

APPENDIX 2

Disciplinary Procedures

Purpose

To ensure a consistent approach to dealing with student misconduct and discipline which respects the rights of the student, the College and external stakeholders.

Scope

This applies to the procedures for dealing with breaches of discipline as defined in the Positive Behaviour Management Framework.

Notes on Disciplinary Meetings

All disciplinary matters must be dealt with in the strictest confidence.

- At all Stages 1, 2, 3 and 4 of the Breaches of Discipline procedure, the student will be informed of the right of appeal and the procedure for effecting such an appeal. The student will also be informed that he or she may be accompanied by a relative, friend, member of the Student Association or member of Student Support Team who may speak on his / her behalf, if invited to do so.
- If breaches of discipline continue, records from any previous disciplinary interview will be forwarded to the next interview.
- All breaches of discipline potentially constituting a breach of law will normally be reported to the Vice Principal who will decide whether or not it is necessary to report the matter to the police.
- Two members of staff must attend a disciplinary or appeal hearing; one member of staff to conduct the hearing, the Disciplinary or Appeal Officer; and the other to witness proceedings and/or make a record of the hearing. This member of staff will have no input into the proceedings but may be involved in the decision making process at the discretion of the Disciplinary or Appeal Officer.
- It should be recognised that on some occasions the behaviour, conduct, progress or ethos of any student may be considered to be incompatible with the requirements of the College. In these circumstances – and irrespective of the terms of the College disciplinary procedures – the College may opt to withdraw (or may refuse to offer) services to any individual.
- College services may be refused/withdrawn in this way only by the decision of a member of the Executive team. Where College services are refused/withdrawn in this way a right of appeal will be offered in line with the exclusion appeal arrangements detailed below.
- As College students, school link pupils fall within the scope of the College behaviour management policy. Where a student attends College on a designated school link programme, however, the College will liaise with the appropriate school staff to discuss options and support opportunities prior to taking any formal disciplinary action.
- The disciplinary actions taken will be recorded, using the Record of Disciplinary Procedures form, by the Course Leader, Assistant Director or Director carrying out the disciplinary hearing.

Notes on Appeals

- An appeal will be heard if the student can demonstrate sufficient grounds namely:
 - information which has not been considered at a previous disciplinary interview.
 - extenuating circumstances relevant to the case which have not been considered at a previous disciplinary interview.
 - flaws in the conduct of the disciplinary process.
- The member of staff designated to hear the appeal will decide whether or not there are sufficient grounds for an appeal hearing to take place. Where the decision is taken not to hear the appeal, this decision must be validated, in the case of Stage 2 appeals, by the Assistant Principal independent of the area in which the appeal has been requested.
- Any member of staff conducting an appeal hearing, the Appeal officer, must be accompanied by a fellow member of staff to witness proceedings and/or make a record of the hearing.
- The student may be accompanied by; a friend, or relative, or member of the Student Association or a member of the Student Support Team to speak on his/her behalf.
- The decision reached as a result of a disciplinary appeal is final.

Disciplinary Process – Breaches of Discipline

1. Stage 1 – Minor Breach Of Discipline

- 1.1 “Minor” breaches of discipline will be reported to the Programme Leader who will arrange and conduct a disciplinary interview with the student to ascertain and review all the facts to establish whether or not a breach of discipline has taken place. The PL may also require to review additional evidence or interview any witnesses in establishing this.
- 1.2 If the allegation is substantiated, the student will be given an oral warning and be advised of the reasons for the warning and details of improvement required, including the associated timescale(s) for such improvement.
- 1.3 A note of the oral warning will be kept by the student’s Programme Leader, using the Record of Disciplinary Procedures Formal Warning form.
- 1.4 If the student is a school link pupil, the school will be informed.

2. Stage 2 - Continuing Minor Breaches Of Discipline

- 2.1 Continuing “minor” breaches of discipline will be reported to the Programme leader. The Programme Leader will discuss with their Assistant Director the most appropriate person (Programme Leader or Assistant Director) to conduct the disciplinary interview. Thereafter the chair will arrange a Stage 2 disciplinary interview with the student. Previous relevant warnings records should be reviewed. The chair may also require to review additional evidence or interview any witnesses in establishing if the allegation is substantiated. If the allegation is substantiated the student will be issued with a written warning which clearly states the reasons for the warning and details of improvement required, including the associated timescale(s) for such improvement.

- 2.2 A copy of the written warning will be kept by the student's Programme Leader on their personal file until the student has completed the course they are studying.
- 2.3 Where the student is a School Link student the Head Teacher or appropriate School/College Co-ordinator of the school and the college Schools Liaison Officer will be informed of the breach of discipline by the Programme Leader.

