



Oakswood College

Empowering Through Education



Non-Academic Misconduct

Policy & Procedures

PROMOTING EXCELLENCE • ENSURING COMPLIANCE
SUPPORTING OUR COMMUNITY



GOVERNANCE



QUALITY



COMPLIANCE



EXCELLENCE



Non-Academic Misconduct Policy & Procedures

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1. Introduction, Scope and Purpose

- 1.1. This Policy and its procedures set out behaviours that constitute breaches of the Oakwood College Student Code of Conduct, ensuring students, staff, and visitors can work and study in a safe, respectful, and inclusive environment.
- 1.2. This Policy applies to all students at Oakwood College. It aims to:
 - Ensure fair, proportionate, and transparent management of misconduct.
 - Promote restorative outcomes where appropriate.
 - Protect the welfare of the Oakwood College community while upholding Oakwood Collegial values.
- 1.3. This policy applies to all students at Oakwood College and their behaviour, whether on or off campus. This means that behaviour taking place off-campus or outside of learning hours may still be addressed and dealt with under this Policy and its procedures.
- 1.4. This document also incorporates OfS Condition E6 in relation to Freedom of Speech and Academic Freedom, ensuring that disciplinary measures do not unjustly restrict lawful free speech while maintaining a respectful and non-discriminatory campus.
- 1.5. This Non-Academic Misconduct Policy and its procedures are designed in accordance with the [OIA's Good Practice Framework](#), including where the [Framework applies to disciplinary procedures](#) for students, as well as the QAA UK Quality Code, and OfS Condition E6.
- 1.6. This Policy and its procedures may as necessary refer into, and receive cases from, other Oakwood College procedures eg Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours, or Support Through Studies.

2. Misconduct and Oakwood College Rules, Regulations and Obligations

- 2.1 Nothing in this Policy shall prevent Oakwood College from making local and/or temporary rules relating to particular services, facilities and areas of the organisation, or regarding student attendance. Oakwood College's use of the rules and processes set out in this Policy does not prevent Oakwood College from using such local and/or temporary rules associated with conduct relating to academic or non-academic services, facilities or areas of the organisation.
- 2.2 In the operation of the processes set out in this Policy Oakwood College will remain mindful of its legal obligations, including its Duty of Care to all students and staff, its obligations under the Equality Act 2010 which include the duty to make reasonable adjustments, and its obligations under the Human Rights Act, the General Data Protection Regulations (GDPR) and the Data Protection Act (2018).

3. Delegation

3.1 The CEO may delegate their powers under this Policy to a nominee, providing always that any nominated person will be in a position to act and be seen to act impartially in respect of the particular student case. The delegation of powers authorises the nominee to act on the behalf of the CEO in matters of student misconduct, in accordance with this Policy and its procedures. Where reference is made in this Policy and procedures to the CEO therefore, such references include their nominee.

4. Complaints regarding the Non-Academic Misconduct procedures

4.1 All students have the right of appeal against decisions reached under these procedures. This Policy sets out the specific avenue/right of appeal at each relevant stage of the process.

5. Impact of misconduct procedures on release of results

5.1 Where allegations of non-academic misconduct against a student are being considered under this process, and consideration has not yet been concluded at the time the Board of Examiners meets to consider results at the end of a year (including an appeal process against an Misconduct Panel decision), the student will normally be allowed to academically progress through their course to the next level of study. Academic progression in such circumstances however is no indication of Oakwood College's view of alleged misconduct, nor is it an indication of any right to continue with a course of study subsequent to a decision of the Misconduct Panel or Misconduct Appeals Panel, and it will not be taken into account as a mitigating factor by either Panel.

5.2 If a student is in their final year of study, and an investigation into non-academic misconduct is still continuing when the Board of Examiners considers their marks for an assessment or award (including an appeal process against a Misconduct Panel decision), the marks/final result may be released but the student may not normally graduate until the conclusion of the misconduct case. This could mean that a student may not graduate with their peers.

6. Failure to comply with decisions

6.1 Failure by a student without good reason, in the view of Oakwood College, to comply with any decision reached or order issued by Oakwood College under this Policy (including by the Director of Studies, a Misconduct Panel, a Misconduct Appeals Panel, or under any other Oakwood College policy), may itself constitute an act of misconduct and may therefore be dealt with either in accordance with this Policy, or under the Support Through Studies procedures, as deemed appropriate by CEO or their nominee.

