

STUDENT DISCIPLINARY POLICY AND PROCEDURES

1. Introduction

- 1.1 All Colleges within the South Thames Colleges Group (the Group) are committed to ensuring the maintenance of a College community in which both learners and staff can work or study to the best of their abilities. The College ethos rests on the ideals of mutual respect and co-operation that provides the basis for the orderly conduct of the College community.
- 1.2 This document details the arrangements the Group uses to manage alleged breaches of student discipline, either on academic or non-academic grounds. The same procedure will be followed for misconduct and poor behaviour.
- 1.3 Students are obliged to comply with the Student Disciplinary Policy and Procedures as they form part of the contract made between them and the Group.
- 1.4 The Group Principal is responsible for maintaining student discipline within the rules and procedures provided for in the Articles of Government. The exclusion of students on disciplinary grounds has been delegated to designated posts as defined in the Articles of Government.
- 1.5 Any actions taken under these student disciplinary procedures are undertaken on behalf of the Group Principal under a system of delegated authority.
- 1.6 The Group reserves the right to add to, or amend the Student Disciplinary Policy and Procedures from time to time.

2. Purpose and scope

- 2.1 The Group is committed to providing a high quality and safe learning environment for all members of the Group's community as all students and staff are entitled to study, learn or teach and enjoy enrichment and recreational activities within a safe and appropriate learning environment.
- 2.2 The Student Disciplinary Policy and Procedures are designed to regulate behaviour within the Group's community for the benefit of all its members. The Group may take immediate action to implement its disciplinary procedures if its Student Code of Conduct is allegedly breached or if a student allegedly behaves in a way that is

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unacceptable to the Group.

- 2.3 The Group will actively promote the Student Code of Conduct to all learners and members of staff will reinforce the message that any infringement will not be tolerated. The Group will provide written guidance and training to staff on how to implement these procedures and manage unacceptable student conduct or behaviour. Students are required, on their part, to adhere to the Group's Student Code of Conduct and behave in an appropriate way.
- 2.4 The Student Disciplinary Policy and Procedures refers to non-acceptable student conduct and the requirement for students to behave appropriately applies at all times. 'At all times' means on and off the Group premises, during term time and out of term time.

3. Student Code of Conduct

- 3.1 All members of staff within the Group want all students to complete their programme of study successfully and will encourage all students to act appropriately to achieve this outcome.
- 3.2 All students enrolled within the Group are required to observe and follow the Student Code of Conduct. The Code sets out what the Group expects from students and examples of acceptable and un-acceptable behaviour. Not adhering to the Student Code of Conduct may lead to disciplinary action by the Group in accordance with the Student Disciplinary Policy and Procedures. Such action could result in permanent exclusion from the Group.

4. Student disciplinary stages

- 4.1 Disciplinary action may be taken against a student for any alleged breach of the Student Code of Conduct. Three stages of action are available depending on the severity of the alleged breach of conduct or the nature of the alleged unsatisfactory behaviour. The Group reserves the right to decide at which stage disciplinary proceedings begin and, where alleged minor misconduct or poor behaviour is more serious than originally thought, the right to progress proceedings to a higher stage.
- 4.2 **Stage 1** is for **Informal action** where minor offences or breaches of the Student Code of Conduct have allegedly occurred.
- 4.3 **Stage 2** is for **Formal misconduct** and entails a disciplinary interview and is for cases where more serious breaches of the Student Code of Conduct or persistent minor offences have allegedly occurred. Breaches of conduct dealt with at this stage are neither considered to be gross misconduct, nor capable of being dealt

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with through informal misconduct in the student disciplinary procedures.

- 4.4 **Stage 3** is for **Formal serious or gross misconduct** and entails a disciplinary hearing and is for cases where serious breaches of the Student Code of Conduct have allegedly occurred. Such breaches could include actions or behaviour identified as serious or gross misconduct in the Student Code of Conduct or where a student has been through disciplinary interview procedures at Stage 2, but continues to persistently breach the Student Code of Conduct or where a final warning has already been issued.
- 4.5 In a case where it is alleged that a student has committed a criminal offence (whether serious or otherwise) the Group reserves its right to act in accordance with this disciplinary procedure but is not obliged to do so. The Group is not bound by the results of any criminal proceedings against a student.
- 4.6 The Group also follows an Attendance, Behaviour and Commitment to Study support procedure. This support process is published on the College website. Students who do not reach the standards required by the Group and identified in this process, will be dealt with by this Student Disciplinary Policy and Procedures.

