

MISCONDUCT AND DISCIPLINARY POLICY AND PROCEDURE FOR HE STUDENTS

Scope

This policy applies to students undertaking HE qualifications at Grantham College except where the regulations of the awarding body or validating institution take precedence.

The College higher education provision exists to provide teaching and professional training designed to enable students to progress to higher levels of education or employment. These regulations set out the procedures relating to student discipline and are intended to protect the rights of all staff, students and visitors to pursue teaching and learning activities peacefully and securely. They are also designed to protect the property of the College and of its members.

A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still being dealt with under this procedure.

Definition of misconduct

Misconduct is defined as improper interference with the functioning or activities of the College, or those who work or study in the College, or action which damages the good name of the College and misconduct by College students within a placement setting.

Examples of misconduct

The College has the power under these regulations to discipline, exclude or expel students as a result of misconduct. The actions listed below would constitute misconduct:

- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College;
- Obstruction of, or improper interference with, the functions, duties or activities of any student or staff member of the College or any visitor to the College;
- Failure to observe all College rules and regulations;
- Making frivolous, vexatious and/or malicious allegations or complaints;
- Violent, indecent, disorderly, threatening, intimidating, discriminatory or offensive behaviour or language;
- Bullying, harassment or defamation, including via social networking sites and including racial or sexual harassment of any student, member of staff or other employee of the College or any visitor to the College;
- Failure to respect the rights of others to freedom of belief or freedom of speech within the law;
- Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors
- Theft, misappropriation or misuse of College property, or the property of staff, students or visitors, including misuse of computers under the terms of the Computer Use Code of Practice – Students Policy;
- Misuse or unauthorised use of College premises, damage to College property or the property of staff, students or visitors, caused intentionally or recklessly;

- Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
 - took place on College premises;
 - affected or concerned other members of the College community;
 - damages the good name of the College;
 - itself constitutes misconduct within the terms of this Code;
 - is an offence of dishonesty, where the student holds an office of responsibility in the College.
- Failure to disclose a conviction of a serious criminal offence while enrolled as a student;
- Failure to disclose personal details to a member of staff of the College in circumstances in which it is reasonable to require that such information be given;
- Failure to comply with a reasonable instruction relating to discipline issued within this procedure;
- Failure to comply with a previously imposed penalty under this policy;
- Failure to co-operate with the College, its officers or employees in the investigation of an alleged breach of discipline code or in disciplinary proceedings;
- Action likely to cause injury or impair safety on College premises;
- Behaviour which brings the College into disrepute.

The list is not intended to be exhaustive and any deliberate or reckless action which causes, or is liable to cause, damage to College property, injury, offence or distress, or which interferes with the operation of the College's activities, or affects the reputation of the College may result in the application of these procedures.

PRINCIPLES

No formal disciplinary action will be taken against a student until the case has been fully considered by an independent party.

At every stage in the procedure the student will be advised of the nature of the complaint against them and will be given the opportunity to state their case before a decision is made.

This Disciplinary Policy covers issues of conduct, attendance and academic performance and misconduct.

At a hearing of the Disciplinary Committee, or an appeal, the student will have the right to bring a Student Union representative or colleague to the hearing.

The procedure may start at any stage according to the student's alleged misconduct. Immediate suspension may be used in situations of suspected gross misconduct, or where safety is a concern. Suspension in this case does not imply that the student is guilty of the offence.

The student will have the right of appeal against any formal disciplinary action taken under the disciplinary procedures.

SUPPORT PROCEDURES

During a course of study at Grantham College, we appreciate that there may be occasions where a student may experience personal difficulties and these may have a negative impact on their course of study.

Although the College will do its utmost to provide appropriate support, the College needs to ensure that the student continues to achieve their learning goals and make adequate progress on their course.

If a student has a recognised and documented disability or illness and the disciplinary matter clearly is indicated as a symptom of that disability/condition, then the matter will be dealt with in the first instance as a support issue.

If a disciplinary investigation shows the support measures in place to be adequate but the student continues to breach the College's Code of Conduct the matter will be pursued through the disciplinary process. However, in cases of gross misconduct or where the student is a risk to self or others the disciplinary procedures will apply immediately.

DISCIPLINARY PROCEDURES

Minor infringements of College rules will be dealt with informally but in the case of other breaches, or where the student is deemed to have brought the College into disrepute, the following procedures will apply and may be commenced at any stage:

Stage 1 – Verbal Warning

A student whose conduct is unsatisfactory will be seen by their course tutor and given a verbal warning. The warning will be recorded in writing and a copy placed on the student's personal file.

The student will be advised as to why they have been given the warning, and informed that this forms the first stage of the College's formal procedures and that a repetition of the misconduct will result in further disciplinary action. If no improvement is seen after this time it will result in the student being referred to Stage 2.

Stage 2 – Written Warning

In more serious cases, or where a verbal warning has not produced a positive improvement, the student will be interviewed by the Curriculum Manager. If it is found that action needs to be taken the Curriculum Manager will: -

- Make clear to the student the matter of the complaint;
- Lay down specific objectives for the student to attain;
- Record the warning in writing to the student.

The warning will state that failure to improve performance or further incidents of misconduct during the period of warning will result in action under Stage 3.

Stage 3 – Final Written Warning

If the student's conduct continues to be unsatisfactory, or where the offence is very serious, the student will be interviewed by the Assistant Principal: HE.

At this stage the Assistant Principal: HE will: -

- Make clear to the student the matter of the complaint;
- Lay down the specific objectives for the student to attain;
- Record the final warning in writing.

