



# Non-Academic Misconduct Policy 2024 - 2025

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Responsibility: Principal Samantha Bell, Vice Principal Fiona Forfar

## **Student Guide to the Non-Academic Misconduct Policy and Procedures**

**2024 – 2025**

### **What is the policy?**

The Non-Academic Misconduct Policy and its procedures are the means by which the college deals with allegations of student misconduct. The policy does not cover academic misconduct (such as plagiarism) but does cover behavioural misconduct including misconduct which breaches the college's Student Code of Conduct (including conduct that calls a student's professionalism into question). 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 (e.g. the Principal) 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 procedures?**

If allegations of misconduct have been made against you, there will normally be an informal investigation. This may result in one or more of the following:

- An informal warning about future conduct being given;
- Targets for improvement;
- A timeframe for a further informal review of your conduct

Where the college deems it is not appropriate to resolve an allegation of misconduct under the informal procedures, they may instigate formal procedures, which will constitute a preliminary enquiry and a Misconduct Panel held by the Senior Management Team.

### **Definitions of Misconduct**

Section 2 of the policy contains definitions of misconduct, as outlined below. The definitions explain the types of behaviour or conduct which would normally be considered as misconduct by the college; allegations of such behaviour or conduct as listed in the definitions below, would normally result in the instigation of the non-academic misconduct procedures.

No student shall engage in conduct (either on or off ElliTe premises) which:

a) is in breach of any rule, regulation, code of conduct/practice or policy which the college makes for our students from time to time, or which are established by LEAD Education / SCL which are applicable to students' studies at the college. Examples of such policies include, but are not limited to, the following:

- the Student Code of Conduct
- College Attendance Policy
- Emergency Powers of Exclusion or Suspension of a Student
- IT Policy
- Harassment Policy
- Criminal Records Policy
- Student Complaints Procedure.

b) constitutes sexual misconduct (including sharing private sexual materials of another person without consent, and/or making unwanted remarks of a sexual nature)

c) causes physical harm, or is intended to cause physical harm, to another individual or individuals;

d) causes psychological harm or distress, or is intended to cause psychological harm or distress to another individual or individuals;

- e) threatens, harasses, intimidates, discriminates, abuses or constitutes an assault or attempted assault of any kind (including sexual harassment and sexual assault) on another member, or employee, or student of the college / school or a visitor to the college / school;
- f) constitutes hostile, threatening or intimidating behaviour (including inappropriate language, and repeatedly contacting another person by phone, email, text or on social networking sites against the wishes of the recipient of the contact);
- g) prevents, or is intended to prevent, any person exercising or intending to exercise his or her right to freedom of speech or freedom of belief within the law on ElliTe premises;
- h) constitutes acts, omissions or statements intended to deceive the college;
- i) causes damage to ElliTe property, or the property of students, employees or visitors to the college / school;
- j) misuses, wilfully damages, defaces, steals or converts to improper use of property of the college / school (including IT, specialist and non-specialist equipment);
- k) constitutes taking property belonging to another individual without permission;
- l) does not follow safe practice or is otherwise in breach of the College's health and safety policy;
- m) constitutes anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs;
- n) involves the unlawful possession, use or supply of drugs or weapons;
- o) is at variance with appropriate standards of conduct or published codes governing conduct whilst engaged in professional practice or training or employment, or whilst on placement forming part of his/her course of study;
- p) constitutes unauthorised entry onto ElliTe property;
- q) disrupts, obstructs or interferes with the activities of the college / school (including training, administrative or social activities) on ElliTe premises or elsewhere, or any attempt to disrupt, obstruct or interfere in this regard;
- r) disrupts, obstructs or interferes with the functions, duties or activities of any student or employee of the college / school, or any visitor to the college / school, or any attempt to disrupt, obstruct or interfere in this regard;
- s) causes damage, or could cause damage, to the reputation of the college / school;
- t) failure to disclose relevant criminal convictions or, where directed to do so, cautions or other warnings or sanctions imposed by the police or other law enforcement agencies, in accordance with the relevant college policies and guidance, including criminal convictions obtained subsequent to registering with the college.

Any reported/alleged behaviour such as is described above will be investigated in accordance with this policy and procedures, to determine whether misconduct has occurred, (and any appropriate resulting action by the college subject to whether the misconduct is deemed to be 'minor' or 'major')

This also includes:

- Misconduct committed by any means or medium including via the internet (including via social media);
- Any offence against the Criminal Law committed by a student whilst on the School premises or whilst engaged in school/programme-related activity.

## **Penalties**

The list of penalties is listed below, together with an indication of when these might be imposed. The penalties are listed as 'category 1' or '2'. 'Category 1' penalties may be awarded by the Principal if they make a finding of minor misconduct. Category 1 or 2 penalties can be awarded by the Misconduct Panel (Senior Management Team) if they make a finding of misconduct. Penalties will only be considered and applied after a Panel has determined on the balance of probabilities that misconduct has occurred.

## Additional Considerations

The Misconduct Panel will take account of any mitigating and aggravating factors when considering cases and in determining appropriate penalties.

Penalties listed below are non-exhaustive and will be applied on a case-by-case basis, taking into account the circumstances of each offence, including any aggravating or mitigating factors.

Examples of mitigating or aggravating factors include, but are not limited to, the context surrounding a specific offence, including personal circumstances, and offences for which a student has received a previous warning or sanction.

The Misconduct Panel may order that any penalties will be imposed immediately, or that the imposition of a penalty should be deferred. The conditions of any such deferment will be clearly stated as part of the decision of the Panel. The imposition of a penalty may be contingent upon the student failing to fulfil any conditions set.

### Category 1 Penalties:

- a. A formal warning or a final warning (for a repeated offence);
- b. A formal written reprimand;
- 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. Withdrawal of privileges (particularly any privileges abused by the offender) for a period not exceeding one month;
- f. Requirement to remove material published either in hard copy or electronically which is deemed to be inappropriate;
- g. Set conditions or expectations for the student's future behaviour.

### Category 2 Penalties:

- h. Mandatory attendance at a workshop or course within a specified time period;
- i. Restorative action such as a reflective statement or project;
- j. Restricted ability to contact the complainant, where the complainant is a student or member of staff of the college / school;
- k. Requiring that the student does not represent the college / school in a paid or unpaid capacity for a specified period of time. This could include employment by the college / school on a contractual or casual basis, representing the college / school at other events, or voluntary roles such as student ambassador or similar.
- l. Conditions for the continuation of student status;
- m. Exclusion from, or restrictions concerning, participation in specified activities (including external programme-related activities) or use of specified facilities of the college / school for a stated period. Conditions for return to those activities may be specified;
- n. The suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date;
- o. permanent exclusion / removal of student status with or without the right to re-register for any further course of study with the college / school;
- p. Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.