

Positive Behaviour Management: Student Disciplinary Policy

Disciplinary Procedures
Disciplinary Hearing Procedures
Appeals Procedures



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Section 1: Positive Behaviour Management: Student Disciplinary Policy

1. Introduction

- 1.1 The college is committed to providing an environment where students and staff are able to work and study to achieve their full potential. In order to create and maintain that environment it is essential there are clear guidelines about expectations of behaviour and the consequences. This may be through appropriate disciplinary action, when those standards are not met.
- 1.2 The aim is to promote positive behaviour by setting clear standards of expected behaviour and for the college staff to take all necessary steps to prevent or minimise poor behaviour by students.
- 1.3 The policy and procedures are designed to ensure satisfactory standards of conduct, to provide students with a clear indication of when they are considered to have fallen below those standards, to encourage improvements where appropriate, and to ensure that any disciplinary action is dealt with consistently and fairly across the College.

2.0 Purpose

- 2.1 The purpose of a positive behaviour management procedure is to positively and proactively address student behaviour, where that behaviour is having or may have a negative effect on an individual's performance or well-being, or those of others.
- 2.2 It should not be seen as a punitive measure, only to be used as a last resort but should be used consistently and firmly where there is cause for concern about any aspect of student behaviour, even if that concern is minor.

This will then allow the student to know that their behaviour has been noted by staff, be aware of what it is that is causing concern, have the opportunity to correct or change the behaviour and to understand any possible consequences

- 2.3 The process should be to:
 - clearly explain and constantly reinforce the expected standards of behaviour (College Code of Conduct) and the disciplinary procedures;
 - note or mark when those standards have not been met and decide on the seriousness of the behaviour (e.g. minor, serious or major);
 - explain the changes that are expected with agreed actions to achieve them;
 - offer and arrange support where appropriate;
 - explain the consequences of not changing behaviour (personal, academic and disciplinary);
 - issue and record the appropriate action agreed or level of warning given;
 - follow through to next stages where appropriate.

3.0 Scope

- 3.1 The procedures apply to all students at the College regardless of mode of study and includes students engaged in college-related activities (e.g. trips and excursions, work-experience placements, College or Student Union social activities) away from the College site.

It is the responsibility of all managerial, teaching, administrative and support staff to ensure implementation where appropriate, of the disciplinary procedures.

4.0 General Principles

- 4.1. **Awareness:** Curriculum Managers, through the teaching staff, are responsible for ensuring that all students are made aware of the Code of Conduct together with any additional course rules at the time of induction, and that the expectations of behaviour are consistently reinforced.
- 4.2 **Understanding of Procedures:** All members of staff conducting disciplinary proceedings should ensure that the student has a clear understanding of both the possible future implications of the action, the way in which the procedures work and the right of appeal.
- 4.4 **Timeliness:** All formal stages of the procedure will be carried out as speedily as possible in the interests of both staff and students.
- 4.5 **Fairness:** Disciplinary action will only be taken when the case has been investigated or there is clear evidence (e.g. absence). Formal warnings will only be issued following a meeting with the student at which they will have an opportunity to put their case.
- 4.6 **Representation:** At any disciplinary hearing, the student will be invited to bring a parent/guardian or a friend or a member of college staff.
- 4.7 **Right of appeal:** The student will have the right to appeal against any formal warning (see Appeals Procedure).
- 4.8 **Written records:** There must be written records of all disciplinary hearings, correspondence and outcomes.
- 4.9 **Students with Disabilities:** Factors associated with disability should be considered when disabled students are involved in any disciplinary procedure. Appropriate reasonable adjustments should be made including those where adjustments should be in place to avoid the necessity to begin disciplinary procedures. See section 2.0 of the Disciplinary Procedures.

5.0 Levels of Misconduct

5.1 The disciplinary procedure has 4 levels of seriousness:

- Cause for Concern
- Minor Misconduct
- Serious Misconduct
- Major Misconduct

The lead member of staff instigating any disciplinary procedure needs to first decide on the level of seriousness of the misconduct. This will be done in reference to the Student Code of Conduct, the disciplinary procedures as below (which give indicative behaviours at each level) and the impact on the student themselves, other students and staff.