7. Examples of Misconduct

Definition of Misconduct

7.1 The College defines misconduct, in the broadest sense, as:

- *Improper or inappropriate interference with:*
 - *the proper functioning and/or activities of the College, and/or*
 - *those who work at the College, and/or*
 - *Those who study at the College, and/or*
 - *Action which otherwise damages the College or any members of its community.*

This definition includes both academic and non-academic misconduct. However, academic misconduct falls outside the scope of this Policy. Conduct which falls within the broad definition above but that falls within the scope of the Academic Integrity (Misconduct) Policy will be referred into the procedures under that Policy to be addressed.

7.2 In accordance with Oakwood College's Student Code of Conduct, the following are examples of behaviours that would constitute breaches of that Code and thus warrant referral into the informal and/or formal procedures in this policy:

7.1.1 Behaviour Towards Others

- Unacceptable behaviours, including Bullying, Discrimination or Harassment:
 - Sexual misconduct i.e. unacceptable behaviour of a sexual nature that breaches the relationship of trust between Oakwood College and the individual student.
 - Sexual harassment or inappropriate advances.
 - Racial, religious or other harassment, in accordance with the definition of harassment as set out in the Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours.
 - Physical, verbal, or emotional intimidation.
 - Treating individuals unfairly based on race, gender, disability, religion, or other protected characteristics.
- **Freedom of Speech offences:**
 - Preventing, prohibiting and/or inhibiting lawful freedom of speech
 - Preventing, prohibiting and/or inhibiting academic freedom
 - Other breach of the Code of Practice on Freedom of Speech
- **Hate speech:**
 - The targeting of a person or group of people with malicious intent in one or more communications, whether verbal, written or online
- **Abusive Language:**
 - Using threatening, abusive or discriminatory language, whether verbal, written, or online.
- **Violent or Aggressive Conduct:**
 - Physical assault and/or other threatening behaviour towards staff, students, or visitors.
- **Disruptive Behaviour:**
 - Persistent disruption of classes, events, or services.
 - Assisting or encouraging another student to breach any College rules/policies or engage in unacceptable behaviour.

7.1.2 Breach of Oakwood College Policies

- **Failure to Comply with Reasonable Oakwood College Instructions:**

- Refusing to follow instructions from staff or security personnel.
- **Unauthorised Access:**
 - Entering restricted areas without permission.
- **Health and Safety Violations:**
 - Failing to adhere to safety regulations or instructions.
- **Misuse of Oakwood College Property:**
 - Damage to or misuse of college facilities, equipment, or resources.
- **Behaviour that constitutes a breach of any Oakwood College policy:**
 - Failing to comply with or meet expectations and requirements set out in any Oakwood College Policy applicable to students

7.1.3 Academic Integrity Violations that fall outside the scope of the Academic Misconduct Policy

(Though primarily associated with acts of academic misconduct, these breaches have behavioural implications and thus fall within the scope of this Non-Academic Misconduct Policy)

- **Dishonesty or Misrepresentation:**
 - Providing false information in official records or documents.
- **Assisting academic misconduct:**
 - Helping or encouraging another student to breach academic integrity rules (outside of collusion).

7.1.4 Substance and Alcohol Misuse

- **Possession or Use of Illegal Substances:**
 - Being in possession of or using illegal drugs on campus.
- **Alcohol Misuse:**
 - Excessive consumption leading to disruptive or unsafe behaviour.
- **Smoking or Vaping in Prohibited Areas:**
 - Breaching Oakwood College smoking policies.

7.1.5 Misuse of Technology and Online Conduct

- **Inappropriate Use of IT Systems:**
 - Accessing inappropriate or illegal content using Oakwood College systems.
 - Misuse of email, social media, or learning platforms for harassment or misconduct.
 - Other breach of the Policy on Social Media and IT Acceptable Use
- **Cyberbullying:**
 - Using digital platforms to intimidate or harass others.

7.1.6. Property Damage and Theft

- **Vandalism:**
 - Damaging Oakwood College or personal property.

- **Theft:**
 - Stealing from the Oakwood College, students, staff, or visitors;
 - Taking property that belongs to Oakwood College without authorisation.

7.1.7 Attendance and Engagement Violations

Please see the Student Support, Engagement and Attendance Policy for relevant requirements and information

- **Non-Attendance or Persistent Lateness:**
 - Repeatedly failing to attend or being late without justification.
- **Disruption of Classes or Events:**
 - Persistent disruptive behaviour during lectures, seminars, or events.

