

Student Disciplinary Procedures

Summary

The College United Values, Positive Student Behaviour Policy, and Student Disciplinary Policy set out the College approach to promoting positive student behaviour and setting our common values. This document sets out the college disciplinary processes when student behavior falls below the expectation as set out in the above policies. These procedures will be used to address student misconduct.

The document gives full details of all of the levels of disciplinary status, recommends suitable interventions for each stage and identifies staff responsibilities. The document also sets out guidelines for conducting Withdrawal and Exclusion hearings and related appeals procedures for students. The appendices contain flowcharts and quick guides for day-to-day reference.

Scope

The procedures apply to all Students undertaking any course of Further Education, Apprenticeship or alternative 14-16 provision at the College and in any other situation in which they are representing the College or engaged in college activities.

Higher Education Students: This policy applies to HE students, but other processes may be more appropriate to follow, such as Fitness for Professional Practice and Breach of Assessment procedures. Where these are not appropriate the College disciplinary procedures will be followed.

This document will be made available to students and will be sent, along with the College Positive Behaviour Policy, to all students who are suspended from the College pending a Final Stage Hearing.

Student Misconduct

Student Misconduct is identified in the College Charter and communicated to Students in the Code of Conduct. For the purposes of the disciplinary process, and as a guide for staff, examples of types of Student Misconduct have been categorised into the following groups. **All** of which must be recorded under the 'Pastoral' on EBS OnTrack, to ensure the Head of Department is able to take immediate follow-up action.

Please note that any Student Misconduct which has taken place digitally or electronically will be subject to the same procedures.

Guidelines of Behaviour

All examples of behaviour of this nature should be recorded on the Teaching and Learning 'Pastoral' tab on the Learner profile on EBS.

| General Misconduct | Serious Misconduct | Gross Misconduct |
|---|--|---|
| <p>Persistent misconduct where a student repeatedly fails to respond to a reasonable informal reprimand.</p> | <p>Misconduct with clear and deliberate intent to cause disruption or upset to others.</p> | <p>Actions which clearly harm the student or other student(s) and/or staff, or put the student or other student(s) and/or staff at risk of harm or loss. This includes deliberate breaches of the College Equality and Diversity policies, and any criminal activity.</p> |
| <p>Examples of behaviour (non-exhaustive)</p> <ul style="list-style-type: none">• Persistent disruption of their own or others' learning• Persistent disruption of the activities of teaching staff (for example, unauthorised mobile phone use)• Upsetting the legitimate activities of fellow Students and members of the public• Persistent breaches of Health and Safety requirements• Smoking including vaping outside of designated areas• Littering• Spitting• Use of foul language not directed at others• Failure to wear College ID badge visibly• Unauthorised absence (FE) (as measured against College standard guidelines)• Persistent lateness (as measured against College standard guidelines)• Persistent failure to complete work or late submission of work | <p>Examples of behaviour (non-exhaustive)</p> <ul style="list-style-type: none">• Abusive and offensive language towards others i.e. students, staff or visitors• Threats of physical violence toward others• Deliberate disruption of their own or others' learning• Deliberate disruption of the activities of teaching staff• Deliberate disruption of the operation of College procedures and activities• Intentional breaches of Health and Safety requirements• Deliberate damage of College property• Bringing the name of the College into disrepute• Misuse of College ICT systems including Internet and Email usage• Cheating or plagiarism (Examination Board procedures must be followed if this is detected)• Failure to adhere to any Behavioural Contract issued as a Caution | <p>Examples of behaviour (non-exhaustive)</p> <ul style="list-style-type: none">• Physical assault• Sexual Harassment• Discriminatory behaviour and language• Hate Crimes• Bullying (including online)• Possession, use or sale of illegal or non-prescribed drugs on or near College premises• Attending College under the influence of Alcohol, illegal or non-prescribed drugs• Possession, use or sale of weapons on or near College premises Theft• Arson |

Disciplinary Status

Any student who has been disciplined in line with these procedures will hold a **Disciplinary Status**. The Disciplinary Status will be made clear to the student and will be recorded on the students' record and EBS Disciplinary Reports. There are three levels of Disciplinary status as follows:

Cautions

This is the first stage in the formal procedure. It is not expected that tutors will issue cautions for minor classroom management issues, but that they will be issued for persistent low-level misconduct as identified in the general misconduct categories.