5.2 There are 6 possible outcomes:

- No further action
- Verbal warning: Valid for 6 weeks
- White warning: Formal written warning valid for 3 months
- Yellow warning: Formal written warning for 6 months
- Red Warning: Formal written warning valid for 12 months
- Continuation of investigation
- Exclusion – validity at discretion of Head of Curriculum area

5.3 A Yellow or Red warning can only be issued following a disciplinary hearing with the exceptions below

5.4 In cases of persistent repetition of minor misconduct for lateness, absenteeism or classroom disruption and where there have been previous warnings, a Team Leader or Curriculum Manager can issue a Yellow or a Red warning without a Disciplinary Hearing

5.4 The procedures outline the process to follow for each level of misconduct. They show:

- examples of misconduct at each level. It is not meant to be an exhaustive list but for guidance;
- actions at each level and involvement of staff;
- outcomes and duration of warning;
- details of paperwork that should be completed.

It is important to separate the decision about the level of seriousness of the behaviour (i.e. minor or serious) and the action decided on (e.g. level of warning). Actions that may in themselves be classed as minor (e.g. lateness) when repeated despite previous warnings, can lead to the next level of warning.

6.0 Students with Disabilities

- 6.1 A learner's disability must be taken into account when implementing the disciplinary procedures.
- 6.2 Reasonable adjustments should where possible, be in place to avoid the necessity to begin disciplinary procedure
- 6.2.1 If the student is identified as having a support need then there must be consultation with Learning Support and/or the Personal Adviser team. This should cover:
- details about the nature of the disability
 - existing reasonable adjustments that have been organised for the learner in relation to the circumstances leading to the alleged misconduct
 - possible impact on the circumstances relevant to the alleged misconduct
 - negotiation of possible reasonable adjustments needed for the learner to participate in the disciplinary procedures.

This information must be available to the chair of the Disciplinary Hearing

- 6.3 This information can also be used to assess whether:
- There is a need for representation or an advocate at any disciplinary meeting
 - There is a need for an adviser with expertise on the relevant disability present at any hearing to give advice on the impact of the disability in relation to the (alleged) misconduct
- 6.5 The nature of the disability, the information gathered and any expert advice should be used when considering the outcome of any disciplinary action.
- 6.6 Formal warnings or exclusion can still be given, if, based on the evidence provided, this is an appropriate outcome.

7.0 Responsibilities

The following staff have specific responsibilities:

- Tutors, lecturers or team leaders can, and will usually, initiate disciplinary action and can issue Verbal or White warnings for Cause for Concern or Minor Misconduct. This must be recorded in the Positive Behaviour Management Log book.
- Team Leaders can issue a Yellow warning for repeated minor misconduct that is then considered serious. This can be for issues such as poor attendance, lateness or continued poor behaviour in class. This must be recorded in the Positive Behaviour Management Log book.
- Team Leaders or Curriculum Managers can call a Disciplinary Hearing for Serious Misconduct and issue a Yellow' warning. This must be recorded on the Positive Behaviour Management Incident Report Form.
- Any Curriculum Manager or Head of Curriculum area can call a Disciplinary Hearing for alleged Major Misconduct which can lead to a Red warning
- The Head of Curriculum can recommend the exclusion of a student.

8.0 Suspension

- 8.1 Suspension is **not** a 'punishment' but is used to remove the student temporarily from the College in order to investigate the matter further and allow the student and the College the time to prepare for a subsequent Disciplinary Hearing which *may* lead to exclusion.
- 8.2 Suspension would normally be implemented as a result of instances of alleged Major Misconduct.
- 8.3 While suspended, students may **not** come onto College premises except by arrangement with the Head of Learner Services or the relevant Head of Curriculum or his/her delegated representative.
- 8.4 There must be written confirmation of the suspension outlining the reasons for the action which can be handed personally to the student or sent to their term-time address.
- 8.5 The period of suspension will normally be for up to ten working days followed by a disciplinary hearing

9.0 Documentation

The following documents are available to support the implementation of the College Disciplinary Policy and Procedures

