



## Student Disciplinary Policy 2008-2009

This document sets out the College's procedures for dealing with students whose behaviour falls below the expected standard. The College's expectations are set out in the *Rules of Conduct of Students*.

The procedures which follow are divided into three sections:

- Minor Misconduct
- Significant Misconduct
- Serious Misconduct

The decision as to whether misbehaviour is minor, significant or serious will depend upon the facts of the incident. As a guideline:

### 1. Principles

- 1.1 The purpose of the *Student Disciplinary Policy* is to ensure fair and consistent treatment of all students by defining the rights and duties of those concerned.
- 1.2 The *Student Disciplinary Policy* applies to all students enrolled at the College when there has been a failure to meet obligations regarding conduct.
- 1.3 Students have a responsibility to be aware of and comply with the *Rules of Conduct of Students* and the policies and procedures of the College as set out in the *Student Handbook*, or in such amendments as may be made and drawn to their attention from time to time in the *College Bulletin*. The *College Bulletin* is posted in key areas of the College.
- 1.4 Any disciplinary action or sanctions will satisfy the test of reasonableness in all the circumstances. Account may be taken of the student's previous record and any other relevant factors as well as the seriousness of the misconduct.
- 1.5 At every stage in the policy the student will be informed of the nature of the complaint against him or her.
- 1.6 The *Disciplinary Policy for Serious Misconduct* (the highest level of misconduct) may be implemented at any stage of an investigation if the student's alleged misconduct warrants such action.
- 1.7 In any disciplinary action of a *Serious* nature the student's parent(s) or guardian(s) will be informed as soon as possible.
- 1.8 Investigators of incidents and those conducting disciplinary hearings or appeals will expect the student to answer all reasonable questions and co-operate with the investigation as is required by the *Rules of Conduct for Students*.

### 2 Procedures for Dealing with Minor Misconduct

It is part of the professional duty of all staff to deal with alleged breaches of standards as soon as possible in order to prevent situations becoming more serious.

- 2.1 Minor misconduct will be dealt with internally in a number of ways depending upon the nature of the misconduct, whether there is a pattern of misconduct and the extent to which the student is co-operative when the matter is being dealt with.  
A member of staff may:
  - ask for the student's ID card and timetable
  - interview the student
  - send a record of the incident to the student's Personal Tutor
  - take any other action appropriate to the circumstances
- 2.2. At this stage the College would hope that any problem would be resolved by means of a formal apology and/or formal reprimand and the student making a commitment to improve her/his behaviour.
- 2.3. In the event of the incident (or similar) recurring, and/or the student ignoring the terms agreed on this occasion this will be regarded as *Significant Misconduct* (see next section).

### **3 Procedures for dealing with Significant Misconduct**

- 3.1. This second level of misconduct relates to situations where a student's behaviour is giving significant cause for concern. Sometimes, this may result from persistent minor misconduct as in A3.
- 3.2. Incidents of significant misconduct will result in a *Cause for Concern* being issued to the student's Personal Tutor who will then liaise with a Senior Tutor (if appropriate)
- 3.3 The student will (if deemed appropriate) be asked to attend a meeting with their Senior Tutor and a record of what is agreed to have happened will be signed at the end of the meeting by the student and the member of staff conducting the interview. A copy of this record will be put on the student's file for a time limit determined by the Senior Tutor.
- 3.4. If the meeting has determined that significant misconduct has taken place a number of actions may be considered appropriate. These include:
  - a formal apology
  - a formal warning
  - denial of privileges
  - the drawing up of a *Special Contract* which will set out the terms of behaviour
  - a requirement that the student remains at College during specified hours
  - the student being sent home by a Senior Tutor for a cooling off period (student is given a letter to take home to parents explaining the situation)
- 3.5. The student's parent(s) or guardian(s) will be informed in writing or the matter of misconduct may be discussed with them.
- 3.6 We accept that students change; for incidents in the first two terms of the year records will normally only be kept for the duration of the academic year in acknowledgement of this.