7.1.8 Misrepresentation or Deception

- **Personation or Identity Fraud:**
 - Using another person's ID or misrepresenting identity.
- **False Claims or Misrepresentation:**
 - Lying about qualifications, achievements, or personal circumstances, including through the admissions process to an Oakwood College Course;
 - Misrepresentation of facts by the deliberate omission of information, intending to mislead Oakwood College.

7.1.9. Breach of Confidentiality or Privacy

- **Unauthorised Disclosure of Information:**
 - Sharing confidential information without consent.
- **Filming or Photographing Without Consent:**
 - Taking images or recordings of individuals without their permission.

7.1.10. Criminal or Unlawful Activity

- **Criminal Behaviour:**
 - Any criminal activity, whether on or off campus, that impacts the Oakwood College or its members.
- **Illegal Possession of Weapons:**
 - Bringing weapons onto Oakwood College premises.

Note: some of the other offences of non-academic misconduct listed in this Policy may also constitute criminal or unlawful activity. Please see Section 7 'Misconduct that also constitutes a criminal offence', below.

8. Misconduct that also constitutes a criminal offence

8.1 By way of example, taking a library book without permission and drawing graffiti on an Oakwood College building or property may constitute the criminal offences of theft and criminal damage and

disciplinary offences of taking property belonging to Oakwood College without permission and causing damage to Oakwood College property.

8.2 Where the alleged misconduct could also constitute an offence under the Criminal Law, special provisions will apply and Oakwood College's own misconduct investigations or proceedings may be delayed until such time as the police and/or courts have completed their investigations and proceedings. In such circumstances, the CEO (or their nominee) will determine whether:

- there is a need to refer the student to external services;
- any action under this Policy and procedures should commence or proceed;
- whether the matter should be held in abeyance pending the completion of police and/or court investigations and proceedings;
- whether the student would ordinarily be investigated under this Policy and procedures but there is sufficient cause to warrant referral into another Oakwood College procedure (eg Support Through Studies);
- whether any action already underway under this Policy and procedures should be deferred/suspended, and subsequently reviewed;
- whether there is any need to impose Precautionary Measures or an Emergency Student Exclusion or Suspension under the respective College policies.

8.3 In determining whether to commence or proceed with any action or process under this Policy, Oakwood College is not bound by the outcome of any police or criminal investigation or prosecution.

8.4 Where a current registered student obtains a criminal conviction, Oakwood College will determine the appropriate policy to manage the circumstances. These may, according to the nature of the conviction, include referral into the procedures of this Policy, or another policy (eg Support through Study or Personal Tutoring Policy) as deemed appropriate by Oakwood College.

8.5 Where a student is the subject of a criminal investigation, Oakwood College will not take any internal disciplinary action against the student in relation to the matter which is the subject of the criminal investigation. However, Oakwood College may take any action deemed necessary for safeguarding both the student and the Oakwood College community, as outlined above (e.g. imposing Precautionary Measures as set out in the [Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours](#)). Oakwood College may also commence disciplinary action in relation to any matter which is not part of the criminal investigation (e.g. drug use).

8.6 In exceptional circumstances, the Chief Executive (or their nominee) will refer concerns to the police where they consider it appropriate (e.g. where there is a perceived legitimate risk), or where Oakwood College is legally obliged to do so, and will co-operate with the police in their investigation of an alleged breach of the law or of any matter that may involve an Oakwood College student. Where a student alleges they are the victim of a crime to Oakwood College but does not wish for this allegation to be reported to the Police, only in exceptional circumstances following a risk assessment by Oakwood College as to the level of risk to any individuals, will the alleged crime be reported to the Police contrary to the wishes of the victim.

9. Misconduct relating to admissions

9.1 Registered students who are alleged to have gained or facilitated admission to Oakwood College by making false or misleading or incomplete statements or representations, or by producing falsified documents as applicants, shall normally be subject to investigation and action under these procedures. This shall include any student found to have concealed or misrepresented offences, or to have deliberately provided misleading, incomplete or inaccurate information to the Disclosure and Barring Service (DBS).

9.2 Where information comes to light that an application may contain false, fraudulent or misleading information from a successful applicant who has already registered as a student on a course of study with Oakwood College, subject to the findings of the Preliminary Enquiry the student's registration may be immediately terminated and student status withdrawn, or the Head of Admissions (in consultation with members of the Senior Management Team as necessary) may determine another course of action is appropriate (in the event of exceptional mitigating circumstances).