The Caution should be given by any member of curriculum staff, if this is not possible, due to student absence, the student must be informed in writing of the issue of the Caution. All Cautions should be supported by a Behavioural Contract which details expected changes in behaviour and includes a review period (Appendices ii & iii).

A record of the Caution may be sent to the student's parents or carer where appropriate in-line with the requirements of the Data Protection Act.

Formal Warning

This is the second stage in the formal procedure. Where a student holds no Cautions, but their presenting behaviour constitutes Serious Misconduct, the student's Disciplinary Status may be escalated straight to **Formal Warning**.

Following incidents of **Serious Misconduct**, a short informal suspension or 'cooling off' period may be required. This will enable the student to reflect on their behaviour and enable the staff involved to gather relevant evidence or information. The cooling off period should not extend beyond three timetabled college days for the individual. Students must be supported to complete work during this period and to catch up with missed lessons or lectures. The 'cooling off' period must be approved by the Head of Department. All absences relating to the 'Cooling off' period must be recorded as authorised absence. Contact must be made with Parent/Carer before any student is sent home (if under 18 years of age). Where parental contact cannot be established staff are advised to contact Student Services for advice.

'Cooling off' periods for 14-16 pupils should follow the procedures agreed with their school. On no account should 14-16 pupils be sent home early without prior agreement with parents or carers and the pupil's school.

A **Formal Warning** will be given in an arranged meeting, within three working days of the incident. All Formal Warnings should be supported by a Behavioural Contract which details expected changes in behaviour and includes a review period. Curriculum intervention / pastoral staff to monitor compliance with the behaviour contract through regular check-ins with the student and Course Leaders. (Appendices ii & iii).

A Formal Warning will stay on the student record for the duration of the behavioural contract. Documentary evidence of the incident(s) must be kept in the event of any subsequent discipline procedures and recorded under the 'Pastoral' tab on the Student's Teaching and Learning profile on EBS. Any student attending a **Formal Warning** can be accompanied by a friend, a parent or carer, employer or partner at the meeting.

Final Warning

This is the third stage in the formal procedure. Where a student has had a **Formal Warning** and is involved in further Incidents of General or Serious Misconduct, their disciplinary Status will be escalated to **Final Warning**. This is a Final Formal Warning, which carries with it the indication that any subsequent misconduct will result in a Disciplinary Hearing for Withdrawal or Exclusion.

Similar procedures as for the **Formal Warning** above should be followed, and a 'Cooling off' period may be required.

A **Final Warning** will be issued by the Head of Department or a CAM (in their absence) in a formal meeting, within three working days of the incident or escalation. All **Final Warnings** should be supported by a Behavioural Contract which details expected changes in behaviour and includes a review period. (Appendices ii & iii). All warnings will remain on the student's record for the duration of the Behavioural contract. Documentary evidence of the incident(s) must be kept in the event of any subsequent discipline procedures and recorded on Learner details, Teaching and Learning 'Pastoral' tab on the Learner profile on EBS. The **Final Warning** should clearly indicate the nature of behavioural change that is required and/or any specific conditions or actions which would automatically trigger a **Final Stage Hearing**.

Final Stage Hearing

This is the fourth and final stage in the formal procedure. The **Final Stage Hearing** is used when the student has been taken through all of the other stages of the formal procedure but the necessary improvements in behaviour have not been met. Alternatively, incidents of **Gross Student Misconduct** may be escalated directly to a Final Stage Hearing.

Suspension

Students who are suspected of Gross Misconduct may be suspended from College pending the Final Stage Hearing. During the period of suspension an investigation will be carried out into the alleged offence. During the suspension period the student may only attend College for a specific meeting arranged by Head of Department.

In circumstances where the Police are investigating a case, the student must remain suspended from the course and the college pending the completion of the Police investigation. Depending on the case and its implications, the Chair will decide whether the College should carry on with the formal procedures or await the outcome of the Police investigation before proceeding. The College disciplinary hearing must not in any way prejudice a Police investigation.

The following staff are authorised to suspend students:

- Any member of the Executive
- Heads of Department

Suspensions will be communicated to the student by any authorised member of staff. A student must be given written notification of any suspension and clearly state the reason for it using the suspension form (Appendix iv). If the student is not present when suspended they must immediately be informed in writing of the suspension. If the student is under 18 years of age, this decision must be communicated to the student's parent / carer immediately, and followed up in writing.