5. Stage 1: Informal action

- 5.1 Where it is necessary to take informal disciplinary action the staff member responsible for the area in which the alleged misconduct or poor behaviour has occurred may reprimand and/or counsel the student in the correct behaviour. The member of staff will report the behaviour by placing a record of the behaviour on the student's computerised record.
- 5.2 Upon review of a student's computerised record a course tutor may meet with the student to discuss the behaviour of the student. Where the alleged misconduct or poor behaviour is upheld, actions and targets for improvement should be set. The outcome of the meeting should be placed on the student's computerised record, but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and behaviour.

6. Stage 2: Formal misconduct disciplinary interview

- 6.1 After investigation and where it is necessary to hold a disciplinary interview, a designated Interviewing Officer, normally the Head of Section will arrange a disciplinary interview.
- 6.2 The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) will be informed in writing of the date, place and time of the interview and the nature of alleged misconduct or poor behaviour at least three working

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days before to the meeting.

- 6.3 At least 24 hours before to the interview, all documentation that will be referred to, including any documentation arising from an informal stage, will be made available to the student. The student should also provide the Interviewing Officer with any documentation they are intending to refer to at least 24 hours prior to the interview.
- 6.4 The student may be accompanied by their parent/guardian, a student representative or a fellow student.
- 6.5 The Interviewing Officer will be accompanied by the student's course tutor. The course tutor who will present the case against the student (Presenting Officer) will have previously fully investigated the matter and has the right to call another member of the staff who is aware of the background to the matter, or may have recommended that the breach of conduct be dealt with at a disciplinary interview. The Presenting Officer and/or the member of staff may be asked, at the commencement of the interview, to explain the events and actions that have led to the interview.
- 6.6 During the interview, the Interviewing Officer (or an appropriate member of staff designated by the Interviewing Officer) will keep notes. The Interviewing Officer will proceed to seek the views of the student on their actions or breach of the Student Code of Conduct.
- 6.7 At the conclusion of the interview, the Interviewing Officer will invite the student to either wait or leave the premises while the Interviewing Officer considers their decision.
- 6.8 The Interviewing Officer will then decide whether to uphold or dismiss the allegation.
- 6.9 Where the allegation against the student has been upheld, the student's computerised record will be available to the Interviewing Officer. In arriving at disciplinary penalties to be applied, the Interviewing Officer will take account of any previous penalties on record.
- 6.10 The penalties that may be applied are set out below on paragraph 8.
- 6.11 The Interviewing Officer will communicate the outcome of the meeting in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within two working days of the interview. This letter will record the nature of the allegation and whether or not it is upheld, any penalty imposed and, normally, the reasons for the decisions. A copy of this letter will be placed in the

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student file and noted on the student's computerised record but will be disregarded for disciplinary purposes after twelve months, subject to satisfactory conduct and behaviour.

7. Stage 3: Formal serious or gross misconduct disciplinary hearing

- 7.1 After investigation and where it is necessary to hold a disciplinary hearing, the Hearing Officer (normally a Head of School) will arrange a disciplinary hearing.
- 7.2 All written reports, statements and accounts of the incident should be provided to the Hearing Officer who will invite witnesses to the hearing as relevant. The Hearing Officer will also identify the member of staff, normally a Head of Section, who will present the case against the student (Presenting Officer).
- 7.3 The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) will be informed in writing of the date, place and time of the interview and the nature of alleged misconduct or poor behaviour at least three working days before the hearing.
- 7.4 Evidence of the case against the student will be provided to the student at least 24 hours before the hearing, together with any documentary evidence that will be referred to at the hearing.
- 7.5 The student may be accompanied by their parent/guardian, a student representative, or a fellow student.
- 7.6 If the student wishes to call any witnesses, or provide any documentary evidence to be considered at the hearing, this should be notified and/or provided to the Hearing Officer at least 24 hours before the hearing.
- 7.7 Arrangements should be made to ensure that the witnesses and the student do not meet just before the hearing.
- 7.8 At the beginning of the disciplinary hearing the Hearing Officer will:
- 7.8.1 introduce the note taker who will make contemporaneous notes of the hearing;
- 7.8.2 explain the purpose of the hearing and the extent of the powers of the Hearing Officer. The Hearing Officer may also make it clear at this stage that they have the power to remove from the hearing any person who behaves unreasonably, or disregards the instructions of the Hearing Officer;
- 7.8.3 explain how the hearing will be conducted;

