

Non-academic Misconduct Policy and Disciplinary Procedures for Students

Name of Document:	Non-academic Misconduct Policy and Disciplinary Procedures for students
Responsible area:	Advice and Wellbeing
Current version:	1.5
Date of last review:	July 2025
Last review by:	Head of Centre
Policy owned and approved by:	Student Experience and Enhancement Committee (SEEC)
Next review due date:	July 2027

Summary of Changes between previous and current version	Page Number
Alignment with Student Code of Conduct	throughout
Reinforced Commitment to Safety and Inclusion	throughout
Integration with Complaints Policy	throughout
Procedural Enhancements including: <ul style="list-style-type: none">- Clearer timelines for key actions- Stronger emphasis on student support	throughout
Mental Health Consideration	throughout

1 Introduction

This policy has been drafted in accordance with Universities UK's guidance for higher education institutions, *How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence* and the Office of the Independent Adjudicator (OIA)'s *Good Practice Framework for Handling Student Complaints and Academic Appeals*.

- 1.1 Once disciplinary proceedings have been taken against a student under this Policy, no disciplinary action may be taken against the student under other disciplinary rules or regulations within the College for the same misconduct. Where disciplinary proceedings have been taken against a student under other disciplinary rules or regulations within the College disciplinary action may be taken against the student under this Policy for the same misconduct.
- 1.2 Unless the context indicates otherwise, references within this Policy to the Head of Centre shall be construed to refer either to the Head of Centre or to a person or persons nominated by the Head of Centre to act on behalf of the Director of Higher Education.
- 1.3 Unless the context indicates otherwise, references within this Policy to the Head of Academic Administration shall be construed to refer either to the Head of Academic Administration or to a person or persons nominated by him or her to act on his or her behalf.

2 Misconduct

- 2.1 Any student studying or registered at David Game Higher Education Centre (DGHE) shall be subject to disciplinary measures if found to have engaged in misconduct, whether on college premises or in connection with college-related activities.
 - Misconduct is defined as any act or omission that:
 - Improperly interferes with the functioning or activities of the College, or those who study or work within it
 - Undermines the wellbeing, dignity, or safety of others
 - Damages the reputation of the College
- 2.2 Any act or omission, whether occurring on college premises or elsewhere, which improperly interferes with the functioning or activities of the College or of those who work or study in the College, or otherwise improperly damages the College or its reputation, shall constitute misconduct under this Policy, including but not limited to the following:
 - a. Any conduct which constitutes a criminal offence;
 - b. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College;
 - c. Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the College, or any visitor to the College;
 - d. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether in person or online (including via social media).

- e. Bullying or harassment of any kind, including cyberbullying and sexual harassment or sexual misconduct;
- f. Discrimination against any student, staff member or visitor on the basis of protected characteristics including race, ethnic origin, nationality, sex, gender identity, sexual orientation, age, disability, political affiliation, religious belief, or any other irrelevant distinction;
- g. Behaviour which undermines the College's commitment to respect, dignity, and inclusion;
- h. Fraud, deceit, deception, or dishonesty in relation to the College or any of its stakeholders
- i. Theft, misuse, or intentional damage of college property or that belonging to its students, staff, or visitors;
- j. Misuse or unauthorised use of college premises;
- k. Possession or use of non-prescription drugs or alcohol, or being under their influence, while on college premises;
- l. Possession or use of controlled substances, weapons, or other prohibited items on college premises;
- m. Failure to respect the rights of others to freedom of belief and freedom of speech;
- n. Breach of the provisions of any College code, rule, policy or regulation;
- o. Failure to disclose personal details to a member of staff of the College in circumstances in which it is reasonable to require that such information be given
- p. Failure to comply with a reasonable instruction issued by a member of College staff acting under the authority of the Head of Centre.

3 Academic Misconduct

- 3.1 Academic misconduct will be dealt with according to the rules set out in the Academic Integrity and Misconduct Policy.

4 Involvement of the Police and Criminal Courts

- 4.1 The following procedures apply where alleged misconduct is reported to the Head of Centre, and the misconduct, if proved, would also constitute an offence under the criminal law.
- 4.2 Where the Head of Centre considers it appropriate, having regard to the seriousness of the alleged misconduct, the matter may be dealt with internally. If the offence is reported to the police, the Head of Centre will normally defer action until the police and courts have dealt with the matter.

