Waltham International College

4.0 Academic Regulations



4.09 Non-Academic Misconduct Policy

Version Number:	9
Reviewed by | Approved by:	Compliance Review | BoG
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Compliance Alignment Statement

This version of the Non-Academic Misconduct Policy has been aligned to current UK and Office for Students requirements as of May 2026. The substantive changes are listed below.

Version Control Statement

Version	Date	Changes	Reason	Author	Next Review
1	14/12/2017		New Policy	Director of Studies	December 2018
2	10/12/2018	Aligned policy to the new structure	Annual Review	Academic Development Lead HE	December 2019
3	May 2020	Aligned to the new policy format adopted in September 2019 Added External (especially the core practices contained within the QAA Advice and Guidance: Admissions, Recruitment and Widening Access) and Internal Reference Points Replaced Registrar with Student Support Manager Removed Welfare Officer	Annual Review	Head of HE	Jul/Aug 2021
4	July 2021	Title changes and format changes	Annual Review	Head of HE	July 2022
5	July 2022	No changes	Annual Review	Head of HE	August 2023
6	April 2024	The Director of Studies has been replaced by the Principal, and the Academic Development Lead has been changed to Academic Manager reflecting organisational structure. Additionally, made minor adjustments for clarity and coherence.	QA Review	QA Officer	August 2024
7	April 2024	Minor amends for clarity	Annual Review	Lead QA	August 2025
8	August 2025	No Changes	Annual Review	QA	August 2026
9	May 2026	- Textual revisions made throughout to bring the policy into compliance with applicable regulations - Updated External Reference List	Compliance Alignment 2026 (OfS)	QA Compliance Review	August 2027

External Reference Points

- OfS Regulatory Framework 2018 (as amended) – Conditions B5, C5, E1, E6
- OfS Condition E6: harassment and sexual misconduct (where relevant)
- Equality Act 2010 – protected characteristics, duty not to discriminate or harass
- Human Rights Act 1998 – Article 6 (right to fair hearing); Article 10 (freedom of expression)
- Higher Education (Freedom of Speech) Act 2022
- Protection from Harassment Act 1997
- QAA UK Quality Code 2024
- UK GDPR and Data Protection Act 2018
- Consumer Rights Act 2015 and CMA Guidance for HE Providers 2023
- Counter-Terrorism and Security Act 2015 (Prevent Duty)

Related Policies and Documents

Affects all other policy documents. This document should however be read together with the following documents:

- 4.06 Complaints Policy
- 4.07 Academic Appeals Policy
- 4.08 Academic Misconduct Policy
- 4.10 Bullying Harassment and Sexual Misconduct Policy and Procedure
- 4.11 Fitness to Study Policy
- 4.12 Fitness to Practice Policy
- 4.14 Student Code of Conduct

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1. Purpose

This Policy sets out Waltham International College's (WIC) approach to managing non-academic misconduct by students. Non-academic misconduct refers to behaviour by students that is contrary to the College's Student Code of Conduct and community values, but that is separate from academic integrity matters (which are managed under the Academic Misconduct Policy).

WIC is committed to maintaining a safe, respectful, and inclusive environment for all members of its community, in line with OfS Conditions B5, C5, and E6, and the Equality Act 2010. This Policy ensures that all misconduct matters are handled fairly, proportionately, and transparently, and that students' rights under the Human Rights Act 1998 are protected throughout.

2. Scope

This Policy applies to all students enrolled at WIC. It covers:

- conduct on College premises, during College-related activities (including field trips, placements, and social events),
- and online conduct (including social media) where such conduct has a direct and material impact on members of the College community.

Matters that may constitute criminal conduct will be referred to the police, and the College's internal process may be suspended pending the outcome of any criminal investigation.

3. Introduction

WIC is committed to maintaining a safe, respectful, and inclusive environment in which all students can learn and thrive. Upholding appropriate standards of conduct is central to this commitment and to the College’s obligations as a registered higher education provider.

This Policy sets out the framework through which WIC responds to non-academic misconduct – that is, behaviour by students that falls outside the expectations of the Student Code of Conduct and the College’s community values, but which is distinct from matters of academic integrity (which are addressed separately under the Academic Misconduct Policy). Non-academic misconduct can encompass a wide range of behaviours, from low-level disruption to serious acts of harassment, violence, or conduct that may have implications for the safety or wellbeing of members of the College community.

