



## STUDENT DEVELOPMENT and DISCIPLINARY PROCEDURE 2019/20

### 1. SCOPE AND PURPOSE

- This code applies to all students of the College, whether full-time or part-time, whether or not their course is validated by or associated with any other institution.
- This process sets out the conduct to which students are expected to adhere to. It also sets out the procedure, which should be followed if their promises are breached.
- Repeated breaches or a single very serious breach may result in a student being suspended or excluded from the College.

### 2. STUDENT PROMISES

#### Student responsibilities

As a student at Sandwell College we aim to give you all the support and guidance you need to achieve success. This guide is to show you what we expect from students at the College so that we can help you to achieve in a supportive and non-threatening environment.

All students should comply with the promises that they have made:

- To behave and speak in a way that does not offend others e.g. not using foul/abusive language, sexist or racist or homophobic behaviour or anti-social behaviour, such as spitting.
- Not to wear caps, hats with a brim or hoods on College premises for your and others safety, unless permitted for medical or religious reasons.
- To wear your lanyard and ID badge around your neck for your own safety at all times.
- To treat everyone with respect. Any form of bullying or harassment will be treated seriously and may lead to exclusion from the College.
- To respect the College's Attendance and Punctuality Policy.
- To committing to yourself to your study programme, working to your highest standard in lessons and meeting deadlines for all work set.
- To treat all College property with respect.
- Not to take any food or drink into classrooms, Learning Centres/Learning Bases, workshops or salons (still water may be allowed in a sport style bottle).
- Not to smoke (including electronic cigarettes) on College premises, except for in the smoking shelter and to respectfully dispose of rubbish in the bins provided.
- To remove coats and not to wear head/earphones in classrooms.

Students who do not follow the above guidelines will be supported by lecturing and support staff to work through any problems. Where a student continues to break their above promises, they will be referred to the Assistant Director or Head of Section, when a warning may be given.

### 3. MISCONDUCT

#### **MISCONDUCT – Category 1**

The following are examples of misconduct, which may result in disciplinary action being taken against students:

- continues to break their above promises
- any failure to follow the reasonable instructions of a member of staff or security staff
- persistent failure to clearly display identification badges around your neck
- any misbehaviour in any area of the College
- any incident of swearing or confrontational behaviour against a member of staff or another student
- any smoking in college buildings or in any part of the College
- any cheating, plagiarism or copying of the work of other students (please refer to Academic Plagiarism policy)
- any unduly noisy or any unruly behaviour or the use of foul or inappropriate language
- disrupting any class or any other College activity
- any unauthorised access, use of, or interference with software or data belonging to or used by the College in line with computer usage and Acceptable use of ILT policies
- any behaviour which could bring the College into disrepute (e.g. misbehaviour in public areas adjacent to the College, or on transport provided through the College)
- any illegal act which may have an adverse effect on the work of the College or on other students
- any act which is in direct contravention of the College's policies or procedures on Equality & Diversity, disability, ethnicity, gender, sexual orientation, age, religious belief or gender reassignment
- any incident which impinges on personal space and privacy i.e. misuse of cameras, videos, mobile phone cameras or videos etc., where consent has not been obtained
- Inappropriate use of Information Technology, including cyber bullying (refer to the acceptable use of ILT policy)
- This includes non-return of College library books following 2 reminders

*Note this list is not exhaustive*

#### **Misconduct - Category 1**

Cases of misconduct may be dealt with through an interview with the Head of Section or Assistant Director. Where the misconduct is admitted or proved beyond reasonable doubt, the outcome of the interview will be a first written warning, unless the interview results in the misconduct being referred to the second stage. An action plan will be completed and the student will be supported until deemed to be over any problems. The Head of Section should keep a written record (using the written warning pro forma) and attached to the student's e Tracker file. Where the student is aged 16-18 years on a full-time course, then the parents/ carer will be informed.

## **MISCONDUCT – Category 2**

- deliberately or by gross negligence causing damage to any College buildings, equipment, IT equipment, books or furnishings or any property of others
- any theft of property or any other dishonest acts
- being under the influence of alcohol or drugs on College premises or on any external activity (i.e. field trips, visits, residential etc)
- possession, use or supply of any illegal drugs
- any bullying, intimidation, taunting, verbal abuse, defamation of character or the use of any violence or threat of violence towards any person
- any behaviour which is racially or sexually offensive or which is offensive to those with learning and/or physical disabilities
- any contravention of regulations regarding the receipt of Learner Support Funds or any other grant monies
- accessing pornography or other offensive websites on College computers
- possession of an offensive weapon

*Note this list is not exhaustive*

### **Misconduct - Category 2**

Where misconduct is from category 2 or there have been previous warnings, an interview with the Head of Section or Assistant Director will take place.

Where the misconduct is admitted or proved beyond reasonable doubt, the outcome of the interview will be a final written warning. An action plan will be completed by the Head of Section or Assistant Director and the student will be supported until deemed to be over any problems.

Where the student is under the age of 18 a copy of this warning letter will be sent out to parents / carer.

If after the interview if the misconduct is deemed to be of a 'serious nature the student may be suspended (**for a maximum of 3 working days**) while an investigation will take place.

The Head of Centre and the Disciplinary Coordinator must be informed of the suspension.

