



# NON-ACADEMIC MISCONDUCT POLICY

September 2023

To be reviewed in September 2024

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## 1 Introduction

- 1.1 This Policy addresses allegations of non-academic misconduct and disciplinary issues involving students, whether they are reported by other students, faculty, or external parties such as members of the public or law enforcement.
- 1.2 The College distinguishes between non-academic issues, such as damage to property or reputation misconduct and academic problems, like plagiarism accusations. Academic cases of misconduct are governed by the Good Academic Practice Policy.
- 1.3 The College may modify these documented procedures to align with specific case requirements or legislative changes, provided that all involved parties are properly informed.
- 1.4 The College endeavours to adhere to the time limits stated in this document, but if they are not met, a valid explanation will be provided. It should be noted that during College vacations when students or staff members are unavailable, reasonable extensions of timescales may occur. Additionally, time frames could be affected by criminal proceedings' pace.

## 2 Principles

- 2.1 The College mandates that its students conduct themselves suitably at all times during their daily activities, including interactions with other pupils, faculty members, the community and external entities. This Policy aims to assist and motivate students to achieve commendable levels of behaviour while safeguarding the welfare of the College community.
- 2.2 During investigation or disciplinary proceedings, it is the College's objective to handle issues in a sensitive manner and with full consideration for the privacy of all individuals involved. It is expected that all staff and students will maintain appropriate confidentiality regarding any information disclosed to them concerning non-academic misconduct matters.
- 2.3 The College endeavours to handle all instances of non-academic misconduct equitably and consistently, enlightening those affected about relevant resources while ensuring that disciplinary matters are promptly addressed within the confines of specific circumstances.

Whenever feasible, the College tackles non-academic misconduct problems through an educational and corrective approach as opposed to a punitive one.

## 3 Eligibility

- 3.01.01 This Policy is relevant to all individuals who have formally accepted an offer to study at the College, irrespective of their category or status as a student, as well as those whose studies are ongoing or have not yet been terminated.
- 3.01.02 The Policy is applicable to both individual instances of non-academic misconduct and can also be enforced on a group level, which includes student clubs and societies regardless of affiliation.

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## 4 Powers, Limitations and Exclusions

- 4.01.01 Upon enrolment, every student is required to agree to the terms set forth in an academic environment. By doing so, students acknowledge their responsibility for upholding the College standards of conduct as related to their actions. It should be understood that this Policy must also comply with any other applicable local or institution-specific laws and policies. Additionally, it's each student's duty to familiarise themselves with all rules regarding access and use of campus facilities/services; a lack of knowledge does not excuse non-compliance with these Policies.
- 4.01.02 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.
- 4.01.03 Reference to a student's general record with the College, including academic performance, may be made at any stage of the disciplinary process.
- 4.01.04 Whilst the College cannot intervene in private agreements (including accommodation and other business arrangements), it must respond to all reports of misconduct involving students.
- 4.01.05 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.
- 4.01.06 In a case that involves actions that are potentially criminal in nature, the College will normally refer the matter to the Police in the first instance. The College reserves the right, however, to undertake a risk analysis or disciplinary action in advance of the resolution of criminal proceedings.
- 4.01.07 In some cases, students who have outstanding disciplinary procedures against them may not graduate in person until the outcome of the disciplinary procedures is decided. In such cases, students will be notified of this at the onset of disciplinary procedures.

## 5 Types of Non-Academic Misconduct

- 5.01.01 Non-academic misconduct of any type may warrant disciplinary action under this Policy.
- 5.01.02 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.
- 5.01.03 The following types of misconduct (these types not being exhaustive) may lead the College to invoke formal disciplinary procedures:-

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- 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 (as it is known in the USA), putting others at risk of harm;
  - Misuse of the College facilities or name;
  - Repeated or serious failure to follow regulations or instructions, including failure to clear debts against the College;
  - Infringement of the College Health and Safety rules;
  - Theft, fraud, deliberate falsification of records or other documents;
  - Fighting or assault;
  - Sexual misconduct;
  - Damage to the College 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 the College into disrepute.
- 5.01.04 Multiple incidents of misconduct or acts of serious misconduct may lead to more severe disciplinary action.

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

- 6.01.01 All incidents/cases of misconduct should be reported by the members of staff or students who have witnessed it to the Registry. Registrar 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 the Safeguarding Officer for potential disciplinary action. In the latter case, the Student Officer should send an official report to the Safeguarding Officer.
- 6.01.02 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 in accordance with the advice provided by the College's authorities; and
  - Guidance is likely to put an end to this one-off issue.
- 6.01.03 Cases referred to the Safeguarding Officer 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

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- Where the student shows no real signs of regret and/or it is the opinion of the Safeguarding Officer of the College that the student does not understand the inappropriateness of his/her actions.
- 6.01.04 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 should discuss the situation with the Safeguarding Officer. Consequently, a joint decision will be taken as to the appropriate category of the College response.
- 6.01.05 In cases where a report is made directly to the Safeguarding Officer (e.g. by a member of the public, student or any other party affected), the Safeguarding Officer 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 Safeguarding Officer will provide guidance to the student.