#### **4 Procedures for Dealing with Serious Misconduct**

- 4.1 An initial investigation will be conducted by a Senior Tutor in which the student, and any witnesses, will be asked to provide a signed and dated written record of her/his recollection of events.
- 4.2 If the initial investigation suggests that serious misconduct has taken place the investigation manager, usually a Senior Tutor, will normally recommend to the Principal's designated representative a temporary suspension pending further investigation. Every attempt will be made by the investigation manager to contact the parents or guardians and a parent or guardian may be requested to collect the student. In any event the student will be escorted off the premises and given a letter in which the reasons for the temporary suspension and its length are set out.
- 4.3 After further consideration of the issues involved, and in the light of all the evidence collected, the investigation manager may decide that the case should not go to a Disciplinary Panel. Instead the student will be recalled from suspension and attend a formal return from suspension meeting with the investigation manager or the student's Senior Tutor if different. It would be expected that the parent(s)/guardian(s) would attend such a return from suspension meeting. If time permits a copy of the summary notes of the investigation will be sent to the student and his/her parents/guardians. The terms of the student's return to the College will be agreed at this meeting and a letter confirming the outcome of the meeting will be sent to both the student and his/her parent(s)/guardian(s).
- 4.4 Where the alleged action appears to be a criminal offence, for example, violence, drug abuse, burglary or theft, the police will always be informed and any evidence passed on to them at this stage. Contact with the police will not be viewed as an alternative to College procedures and the decision whether or not to convene a Disciplinary Panel will be taken by the investigation manager in consultation with the Student Support Manager and/or a second senior manager.
- 4.5 A Disciplinary Panel will be convened by the Student Support Manager, or another member of the Executive within two working weeks of the date of the temporary suspension.
- 4.6 The Disciplinary Panel will comprise at least two members of the Executive/Senior Tutors/Subject Sector Leaders who have not been involved in the case before. The Panel may choose to have an adviser present. A note taker will be present.
- 4.7 Parent(s)/guardian(s) will be invited to the Disciplinary Panel with the student and they may choose to have an adviser present. The student's Personal Tutor will also normally be present. If they are not able to be present they will provide a written character reference in advance of the Disciplinary Panel.
- 4.8 If neither the parent(s)/guardian(s) nor the Personal Tutor is available to attend the Disciplinary Panel, the College strongly advises that either an alternative relative or an alternative member of staff is present to support the student.
- 4.9 The student has the right to be accompanied at the Disciplinary Panel by a friend, parent(s)/guardian(s), interpreter or sign language communicator.
- 4.10 It is in the interest of all to resolve disciplinary matters as quickly as possible. Nevertheless, there are time limits set out in the Policy which may be subject to reasonable variation after discussion with the parties or if circumstances require.

- 4.11 Where a student fails to attend a Disciplinary Panel without justifiable cause the hearing would be automatically adjourned and any rescheduled Disciplinary Panel may progress in the student's absence.
- 4.12 Where the parents(s)/guardian(s) fail (s) to attend a Disciplinary Panel without justifiable cause the panel will go ahead and she/he will be informed of the outcome in writing within 5 working days.
- 4.13 The parents/guardians and student will be supplied with a written summary of the conclusions of the investigation in advance of the Disciplinary Panel and, except in the most exceptional circumstances, all documents that will be available to the investigation manager and Disciplinary Panel will also be made available to the parents/guardians and students at the panel.
- 4.14 The student will be given the opportunity to state his or her case before any decision is made.
- 4.15 All documentation, correspondence and information in relation to student disciplinary investigations and proceedings shall be treated as strictly confidential to the parties concerned and their advisers. The formal outcome, and one set of the evidence on which the decisions were reached, will be retained by the College.
- 4.16 In the interests of natural justice the investigation manager cannot be on the Disciplinary Panel. His or her role will be to present the College's case.
- 4.17 The Disciplinary Panel will hear the evidence collected by the Investigation manager. Parent(s)/guardian(s) and the student will be given the opportunity to respond. The character reference by the Personal Tutor will also be heard. The parents and student, any advisor and the investigation manager will then withdraw while the panel reviews the evidence and makes its decision.
- 4.18 The Disciplinary Panel has the authority to terminate the student's programme at the College or to suspend a student for a further temporary period. It may decide to issue a final warning. The decision of the panel will be conveyed in writing to the student within five working days. An entry concerning the outcome will be placed on the student's file.
- 4.19 Terminating the programme will always be accompanied by an exit strategy. The College will be active in pursuing alternative courses or progression routes.
- 5 Procedures for Appeal in the case of Temporary or Permanent Suspension.**
- 5.1 An appeal may be made to the Principal in writing within 10 working days of the date of the formal notification of the decision of the Disciplinary Panel. It should set out the specific grounds on which the appeal is being made. The appeal is not a rehearing of the original evidence, but provides the opportunity to establish that correct procedures were followed and that the outcome was based on a fair process.
- 5.2 The Principal will convene the appeal hearing as soon as possible, normally within 10 working days of receipt of the appeal in writing.
- 5.3 Any new evidence from the appellant must be sent to the Principal at least five working days prior to the appeal hearing to allow for it to be circulated to all parties. This may delay the timing of the appeal.

- 5.4 The appellant may prepare a written statement of their appeal case. The investigation manager, on behalf of the College, may also prepare a written statement. Such statements, together with other relevant or new evidence must be with the Principal at the latest five working days prior to the appeal hearing.
- 5.5 The Principal and the appellant will have identical papers at the appeal hearing.
- 5.6 The investigation manager and the appellant may each choose to have an adviser present.
- 5.7 The Principal (with such others as he chooses) will reconsider the evidence and the decision of the Disciplinary Panel and take into account any new evidence or procedural complaint?
- 5.8 Witnesses should only be present to give evidence and answer questions.
- 5.9 The Principal's decision is final and when given will be confirmed in writing within three working days of the appeal being held.
- 5.10 An Appeal Panel of the Governing Body will be convened where the Principal has chosen not hear the appeal. This will normally only be when the Principal has been involved with the case. The Appeal Panel will operate as described above in section 5.