Any Suspension should not normally exceed 10 College working days. Exceptionally, a suspension may need to extend beyond the 10 days. In such cases, the Chair has the authority to extend the period of suspension pending a disciplinary hearing or completion of the investigation. Special consideration and the use of risk-

assessment may be required if the suspension takes place during an exam period. This consideration and decisions around special circumstances will be at the discretion of the Head of Department or a member of the Executive. If the outcome of the Final Stage Hearing does not result in withdrawal of the student, it is the responsibility of the HOD and curriculum staff to support the student in catching up on work and lessons missed.

Final Stage Hearing - Panel

Final Stage Hearings must be chaired by a Head of Department. Where this is not possible the meeting may be chaired by a CAM (in the absence of the HOD), or a Vice Principal.

The role of the Chair is to investigate the case using any evidence presented by either Campus Liaison, Heads of Department, Curriculum or Support staff, or Students. The Chair may also request additional evidence where appropriate for example CCTV footage, statements from witnesses or reports on academic or behavioural progress.

A note-taker from the relevant curriculum area must be present at Final Stage Hearing. The note taker will use standard pro-forma to record the content of the discussion - see Appendix (v) The note taker will also record any agreed outcome(s) of the meeting.

Where College Campus Liaison have been involved in an incident, a representative from the team should be present to present the security report of the incident and any evidence relating to the incident, for example witness statements or CCTV footage.

A representative from the teaching staff for the student's department must also attend the hearing to give an account of the Student's general academic progress.

The student may be accompanied at the hearing by a Student services representative, class representative, friend, parent or carer to their Final Stage Hearing for moral support and to act as a witness. They do not need to inform the panel of this in advance. The person accompanying the student must not participate in the hearing or the discussion of outcomes in any way.

Reasonable adjustments for students with additional learning support needs or disabilities must be made. The panel chair must consult with the Head of Inclusive Learning to ensure that the student's support needs are met throughout the disciplinary process. This may include attendance at the hearing by a suitable member of support staff, *in addition* to any Students' Union representative, class representative, parent or carer.

Observers may be invited to Final Stage Hearings from time to time, for e.g. new staff who need to observe the process. Observers should only be present with the prior consent of the student which must be sought and confirmed in advance of the hearing. The purpose of the observation must be explained to the student fully. Observers must not present any conflict of interest for the student or the panel, and must not participate in the hearing or the discussion of outcomes in any way.

Final Stage Hearing – The Meeting

The following procedures must be followed at all Final Stage Hearings:

1. The hearing must be held away from the student's usual area of attendance in College, and in a private room reserved specifically for the process.
2. The room should be prepared in advance, with enough seating available for everybody, and around a table so that participants can comfortably make notes.
3. Drinking water should be made available for the student.
4. The Panel Chair will introduce themselves to the student, then invite the other panel members to introduce themselves.
5. The Panel Chair should check that the student has received the meeting notes in advance of the meeting. These should be sent with the invitation to the hearing meeting either through the post or via email as determined by the student at the time of suspension.
6. The Panel Chair will then explain the stages of the meeting:
 - The management case will be read to the student – If the hearing is the result of an incident involving security this will be the security report. If the hearing is the result of reaching the end of the disciplinary process as the result of persistent General or Serious Misconduct, the curriculum team member will present the evidence.
 - The Panel Chair will then ask the student to put their case through asking a series of questions (see **Restorative Practice** below)
 - The Curriculum representative may also ask questions for clarification.
 - The student will be given the opportunity to volunteer any further information either as evidence or in mitigation.
 - The meeting will then adjourn to enable the panel to discuss the case and decide on the outcome. The Panel Chair will make the final decision where the panel is not unanimous in its decision.
 - The hearing will then reconvene. Where possible the outcome of the meeting should be communicated to the student immediately. Where this is not possible, for example, further evidence is required, a follow up meeting will be arranged.
7. The student must be informed both verbally and in writing if the decision is made to withdraw or exclude them.
8. Where students fail to attend a disciplinary hearing without prior warning, a decision may be made by the panel in their absence. Exceptions to this may apply in special circumstances, at the Panel Chair's discretion.

Behavioural Contracts

The Behavioural Contract must be agreed in a face to face meeting with the student. The targets set must be clear and reasonable and proportionate to the behaviour. The issuer should carefully check the student's understanding of each point. The document should be signed and dated by the issuer and the student. The contract must be recorded on the 'Pastoral' record on the Learner profile on EBS by the Head of Department / Curriculum staff, who will be assigned to work with the student. The Contract should be reviewed at least once in an agreed meeting at an arranged time. The progress against the contract should be recorded on EBS On Track on the student's pastoral record. Example behavioural contract template and review template are included in Appendices (ii) and (iii).