- 4.3 The College has the right to report any criminal offence to the police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Head of Centre may at his or her discretion agree not to report the matter to the police.
- 4.4 Where a finding of misconduct has been made under this Policy, and a student has also been sentenced by a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account in deciding the penalty under this Policy.

5 Suspension Pending Investigation or Hearing

- 5.1 A student who is the subject of a complaint of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation, may be suspended from the College by the Head of Centre, pending the conclusion of the disciplinary or any criminal process.
- 5.2 A student who is suspended from the College has restricted rights to enter College premises and to take part in college activities. The terms of the suspension will be notified in writing to the student. An order of suspension may include a requirement that the student shall have no contact with a specified person or persons. The order of suspension shall identify the extent (if any) to which the student's status as a student of the College is affected.
- 5.3 Orders of suspension are to be used only where the Head of Centre considers it necessary to protect a member or members of the College community, or the property of the College or the property of a member or members of the College community. Written reasons for the decision will be recorded and made available to the student.
- 5.4 Unless the matter is deemed to be urgent by the Head of Centre, no student shall be suspended unless he or she has been given an opportunity to make representations to the Head of Centre. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or by the student's adviser, friend or representative. In cases deemed to be urgent by the Head of Centre, a student may be suspended with immediate effect. An opportunity will be given to the student to make representations as soon as reasonably practicable.
- 5.5 A decision to suspend a student shall be subject to review at the request of the student after four weeks. Such a review will not involve a hearing, but the student, either personally or through his or her adviser, friend or representative, will be entitled to make written representations. The review will be conducted by the Head of Centre and the outcome of the review will be communicated to the student.
- 5.6 In addition to the initial review, the Head of Centre shall review the suspension on receipt of evidence of altered circumstances which might affect the order.

6 Summary Procedure

- 6.1 Allegations of misconduct under this Policy should be made to the Head of Academic Administration, who will refer them to the Head of Centre. The Head of Centre may dismiss the complaint immediately if he or she believes that there is

no case for the student to answer, or that it is for some other reason appropriate to do so.

6.2 Initial Review by Head of Centre

The Head of Centre may choose to:

- Dismiss the allegation if there is no case to answer or if the matter is trivial or unfounded
- Seek further information or clarification before deciding next steps
- Proceed to a **preliminary interview** with the student

The student shall be invited to attend a preliminary interview, where they may be accompanied by a friend, class representative, or member of the Advice and Wellbeing Service.

6.3 Preliminary Interview

The purpose of the interview is to give the student an opportunity to respond to the allegations and to clarify any misunderstandings. Following the interview, the Head of Centre may:

- Dismiss the case
- Take no further action
- Offer informal resolution
- Refer the matter for disciplinary action (either via summary procedure or Disciplinary Panel)

6.4 Summary Procedure

Where the student admits to the misconduct and agrees to proceed without a panel hearing, the Head of Centre may determine the case summarily. This route is appropriate only for less serious matters where removal from studies is not being considered.

Where the Summary Procedure is used (typically when a student admits the misconduct), the decision and any sanctions will normally be confirmed within 10 working days of the summary meeting. Delays will be communicated clearly to the student along with a revised timeframe.

- The Head of Centre will review written and/or oral evidence
- A finding of guilt or non-guilt will be made on the balance of probabilities
- Sanctions may be imposed from those listed in Section 8, except termination from studies.

A written summary report of the decision, evidence considered, and sanctions imposed will be provided to the student and retained on record.

6.5 Referral to Disciplinary Panel

The following conditions will result in a referral to a Disciplinary Panel if:

- The student denies the allegation(s)
- The matter is deemed too serious for summary resolution
- The student does not agree to summary procedure then the Head of Centre will refer the case to a Disciplinary Panel, as outlined in Section 7.

7 Disciplinary Panel

7.1 Panel Composition

The **Head of Centre** will appoint a Disciplinary Panel of **three or five impartial members**, including:

- One member of academic staff
 - One student representative (normally from the Student-Staff Liaison Committee)
 - An external or administrative member, where appropriate
- One member (not a student) will be appointed **Chair**.

7.2 Clerk and Legal Advice

The **Head of Academic Administration** or nominee shall act as Clerk, responsible for:

- Organising the hearing
- Recording minutes
- Advising on process

The Panel may seek legal advice if necessary.

