

Student Disciplinary & Exclusion Procedure (HE)

1. Student Discipline: Code of Behaviour

1.1 This code shall apply to all students of the College when they may reasonably be regarded as being engaged in activities relating to the College. This shall include behaviour arising at any time when a student may be regarded as representing the College as an individual or as part of a team or group, and when the student is at some location away from the College either as part of his/her study or following an arrangement made through the College or the Students' Union. The College may also apply this procedure to incidents involving students not engaged in legitimate activities of the College where the misconduct involves other students of the College or where there is a risk to the reputation of the College, or is otherwise detrimental to the College as a result of the incident.

1.2 The following are examples of misconduct by a student which may result in disciplinary action by the College:

1.2.1: Assault or threatening or abusive or offensive or unreasonable behaviour.

1.2.2: Damage to the College's premises, grounds, equipment or the personal property of any student or member of staff.

1.2.3: The theft or misappropriation or misuse of the College's property, funds or assets.

1.2.4: Fraud or impersonation.

1.2.5: Improper disruption of or interference with teaching, learning, research, administration or other legitimate activities of the College, its members or those using the campus.

1.2.6: Unlawful occupation of the College's land or premises.

1.2.7: Behaviour which causes fear or distress to others.

1.2.8: Any action likely to cause injury to any person or impairing the safety of the College's premises.

1.2.9: A serious breach of the College's Regulations or codes of conduct.

1.2.10: Sexual or racial harassment; other serious infringement of the College's guidelines on equal opportunities (including on the grounds of religious beliefs).

1.2.11: The use or possession of dangerous or illegal or forbidden substances.

1.2.12: Any criminal offence committed on College premises.

1.2.13: Any criminal offence committed outside College premises which is likely to be detrimental to the College or any of its members.

1.2.14: Serious misconduct in a professional situation, for example teaching practice and work placements.

The above list is indicative and not comprehensive.

2. General Procedures:

- 2.1 The College's Articles of Government state that the Principal has responsibility for student discipline. The Articles also state that the Principal may suspend or exclude a student. These procedures make provision for disciplinary cases to be considered fairly and for appeals to be heard.
- 2.2 The Principal will normally delegate day to day responsibility for student discipline to the Director of Adult & Higher Education (or to another senior officer of the College as appropriate). The Principal will normally only take direct and immediate action in exceptionally serious or urgent cases, at the Principal's discretion (for example 2.5 misconduct in a professional situation requiring immediate action). In cases involving a risk of serious and immediate hazard to the well-being of a member or members of the College or to the good name of the College, it is to be expected that the student will be suspended immediately pending further consideration by the Principal. In all cases, suspension shall be reviewed every four weeks; such review is to include any developments and any representations made by the student.
- 2.3 Normally, the Student Disciplinary Procedures will only be invoked in relation to a complaint of misconduct allegedly carried out on College premises or while the student was engaged on official College activities. Where a complaint of misconduct is made in relation to circumstances other than this, the Director of Adult & Higher Education shall recommend to the Principal who will decide whether it is appropriate for the Student Disciplinary Procedures to be invoked.

Procedures relating to breaches of Criminal law

- 2.4 The following procedures apply where the alleged misconduct could also constitute an offence under the criminal law if proved in a court of law:
 - 2.4.1 The College shall not take any action which purports to set aside or circumscribe the law of the land or the rights of any person to resort to the law.
 - 2.4.2 Many circumstances which fall within the scope of the code of behaviour have the potential to be regarded as breaches of the criminal law. There are criminal acts which, even if they occur beyond the normal jurisdiction of the College, could jeopardise the reputation of the College or could be of such a nature that the perpetrator could reasonably be regarded as posing a danger to other members of the College community.
 - 2.4.3 The College shall maintain a constructive relationship with the police and other statutory enforcing or emergency services and shall co-operate with any investigation by such services, and shall report any matter directly to the police or other services as appropriate.
 - 2.4.4 The College may defer disciplinary action against a student until any criminal procedures have been concluded. The Principal may apply a suspension to the student until the criminal procedures have been concluded. Following the conclusion of criminal procedures the College shall consider the consequences of convictions or cautions for criminal acts incurred by the student in any

subsequent disciplinary action including the suitability of that person to continue as a student of the College.