- Disciplinary Policy and Procedures: Positive Behaviour Management
- Procedure for Disciplinary Hearings
- Appeals Procedure
- Disciplinary Incident Report Form
- Student Guide to Disciplinary Procedures

Sample Documentation

- Letter to call student to Disciplinary Hearing
- Letter informing student of outcome of Hearing: Formal Written Warning
- Commitment to Future Conduct

10.0 Other Policies

10.1 The college will have regard to Disciplinary policies when developing other policies in particular;

- Learner Charter
- Student Code of Conduct
- Equal Opportunities and Equality and Diversity

Section 2: Positive Behaviour Management: Student Disciplinary Procedures

The procedures for implementing the positive behaviour management policy are detailed below

1.0 Disciplinary Procedures: Cause for Concern

This process should be used in the first instances when a student's behaviour is giving cause for concern. It should not be seen as punitive but as a positive measure to manage and prevent poor behaviour from being repeated or escalating. For any student with a disability please see section 6.0 of the disciplinary policy before implementing these procedures.

1.1 Examples of misconduct.

This is not meant to be an exhaustive list but is to be used as a guide.

- Initial problems with attendance or punctuality
- Disruptive or anti-social behaviour in class or college
- Smoking on premises
- Failing to switch off mobile phones in class

1.2 Actions to be Taken and Involvement of Staff

- Any member of staff who witnesses or has evidence of the misconduct can issue a verbal warning.
- A tutor, lecturer or Team Leader meets the with student to discuss the incident and decide on the outcome
- If a student has a disability this must be taken into account (see section 6.0: Disciplinary policy)
- Student must be informed of the process, reason for the concern, changes of behaviour required and consequences if no change occurs
- Agreement of action for change and review date
- A tutor, lecturer or Team Leader records the outcome on the Positive Behaviour Management Log

1.3 Usual Outcomes and Duration of Warning

- Verbal warning valid for 6 weeks

1.4 Recording and Monitoring

- Completion of a Positive Behaviour Management Log Book: copy to student

2.0 Disciplinary Procedures: Minor Misconduct

This is likely to be used when there are repeated occurrences of behaviour that has already given cause for concern. Again this should not be seen as punitive but as a positive measure to ensure the student is aware of the impact of their behaviour and possible consequences. For any student with a disability please see section 6.0 of the disciplinary policy before implementing these procedures.

2.1 Examples of misconduct

This is not meant to be an exhaustive list but is as a guide.

- Continuation of problems as above following a verbal warning
- Major disruption in class
- Refusal to follow instructions
- Copying of work
- Late assignments
- Causing discomfort to other students

2.2 Actions to be Taken and Involvement of Staff

- Any member of staff who witnesses or has evidence of minor misconduct can report this to the Curriculum teaching team.
- A tutor, lecturer or team leader meets the with student to discuss the incident
- If a student has a disability this must be taken into account (see section 6.0: Disciplinary policy)
- Student must be informed of the process, reason for the concern, changes of behaviour required and consequences if no change occurs
- Agreement of action for change and review date
- A tutor, lecturer or team leader records the outcome in the Positive Behaviour Log

2.3 Possible Outcomes

- No further action or
- Verbal warning valid for 6 weeks
- White warning valid for 2 months

2.4 Recording and Monitoring

- Completion of a Positive Behaviour Management Log: copy to student

3.0 Disciplinary Procedures: Serious Misconduct

This level of disciplinary action will occur when the misconduct is considered to be serious or there have been repeated occurrences of misconduct following the issuing of a White warning. For any student with a disability please see section 2.0 before implementing these procedures.

3.1 Examples of misconduct.

This is not meant to be an exhaustive list but should be used as a guide.