The Policy reflects WIC’s regulatory obligations under the Office for Students (OfS) Regulatory Framework, including Conditions B5, C5, and E6, as well as its duties under the Equality Act 2010, the Human Rights Act 1998, the Higher Education (Freedom of Speech) Act 2022, and the Counter-Terrorism and Security Act 2015 (Prevent Duty). It is designed to ensure that all allegations of non-academic misconduct are dealt with fairly, proportionately, and transparently, and that the rights of all parties are respected throughout.

This Policy should be read alongside the Student Code of Conduct, the Complaints Policy, the Bullying, Harassment and Sexual Misconduct Policy, and other related policies listed above. Students who are subject to proceedings under this Policy are encouraged to seek support from the College’s student services and pastoral teams.

4. Definitions of Non-Academic Misconduct

Non-academic misconduct includes, but is not limited to:

- Conduct that causes harm, distress, or embarrassment to other members of the College community, including staff, students, or visitors
- Bullying, harassment, victimisation, or intimidation of any person, including conduct related to protected characteristics under the Equality Act 2010
- Sexual harassment, sexual misconduct, or gender-based violence (which are also addressed under the Bullying, Harassment and Sexual Misconduct Policy)
- Damage to or theft of College or third-party property
- Dishonest conduct in non-academic matters, including providing false information to the College. (Note: where dishonesty relates to assessment, qualifications, extenuating circumstances, or funding applications, it is governed by the Academic Misconduct Policy (4.08), the Malpractice and Maladministration Policy (4.17), or both, as set out in section 8.4 of this Policy.)
- Disruptive or threatening behaviour on College premises or at College events
- Conduct online (including social media) that constitutes harassment, defamation, or breach of College policies
- Wilful non-compliance with lawful College instructions or policies
- Behaviour that brings the College into disrepute
- Breaches of the Prevent Duty (Counter-Terrorism and Security Act 2015) or behaviour that could reasonably be considered to constitute support for terrorism or extremism

5. Principles

- Presumption of innocence: a student is presumed innocent of misconduct unless and until it is proven on the balance of probabilities
- Fairness and natural justice: the student has the right to be informed of the allegation, to present their response, to be accompanied, and to appeal
- Proportionality: sanctions are proportionate to the severity of the misconduct and any mitigating circumstances
- Equality: the process is applied consistently and without discrimination based on any protected characteristic
- Confidentiality: the process is conducted confidentially to the extent possible, consistent with the needs of the investigation
- Timely resolution: cases are handled promptly and within the timeframes set out in this Policy
- Support: students are directed to appropriate pastoral and wellbeing support throughout the process

6. Procedure

6.1 Stage 1 – Informal Resolution

Where the conduct complained of is of a relatively minor nature and does not involve allegations of harassment, violence, or safeguarding concerns, informal resolution through conversation and mediation may be appropriate.

- The Programme Leader or Student Support team will facilitate this process.
- Outcomes are recorded but do not form part of a formal disciplinary record unless the matter escalates.

6.2 Stage 2 – Formal Investigation

Where the matter cannot be resolved informally, or where the allegation is sufficiently serious to warrant formal investigation:

- the Principal or delegated authority will appoint an investigating officer.
- The student is notified in writing of the allegation and the investigation process within 5 working days.
- The investigation includes:
  - gathering evidence;
  - interviewing relevant parties;
  - and preparing a report with findings and recommended outcomes.
- The student has the opportunity to respond to the evidence and to be accompanied.
- The investigation report is considered by a Disciplinary Panel.

6.3 Stage 3 – Disciplinary Panel

The Disciplinary Panel will normally comprise a senior manager not involved in the investigation, and two other appropriate staff members.

- The student is invited to attend and present their case.
- The Panel will determine whether misconduct is established and, if so, the appropriate sanction.
- Sanctions may include:
  - written warning or reprimand;
  - restitution – payments of costs, or compensation for loss, damage or injury that be monetary or in the form of appropriate service or material replacement.
  - apology
  - probation and/or requirement to undertake educational or support activities;
  - suspension from the College for a specified period;
  - or, in the most serious cases, exclusion from the College.
- The student is informed of the outcome in writing within 10 working days of the hearing.