9.3 Where an applicant to an Oakwood College course (who is not a registered student) is suspected to have made false or misleading or incomplete statements or representations, or produced falsified documents, either in pursuit of an offer of a place, or as a means of having gained, or facilitating an offer of a place to an Oakwood College course, such cases will be handled under the procedures as outlined in the applicable Oakwood College Admissions Policy (which may include, where appropriate, referral into of the matter into the procedures under this Policy).

10. Anonymous allegations

10.1 Oakwood College operates the procedures under this Policy under the principles of natural justice and the duty to act fairly. Oakwood College will therefore not normally take action in response to anonymous allegations of misconduct, except where they are satisfied that just cause and/or reasonable grounds exist to do so. In reaching this decision, Oakwood College will take the following into consideration:

- The seriousness of the allegation, and whether there are justified grounds for investigating this further;
- Whether the anonymous allegations sufficiently indicate that one or more members of the Oakwood College community may be at risk of serious harm or danger;
- Whether the person facing an anonymous allegation of misconduct has sufficient information to be able to make a proper defence;
- Any other relevant information that in the view of the Academic Director or their nominee, warrants Oakwood College investigating the anonymous allegation.

Non-Academic Misconduct Procedures

11. Operational principles

11.1 All instances of suspected non-academic misconduct should be investigated utilising the Non-Academic Misconduct procedures set out in this policy.

Burden of proof

11.2 The College's burden of proof for establishing whether non-academic misconduct has occurred is **'the balance of probabilities. Therefore, all judgements reached and decisions made regarding suspected misconduct by a student will be made on the balance of probabilities** i.e. what is more likely than not to have occurred.

Presumption of innocence

11.3 In all cases, all students will be considered innocent unless and until an allegation of non-academic misconduct is found by Oakwood College to be proven on the balance of probabilities. Where, following an initial review it is determined that there may be a case to answer, any allegations against a student should be provided in writing to the student before any action is taken, so that:

- the student is appropriately notified of the case to be answered;
- the student is given the opportunity to understand the allegations;
- the student has the opportunity to seek advice and/or any support they wish;
- the student has the right of reply to the allegations, in accordance with the principles of natural justice.

12. Penalties and sanctions for non-academic misconduct

12.1 Where Oakwood College establishes under these procedures that non-academic misconduct has occurred:

12.1.1 any penalties awarded must be proportionate and take account of any aggravating or mitigating factors (please see 'Aggravating/Mitigating factors' below);

12.1.2 one or more of the following penalties as is deemed appropriate and proportionate to the case, may be applied:

CATEGORY A penalties (these may be applied by the Director of Studies, the Misconduct Panel or Misconduct Appeals Panel for minor or major misconduct offences as appropriate)

- Verbal Warning** – A formal conversation with the student, recorded for future reference.
- Written Warning** – A documented warning outlining the misconduct and expected future behaviour.
- Apology Requirement** – A written or verbal apology to affected individuals.
- Restorative Justice Meeting** – A facilitated discussion between the student and those affected.

- e. **Mandatory Awareness Training** – Attendance at sessions on topics like consent, respectful behaviour, discrimination, or online conduct.

CATEGORY B penalties (these may only be applied by the Misconduct Panel or the Misconduct Appeals Panel for major misconduct offences or multiple consecutive minor misconduct offences as appropriate)

- f. **Fines and Compensation** – Payment for damage, theft, or administrative costs associated with misconduct.
- g. **Behavioural Contract** – A formal agreement setting behavioural expectations and consequences for future breaches.
- h. **Final Written Warning** – A last opportunity to correct behaviour before expulsion is considered.
- i. **Temporary Suspension** - a period of suspension of not more than 2 years, normally with conditions which must be met prior to return and re-enrolment
- j. **Expulsion (Permanent Exclusion)** – Student is removed from the Oakwood College and barred from re-enrolment.

13. Considerations for misconduct outcomes (Oakwood College action, penalties and sanctions)

13.1 Decision-makers determining any outcomes under this Policy must be able to clearly justify their reasoning behind the outcome and any penalties/sanctions imposed on the student.

13.2 Oakwood College holds that whilst students are responsible for their own behaviour, where that constitutes misconduct, a rehabilitation and learning approach is always a primary consideration. Where possible, penalties should focus on educating students about responsible behaviour, and sanctions should address harm done and prevent reoccurrence.