- Repeated and continued instances of minor offences following a White warning
- Wilful ignoring of health and safety regulations
- Using language likely to cause offence to others
- Minor intimidation or verbal abuse or bullying
- Being under the influence of drugs
- Inappropriate use of computer network
- Plagiarism

3.2 Actions to be Taken and Involvement of Staff

- Completion of a incident report with information about the misconduct and any witnesses
- Reporting to the Curriculum Manager who investigates the incident, collects evidence and any witness statements
- If a student has a disability this must be taken into account (see section 6.0: Disciplinary policy)
- If there has been repeated minor misconduct that is then considered serious then the Team Leader or Curriculum Managers can issue a Yellow warning without a formal Disciplinary Hearing
- Curriculum Manager sets up a disciplinary hearing (see Disciplinary Hearing procedures) which should aim to be within 10 working days of the incident
- The student will be asked to attend in writing and informed of the nature of the alleged misconduct
- The hearing will be chaired by the Curriculum Manager or the Head of Learner Services and will hear evidence from any other members of staff or students
- Student informed of outcome in writing

3.3 Possible Outcomes

- No further action or further investigation or
- White warning (valid for 3 months) or
- Yellow warning (valid for 6 months)

3.4 Recording and Monitoring

- Record of incident with appropriate witness statements
- Letter to student asking them to attend a disciplinary hearing
- Written warning letter with commitment to future conduct

4.0 Disciplinary Procedures: Major Misconduct

This level of disciplinary action will occur when the misconduct is considered to be extremely serious or there have been repeated occurrences of misconduct following

the issuing of a Yellow warning. For any student with a disability please see section 6.0 (Disciplinary Policy) before implementing these procedures.

4.1 Examples of misconduct

This is not meant to be an exhaustive list but is as a guide.

- Repeated and continued instances of minor offences following a Yellow warning
- Serious plagiarism
- Actual or threatened physical abuse
- Harassment or persistent bullying of students or staff
- Criminal activity including theft
- Supplying drugs
- Vandalism or violence
- Malicious allegations against staff or students

4.2 Actions to be Taken and Involvement of Staff

- Completion of a written report of the incident with information about the misconduct and any witnesses
- The student may be suspended (see section 8.0 Disciplinary policy) by any Curriculum Manager or Head of Department
- Nomination of a lead member of staff who investigates the incident, collects evidence and any witness statements
- If a student has a disability this must be taken into account (see section 6.0 Disciplinary policy)
- Curriculum Manager or Curriculum Head sets up a disciplinary hearing (see Disciplinary Hearing procedures) which should be within 10 working days of the incident
- The student will be asked to attend in writing and informed of the nature of the alleged misconduct
- The hearing will be chaired by the Curriculum Head This can be delegated to a Curriculum Manager or the Head of Learner Services
- If there has been repeated misconduct following previous warnings, that is then considered major, then the Hearing can be with the relevant Curriculum Head and the who can issue a 'Red' warning or recommend exclusion

4.3 Possible Outcomes

- No further action
- Further investigation
- Yellow warning (valid for 4 months)
- Red warning (valid for 12 months)
- Exclusion from college

Section 3: Disciplinary Hearing Procedures

- 1.1 Disciplinary Hearings must be used for cases of serious or major misconduct and can be called by a Team leader and/or Curriculum Manger
- 1.2 In cases of persistent repetition of minor misconduct for lateness, absenteeism or classroom disruption and where there have been previous warnings, a Team leader and/or Curriculum Manger can issue a Yellow warning **without** a Disciplinary Hearing
- 1.3 The Disciplinary Hearing procedures must take into account the procedures relating to students with disabilities as detailed in 6.0 of the Disciplinary policy.

2.0 Calling a Disciplinary Hearing

- 2.1 The Chair of the hearing will notify the student in writing that they are invited to attend a hearing which may lead to the issue of a disciplinary warning. The student will be informed of their right to bring *either* a parent *or* a friend *or* a member of College staff to the hearing.

The disciplinary hearing will normally take place within seven working days of notification.

- 2.3 The student will be sent a copy of the Student Guidelines to these procedures.
- 2.4 The student will only receive copies of all papers/written statements to be used at the hearing if this is considered by the Chair to be relevant and will not compromise the safety of any witnesses.
- 2.5 The student may also call witnesses but the names of any witnesses and copies of any papers/written statements he/she may wish hearing to be considered must be sent to the Chair to arrive at least **2 working days** before the meeting.
- 2.6 If the student chooses not to attend the hearing then it will take place in his/her absence. Any written statements forwarded by the student to the Chair will be considered.
- 2.7 If the student is unable to attend due to sickness, he/she must notify the Chair before the hearing and produce a medical certificate. In this case the Chair will arrange an alternative date as soon as possible.