Misconduct in a Professional Situation

- 2.5 A member of staff, having tutorial responsibility for a professional situation, may in cases where immediate action is deemed necessary, exclude a student from a professional situation. Such action may be necessary in cases where a student's behaviour, conduct or state of mind or health is such as to give reasonable grounds for believing that the interests of the College or clients of the College would be adversely affected by the presence or continued presence of the student in the professional situation. In cases when such action is taken it shall, in the first instance, be reported as soon as is reasonably practicable to the Director of Adult & Higher Education. The Director of Adult & Higher Education may then decide that the exclusion from the professional situation shall be replaced by a formal suspension, and whether the Student Disciplinary Procedures should be revoked. As a separate matter, the College may be unable to provide a declaration of good professional conduct for that student.

3. Disciplinary Action

- 3.1 Any member of staff or student of the College who becomes aware of what they consider to be a serious case of misconduct by one or more students shall report the facts of the alleged misconduct in writing to the Director of Adult & Higher Education at the earliest opportunity.
- 3.2 Subject to 2.3 and 2.4 above, the Director of Adult & Higher Education or nominee shall, within ten working days of receipt of notification of the alleged misconduct, consider whether the Student Disciplinary Procedures shall be invoked and shall call for such papers, examine such witnesses and conduct other enquiries into the matter as they may decide. An investigative officer may be appointed to make enquiries on behalf of the Director of Adult & Higher Education.
- 3.3 If the Director of Adult & Higher Education decides that it is appropriate to invoke the Student Disciplinary Procedures, the student against whom misconduct is alleged shall be informed immediately in writing of the nature of the allegation(s), and provided with a copy of these procedures.
- 3.4 The personal tutor of the student against whom the Student Disciplinary Procedures are being invoked will normally be informed at the same time as the student. The Director of Adult & Higher Education shall notify other officers of the College as appropriate.

Stage One Procedure

- 3.5 The student shall receive at least five working days written notice of a formal interview with the Director of Adult Higher Education. The interview shall be conducted in the presence of an appropriate staff member of the College. A student attending an interview with the Director of Adult & Higher Education may be accompanied by a 'friend' (who shall be a member of the College's student body, or a representative from the Students' Union, or the student's personal tutor or another member of staff. In each case the identity, status and relationship of the 'friend' should be clearly, correctly and fully stated before the commencement of the interview). The 'friend' may

3.5 speak on the student's behalf.

- 3.6 In cases where the student has acknowledged they are guilty of misconduct the Director of Adult & Higher Education may apply the measures detailed in section 4.
- 3.7 In cases where the student does not acknowledge guilt for the alleged misconduct, the Director of Adult & Higher Education may refer the case to a College Disciplinary Panel which will hear the case and determine the outcome to be applied as detailed in section 4.
- 3.8 The Director of Adult & Higher Education will inform the student of their decision in writing within three working days of the interview.

Stage Two Procedure

- 3.9 The composition of the Disciplinary Panel shall be three officers of the College, approved by the Principal, one of whom should be appointed Chair plus the President of the SU or nominee. The members of the Panel must not have any other personal interest.
- 3.10 The Panel shall convene no more than ten working days following the communication of the Director of Adult & Higher Education. The student will be notified in writing of the date, time and location of the hearing.
- 3.11 A student attending a Disciplinary Hearing may be accompanied by a 'friend' (see 3.5).
- 3.12 Failure to attend a disciplinary hearing, without prior notification of incapacity shall be considered to be a breach of the regulations; the panel may decide to hear the case in the student's absence based on the evidence available to them.
- 3.13 The Director of Adult & Higher Education (or nominated Investigating Officer) shall present the findings to the Panel based on the evidence received from witnesses and statements from members of staff or students. The findings of the preliminary meeting shall also be considered.
- 3.14 Following the hearing, the Chair of the Panel shall inform the student in writing of the Panel's findings, including details of any sanction or penalty to be applied.

4. Findings, Sanctions and Penalties

The following measures may be applied:

- 4.1 Dismiss the case or otherwise decide that no further action is warranted.
- 4.2 Give the student appropriate guidance or advice, or refer the student to others for guidance or advice.
- 4.3 Warn the student informally.
- 4.4 Warn the student formally, in writing.
- 4.5 Rule and give notice that the student be denied access to and use of specific rights, services or privileges
- 4.6 Rule that the student be required to pay a fine, appropriate costs (e.g. for damage) or to make appropriate restitution
- 4.7 Rule that the student should carry out a period of service to the College community appropriate to the proven misconduct.
- 4.8 Rule that the student be given a formal, written reprimand (to be held permanently on the student's

file(s)).