7.3 Student Participation

The student will:

- Receive at least **5 working days' notice** of the hearing date
- Be entitled to submit a written statement and supporting evidence
- Be permitted to attend the hearing with a representative or supporter (e.g., friend, class representative, member of Advice and Wellbeing Service)

7.4 Conduct of Hearing

The Panel will:

- Consider all evidence presented by both sides
- Question witnesses and request clarification
- Rely only on evidence submitted during the hearing
- Where oral witness attendance is impractical, written statements may be accepted by agreement.

7.5 Decision Making

The Panel will reach a decision based on the **balance of probabilities**. If members disagree, the outcome will be determined by majority vote.

7.6 Outcome and Reporting

The Chair will prepare a formal written decision, including:

- Summary of evidence considered
- Findings of fact
- Decision on misconduct
- Sanction imposed (if any)
- Justification for the decision

This report will be sent to the student and the Head of Centre. The student will also be informed of their right to appeal under Section 10

8 Penalties

8.1 If a student is found guilty of an allegation of misconduct, one or more penalties may be imposed by the Head of Centre in the case of matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student studies may not be terminated following an allegation heard under the summary procedure. The student or his or her representative shall be entitled to make representations in mitigation before the penalty is decided.

8.2 When determining penalties, consideration will be given to the seriousness of the misconduct, the circumstances of the misconduct, and the means and general personal circumstances of the student.

8.3 A student found guilty of misconduct may be:

- a. Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to his or her actions;
- b. Cautioned, which means that no immediate punishment is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, he or she will then be dealt with for both offences;
- c. Conditionally discharged, which means that no immediate punishment is imposed, subject to the student fulfilling certain stipulated conditions including future good behaviour over the following twelve months or some other specified period. If the conditions are not met, a punishment may be imposed following a further hearing;
- d. Required to pay a reasonable sum by way of compensation for identified and quantified loss;

- e. Required to have no contact, or restricted contact, with a specified person or persons;
- f. Suspended from the College for a fixed period of time, up to a maximum of twelve months. A student who is suspended ceases to be a student of the College for the duration of the suspension and is prohibited from entering College premises, and from participating in College activities. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension will be notified to the student in writing;
- g. Studies are terminated, which means that the student ceases to be a student of the College, and loses all rights and privileges of enrolment;
- h. Required to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the College.
- i. Be subject to some other appropriate penalty as determined by the Panel.

9 Mental Illness or Substance Abuse

- 9.1 Where concerns arise during disciplinary proceedings that a student may be experiencing a mental health condition, mental distress or substance abuse issue, the College will adopt a supportive and fair approach. In such cases, the matter may be referred to the **Advice and Wellbeing Service**, and the disciplinary process may be paused to allow for appropriate assessment and support.
- 9.2 If it appears to the College that a student's conduct may be linked to a diagnosed or suspected mental health condition or substance abuse issue, proceedings may be adjourned to enable the preparation of a medical report or wellbeing assessment. The student will be encouraged to engage with appropriate internal or external support services.
- 9.3 Where there is clear medical or psychological evidence of a mental health condition or substance abuse issue that is likely to have materially affected the student's conduct, the College may:
 - Suspend or terminate the disciplinary process if it is no longer appropriate to proceed
 - Take into account the student's condition when determining any outcome
 - Make reasonable adjustments in accordance with the **Equality Act 2010**

It may be made a condition of suspension or termination of proceedings that the student actively engages with a recommended care or support plan, as agreed with the Advice and Wellbeing Service.
- 9.4 Where there are safeguarding concerns or where the health and safety of the student or others may be at risk, the College reserves the right to implement appropriate precautionary measures. These may include referral to a **Fitness to Study or Fitness to Practise** process (where applicable), or interim suspension under Section 5 of this Policy.
- 9.5 Decisions involving mental health or wellbeing (including substance abuse) will be made with due regard to:

- The student's rights to privacy, dignity, and non-discrimination
- The need to ensure a safe and inclusive learning environment for all members of the College community
- Specialist input from medical professionals or safeguarding leads, where appropriate

10 Appeals

10.1 A student has the right to appeal against:

- A finding of guilt for non-academic misconduct; and/or
- A penalty imposed under this Policy

Appeals must be submitted in writing to the **Head of Academic Administration** within **28 calendar days** of the written notification of the outcome. The written appeal must clearly state the grounds on which the appeal is being made.

