HE Quality, is responsible for the decision to deal with a misconduct case at Stage 1, and for managing Stage 1 disciplinary cases.

### *Procedure*

9.2.2 The student will normally be required, receiving no less than 48 hours' notice (except when time critical constraints apply), to meet with the HE and Access Support Officer and another member of staff (usually from the relevant area of SCC Group). A member of SCC Group (see definition at clause 9.1.3) may accompany the student to the meeting.

9.2.3 At the meeting, the HE and Access Support Officer will explain the details of the misconduct to the student, who will be invited to comment. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

### *Outcomes*

9.2.4 The HE and Access Support Officer will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.

9.2.5 If the HE and Access Support Officer requires guidance on appropriate outcomes, s/he may close the meeting and consult with the Head of HE Quality. In such cases, the student will be notified that further consultation is required, and the outcome will be communicated to the student in writing within ten working days of the initial meeting.

9.2.6 Outcomes of Stage 1 action can include one or more of the following, as appropriate (this list is not exhaustive):

- A formal warning;
  - A requirement to pay for any damages or cleaning charges incurred;
  - A ban from a SCC Group building or service;
  - Confiscation of equipment causing unreasonable disturbance to people or damage to property;
  - A requirement to provide an apology to those affected by the misconduct;
  - A requirement to pay for and attend appropriate training;
  - Referral to engage with Student Services or other appropriate service;
  - Referral to the Head of HE Quality for Stage 2 disciplinary action.
- 9.2.7 A record of the outcome will be held by the HE Partnerships and Operations Coordinator, and this record will be checked in the event of further misconduct.
- 9.2.8 Where the HE and Access Support or Head of HE Quality deems appropriate, the relevant staff may be notified about the outcome of disciplinary action.

### *Appeals*

- 9.2.9 An appeal against a disciplinary decision made at Stage 1 is admissible only where one of the following grounds are alleged to apply:
- new evidence exists of which SCC Group was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required). An appeal must be made in writing to the Student Conduct Officer within 10 working days of the date of the decision subject to review. The subsequent decision of the Student Conduct Officer is final.
  - evidence exists of a material procedural error or irregularity taking place during the disciplinary process. An appeal must be made in writing to the Head of HE Quality within 10 working days of the date of the decision subject to review. The subsequent decision of the Head of HE Quality is final.

## 9.3 Stage 2

### *Staff*

- 9.3.1 The Head of HE Quality (or delegate) will manage any case which has been referred from Stage 1, or is sufficiently serious to warrant a higher level of disciplinary action. The decision to act at Stage 2 or refer to Stage 3 will be determined by the Head of HE Quality who may consult as necessary.
- 9.3.2 A Stage 2 panel is convened by the Head of HE Quality (or delegate) and includes one of:
- the relevant Head of Curriculum; or
  - a Head of College.

### *Procedure*

- 9.3.3 The investigating Head of Department will normally submit a report of the alleged misconduct to the Head of HE Quality, including therein an account of the incident, any action taken thus far, along with any appropriate supporting



documentation, any mitigating circumstances, and any previous incidents of misconduct. The written report presented to the Head of HE Quality will be shared with the panel and the student at least 5 working days prior to the student's Stage 2 disciplinary meeting. The Head of HE Quality will invite the student to submit any additional information relevant to their case to be submitted to [heacademicservices@salfordcc.ac.uk](mailto:heacademicservices@salfordcc.ac.uk) no later than 2 working days prior to the date of the disciplinary meeting.

- 9.3.4 The student will normally be required, receiving no less than 5 days' notice (except when time critical constraints apply), to meet with the panel. Other members of staff may be invited to attend the meeting as appropriate to the case. The investigating Head of Department will act as clerk to the meeting. A student may be accompanied to the meeting by a member of SCC Group (see definition at clause 9.1.3).
- 9.3.5 At the meeting, the panel convener will explain the details of the misconduct to the student, who will be invited to comment. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

#### *Outcomes*

- 9.3.6 The Stage 2 panel will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.
- 9.3.7 Outcomes of Stage 2 action can include one or more of the following, as appropriate (this list is not exhaustive):
- A reprimand;
  - A requirement to pay for any damages or cleaning charges incurred;
  - A ban from a SCC Group building or service;
  - Confiscation of equipment causing unreasonable disturbance to people or damage to property;
  - A requirement to provide an apology to those affected by the misconduct;
  - A requirement to pay for and attend appropriate training;
  - A requirement to complete a reflective project;
  - Referral to engage with Student Services or other appropriate service;
  - For prospective students holding an offer of a place, conditions to be fulfilled on entry to SCC Group;
  - Referral to the Head of Higher Education and Professional (or equivalent) for Stage 3 disciplinary action.
- 9.3.8 HE Partnerships and Operations Coordinator will hold a record of the outcome, and this record will be checked in the event of further misconduct.
- 9.3.9 Where the panel deems appropriate, the relevant Heads of Department may be notified about the outcome of disciplinary action.