6.4 Stage 4 – Appeal

A student who is dissatisfied with the Disciplinary Panel's decision may appeal within 10 working days of receiving the written outcome, on the following grounds:

- procedural error or irregularity that materially affected the outcome
- bias or improper conduct on the part of a panel member or investigating officer
- misleading or incorrect information provided to the student about the process that materially disadvantaged them
- new evidence not reasonably available at the time of the Panel hearing
- disproportionate sanction

The appeal must be submitted in writing to the Principal, setting out the ground(s) relied upon and providing any supporting evidence. The Principal will acknowledge receipt of the appeal within 3 working days.

The Appeal Panel will normally comprise:

- a senior manager or nominee who was not involved in any earlier stage of the proceedings, who will act as Chair
- one member of the Academic Board or equivalent who has had no prior involvement in the case
- a student representative or member of the Student Support team, where appropriate and where the student consents

The student will be given at least 5 working days' notice of the date, time, and location of the hearing. The student may be accompanied by a person of their choice, who may not be a practising legal representative. The Appeal Panel will consider all written submissions and evidence and may invite the student and relevant staff to attend. The Appeal Panel may uphold the appeal and set aside or substitute the original sanction, partially uphold it, or dismiss it.

The outcome of the appeal is communicated to the student in writing within 10 working days of the hearing, with reasons. The decision of the Appeal Panel is final within WIC. Following the conclusion of all internal processes, WIC will issue a Completion of Procedures letter within 5 working days of the final decision. The student may then refer their case to the Office of the Independent Adjudicator (OIA) within 12 months.

7. Interim Measures

Where the safety or welfare of any member of the College community may be at risk, or where the presence of the student on campus may prejudice the investigation, the College may impose interim measures pending the outcome of the process. These may include:

- temporary suspension from the campus or from online learning activities,
- no-contact orders,
- or exclusion from specific facilities.

Interim measures are without prejudice to the outcome of the investigation and are reviewed regularly.

8. Relationship with Other Policies

8.1 Bullying, Harassment and Sexual Misconduct

Where a matter of non-academic misconduct also engages issues of bullying, harassment, or sexual misconduct, it will be handled under the Bullying, Harassment and Sexual Misconduct Policy (4.10), which includes specific provisions aligned with OfS Condition E6. This Policy does not duplicate those provisions; where 4.10 applies it takes precedence for the purposes of the investigation and outcome, though sanctions under this Policy may still apply where appropriate.

8.2 Concurrent Academic and Non-Academic Misconduct

Where a student's conduct gives rise to concerns under both this Policy and the Academic Misconduct Policy (4.08), both processes may run concurrently. Concurrent proceedings are appropriate where the two matters are factually distinct; for example, where a student is alleged to have submitted plagiarised work and to have separately behaved in a threatening or disruptive manner toward a member of staff.

Where the two matters share common facts, for example, where threatening behaviour toward a member of staff arose during or in direct response to an academic misconduct investigation, the Assessment Manager and the Principal will confer before proceedings are initiated to determine the most appropriate sequencing. In such cases:

- the academic misconduct process under 4.08 will normally be progressed first, as its findings may be directly relevant to the factual basis of the non-academic misconduct allegation
- the non-academic misconduct process under this Policy will be held pending the outcome of the 4.08 process, unless interim measures under section 7 of this Policy are required in the meantime to protect the safety or welfare of any member of the College community
- once the 4.08 process has concluded, the non-academic misconduct process will be progressed taking account of any relevant findings, without re-opening matters already determined

Where concurrent proceedings run independently, the Assessment Manager is responsible for ensuring that both processes are coordinated, that the student is not required to respond to the same factual allegation twice, and that outcomes are proportionate when considered together.

A student will not normally be penalised twice for the same conduct. Where both processes result in findings, the Assessment Manager and Programme Manager will review the combined sanctions before they are communicated to the student to ensure proportionality.

8.3 Fitness to Study

Where behaviour that might otherwise constitute non-academic misconduct may be linked to a student's mental or physical health, disability, or other personal circumstances, the College will consider whether the Fitness to Study Policy (4.11) provides a more appropriate response, either instead of or alongside this Policy. Staff who believe a student's conduct may be health-related should raise this with the Programme Manager and Student Support team before initiating formal proceedings under this Policy. This does not prevent interim measures from being applied under section 7 where safety concerns require immediate action.