## 7 Investigations

- 7.01.01 The Safeguarding Officer is 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 College premises);
  - Review of any other relevant information.
- 7.01.02 Where the Safeguarding Officer 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.

## 8 Managing Risk

- 8.01.01 The College 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 the College;
  - Incidents reported to the College by the Police, or involving the Police, including those where a student is being investigated or has been reported to the Procurator Fiscal.

## 9 Disciplinary Action

### 9.01 Process

- 9.01.01 There are three stages of disciplinary action. The College reserves the right to take action 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

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- handled at Stage 1, with only serious or repeated cases being escalated to higher stages.
- 9.01.02 Cases of misconduct involving prospective students holding an offer of a place will always be referred to Stage 2.
- 9.01.03 At every stage in the disciplinary process, the student will have the right to be accompanied to meetings with staff by a member of the College. A member of the College is a person who is either presently matriculated as a student (but who is unrelated to the case) or is an employee of the Islamic College. Students should be aware that no other persons may accompany or represent them during disciplinary meetings, including legal representation.
- 9.01.04 In cases involving multiple students, the Safeguarding Officer or the Stage 2/3 panels (consists of appropriate members of staff) 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 Safeguarding Officer. The request will be considered in the context of the case and the student will be notified of the decision.
- 9.01.05 If a student has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with the Safeguarding Officer.
- 9.01.06 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 forwarding such material. Students should be aware that in the event of their non-attendance at any disciplinary meeting, the College 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.
- 9.01.07 An appeal against a disciplinary decision is admissible only where one of the following grounds are alleged to apply:
- New evidence exists that the College was not aware of when the original disciplinary decision was taken and that it 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.
- 9.01.08 An appeal must be made in writing within 10 working days of the date of the decision subject to review. Further details are provided in sections 9.2.8, 9.3.9 and 9.4.11.
- 9.01.09 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 College procedures or regulations.
- 9.01.10 Students should note that the outcomes of disciplinary action may be shared with complainants, in cases where the Safeguarding Officer deems this 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. The College will

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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 on how that information can be used.

## **9.02 Stage 1**

### **Procedure**

- 9.02.01 The Safeguarding Officer is responsible for the decision to deal with a misconduct case at Stage 1, and for managing Stage 1 disciplinary cases.
- 9.02.02 The student will normally be required to meet with the Safeguarding Officer and another member of staff (usually from the relevant area of the College) after receiving no less than 48 hours' notice (except when time-critical constraints apply). The student may be accompanied to the meeting by a member of the College (see definition at clause 9.1.3).
- 9.02.03 At the meeting, the Safeguarding 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.



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## Outcomes

- 9.02.04 The Safeguarding 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.
- 9.02.05 If the Safeguarding Officer requires guidance on appropriate outcomes, s/he may close the meeting and consult with experts who can provide guidance on such matters. 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.
- 9.02.06 Outcomes of Stage 1 action can include one or more of the following, as appropriate (this list is not exhaustive):
- A formal warning;
  - A fine of up to £150;
  - A requirement to pay for any damages or cleaning charges incurred;
  - A ban from a College 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;
  - Referral to the Registrar for Stage 2 disciplinary action.
- 9.02.07 While the Safeguarding Officer must keep a record of all the outcomes concerning the cases referred to him/her, they should also send a copy of the report on the outcome to the Registry. Such records of the outcome will be held by the Registry, and they will be checked in the event of further misconduct.
- 9.02.08 Where the Safeguarding Officer deems appropriate, the Head of Education may be notified about the outcome of disciplinary action.

## Appeals

- 9.02.09 An appeal against a disciplinary decision made at Stage 1 is admissible only where one of the following grounds is alleged to apply:
- new evidence exists of which the College was not aware when the original disciplinary decision was taken and which could not reasonably have been

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disclosed by the student (an explanation for earlier non-disclosure is always required). An appeal must be made in writing to the Safeguarding Officer within 10 working days of the date of the decision subject to review. The subsequent decision of the Safeguarding 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 Registrar within 10 working days of the date of the decision subject to review. The subsequent decision of the Registrar is final.

## **9.03 Stage 2**

### **Procedure**

- 9.03.01 The Safeguarding Officer (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 Safeguarding Officer, who may consult as necessary.
- 9.03.02 A Stage 2 panel is convened by the Safeguarding Officer (or delegate) and includes:
- The Safeguarding Officer;
  - the College Security Manager;
  - the relevant Head of Department.
  - Head of Education
- 9.03.03 Following the receipt of the report of a misconduct incident/case, prepared by the Registry, the Safeguarding Officer, following the investigation process, prepares a report of the alleged misconduct, 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 safeguarding Officer then shares the investigation report with the Registrar, the panel and the student at least 5 working days prior to the student's Stage 2 disciplinary meeting. The Registrar will invite the student to submit any additional information relevant to their case to be submitted to Registry no later than 2 working days prior to the date of the disciplinary meeting.
- 9.03.04 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 Registrar will act as clerk to the meeting. A student may be accompanied to the meeting by a member of the College (see definition at clause 9.1.3).