13.3 As such, penalties awarded at any applicable stage of these procedures should embody the following principles:

- The penalty must match the severity of the misconduct, including:
 - the impact and/or potential impact on others
 - harm done and the likelihood of recurrence
 - appropriate action to reasonably prevent reoccurrence

In determining an appropriate outcome at the relevant stages, the Preliminary Enquiry Officer, Misconduct Panel or Misconduct Appeals Panel should take account of any aggravating and mitigating factors to reach the appropriate outcome.

Mitigating Factors (Reducing the Severity of the Sanction)

Genuine Remorse and Apology

- The student acknowledges wrongdoing and takes full responsibility.
- They voluntarily apologise and attempt to make amends.

First-Time Offence

- No prior record of misconduct, showing an isolated lapse in judgment.

Lack of Intent or Awareness

- The misconduct was accidental, misjudged, or due to ignorance of the rules.
- The student was unaware their actions would cause harm or breach regulations.

Personal Circumstances

- Health issues, stress, bereavement, or personal crises contributed to the behaviour.
- The student has since sought support (e.g., counselling, mentoring).

Provocation or Contributory Factors

- The student was provoked, harassed, or acting in response to another's misconduct.

Cooperation with Investigation

- The student is honest, provides evidence, and assists in resolving the issue.

Positive Conduct History

- A strong record of good behaviour and contributions to the Oakwood College.

Aggravating Factors (Making the Offence More Serious)**Intentional or Premeditated Misconduct**

- The misconduct was planned rather than impulsive.
- The student deliberately sought to cause harm or disruption.

Repeated or Persistent Misconduct

- Previous warnings or sanctions for similar behaviour.
- The misconduct is part of a pattern rather than a one-off incident.

Serious Harm or Risk to Others

- Physical harm, emotional distress, or reputational damage was caused.
- The act endangered the safety of students, staff, or the public.

Abuse of Authority or Trust

- The student misused their position (e.g., student leader, mentor).
- The misconduct involved taking advantage of vulnerable individuals.

Lack of Remorse or Accountability

- The student denies responsibility despite clear evidence.
- Attempts to cover up the offence or shift blame onto others.

Impact on the Oakwood College or Community

- The misconduct caused significant disruption to teaching, events, or operations.
- Negative media attention or reputational damage resulted.

Criminality or Breach of Law

- The misconduct involves illegal activities (e.g., drug use, theft, harassment).
- The Oakwood College has a legal obligation to report the incident to authorities.

14. Reporting allegations and informal procedures

14.1 Suspected misconduct can be reported by staff, or students, or a third party may also report behaviour that may constitute misconduct to Oakwood College. Where Oakwood College receives a report from a third party, it will normally refer the matter into the Preliminary Enquiry of these procedures, unless it is satisfied that there is insufficient information to launch a Preliminary Enquiry.

Informal procedures

14.2 Oakwood College recognises that many concerns regarding student conduct can and should where appropriate be dealt with informally by members of staff. However, matters of concern which cannot be dealt with informally will normally be referred into a Preliminary Enquiry, instigating the formal Non-academic Misconduct Procedures.

14.3 Staff who believe that a student's conduct may constitute non-academic misconduct should report the behaviour to the Head of GQC&IS, or to the Head of Academic Affairs, who will consider whether the conduct should reasonably be addressed via this Policy's informal procedures.

14.4 Under these informal procedures the Head of GQC&IS or Head of Academic Affairs may issue an informal warning regarding future conduct to a student and/or indicate targets for improvement and/or a timeframe within which a further informal review of the student's conduct shall be conducted. As appropriate, the member of staff shall advise the student that failure to meet expectations may result in referral for further consideration under the formal procedures.

14.5 Examples of misconduct which may lead directly to a verbal warning may include (but are not limited to):

- failure to conform to attendance requirements
- inappropriate behaviour in class
- low-level behaviour that falls below the expected standard

14.6 A note of such informal warnings may, where deemed appropriate, be held centrally by Oakwood College together with any record of acknowledgement by the student (eg an email from the member of staff to the student may record that the student has been spoken to and their response).

14.7 Where a student wishes to complain about or disagrees with an informal warning, they have the right to request that a Preliminary Enquiry be conducted to investigate the matter under the formal procedures. Where relevant, such warnings may be taken into account in a Preliminary Enquiry Investigation and/or by the Misconduct Panel in its consideration of a case.

15. Formal Non-Academic Misconduct Procedures

15.1 The determination of whether an instance of misconduct has or may have occurred will be determined via the following procedures.