Recording and Communication

Due to the highly sensitive nature of disciplinary records, in line with Data Protection laws, **all** disciplinary actions and status **must** be recorded centrally on EBS On Track pastoral disciplinary log.

All notes and communications from Final Stage Hearings will be scanned and stored on a central password protected drive accessible only to the Head of Department, Vice Principal EDI & Student Experience and their delegated staff. Original paperwork will be destroyed.

Restorative Practice

The aim of the Final Stage Hearing is not a punitive one. The aim is to discuss the incident(s) and behaviour(s) and allow the student to reflect on this. Wherever possible the line of questioning should follow a Restorative format. The aim of Restorative questioning is to enable the student to reach an understanding of their behaviour and its impact on others. The following is a useful series of questions to ask the student, in sequence:

1. Tell me what happened?
2. What were you thinking at the time?
3. What were you feeling at the time?
4. Who else has been affected by this?
5. What happens next?

It may be necessary to prompt the student by reframing or explaining the questions. Regardless of the outcome of the hearing, Restorative Practice will help the student to make sense of their actions and learn from the experience.

Police Involvement

Where an incident on or around College premises has resulted in Police involvement, the HOD or Manager assigned the case must carefully review the case before setting College Disciplinary procedures in motion. If a student has been placed under arrest or is charged with a crime the HOD or Manager must ensure that any College procedures do not prejudice the case in any way. The HOD or Manager should liaise with the College link Police Officer in such circumstances, and seek guidance from the Head of Student Services, Safeguarding Team or Vice Principal EDI & Student Experience as appropriate.

Appeals

All students have the right to appeal any disciplinary decision made against them above Caution stage, which they feel is unfair, provided they can demonstrate:

- Evidence relating to a specific incident or incidents has not been given due consideration.
- Procedures have not been followed correctly in such a way that the student has been set at a clear disadvantage in the process.
- The student can demonstrate that they have been discriminated against in any way due to a personal characteristic unrelated to their presenting behaviour(s).

Appeals are to be made in writing within 10 working days of the decision to the Vice Principal EDI & Student Experience who will review the circumstances and decide whether there are grounds for reviewing the decision. The student will be informed of the decision in writing within 10 working days.

Appeals against Exclusions and Withdrawals are to be made in writing within 10 working days of the decision to the Vice Principal EDI & Student Experience in the first instance. Appeals against a Final Warning will be considered by a Head of Department not previously involved with this case, who may decide to review the evidence in a formal meeting attended by the student, a parent or carer or supporter, and a member of the curriculum team. The recommendations from the appeal investigation will be fed back to the Vice Principal EDI & Student Experience.

A panel of three members of Leadership convened by a HOD or Vice Principal and not previously involved in the case will review the withdrawal/exclusion panel's decision and decide whether there are grounds for an appeal hearing to be held. The student will be informed of that decision in writing within 10 days of receipt of the appeal letter. If the decision is that the appeal is justified due to the submission of new evidence or claimed procedural irregularities an appeal hearing will then be convened by the panel.

The procedure for the hearing is set out below:

1. Only witnesses and evidence identified to the Chair in advance of the hearing will be referred to during the hearing itself.
2. The student or their representative will be invited to state the grounds of their appeal
3. The panel will have the opportunity to ask questions of the student or their representative
4. The member of staff imposing the sanction will then put their case to the panel
5. The panel will have the opportunity to ask questions of that member of staff
6. Both sides will have the opportunity to summarise their cases
7. Both sides will withdraw from the hearing, leaving the panel to deliberate in private. The panel can recall either side to seek points of clarification
8. The panel will normally recall the sides in order to inform them of their decision.

The decision of the appeal panel is final, and will be communicated to the student in writing in a letter from the College Principal within 10 working days of the hearing.