Appeal Against A Written Warning

- 3.1 An appeal against a written warning (Stage 2) will be lodged with the appropriate Director or Assistant Director, in writing and within 10 working days of the receipt of the disciplinary warning. The grounds for appeal will be detailed.
- 3.2 The Course Leader or Assistant Director as appropriate, will collate all relevant papers, including statements from previous disciplinary interviews and arrange a hearing to be convened as soon as practicable after receipt of notice of appeal.
- 3.3 Whenever possible the appellant will be informed in writing of the time and place of the hearing, within 3 working days of receipt of the appeal.
- 3.4 The Director or Assistant Director shall conduct the hearing in accordance with the Disciplinary Hearing guidance notes and shall inform the appellant of the outcome of the hearing orally, and confirm this in writing within 5 working days.

3. Stage 3 – Serious Breach Of Discipline

- 4.1 A "Serious" breach of discipline will be reported directly to the appropriate Assistant Director. If appropriate the student may be suspended for up to a maximum of 5 working days to help ease a tense situation or to allow further enquiries to be made. A Stage 3 disciplinary interview will be held.
- 4.2 If the allegation is substantiated, a final written warning may be issued and details of the improvements required and timescale given. The final written warning will be given to the student personally or posted to the student's home address – together with an explanatory letter - by Recorded Delivery.
- 4.3 If a student fails to attend a Stage 3 interview a letter will be sent by Recorded Delivery giving the student 5 working days to respond before it is assumed that the student has withdrawn from the course.
- 4.4 A copy of the final written warning will be forwarded to the Assistant Principal and the Course leader shall keep a copy of the warning until the student has completed the course.
- 4.5 The Course Leader will inform the student's employer or sponsor where appropriate and where the student is a School Link student the Head Teacher or appropriate School/College Co-ordinator will be informed by the Curriculum Manager.

4. Appeal Against A Final Written Warning

- 5.1 An appeal against a final written warning (Stage 3), will be lodged with the Vice Principal in writing, within 5 working days of the receipt of the disciplinary letter. The grounds for appeal will be detailed, and all relevant papers will be collated, including statements / warnings records from disciplinary interviews.
- 5.2 Whenever possible the appellant will be informed in writing of the time and place of the hearing within 3 working days of receipt of the appeal, and issued with relevant documents.

5.3 The Vice Principal shall convene the hearing within 10 working days of receipt of appeal. The Assistant Director, appellant and representative, if required, will be present. A minute secretary will record details of the hearing.

5.4 The outcome of the hearing is final and will be conveyed to the appellant orally and confirmed in writing within 5 working days.⁴

6. Stage 4 – Gross Breach Of Discipline

6.1 “Gross” breaches of discipline or continuing breaches of discipline will be reported to the Vice Principal who shall receive relevant copies of informal and formal warnings issued to the student by the Course Tutor or Assistant director.

6.2 If appropriate, the student may be suspended for a maximum of 5 working days to help ease a tense situation or to allow further enquiries to be made.

6.3 A Stage 4 Disciplinary Hearing will be held and if the allegation is substantiated the student will normally be excluded from College for an appropriate period. An indefinite period (expulsion) may be considered appropriate in some cases.

7. Exclusion

7.1 Where a student is excluded, the appropriate Assistant Director shall inform the following by way of an e-mail including an attached photograph if available:

- Principal
- Assistant Principal (Curriculum)
- Student Funding Manager
- Student Services
- Chairperson of the Student Association
- Chair of the College Board
- Facilities Manager
- Information Systems Manager
- Admissions Officer

7.2 Where the student is a School Link student the Head Teacher or appropriate School/College Co-ordinator of the school will be informed by the Academic Administrator.

7.3 Information Systems staff will be informed of the exclusion to prevent the student accessing the College PCs and the Intranet.

7.4 The excluded Student’s Identity Card and Bus Pass will be withdrawn to exclude access to College transport.

8. Appeal against Exclusion

8.1 An appeal against exclusion (Stage 4) will be lodged with the Principal, in writing, within 10 working days of the receipt of the disciplinary letter. The grounds for appeal will be detailed and all relevant papers will be collated, including statements / warnings records from disciplinary interviews.

8.2 Whenever possible the appellant will be informed, in writing, of the time and place of the hearing, within 3 working days of receipt of the appeal, and issued with relevant documents.

8.3 A hearing will be convened as soon as practicable after receipt of the notice of the appeal. Members of staff, other students or witnesses may be called to clarify details. A minute secretary will record details of the hearing.

8.4 The outcome of the hearing is final and will be conveyed to the appellant orally, and confirmed in writing within 2 working days.

8.5 If the appeal is upheld, the appellant will be reinstated and any loss of bursary refunded.

9. Records

Statements of the facts of breaches of discipline, records of disciplinary interviews and letters will be retained as below:

Stage 1 - held by Course Leader until end of academic session

Stage 2 - held by Course Leader until student has completed course

Stage 3 - held by Assistant Director until student has completed course

Stage 4 - held by Principal's Secretary for 5 years after student has left the College