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- 7.8.4 explain that the hearing can be adjourned at any point to a later date if it is not possible to complete the hearing within the time set-aside, or if the Hearing Officer deems it is necessary to seek further information or requires further investigation into the matter;
- 7.8.5 outline the allegation against the student in a way that is as clear and straightforward as possible;
- 7.8.6 give the student the opportunity to admit the allegation.
- 7.9 If the student admits the allegation, then the Hearing Officer will proceed to consider the imposition of disciplinary penalties.
- 7.10 If the student does not admit to the allegation, the Hearing Officer will invite the designated member of staff to present the case against the student (Presenting Officer). The presentation may include calling witnesses to offer evidence to support the Group's case. The student will have the opportunity to ask the Presenting Officer and the witnesses questions. Witnesses will withdraw from the hearing once they have given their evidence.
- 7.11 The Hearing Officer will have the opportunity to ask witnesses and the Presenting Officer any questions.
- 7.12 The Hearing Officer will invite the student to present their case. The presentation may include calling witnesses to offer evidence to support the case of the member of staff. The Presenting Officer will have the opportunity to ask the student and the witnesses' questions. Witnesses will withdraw from the hearing once they have given their evidence.
- 7.13 The Hearing Officer will have the opportunity to ask the witnesses and the student any questions.
- 7.14 At the conclusion of the hearing, and after all witnesses and the student have provided evidence and answered questions, the Hearing Officer will invite the student to either wait, or leave the premises while the a decision is made.
- 7.15 The Hearing Officer will then decide whether to uphold or dismiss the allegation.
- 7.16 Where the allegation against the student has been upheld, the student's computerised record will be made available to the Hearing Officer. In arriving at disciplinary penalties to be applied, the Hearing Officer will take account of any previous penalties on record.
- 7.17 The penalties that may be applied are set out below in paragraph 8.

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- 7.18 If the student is waiting for the decision, the Hearing Officer will verbally inform the student. If the student has been sent away, the Hearing Officer will communicate the outcome of the hearing in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within five working days of the interview. This letter will record the nature of the allegation and whether or not it is upheld, any penalty imposed and, normally, the reasons for the decision. Where the allegation has been upheld and penalties imposed, the student will be informed of their right of appeal. A copy of this letter will be placed on the student's file and noted on the student's computerised record, but will be disregarded for disciplinary purposes after 24 months, subject to satisfactory conduct and behaviour.
- 7.19 The Hearing Officer is entitled to notify all staff involved in the incident and disciplinary hearing the outcome of the hearing.

8. Formal disciplinary penalties

8.1 Stage 2 penalties

- 8.1.1 Where an allegation of misconduct or poor behaviour has been upheld following a Stage 2 disciplinary interview, a formal warning or a final warning will be issued. The warning will set out the improvement in conduct or behaviour required, the timescale for the improvements to be made, any training or support that may be available to the student and the possible consequence(s) of any failure to improve.
- 8.1.2 In addition, any or all of the following disciplinary penalties may be imposed:
- (a) the requirement to apologise verbally or in writing to another person;
 - (b) the exclusion of the right to utilise Group facilities such as common rooms, computing facilities, learning centres etc.;
 - (c) the requirement to carry out some service for the Group such as the removal of graffiti or cleaning of Group property;
 - (d) the exclusion from impending educational visits, residential field trips or to represent the College in either individual and/or team sports;
 - (e) the requirement to make compensatory payments to the Group or other individual;

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- (f) any sanction (other than a recommendation to permanently exclude) as may be reasonable in the circumstances.

8.2 Stage 3 penalties

8.3 Where an allegation of serious or gross misconduct or poor behaviour has been upheld following a Stage 3 disciplinary hearing, any or all of the following disciplinary penalties may be imposed:

8.3.1 In addition any penalties identified in paragraph 8.1.2, any or all of the following disciplinary penalties may be imposed:

- (a) a Final warning together with the improvement in conduct or behaviour required, the timescale for the improvements to be made, any training or support which may be available to the student and the possible consequence(s) of any further failure to improve;
- (b) the exclusion of the student from certain parts of the Group's premises and/or certain academic courses/programmes;
- (c) the temporary or permanent exclusion of the student from the Group. A penalty that permanently excludes the student means that the student may be unable to complete that academic year or enrol on any course in the Group in any future academic year.

