



Student Disciplinary Policy and Procedure

Scope

This Policy and Procedure applies to all enrolled students.

Unacceptable Behaviour

In general terms, any failure to meet the requirements of the Students' Code of Conduct is unacceptable.

The following are examples of what the College considers to be unacceptable behaviours and/or gross misconduct which may result in disciplinary action. It is not intended that this is an exhaustive list of such behaviours.

- Unacceptable conduct in class or in College
- Failure to follow reasonable instructions of staff
- Unacceptable language
- Deliberate failure to complete and submit work to deadline on a regular basis
- Poor timekeeping
- Breach of attendance guidelines
- Inappropriate use of computers or any other technological device
- Smoking, including e-cigarettes, anywhere other than in the designated area

Gross Misconduct

This is behaviour so serious that it could result in exclusion from College. Examples include (this list is not exhaustive):

- Bringing the college into disrepute
- Any form of bullying or discrimination
- Any form of physical, emotional or verbal threat
- Abusive, offensive, aggressive language or behaviour
- Any illegal/criminal activity whether carried out on college premises or not
- Participating in any way in actions which could reasonably be expected to be subject to provisions of counter-terrorism legislation
- Acts of violence
- Threatening behaviour
- Carrying of offensive weapons
- Actions that breach the College's Health and Safety Policy
- Drug, solvent or alcohol possession or abuse
- Disruption to the learning of others
- Plagiarism

- Cheating
- Inappropriate use of IT including social media and cyber bullying
- Use of mobile devices to record images / voice of anyone without their knowledge or permission
- Wilful damage to property

In extreme cases of gross misconduct the College reserves the right to immediately withdraw the individual from the course. This will only be instigated if serious safeguarding concerns are associated with the misconduct. Examples include:

- Illegal/criminal activity whether carried out on college premises or not
- Carrying of offensive weapons

The right to appeal will apply in all cases.

DISCIPLINARY PROCEDURES

Informal Process

The College will usually try to deal with unacceptable behaviour by informal methods and will only use the formal process when this proves unsuccessful or is inappropriate in the circumstances (e.g. an instance of gross misconduct.)

Stage 1

If a student's behaviour does not reach the required standard, the relevant lecturer will discuss the problem with the student and agree an action plan for improvement within an appropriate timeframe.

Stage 2

If a student's behaviour continues to be unacceptable, or where the unacceptable behaviour is of a more serious nature, this matter may be referred to the Curriculum and Quality Manager who will meet with the student to discuss the next steps which could include a further period to improve or referral to Stage 3 of the process.

In certain circumstances, a student may be sent home at the discretion of the Faculty Manager. This is not a formal suspension but a short term step to allow consideration of whether further action is appropriate or not.

Stage 3

If a student's behaviour continues to be unacceptable, or where the unacceptable behaviour is of a more serious nature, The Faculty Manager may take one of the following actions:

(a) Following a meeting with the student issue an informal written warning explaining the nature of the unacceptable behaviour and actions agreed within a reasonable timescale to improve. The student should be informed that should there be no improvement this will lead to the instigation of the formal disciplinary process.

(b) Where the unacceptable behaviour is of a more serious nature (eg gross misconduct) the Faculty Manager will meet with the student and may issue them with a precautionary suspension if appropriate (see below). The matter will then move into the formal process.

Precautionary Suspension

Where appropriate a precautionary suspension may be imposed on a student by the Faculty Manager. Suspension is a neutral act and should only be imposed where the student presents a risk to the College's staff, students or property or where the student's presence in the College would inhibit a proper investigation of the alleged misconduct. The suspension should be of a short duration.

Where the seriousness of the incident justifies, Stage 1 or Stages 1 and 2 may be omitted. Any investigation as part of the process should be completed in a reasonable timescale.

Formal Process

The formal process is run by the relevant Director of Curriculum. The Director will review the evidence and may either:

- Remove the suspension and Issue a First Formal Written Warning – there will be a right of appeal to the Head of College against this First Formal Warning within 5 working days of the date of the notification of the warning.
- Refer the matter to the Disciplinary Committee

Disciplinary Committee

The Disciplinary Committee will comprise: the Head of College (or another member of the College Senior Management Team), who will act as Chairperson; two members of the College's staff (unconnected with the alleged breach of discipline), including a member of the College's Student Services Team; and one representative of the Students' Association. Three constitutes a quorum, and the Chairperson has a vote. Cases will be decided by a simple majority of those present and voting (the chair will have a casting vote if necessary).

Conduct of Hearings

Prior to the hearing

The Student:

- Will receive written notification of the date, time and place of the hearing at least 5 working days before the date of the hearing.
- Will be provided with, in advance of the hearing, any material evidence the Disciplinary Committee will be considering at the hearing (suitably redacted if necessary)
- May choose not to attend the hearing in which case it will be held in her/his absence and the Committee will only be able to rely on the evidence available.
- May submit a written statement containing matters which s/he wishes to be discussed, whether or not s/he chooses to attend the hearing.

At the hearing:

- The Student may be accompanied by someone for support, this may be a relative/carer or friend or representative of the Students' Association.

NB: Formal legal representation is not permitted, and an accompanying friend cannot be a qualified

Solicitor or Advocate

- The Director of Curriculum will present the evidence that led to the formal action being taken and may call witnesses as applicable.
- The Student will have the opportunity to present their version of events and any mitigating circumstances. Subject to the agreement of the Disciplinary Committee they can question witnesses called by others.

Disciplinary Measures

In the event of the Disciplinary Committee deciding that the student's behaviour has been unacceptable, it can decide to impose any of the following disciplinary measures:

- A final written warning notifying the student of the behaviour which is unacceptable and the possible consequences of repeated unacceptable behaviours.
- Exclusion from the College.

After the hearing - the student:

- Will receive written notification of the outcome of a hearing within 10 working days following the hearing.

Right of Appeal

- The Student has the right to appeal to the Principal against the decision of the Disciplinary Committee. The appeal must be sent in writing within 10 working days of the date of notification of the results of the hearing. The only permitted grounds of appeal are that the process by which the hearing was conducted was flawed, or that the penalty imposed was disproportionate. The Principal (or in her/his absence, another member of the Senior Management Team who has not been involved previously) will consider the appeal.
- There is no right to a further hearing, although the Principal may request that a person connected with the incident or the decision submit a written report or provide oral evidence.
- In the event that oral evidence is requested the student and his or her companion will be entitled to be present while the evidence is given.
- The Principal, or his/her nominated representative, will respond within 10 working days.

- With the exception of the time allowed to lodge an appeal, timescales given in this Code are for guidance and may be varied if appropriate.

Student Disciplinary Records

Any records of hearings or of disciplinary action taken against the student will be retained by the College under confidential cover and will not be provided to any third parties except where the College is required to comply with statutory and other legal provisions.

Disciplinary decisions will be communicated in confidence to relevant College staff.

Reasonable Adjustments

If you have difficulty at any stage of this procedure because of a disability or other protected characteristic, you should notify the relevant member of staff as soon as possible.

This policy will be reviewed every 12 months by the Principal of College