Preliminary Enquiry

15.2 A written referral concerning the alleged misconduct by a student, together with any supporting evidence, should be submitted to the Head of GQC&IS, or if they are not available, the

CEO. Where the Head of GQC&IS is satisfied that the matter should be addressed under these procedures, they will nominate a Preliminary Enquiry Officer who shall be the Director of Studies, or another appropriate member of Oakwood College staff, or an External Officer, in accordance with the College's Policy on Procedural Integrity and Fairness, to investigate the allegation and determine one of the following Preliminary Enquiry Outcomes (see below).

15.3 The Preliminary Enquiry Officer will conduct an initial review of the information and evidence submitted to them, to determine if there is sufficient evidence to pursue a misconduct investigation. In doing so, they will decide whether it is necessary to invite the student to an interview to gather more information, or whether they have sufficient information to reach a Preliminary Enquiry decision on the basis of the evidence.

15.4 Where a student is invited to a Preliminary Enquiry Interview, the student shall:

- i. be given at least 48 hours' notice of the meeting;
- ii. notified of the purpose of the meeting, and furnished with a copy of this policy and any applicable student guidance (it shall be made clear that this is an investigation stage and that no finding of any misconduct has been made);
- iii. issued with a summary of the allegation against them, together with a copy of any relevant evidence;
- iv. Invited to make any representations in writing for the Director of Studies to consider, should they wish (it shall be made clear that should the student choose not to submit any written representations, this will not be considered as any admission of guilt or otherwise);
- v. advised that they can attend the Preliminary Enquiry Interview accompanied by a family member, friend or member of Student Support staff, for support.

Preliminary Enquiry Report

15.5 On conclusion of their Preliminary Enquiry Investigation, the Preliminary Enquiry Officer will produce a Preliminary Enquiry Report that will include:

- A summary of the allegation(s)
- What definition(s) of misconduct the allegation(s) fall into
- Whether the student was interviewed
- Any representations made by the student, either in person during a Preliminary Enquiry Interview or in writing
- Whether the case involves multiple allegations and if so, whether these are deemed concurrent or consecutive
- the Preliminary Enquiry Outcome (which shall constitute the Director of Studies's decision on the case)

15.6 In reaching their Preliminary Enquiry Outcome, the Preliminary Enquiry Officer will take account of whether the allegation in question would constitute a first possible offence, or a possible subsequent offence. They will also take account of whether the alleged misconduct constitutes a multiple offence, and if so whether this is deemed to be concurrent or consecutive (i.e. what

opportunities has the student had to learn relevant lessons about this behaviour, or take any relevant remedial action). Please see below for further information:

Multiple, concurrent, consecutive and subsequent offences

15.7 For the purposes of this Policy and its procedures:

- **Multiple offence** - means more than one allegation of misconduct
- **Concurrent offence** - means two or more allegations of misconduct arising at the same time or in close succession to each other (eg where there are two or more matters being investigated around the same period which, if proven on the balance of probabilities, would constitute misconduct on the part of the student, these would be considered concurrent)
- **Consecutive offence** - an allegation of academic misconduct that arises following an established case of either major or minor academic misconduct on the part of the student

Preliminary Enquiry Outcome

15.8 Following their investigation, the Preliminary Enquiry Officer will reach one of the following judgements:

15.8.1 That there is no case to answer, in which case the allegations will be dismissed, and no record of the allegations will be retained save for the Preliminary Enquiry Outcome Letter exonerating the student;

15.8.2 That there may be evidence of possible minor misconduct, in which case the Preliminary Enquiry Officer will award an appropriate penalty from Category A (see 'Penalties');

15.8.3 That there may be evidence of possible major misconduct, in which case the student will be referred to the Misconduct Panel;

15.8.4 That although there may be evidence of possible minor or major misconduct, the case warrants referring into another procedure (eg Support Through Studies) to be dealt with most appropriately. In this instance, the Director of Studies will determine whether the Misconduct Procedures should be placed in abeyance and potentially restarted at a later time or ceased entirely.

Disagreement with a Preliminary Enquiry Outcome

15.9 Where a student disagrees with a Preliminary Enquiry Outcome, including with any penalty/sanction imposed, they can request their case be considered by the Misconduct Panel.

15.10 A student who has reported the conduct of another student has no right of appeal or complaint against a Preliminary Enquiry Outcome. Any and all decisions reached following a Preliminary Enquiry investigation will be based on the principles of the presumption of innocence using the burden of proof of 'balance of probabilities'.