8.4 The decision to exclude the student will usually be with immediate effect. A record of exclusion will be held on the student's file and noted on the student's computerised record.

9. Appeals

9.1 General principles

9.1.1 An appeal can be made where a disciplinary decision has resulted in a final warning or an exclusion. Any appeal against a disciplinary decision of this nature must state the full grounds of appeal and must be submitted in writing within ten working days of receiving confirmation of a disciplinary decision.

9.1.2 Appeals under the above will only be considered on the following grounds:

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- (a) that there is new evidence that was not earlier considered and could have been expected to have materially affected the decision;
- (b) that the original disciplinary decision, interview or hearing was not conducted fairly;
- (c) that the finding of guilt was unreasonable in the light of the findings of fact;
- (d) that the outcome of the disciplinary stage was unreasonable or too severe in the circumstances.

9.1.3 If the student is appealing on the ground that new evidence is available, then copies of that evidence and an explanation of why it was not made available earlier must be provided.

9.1.4 The member of staff designated to hear the appeal must first consider whether there are enough grounds for appeal. If the member of staff is satisfied that there are not enough grounds for appeal, this decision will be communicated in writing to the student stating the reasons for the denial. The student will be advised that this decision is final.

9.1.5 There is no entitlement to a re-hearing of the case and any re-hearing would only be allowed in exceptional cases. Witnesses will not normally be called to an appeal hearing and only in support of new evidence that has become known since the original disciplinary stage.

9.1.6 The appeal decision will usually be made within fifteen working days of receiving the notice of appeal, by a member of the Group community who has had no earlier involvement in the matter.

10. Appeals procedures

10.1 Appeals against a final warning will be heard by a Head of School or Assistant Principal (or another manager of equivalent seniority in the Group).

10.2 Appeals against exclusion will be heard by a College Principal, the Deputy Chief Executive or the Group Principal and Chief Executive (Appeal Officer).

10.3 The Appeal Officer will inform the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) of the date, place and time of the appeal hearing at least three working days before the meeting.

10.4 The Appeal Officer will also notify the member of staff who conducted the

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disciplinary meeting leading to a final warning or exclusion that they will be required to rebut the student's appeal (Rebutting Officer).

- 10.5 The Appeal Officer will ensure all parties are provided with the Grounds of Appeal from the student, statements from any witnesses and copies of any documents to be considered in connection with the appeal including any signed and dated statements.
- 10.6 The student may be accompanied by their parent/guardian, a student representative, or a fellow student who is not implicated in case.
- 10.7 At the beginning of the hearing the Appeal Officer will:
- 10.7.1 introduce the note taker who will make contemporaneous notes of the appeal hearing (other than the deliberations of the appeal decision);
 - 10.7.2 explain that the hearing can be adjourned at any point to a later date, if it is not possible to complete the meeting within the time set-aside or it is necessary to seek further information or undertake further investigation into the matter;
 - 10.7.3 outline the allegation against the student in a way that is as clear and straightforward as possible;
- 10.8 The Appeal Officer will invite the student to present their case. The presentation may include witness statements or the calling of witnesses to offer evidence to support the appeal. The Rebutting Officer will have the opportunity to ask the student and the witnesses questions. Witnesses will withdraw from the hearing once they have given their evidence.
- 10.9 The Appeal Officer may ask the student and witnesses questions in relation to the appeal.
- 10.10 The Rebutting Officer will present their case in response to the appeal. The presentation may include witness statements or the calling of witnesses to offer evidence to support the appeal. The student will have the opportunity to ask the Rebutting Officer and the witnesses questions. Witnesses will withdraw from the hearing once they have given their evidence.
- 10.11 The Appeal Officer may ask the Rebutting Officer and witnesses questions in relation to the rebuttal.
- 10.12 At the end of the hearing and after the student has provided evidence and answered questions, the Appeal Officer will invite the student to depart from the

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premises while the Appeal Officer makes their decision.