## *Appeals*

9.3.10 An appeal of a disciplinary decision made at Stage 2 is admissible only where one of the following grounds are alleged to apply:

- new evidence exists of which SCC Group was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required). An appeal must be made in writing to the Head of HE Quality within 10 working days of the date of the decision subject to review. The subsequent decision of the Head of HE Quality is final.
- evidence exists of a material procedural error or irregularity taking place during the disciplinary process. An appeal must be made in writing to the Head of Higher Education and Professional within 10 working days of the date of the decision subject to review. The subsequent decision of the Head of Higher Education and Professional is final.

## 9.4 Stage 3

### *Staff*

9.4.1 The Head of Higher Education and Professional (or equivalent) will manage any case which has been referred from Stage 2, or is sufficiently serious to warrant the highest level of disciplinary action. This may include failure to clear debts against SCC Group.

9.4.2 A Stage 3 panel is convened by the Head of Higher Education and Professional (or delegate) and includes one of:

- Another member of the Senior Leadership Team; or
- A Head of Department not involved with the incident or the investigation of it

### *Procedure*

9.4.3 The Head of HE Quality will normally submit a report of the alleged misconduct to the Head of HE and Professional, including therein an account of the incident, any action taken thus far, along with any appropriate supporting documentation, any mitigating circumstances and any previous incidents of misconduct. The written report presented to the Head of HE and Professional will be shared with the student at least 5 working days prior to the student's Stage 3 disciplinary meeting. The Head of Higher Education and Professional will invite the student to submit any additional information relevant to their case to be submitted to [heacademicsservice@salfordcc.ac.uk](mailto:heacademicsservice@salfordcc.ac.uk) no later than 2 working days prior to the date of the disciplinary meeting.

9.4.4 The student will normally be required, giving no less than 5 days' notice (except when time critical constraints apply), to meet with the panel. Other members of staff may be invited to attend the meeting as appropriate to the case. The Head of HE Quality will act as clerk to the meeting. A student may be accompanied to the meeting by a member of SCC Group (see definition at clause 9.1.3).

9.4.5 At the meeting, the panel convener will explain the details of the misconduct to the student. The student will be invited to make a statement in response and

to add anything to the written submissions previously circulated. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

### *Outcomes*

- 9.4.6 The Stage 3 panel will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.
- 9.4.7 Outcomes of Stage 3 action can include one or more of the following, as appropriate (this list is not exhaustive):
- A reprimand;
  - A requirement to pay for any damages or cleaning charges incurred or any outstanding debts to SCC Group within a defined period;
  - A ban from a SCC Group building or service;
  - Confiscation of equipment causing unreasonable disturbance to people or damage to property;
  - A requirement to provide an apology to those affected by the misconduct;
  - A requirement to pay for and attend appropriate training;
  - A requirement to complete a reflective project;
  - Referral to engage with Student Services or other appropriate service;
  - For prospective students holding an offer of a place, conditions to be fulfilled on entry to SCC Group;
  - Suspension of the assessment and/or reporting of academic work;
  - Suspension of studies for a defined period;
  - Expulsion from SCC Group.
- 9.4.8 A record of the outcome will be held by HE Administration Office, and this record will be checked in the event of further misconduct. Students should note that suspensions from study and expulsions will be recorded on the student's transcript.
- 9.4.9 Where the Head of Higher Education and Professional or delegate deems appropriate, the relevant Heads of Department may be notified about the outcome of disciplinary action.

### *Appeals*

- 9.4.10 An appeal against a disciplinary decision made at Stage 3 is admissible only where one of the following grounds are alleged to apply:
- new evidence exists of which SCC Group was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required). An appeal must be made in writing to the Head of Higher Education and Professional within 10 working days of the date of the decision subject to review. The subsequent decision of the Head of Higher Education and Professional is final.
  - evidence exists of a material procedural error or irregularity taking place

during the disciplinary process. An appeal must be made in writing to the Head of Higher Education and Professional within 10 working days of the date of the decision subject to review. The request will be considered by a member of the Senior Leadership Team other than the Head of Higher Education and Professional or another member of senior staff. The subsequent decision of the reviewer is final.

### **SCC Group's Complaints Handling Procedure**

- 10.1 Any student who is dissatisfied with SCC Group's procedures following the conclusion of the formal disciplinary process and any subsequent request for a review, should consult SCC Group's Complaints Process at <https://www.salfordcc.ac.uk/wp-content/uploads/2019/08/complaint-overview1.pdf>