3 Members of a Disciplinary Hearing

For each level of misconduct the Disciplinary Hearing will consist of:

- 3.1 Serious Misconduct: Curriculum Manager or his/her delegated representative and any other members of College staff who have been concerned with the misconduct.

- 3.2 **Major Misconduct:** A Head of curriculum or his/her delegated representative, the Curriculum Manager and any other members of College staff who have been concerned with the misconduct. There should also be a scribe to take notes. The hearing will normally be chaired by a Head of Department (or his/her delegated representative)
- 3.3 In cases of persistent repetition of minor misconduct for lateness, absenteeism or classroom disruption and where there have been previous Yellow warnings, the hearing can be made up of the relevant Curriculum Manager and one other Head of Department
- 3.4 The role of the Chair is to convene and chair the hearing and decide on and issue any action resulting from the hearing. The Chair will **not** present the case against the student.

4 Conducting a Disciplinary Hearing

- 4.1 The chair will make introductions; outline the reason for the hearing (i.e. the alleged misconduct) and go through the structure of the meeting.
- 4.2 The chair will ask the relevant person to present the case against the student through written statements or the calling of witnesses to give evidence.
- 4.3 The student (or his/her representative) will have the opportunity to ask questions on the evidence given and present his/her case.
- 4.4 Both parties to have the opportunity to sum up their cases if required.
- 4.5 In cases of misconduct where there is police involvement, the student will be informed that any evidence the College has, including statements the student makes at any hearing, may be given to the police.

5 Making a Disciplinary Decision

- 5.1 Before making a decision to issue a warning the Chair will have satisfied him/herself that:
 - there has been as much investigation as is reasonable in the circumstances;
 - he/she genuinely believes that the student has committed the misconduct;
 - there are reasonable grounds to sustain that belief;
 - the misconduct is sufficiently serious to justify the disciplinary action taken;
 - the decision is within the band of reasonable responses of a reasonable college in the circumstances.
 - if the student has a disability, that has been taken into account according to section 6.0 of the disciplinary policy

5.2 The Chair of the hearing may decide any one of the following:

- rule that the student has no case to answer on the basis of the evidence supplied (In this case it will be the responsibility of the Chair to ensure that arrangements are made for the student to receive extra-tuition to enable them to catch-up with work missed as a result of any suspension);
- issue a warning in conjunction with a Commitment to Future Conduct (to be signed by the student);
- reconvene a subsequent hearing in order to hear more evidence. A suspended student be suspended for a further period of up to ten working days in order to gather more evidence;
- issue a White, Yellow or Red formal disciplinary warning;
- recommend that the student be excluded from College.

5.3 No formal Disciplinary Warning will be given unless the Chair considers that on the balance of probability the student has acted in such a way as to warrant such a warning

6.0 Issue of Disciplinary Warnings

6.1 A Disciplinary warning resulting from serious or major misconduct may only be issued following a hearing.

NB: In cases of persistent repetition of minor misconduct for lateness, absenteeism or classroom disruption and where there have been previous warnings, a Team Leader or Curriculum Manager can issue a Yellow or a Red warning **without** a Disciplinary Hearing

6.2 A formal disciplinary warning is issued by letter, within five working days of the hearing

6.3 The letter will either be handed to the student directly or sent by recorded delivery to his/her home address.

6.3 The letter will inform the student of decision and the reasons for it. It will also give the level and duration of the warning and ask the student to accept the warning and sign a Commitment to Future Conduct

6.5 The letter will also inform the student of their right to appeal

6.6 The student will either be required to sign and return the Commitment within five working days or appeal against the decision. If they do neither of these, they will be deemed to be refusing to sign.

6.7 Where the student refuses to sign the Commitment to Future Conduct and does not appeal then they will be automatically excluded from the College. A letter will be issued to the student by the Curriculum Manager confirming this.

6.8 If the issue of the warning results from improper behaviour of a sexual or physical nature towards a fellow student or member of staff the currency of the

warning will remain indefinitely and any return to college will be at the discretion of the Principal.