- 10.13 The Appeal Officer will decide whether to uphold or dismiss the appeal.
- 10.14 Where the appeal is upheld, the Appeal Officer can:
- 10.14.1 expunge any record of the matter from the student's file;
 - 10.14.2 reduce the original disciplinary decision.
- 10.15 Where the appeal is dismissed, the Appeal Officer (or appeal panel) can
- 10.15.1 vary the original disciplinary decision/recommendation, including imposing a greater penalty against the student than that previously imposed or recommended.
- 10.16 The Appeal Officer will communicate the outcome of the hearing in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within five working days of the hearing. This letter will record the nature of the appeal and whether it is upheld or dismissed, any change in penalty imposed and, normally, the reasons for the decision. A copy of this letter will be placed on the student's file and noted on the student's computerised record and where the appeal is dismissed, will be disregarded for disciplinary purposes after 24 months, subject to satisfactory conduct and behaviour.
- 10.17 The Appeal Officer is entitled to notify all staff and students involved in the appeal hearing, the outcome of hearing.
- 10.18 The outcome of the appeal is final, binding, and not subject to further appeal.

11. Failure to attend

- 11.1 Students must make every attempt to attend any meeting arranged under the disciplinary process. If in the view of the member of staff conducting the meeting or hearing there are reasonable mitigating circumstances why a student is absent, the member of staff will make one further attempt to reschedule the meeting. If the student does not attend the rescheduled meeting or hearing, the matter may proceed in the student's absence and, where the allegation is upheld, penalties may be imposed.
- 11.2 Should a student fail to attend an appeal hearing, the appeal will be dismissed.

12. Suspension from the Group

- 12.1 A student may be suspended from the Group where a serious incident has occurred (or is alleged to have occurred) and there is a need for a 'cooling-off' period, or whilst an investigation is being carried out.

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- 12.2 Should a member of staff who is dealing with an incident feel that the student should be temporarily suspended, they should contact one of the following members of staff:
- Head of School
 - Assistant Principal
 - Facilities Manager (for security staff related incidents)
- And in the absence of any of the above:
- A College Principal
 - Deputy Group Principal
 - Group Principal
- 12.3 The member of staff requesting the suspension should explain the circumstances and the designated member of staff will decide whether there are grounds for a suspension. Only these authorised nominees have the authority to suspend a student from the Group. No other member of staff has the authority to do so.
- 12.4 The student will be informed of why they are being suspended and that they must leave the College immediately. A letter confirming suspension will be sent to the student with copies to parents, employers and/or other relevant agencies within three working days of the notification of the incident.
- 12.5 A student has the right to appeal this suspension to the Head of School (or where the Head of School took the decision to suspend, an Assistant Principal). The Assistant Principal will review the decision to suspend, and decide whether to confirm or vary the decision.
- 12.6 The student will be informed of the outcome of this review in a letter. A copy of this letter will be placed on the student's file and noted on the student's computerised record.

13. Legal representation

- 13.1 Legal representation will not generally be allowed. The Group will only consider requests for legal representation before to any hearing that may lead to exclusion. Where approval for legal representation is granted, the Group reserves its right to have legal representation itself.

14. Standard of proof

- 14.1 The Student Disciplinary Policy and Procedure is not intended to be a court of law. For the avoidance of doubt, the standard of proof to be used in making findings of fact or in imposing disciplinary penalties is the 'balance of probabilities' i.e. that it

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is more probable than not that the alleged misconduct or poor behaviour occurred.

15. Time limits

- 15.1 Every effort will be made to hold any meeting and to provide a decision within the relevant timescales provided under the student disciplinary process. However, if the matter is a complex one or if it requires detailed investigation, or if the relevant personnel are unavailable, it may not be possible to meet those timescales. In these circumstances, the student will be informed of the reason(s) for the delay, and the timescales in which a meeting will be held, or a decision can be expected.

16. Disclosure to third parties

- 16.1 The Group may, at times, be obliged to refer to upheld findings of misconduct or poor behaviour in a student reference to discharge its legal obligation to provide a true and accurate reference to future education providers or future employers.
- 16.2 The Group may be obliged to disclose information arising from a disciplinary investigation, interview or meeting to the Police on receipt of a written request, provided that the Group is satisfied that it is permitted to do so under the Data Protection Act 1998.

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