16. Major cases of misconduct

16.1 Following the Preliminary Enquiry, allegations of serious misconduct (referred to in this Policy and its procedures as 'major misconduct') should be referred to the Misconduct Panel to be dealt with through the formal misconduct procedure set out below.

Misconduct Panel

16.2 A summary of the Misconduct Panel is set out below, followed by the relevant procedure:

- a. Membership of the Misconduct Panel**
- b. Notification of Hearing**
- c. Misconduct Panel: Hearing Process**
- d. Misconduct Panel Outcomes**
 - Findings
 - Decisions (Penalties and Sanctions)
- e. Right of Appeal**

a. Membership of the Misconduct Panel

- A senior member of staff (Chair)
- An academic staff member not involved in the case
- A non-academic staff member not involved in the case

16.3 The quoracy of the Panel will normally be 3, including the Chair. In exceptional circumstances, where to find three members would disproportionately delay a Misconduct Panel Hearing, the CEO may authorise a quoracy of 2 (including the Chair). A notetaker will be in attendance at the Panel, to support the Panel with its recordkeeping of the Hearing.

16.4 Where a student has made an allegation of misconduct against another student, all parties will normally be present at the Misconduct Panel Hearing at the same time, unless any reasonable adjustment is required which means it is necessary for attendance to be staggered (eg in cases of alleged serious sexual misconduct).

b. Notification of Hearing:

16.5 The student is notified in writing of the Hearing, together with:

- A copy of the Preliminary Enquiry Report;
- Any relevant supporting evidence/documentation;
- A copy of this Policy and its procedures, and any relevant student guidance;
- An invitation to attend the Misconduct Panel Hearing, with notification that they are permitted to attend accompanied by a friend or family member, or a member of Student Support staff.
- Notification that they are allowed to submit any relevant witness statements for consideration by the Panel.
- Notification of the Panel membership and all persons expected to be attending the Panel Hearing

16.6 The student is given at least 5 working days to confirm that they will/will not be attending the Hearing, and to provide any written representations and submit any supporting evidence and/or

witness statements. Where the student fails to provide a response, the case will proceed to the Misconduct Panel on the basis of the available evidence and documentation.

c. Misconduct Panel: Hearing Process

- i. Hearings may be held in person or online.
- ii. The case along with these procedures is reviewed by the Misconduct Panel in a private pre-meeting, to ensure all Panel members are familiar with the documentation and process.
- iii. The Director of Studies will be invited to present the case to the Panel, drawing attention to any particular relevant points, information and evidence.
- iv. If attending, the student will be invited to respond to the allegations and provide any mitigation.
- v. The Panel will ask questions. The student and the Director of Studies may ask questions of each other provided that these are addressed to the Chair, who will determine if the question should be allowed or dismissed.
- vi. Where an accusing student (the Complainant) is attending the Panel, they are primarily there to answer any questions of the Panel, however they may address any questions they have to the Chair, who will determine if the questions should be allowed or dismissed.
- vii. The Director of Studies will be given a final opportunity to make closing remarks. The student will then be afforded the opportunity to make any final representations to the Panel before the Hearing draws to a close.
- viii. The Panel will then proceed to deliberate the case in private in order to reach its decision (*please see d) Misconduct Panel Outcomes*).
- ix. The findings and decision of the Panel will be communicated in writing to the student, normally within 5 working days of the date of the Panel Hearing, notifying them of their right of appeal. This notification will be copied to the CEO and, where applicable the awarding/examining body, in line with their procedures. In the event that the awarding/examining body is notified, it shall be made clear that the student has the right of appeal, and the final decision on the case (either following an appeal or following expiry of the appeal period) will be subsequently confirmed in writing to that body.

Procedural notes:

- Hearings and meetings of the Panel will be held in private; attendance by members of the public or any other unauthorised party will not be permitted.
- The decision to allow any witnesses to attend is at the discretion of the Chair of the Panel.
- The Preliminary Enquiry Officer will normally attend the Panel Hearing to present the case of alleged misconduct. Where they are unavailable, the Panel will proceed to consider the case on the basis of the Preliminary Enquiry Report, any accompanying documentary evidence and any written and/or in-person representations made by the student.

Misconduct Panel Outcomes

16.7 All findings reached and decisions made by the Misconduct Panel will be made on the balance of probabilities. In reaching its findings and decisions, the Panel will take account of any mitigating or aggravating factors (*see 'Mitigating & Aggravating Factors' in Section 12 of this Policy*).