It is acknowledged that when a student reaches the final warning that the next stage is for them to be referred to a disciplinary hearing. However, it is understood that occasionally a student may make a minor misdemeanour that does not warrant being taken to a disciplinary hearing. In this instance it will be down to the Assistant Principal: HE to meet with the student and agree an action plan. This may include one or more targets and needs to be agreed and signed by both parties. Again a copy of this will be placed on the student's file, and copy given to the student.

If behaviour does not improve the next stage is to be referred to a disciplinary hearing by the Student Disciplinary Committee.

The Assistant Principal: HE may suspend the student until the Disciplinary Committee meets if the nature of the alleged offence is deemed of a very serious nature or where safety is a concern. The Assistant Principal: HE will inform the student, verbally (where possible), that they are being taken to a disciplinary hearing. The Assistant Principal: HE must at the same time inform the Senior Leadership team and supply them with any evidence which they intend to provide at the hearing.

Stage 4 – Disciplinary Hearing

A Student Disciplinary Committee will be convened as soon as possible and normally within ten working days of the initial verbal notification to the student. A letter will be sent to the student within 5 working days of notification from the Assistant Principal: HE, with the date of the hearing and a description of the alleged offences. The student should be clear about the reasons for the hearing. The evidence to be presented should be described and where appropriate included, for example:

- Summary of the evidence to be presented
- Attendance records
- Statements by witnesses
- Progress reports
- Video material
- Records of interviews.

The Student Disciplinary Committee will consist of three members of staff

The Assistant Principal: HE will be the Chair of the committee; the remaining two members will be either members of the Senior Leadership team or Curriculum Managers from areas other than that the student is currently studying in.

The student may be accompanied by a friend, or member of the Student Union (if a student has a learning difficulty/disability or mental health issue then we recognise that their parent / carer may wish to accompany them).

The Student Services department may supply advice to the student on the purpose and procedures of the committee if necessary to ensure that the student is clear what is taking place.

5. FORMAT OF HEARINGS

The Chair will

- Introduce those present and explain their roles;
- Explain the purpose of the hearing and how it will be conducted;

- Explain the powers of the panel;
- Ensure that the student knows and understands the allegations;
- Ensure the student has received a copy of Grantham College's Disciplinary Policy and copies of the evidence to be presented at the hearing.

Conduct of the hearing

- The Curriculum Manager or Course Tutor from the student's area of study, will present the case and evidence and call any witnesses;
- The student may question the Curriculum Manager/Course Tutor and any witnesses;
- The panel may question the Curriculum Manager/Course Tutor and any witnesses;
- The student should present their case and evidence and call any witnesses;
- The Curriculum Manager/Course Tutor may question the student and any witnesses;
- The panel may question the student and any witnesses;
- The Chair should offer the Curriculum Manager/Course Tutor and the student the opportunity to withdraw to prepare summing up if they wish;
- Invite the Curriculum Manager/Course Tutor to sum up;
- Invite the student to sum up;
- Ask the student:
 - If they wish to make any further points
 - If there are any other factors they would like to be taken into account

The Curriculum Manager/Course Tutor and the student will be asked to withdraw to agreed places.

The Decision

- The Curriculum Manager/ Course Tutor and the student will be invited to return when the decision is announced;
- The student will be informed of the requirements and procedures for an appeal;
- The student will be informed of the decision in writing within five working days. The letter will be checked by the panel Chair prior to it being sent to ensure that it is consistent with the hearing decision;
- The Chair will complete the form 'Record of Decisions and Recommendations' which will be sent to the appropriate Curriculum Manager and the Director of Planning, Funding, Information and Marketing. A copy should be kept on the student's file.

The Student Disciplinary Procedure is not prescriptive about possible actions or penalties which may be imposed. Where a student is found to have committed an offence action may include:

- A final written warning, detailing issues to be addressed. If the student does not meet these requirements they may be excluded. In this instance the student will not have to go back to a Disciplinary Committee and the decision can be made by the Curriculum Manager;
- Suspension for a stated period;
- Exclusion;
- The requirement for a letter or statement of apology;
- Other, including support from internal and external agencies.

6. APPEALS

The College will send letters by first class post to ensure prompt delivery. If the student's place is terminated the letter will be sent out by recorded delivery. A student

who wishes to appeal against the decision of the Student Disciplinary Committee should inform the Principal in writing within ten working days of the letter being sent.

A student has the right of appeal if they can demonstrate that either:

- The original hearing was conducted improperly,
- They have new evidence to present.

The Principal will decide whether there are grounds for an Appeal. All appeals will be heard by the Student Appeals Committee and any decision of the Committee is final.

The Student Appeals Committee will consist of: -

- The Principal or a member of the Senior Leadership team not previously involved in the case;
- A member of the Senior Leadership team not previously involved in the case or other nominee of the Principal.

The student may be accompanied by a Student Union representative or colleague to the Student Appeals Committee. (If a student has a learning difficulty / disability or mental health issue then we recognise that their parent/carer may wish to accompany them).

The Student Appeals Committee may support, overturn or vary the decision of the Student Disciplinary Committee. This will not include the imposition of a more severe penalty.

The decisions and any recommendations should be recorded and a copy sent to the Assistant Principal: HE and the Director of Planning, Funding, Information and Marketing. A copy should also be kept on the student's file.

The student should be informed of the decision of the Student Appeals Committee and of their right to appeal to the Office of the Independent Adjudicator for Higher Education if they are dissatisfied with the outcome of the appeal.

Quality Assurance – version control			
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