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9.03.05 At the meeting, the panel convenor 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**

9.03.06 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.

9.03.07 Outcomes of Stage 2 action can include one or more of the following, as appropriate (this list is not exhaustive):

- A reprimand;
- A fine of up to £300;
- A requirement to pay for any damages or cleaning charges incurred
- A ban from a College 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 the appropriate service;
- For prospective students holding an offer of a place, conditions to be fulfilled on entry to the College;
- Referral to the Principal of the College for Stage 3 disciplinary action.

9.03.08 The Safeguarding Office will send a copy of the record of the outcome to the Registry. The report held by the Registry will be checked in the event of further misconduct.

9.03.09 Where the panel deems appropriate, the relevant Heads of Departments (who have not participated in the panel) may be notified about the outcome of disciplinary action.

## **Appeals**

9.03.10 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 the College 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 Registrar within 10 working days of the date of the decision subject to review. The Registrar presents the appeal to the Safeguarding Officer. In considering the appeal, the Safeguarding Officer may further consults by other members of the College including the Registrar, external experts (as he/she deems fit). The subsequent decision of the Safeguarding 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 Principal of the College within 10 working days of the date of the decision subject to review. The subsequent

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decision of the Principal is final.

#### 9.04 Stage 3

##### **Procedure**

- 9.04.01 A panel is convened to 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 the College.
- 9.04.02 A Stage 3 panel includes the following, one of whom will lead the investigation:
- the Safeguarding Officer ;
  - A Programme Leader;
  - A Head of Education.
- 9.04.03 Following the receipt of the report of a misconduct incident/case, prepared by the Registry, and the investigation process, the Safeguarding Officer (or the person leading the investigation), prepares a report of the alleged misconduct, 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 safeguarding Officer (or the person leading the investigation) then shares the written report with the Registrar, the panel and the student at least 5 working days prior to the student's Stage 3 disciplinary meeting. The Registrar will invite the student to submit any additional information relevant to their case to be submitted to Registry no later than 2 working days prior to the date of the disciplinary meeting.
- 9.04.04 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 (who have not been in the original panel) may be invited to attend the meeting as appropriate to the case. The Registrar will act as clerk to the meeting. A student may be accompanied to the meeting by a member of the College (see definition at clause 9.1.3).
- 9.04.05 At the meeting, the panel convenor 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**

- 9.04.06 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.
- 9.04.07 Outcomes of Stage 3 action can include one or more of the following, as appropriate (this list is not exhaustive):
- A reprimand;
  - A fine of up to £500;
  - A requirement to pay for any damages or cleaning charges incurred or any outstanding debts to the College within a defined period;

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- A ban from a College 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 appropriate services;
  - For prospective students holding an offer of a place, conditions to be fulfilled on entry to the College;
  - Referral to Residential and Business Services to request a review of the accommodation contract where the misconduct involves a breach of the Terms and Conditions of Occupancy;
  - Suspension of the assessment and/or reporting of academic work;
  - Suspension of studies for a defined period;
  - Expulsion from the College.
- 9.04.08 The Safeguarding Officer (or the person leading the investigation) will send a copy of the record of the outcome to the Registry. The report held by the Registry 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.

- 9.04.09 Where the Safeguarding Officer or delegate deems appropriate, the relevant Heads of Departments may be notified about the outcome of disciplinary action.

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## Appeals

- 9.04.10 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 the College 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 Principal of the College within 10 working days of the date of the decision subject to review. The subsequent decision of the Principal 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 Registry Board within 10 working days of the date of the decision subject to review. The request will be considered by the Safeguarding Officer (or the person leading the investigation). The subsequent decision of the reviewer is final.

## 10 The College's Complaints Handling Procedure

- 10.01.01 Any student who is dissatisfied with the College's procedures following the conclusion of the formal disciplinary process and any subsequent request for a review, should consult the College's Complaints Policy mirrored in Middlesex University policy at <https://unihub.mdx.ac.uk/student-life/your-voice/formal-complaints-procedure>.
- 10.01.02 If students are dissatisfied with the College's procedures and decisions, then they need to contact Dr Mesbahi as the Islamic College link tutor or Dr Siebers as Middlesex University link tutor.

## 11 Use of Non-Academic Misconduct Data

- 11.01.01 Details of non-academic misconduct are reported and held as part of the student record by the Safeguarding Officer, subject to the provisions of European and UK data protection legislation. In addition to the purposes set out in this policy, details of how the College will make use of and, on occasion, share personal data are set out within the relevant Student privacy notices.
- 11.01.02 Details of non-academic misconduct offences may be made available for consideration in the following circumstances *inter alia*:
- a student is subject to another disciplinary process of any kind;

- a student is seeking a review of or is appealing against the Termination of Studies;
- a student is appealing against an academic decision on related grounds;
- a student is applying for a Study Abroad placement;
- a student is requesting a reference for private accommodation, further study or employment;
- a student is requesting a reference for private accommodation, further study or employment;