If a student is reinstated as part of this process, it is the responsibility of the HOD and curriculum staff to support the student in catching up on work and lessons missed.x1

Related documents

United Values and Behaviour Strategy

Positive Student Behaviour Policy

Student Disciplinary Policy

College Code of Conduct (Ready, Respect, Safe)

College Charter

Using OnTrack to Capture Disciplinary Actions step-by-step guide

Appendix (1)

Disciplinary Process Flowchart



Student Behavioural Contract

| | | | |
|------------------------|--|---------------------|--|
| Student Surname: | | Student First Name: | |
| Student Date of Birth: | | Student Number: | |
| Member of Staff: | | | |

It has been agreed that you will return to college to complete your studies subject to the following conditions:

- Full attendance and punctuality (absences to be reported in advance if possible and with supporting evidence)
- Appropriate attitude and behaviour
- Full uniform at all times
- Participation in all activities
- Assignments submitted to deadline
- Attend behaviour management programme
- Referral to Support Services?
- **Add/delete any specific conditions and insert a summary of what was discussed/agreed in the meeting.**

Your progress will be monitored weekly by your Course Leader (name)..... Until (agreed date).....

Any breaches to the conditions will result in further disciplinary action.

Student Signature: _____

Date: ____/____/____

Staff Signature: _____

Date: ____/____/____

Appendix (iii)

Behavioural Contract Review

| | | | |
|------------------------|--|---------------------|--|
| Student Surname: | | Student First Name: | |
| Student Date of Birth: | | Student Number: | |
| Member of Staff: | | | |

| | Review 1 | Review 2 | Review 3 | Review 4 |
|---|--------------|--------------|--------------|--------------|
| Conditions | Date: | Date: | Date: | Date: |
| Full attendance / punctuality | | | | |
| Appropriate attitude and behaviour | | | | |
| Full uniform | | | | |
| Participation in all activities | | | | |
| Assignments submitted to deadline | | | | |
| Student Signature | | | | |
| Course Leader Signature | | | | |

Information for Students

Suspension from College

If a staff member is suspending you from your studies they must explain clearly to you the reasons for the suspension and check that you understand.

Suspension means that we are asking you to take some time away from College. You should not come into College or the College grounds whilst suspended. We will normally keep your College ID badge here until we agree that you may return to College.

Students are usually suspended from College for one or more of the following reasons:

- To keep you safe
- To keep others safe
- To give you some time to reflect on what has happened
- To allow time for a College investigation to take place
- To allow time for a hearing meeting to be arranged if this is necessary
- If the Police are involved, to allow them time to deal with the case

Suspension from College is **not a punishment** or an indication of any judgement being made about you or your behaviour.

We will not contact your parent(s) or carer without your permission unless you are aged under 18 and we believe you to be at risk of harm. However, you will need to think about how you will explain your absence from College to your parent(s) or carer. If you are worried about this you can get help from our Safeguarding team on 01274 088999. You can mention this to the member of staff who is suspending you before you leave.

Your Next Steps

- You will receive written notification of your suspension and the reason for it, either via email or through the post, whichever option you prefer. Please make this clear to the member of staff who is issuing the suspension.
- You will also receive a copy of the College's positive behaviour policy and procedures through the post or via email.
- Your suspension should not exceed 10 working days (half terms, weekends not included) in some circumstances it may be necessary to extend the suspension, you will be notified if this is the case.
- Where the Police are involved the suspension period may be extended, you will be notified if this is the case.
- Your tutor will contact you to make arrangements for you to keep up with your College work whilst you are suspended.
- You may log in to Moodle from home to help you keep up to date with your college work.
- If your suspension results in a disciplinary hearing you will receive notice and papers at least 2 working days before the hearing is scheduled.
- You may wish to bring a relative, carer or guardian along to the hearing for support. Similarly, you can seek assistance from Students' Union - 01274 088999 in presenting your case.

Student Suspension Form

This part to be completed with the student.

| | | |
|---|---------------------------------|---------------------------------|
| Date of suspension | | |
| Student name | | |
| College ID number | | |
| Course and Tutor | | |
| Preferred method of contact | <input type="checkbox"/> Letter | <input type="checkbox"/> E-mail |
| 'Suspension from College – Information for Students' leaflet given to student? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Student Signature | | |

Office use only

| | | |
|--|------------------------------|-----------------------------|
| Name of person issuing suspension | | |
| Suspension authorised by | | |
| Id Card retained (card to be kept in FE/HE registry) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Note added to record (FE/HE registry to add the note) | | |

| Disciplinary Hearing Notes | | | |
|-----------------------------------|--|------------------------|--|
| Case no | | Date of hearing | |
| Panel members | | | |
| Other staff attending | | | |
| Students | | | |
| Note taker | | | |
| Introduction | | | |
| Management case | | | |
| Student Case | | | |

| | | |
|-------------------------------|--|--|
| Panel Questions | | |
| Student Questions | | |
| Summing up and outcome | | |
| Any other notes | | |