- 4.9 Recommend to the Principal that the student be permanently or temporarily excluded or expelled. The student may also be suspended from the College for a period of time pending any appeal to the Appeals Committee (Student) of the Governing Body.
- 4.10 Recommend or take other action as appropriate to the case

5 Appeals Procedure

A student may appeal against a decision of the Director of Adult & Higher Education or Disciplinary panel on the following grounds:

- The disciplinary interview / hearing failed to take into account all relevant facts before decisions were taken.
- The disciplinary procedures were not followed correctly prior to decisions being taken.
- The nature of the breach of discipline does not justify the severity of the sanction imposed.

- 5.1 The appeal must be in writing, should specify the grounds of the appeal, and must include full supporting evidence. The appeal must be received by the Director of Adult & Higher Education within ten working days of the date on which notification of the decision of the disciplinary hearing was sent to the student.
- 5.2 An appeal against expulsion or suspension from the College will be heard by the Appeals Committee (Students) of the Board of Governors. All other appeals will be heard by the Disciplinary Appeals Panel.

The Disciplinary Appeal Panel

- 5.3 The Principal shall establish a Disciplinary Appeal Panel with the following membership:
- Principal
 - SU President or nominee
 - 1 Member of staff appointed by the Principal
- The Principal shall appoint a member of staff as Chair to the Disciplinary Appeal Panel.
- 5.4 No member of the Disciplinary Appeal Panel shall have been directly involved in the disciplinary case.
- 5.5 A quorum of the Panel shall be all the members. The Secretary will ensure that the student receives at least five working day's notice of the time and place of the meeting.
- 5.6 The student may be accompanied to the meeting by a 'friend' (who shall be a member of the College's student body, or a representative from the Students' Union, the student's personal tutor or another member of staff). In each case the identity, status and relationship of the student or staff member shall be clearly, correctly and fully stated before the commencement of the meeting. The 'friend' may speak on the student's behalf.
- 5.7 If, at the time appointed for the hearing, the student does not attend, the Chair of the Disciplinary Appeal Panel may proceed to hear the case if he/she is satisfied that proper notice of the hearing has been given to the student.
- 5.8 The Panel shall have the right to call for such reports, interview such persons and consider such

evidence as it may deem necessary to reach a decision.

- 5.9 All witnesses called before the Panel shall be available for cross-examination and re-examination if necessary.
- 5.10 The Disciplinary Appeal Panel shall, after considering all the evidence, reach its decision in private session. The decision will be notified to the appellant after the meeting and in writing by the Chair within three working days of the meeting of the Panel.
- 5.11 The Panel shall have the power to annul, amend, or confirm the decision of the Director of Adult & Higher Education or the Disciplinary Panel subject to the wording in sections 4.1 – 4.8.

6 Appeals Committee of the (Student's) Board of Governors: Exclusion or Expulsion

- 6.1 The Board of Governors shall establish an Appeals Committee (Student) for students in fulfilment of section 3.2 of the Articles of Government of the College. If, on receipt of the written decision that a student be permanently excluded or expelled on disciplinary grounds, the student wishes to appeal to the Committee, a letter must be written by the student to the Clerk of the Board of Governors within 10 working days.
- 6.2 All cases of suspension or expulsion for disciplinary reasons shall be reported to the Appeals Committee (Student). No student shall be permanently excluded or expelled for a non-academic disciplinary reason without being given the opportunity of appearing in person, accompanied if desired by a 'friend' before the Appeals Committee (Student).
- 6.3 If, at the time appointed for the hearing, the student does not attend, the Committee may proceed to hear the case if they are satisfied that proper notice of the hearing has been given to the student. At least 10 working day's notice must be given of a hearing.
- 6.4 The 'friend' shall be a member of the College's student body, a representative from the Students' Union, the student's personal tutor or another member of staff; in each case, the identity, status and relationship of the student or staff member shall be clearly, correctly and fully stated before the commencement of the hearing.
- 6.5 The Committee shall have the right to call for such reports, interview such persons and consider such evidence as it may deem necessary to reach a decision
- 6.6 All witnesses called before the Committee shall be available for cross-examination and re-examination if necessary.
- 6.7 The Committee shall, after considering all the evidence, reach its decision in private session. It may uphold or dismiss the appeal, or otherwise decide to recommend to the Principal that other action is taken. The decision will be notified to the appellant after the meeting and in writing by the Clerk to the Governors within three working days of the meeting of the Committee.