16.8 Where the Panel determines that there is no case to answer, no record of the allegation(s) will be kept save for a copy of the Panel Outcome Letter exonerating the student.

Misconduct Panel Findings

16.9 Following a Misconduct Panel Hearing, the Panel will reach one of the following findings on the balance of probabilities:

- a. **That there is no case to answer;**
- b. **That there is a case of minor misconduct established, and an appropriate penalty and/or any remedial action should be imposed;**
- c. **That there is a case of major misconduct established, warranting an appropriate penalty and/or sanction, or other appropriate action.**

Consideration of intent

16.10 Intent shall not form any basis of the Panel's findings, as it is irrelevant to whether an offence of misconduct has occurred, however the issue of intent may be considered by the Panel in reaching its decision (see below) about the severity or otherwise of any penalty to be imposed, and as a mitigating/aggravating factor

Misconduct Panel Decisions (penalties and sanctions)

16.11 In the event of a finding of major or minor misconduct, the Panel may order one or more of the penalties and sanctions set out in **Section B** of this Policy.

16.12 In determining an appropriate penalty the Panel will take into consideration evidence of intent.

16.13 In determining a penalty/ies for major misconduct, the Panel may order any of the Category A penalties (normally relevant for offences of minor misconduct) be imposed where they deem these to be appropriate, either in lieu of, or alongside any of the Category B penalties.

17. Right of Appeal

The Misconduct Panel's findings and decisions will be communicated to the student in writing, normally within 5 working days of the date of the Panel Hearing. In this written outcome, the student will be notified of their right to appeal the Panel outcome.

17.1 An accusing student (Complainant) has no right of appeal or complaint against the Misconduct Panel's findings and decisions, as they are not the party against whom these findings and decisions have been made.

17.2 An appeal may be made under one or more of the following grounds:

- a. **Procedural Irregularity:** That there was a procedural or administrative irregularity or failure in due process that calls into question the fairness of proceedings and/or safety of any decisions reached by the Misconduct Panel during that process.
- b. **New Evidence:** That there is new material evidence that could not be made available to the Misconduct Panel to consider.

- c. **Disproportionate Penalty:** that the outcome of the Non-Academic Misconduct Panel is, for demonstrable reasons, unfair, and/or that the impact of the penalty/ies imposed is excessive

17.3 An appeal should be submitted in writing to the CEO within 10 working days of the date of the Misconduct Panel Outcome Letter and made under one or more of the grounds of appeal.

17.4 The CEO or their nominee will determine whether any of the grounds of appeal have been met.

Where one or more appeal grounds are met

17.5 In the event that one or more appeal grounds are met, the CEO will:

- a. order the Panel to review its decision in the face of new evidence that was not previously considered. In the event the Panel reviews its decision following an appeal, the decisions and findings of the Panel following that review will be final;

or

- b. review the decision of the Misconduct Panel, in consultation with the Chair of the Panel, in order to determine whether a new decision should be reached, the original decision amended, or the original decision overturned. Following this review, the decision reached by the CEO and the Chair of the Panel will be final.

Where no appeal grounds are met

17.6 In the event that the CEO determines no grounds have been met, the original findings and decisions of the Panel will stand, and the student will be issued with a Completion of Procedures Letter (see below).

18. Completion of Procedures

18.1 Following the conclusion of the Oakwood College Non-Academic Misconduct Procedures, the student will be issued with a Completion of Procedures (CoP) Letter if the procedures have been exhausted and there is no further avenue of appeal. This letter confirms that Oakwood College's internal processes are complete and that no further right of appeal is available within the Oakwood College.

18.2 The CoP Letter will outline the details of the case, including the nature of the misconduct, the final decision, and the sanctions imposed. It will also explain the reasons for the decision and reference the relevant policies and procedures applied during the investigation.

18.3 The CoP Letter will inform the student of their right to escalate the matter to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied. It will include the OIA's contact details and specify that the student has 12 months from the date of the letter to submit a complaint.

18.4 Oakwood College will issue the CoP Letter within 28 calendar days of the final decision, in line with the OIA's Good Practice Framework.

18.5 Where a student wishes to challenge the decision of the Misconduct Panel but does not believe they meet any of the applicable appeal grounds and thus has not exhausted the internal procedures but wishes to progress their case to the OIA, they can write to the Head of GQC&IS of Academic Affairs to request a CoP Letter. In this instance, the CoP Letter will set out the stage of procedures the student reached and will clarify that the full procedure has not been exhausted.