8.4 Malpractice, Fraud and Dishonest Conduct

Where non-academic misconduct includes dishonest conduct relating to qualifications, assessment records, funding applications, or the administration of regulated qualifications, this may also engage the Malpractice and Maladministration Policy (4.17). In such cases the Assessment Manager will determine which policy governs the investigation, having regard to the nature of the conduct and any awarding partner reporting obligations. Where the dishonesty relates to an extenuating circumstances application or academic integrity matter, the Academic Misconduct Policy (4.08) takes precedence in accordance with section 6.2.8 of that Policy.

8.5 Criminal Conduct

Where a matter involves potential criminal conduct, the College will refer the matter to the police. The College's internal process may be paused pending the outcome of any criminal investigation, but interim measures under section 7 may remain in place during any such pause. The College's process is independent of any criminal proceedings and may be progressed after criminal proceedings have concluded, or where the Crown Prosecution Service determines not to prosecute, without prejudice to the outcome of the criminal process.

9. Freedom of Speech

WIC is committed to protecting freedom of speech and academic freedom within the law, in line with the Higher Education (Freedom of Speech) Act 2022. This Policy will be applied in a manner that is consistent with students' right to freedom of expression. Lawful expression of opinion, even where it is controversial or offensive to some, will not in itself constitute misconduct. However, expression that constitutes unlawful harassment, discrimination, or incitement will be treated as misconduct.

10. Equality and Accessibility

WIC will apply this Policy fairly and without discrimination based on any protected characteristic. Reasonable adjustments will be made to the procedure for students with disabilities or other protected characteristics. The College monitors misconduct data by protected characteristic to identify any disproportionate outcomes

11. Data Protection

Information collected during misconduct proceedings is personal data processed in accordance with UK GDPR and the Data Protection Act 2018. Records are retained in accordance with WIC's records retention schedule.

12. Monitoring and Review

The Academic Board receives annual reports on non-academic misconduct cases. Data is used to identify trends and inform preventive measures, education, and support. This Policy is reviewed annually.

13. Appendices

13.1 Appendix 1: Non-Academic Misconduct Procedure - Summary

This flowchart provides a summary guide to the four-stage procedure. In all cases, the full provisions of the Non-Academic Misconduct Policy (4.09) take precedence.

Stage	Action	Responsible	Timescale
1	• **Informal Resolution - Concern raised.** Programme Leader or Student Support attempts resolution through conversation or mediation. • Outcome recorded but not placed on formal disciplinary record unless matter escalates.	Programme Leader / Student Support team	No fixed timescale — resolved promptly
2	**Formal Investigation** • Matter cannot be resolved informally, or allegation is sufficiently serious. • Investigating officer appointed. • Student notified in writing of allegation and process.	Principal or delegated authority appoints investigating officer	Student notified within 5 working days of decision to investigate
2	**Investigation Conducted** • Evidence gathered, parties interviewed, student given opportunity to respond. • Investigation report prepared with findings and recommended outcomes.	Investigating officer	No fixed timescale — completed promptly and fairly
3	**Disciplinary Panel** • Panel considers investigation report. • Student invited to attend and present case. • Panel determines whether misconduct is established and appropriate sanction.	Panel: senior manager (not involved in investigation) + two other staff members	Outcome communicated to student in writing within 10 working days of hearing
4	**Appeal (if student dissatisfied)** • Student may appeal Panel decision on grounds of: procedural error; bias or improper conduct; misleading information; new evidence; or disproportionate sanction.	Appeal Panel: senior manager not previously involved (Chair) + one Academic Board member + student representative (where appropriate)	Appeal submitted within 10 working days of Panel outcome. Outcome communicated within 10 working days of hearing.

- *Where the matter involves potential criminal conduct, the College may refer to the police and pause its internal process. Interim measures (s.7) may remain in place during any pause.*
- *Where conduct may also engage the Academic Misconduct Policy (4.08), the Malpractice and Maladministration Policy (4.17), or the Fitness to Study Policy (4.11), see section 8 of this Policy for guidance on which process takes precedence.*
- *Following exhaustion of all internal stages, a Completion of Procedures letter will be issued within 5 working days. The student may then refer their case to the Office of the Independent Adjudicator (OIA) within 12 months.*