10.2 Grounds for Appeal

Appeals may be considered on the following grounds:

- There was a procedural irregularity in the handling of the original case
- The finding was unreasonable in light of the evidence presented
- There is new material evidence that was not previously available for valid reasons
- The penalty imposed was disproportionate or unjustified based on the circumstances

10.3 Appeals Process for Non-Academic Misconduct Outcomes

Appeals submitted under this Procedure will be considered in line with the DGHE Student Complaints Policy, beginning at the **Formal Complaint stage**:

Stage 1 – Formal Appeal

Students who wish to appeal the outcome of a Non-Academic Misconduct decision may submit a formal appeal using the prescribed Complaints Form to the Head of Academic Administration. This will trigger an investigation and, where appropriate, referral to the Complaints Panel.

Stage 2 – Review Stage

If the student remains dissatisfied with the outcome of the formal appeal, they may request a review by the Governance Advisory Committee (GAC). The Committee will convene a Complaints Panel to review whether the proper procedures were followed and whether the decision reached was fair and reasonable.

NOTE: The “informal resolution” step found in the Student Complaints Policy has been removed here so as to avoid any complications and potential conflicts of interest.

Students still have two opportunities to challenge decisions (appeal, then review), ensuring procedural fairness. This process remains consistent with the existing Student Complaints Policy, but is adapted to the specific context of non-academic misconduct cases.

10.4 Composition and Role of the Complaints Panel

The Complaints Panel will be constituted in accordance with the Complaints Policy and will include at least three members independent of the original decision making process. The student has the right to attend the hearing, be accompanied by a representative (legal, medical or other) or member of the Advice and Wellbeing Service, and present supporting evidence or witnesses.

10.5 Completion of Procedures Letter and External Review

Following the outcome of the review stage, the student will be issued a **Completion of Procedures Letter**. This document confirms that all internal complaints and appeal routes have been exhausted.

Students who remain dissatisfied may escalate their appeal to the **Office of the Independent Adjudicator for Higher Education (OIA)** within 12 months of the date of the Completion of Procedures Letter. Guidance on making a complaint to the OIA can be found at www.oiahe.org.uk



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APPLICATION FORM FOR APPEAL – NON-ACADEMIC MISCONDUCT DECISION

This form is to be completed by any student seeking to appeal a decision made under the terms of the College's **Non-Academic Misconduct Policy**.

Before completing this form, students are strongly advised to review **Section 10** of the Non-Academic Misconduct Policy, with particular attention to the **permissible grounds for appeal**.

Completed forms must be submitted to the **Head of Academic Administration** via email at appeals@dghe.ac.uk within **twenty-eight (28) days** of receiving the outcome being appealed.

Applicants must clearly state the grounds for their appeal. Submissions lacking specific grounds will not be considered. Any supporting evidence—including medical or other relevant documentation—should be attached to this form.

Full Name	
Student Number	
E-mail address	
Course of Study	
Date of Decision Notification	
Type of Appeal <i>(Please choose which type of appeal you are submitting).</i> <input type="checkbox"/> Appeal against the Finding of Guilt <input type="checkbox"/> Appeal against the Penalty Imposed	

Grounds for the appeal <i>(You MUST indicate the grounds on which you are appealing this decision).</i>	Please select at least one option: <input type="checkbox"/> New evidence has become available which could not have been reasonably presented at the original Hearing. <input type="checkbox"/> The Hearing was procedurally unfair or did not follow the principles of natural justice. <input type="checkbox"/> The finding of guilt was unreasonable based on the facts presented. <input type="checkbox"/> The penalty imposed was disproportionate or inappropriate given the circumstances.
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Statement in Support of Appeal: <i>(Please provide a clear explanation of the grounds for your appeal and include all relevant details. If your appeal is based on new evidence, please explain why this was not available at the original Hearing and attach supporting documents).</i>

Supporting Documentation *(Please list and attach any relevant supporting documents).*

Declaration (please tick to acknowledge):

☐ I declare that the information provided in this form is true and accurate to the best of my knowledge. I understand that this appeal will be reviewed in accordance with the College's Non-Academic Misconduct Policy and the Student Complaints Policy, and that submission of this form does not guarantee a change in outcome.

Student Signature:

Date:

Submit this form to the Head of Academic Administration at appeals@dghe.ac.uk within 28 days of the date you were notified of the Hearing outcome.