- 6.9 In cases where a student commits a further breach of the Student Code of Conduct following a Red Warning, the same procedures as above will apply *except in cases where this breach is not open to any doubt* e.g. unexplained absence. In this instance, a letter of exclusion may be issued immediately by Curriculum Head. This letter will remind the student of his/her right to appeal against the decision.

7.0 Exclusion

7.1 A student can only be excluded for:

- Behaviour considered to be Major misconduct (this may include repetition of minor or serious misconduct or where there has been no improvement or change)
- Further misconduct following a Red warning which is a breach of the Commitment to Future Conduct

7.2 The recommendation to exclude must be confirmed and agreed by the Head of Curriculum.

7.3 The letter of exclusion outlining the decision and the reasons for it will be handed to the student *or* sent to the student by post.

7.5 The student will be informed that they must not come onto any of the College's premises other than for an appointment (confirmed in writing) with a member of the college management team.

8.0 Documentation

8.1 For serious or major misconduct there must be a Student Disciplinary File which holds a complete record of all relevant documentation. This will be held by the Curriculum Manager.

The record will be kept on file for 7 years in accordance with the Data Protection Act

Section 4: Appeals Procedures

- 1.0 The issue of any disciplinary warning will make clear their right to appeal against the decision. Any student involved in disciplinary action will be given a copy of the Student Guidelines to the procedures which gives advice on how to appeal. Learners with difficulty accessing written formats will be able to have the Guidelines explained verbally to them.
- 1.1 Appeal will be made initially to the Head of Learner Services or the Principal
- 1.2 The student must notify, in writing, the Head of Learner Services of his/her wish to appeal against disciplinary action within **five working days** of the receipt of a disciplinary warning. Support to write this document will be given to disabled learners who may have difficulty producing it without reasonable adjustment.
- 1.3 The student will detail the **grounds** for their appeal. Any Appeal hearing will consider only the case as identified by the student.
- 1.4 Prior to the hearing, the appeal panel will consider the written records of the disciplinary process and seek clarification from relevant members of staff if needed.
- 1.5 The Head of Learner Services will convene an appeal hearing within 10 working days of notification
- 1.6 The student will be informed in writing of this date (alternative, agreed formats may be produced for disabled learners) and invited to bring a friend or a parent/guardian or a member of College staff to the meeting.
- ### 2.0 Grounds for Appeal
- 2.1 An appeal can only be made on the following grounds
- That the procedures as laid out in the College Disciplinary Policy and Procedures have not been followed
 - There is a belief that the decision was not fair in relation to the information or evidence available and presented
 - That there is new evidence that was not available at the original hearing that may directly impact on the outcome
 - That there are grounds to suspect that the decision of the disciplinary hearing was not reached in accordance to the principles laid out in section 5.1 of the Disciplinary Hearing Procedures
- ### 3.0 Composition of the Appeals Panel
- 3.1 In the case of all Formal Disciplinary Warnings the Appeals Panel will comprise:
- The Head of Learner Services
 - The Head of Curriculum
 - A Head of Department from an area not involved with the student

3.2 Appeal against **exclusion** will be made to a panel comprising of the following:

- The Principal
- The Head of Learner Services
- A Head of Department not involved with the student
- Representatives from the relevant curriculum area

3.0 **Conducting an Appeal Hearing.**

3.1 The chair of the panel will invite the relevant parties to present the circumstances that have led to the appeal

3.2 The relevant curriculum staff will outline why and re-present the evidence as to why the initial decision was made

3.2 The student or his/her parent/guardian or friend or a member of College staff will have the opportunity to outline his/her case by referring to his/her written appeal and clarifying any points raised there.

4.2 The members of the panel will have the opportunity to ask questions on the evidence given by the student.

5.0 **Decisions**

5.1 The decision of the Panel shall be arrived at by consideration of the evidence brought to the panel

5.2 The panel may decide to:

- uphold the Appeal due to the student having no case to answer
- reject the Appeal
- either upgrade or downgrade the level of disciplinary warning given.

5.3 Notification of the decision of the Appeals Panel will follow the same procedures as those outlined in section 5 above.

5.5 The decision of the panel shall be final.