After the investigation the Head of Centre can issue a final written warning or recommend a "Panel Hearing" and the student will be suspended until the hearing

Where the student is aged 16-18 years on a full-time course, then the parents/ carer will be informed.

#### 4. PANEL HEARING

Where the misconduct is of a very serious nature or after a previous second stage warning, the student will be suspended from College, pending an investigation and asked to attend a panel interview. The interview panel will consist of a Chairperson (College Manager). The panel will also consist of an independent member of staff. An Investigating Officer may also be present. The student will be given 3 days notice in writing stating:-

- a) Nature of the misconduct allegations and summary evidence.
- b) Confirmation of the time and place of interview.
- c) The student will be entitled to be accompanied by a friend, student representative or relative (but not a legal representative). The student will be supported by a student co-ordinator to present their case to the panel hearing.
- d) After hearing the student's case, the third stage panel will reach a decision.
- e) The possible outcomes from a disciplinary hearing are:
  - the allegation(s) is/are not proved
  - the allegation(s) is/are proved and no further action is taken
  - the allegation(s) is/are proved and a written warning is issued
  - the allegation(s) is/are proved and a final written warning is issued
  - the allegation(s) is/are proved and a recommendation is made to the Assistant Principal that the student is excluded from the College for either a fixed period of time or until such time as the Principal gives written permission for the student to return to the College and/or re-enrol.
- f) The Panel, in reaching its decision, will determine the period of time during which the outcome is to be effective. For example, the Panel may determine that a written warning will be effective for a period of six months from the date of the disciplinary hearing.
- g) The Panel also has the discretion to attach conditions to its decision e.g. restrictions on access to the College provided that this does not interfere with the student's programme of study, or, a requirement that the student signs in and out of the College each day, or, the student must meet requirements for attendance or timescales for submission of academic work. The Head of Centre will designate a Programme Achievement Manager or student mentor to work with and monitor the student's compliance / behaviour with the conditions imposed. Again, the Panel will determine the period of time during which the conditions are to be effective. Failure to comply with these conditions may result in further disciplinary measures being taken or the time-scales involved being extended.
- h) The student or his/her representative should be allowed an opportunity where a case is proved, to make a plea of mitigation.

## 5. NOTIFICATION OF PANEL HEARING OUTCOME

- a) Normally within 5 days of the Panel, the student will be given written confirmation of the outcome of the Panel Hearing.
- b) If the recommendation from the Panel was for exclusion, a letter will be received from the Assistant Principal either upholding the Panel decision or confirming a different outcome.
- c) The outcome of a Hearing will be copied to the Disciplinary Co-ordinator and also copied to the appropriate Assistant Director.

If the student is not excluded from college an action plan will be completed by a Programme Achievement Manager or student mentor and the student will be supported until deemed to be over any problems.

## 6. APPEAL AGAINST PANEL HEARING OUTCOME

- a) The student will have the right to appeal against the decision of the disciplinary outcome. Notice of appeal must be lodged with the Disciplinary Co-ordinator within 10 working days of the date of receipt of written confirmation of the panel-hearing outcome and must give the grounds for, and brief particulars for the appeal.

A copy of the appeal process will be sent to the student who has received an Outcome of a Student Disciplinary Hearing notification.

If notice of appeal is lodged within the time allowed, an appeal interview will be arranged to take place within 10 working days of the notice of appeal being lodged.

At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.

The Chair Person of the Panel Hearing and/or the College manager who authorised the withdrawal will be asked to respond to the appeal and explain the reasons for the hearing outcome.

- b) If the appeal is dismissed, the outcome of the original hearing will stand.
- c) Within 5 days of the appeal interview, the final decision will be confirmed in writing to the student and to appropriate staff within the College.

## 7. SUSPENSION PENDING DISCIPLINARY INTERVIEW HEARING

- a) A student may be suspended from College by the Head of Centre, Assistant Director Safeguarding Lead or a member of SLT (**only**) where there is reason to believe that the student has committed an act of **serious misconduct** or where previous warnings have been issued. The suspension will enable further investigation to take place. The Disciplinary Co-ordinator and the Head of Centre **must** be notified immediately of all suspensions. The Disciplinary Co-ordinator will confirm the suspension in writing to the student within 3 working days. Where the student is between 16-18 years, parents or carers will be informed by the suspending manager. An investigating officer will be appointed who will collate all necessary evidence at this stage and liaise with the Head of Centre.

- b) The College has the right to suspend students from training agencies, employers, partner institutions and thereafter the appropriate disciplinary code will apply.
- c) The Head of Centre or Curriculum Assistant Director who issues the suspension will need to inform the student of the reasons for suspension and remove the student's ID badge pending an investigation and a formal disciplinary panel. This Head of Centre or Curriculum Assistant Director will be required to complete a witness statement and if it is the Head of Centre inform the appropriate Curriculum Assistant Director. Where the student is under the age of 18 the Manager will need to inform parents / carer.

## **8. CRIMINAL OFFENCES**

- a) Where any member of staff has reason to believe that a student may have committed or may be intending to commit a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.
- b) In any disciplinary action relating to alleged criminal offences the College is not bound by the results of any criminal proceedings against students.

## **9. CONDUCT OF DISCIPLINARY AND APPEAL INTERVIEWS**

- a) Disciplinary and appeal interviews will be conducted fairly and firmly by the member of staff conducting the interview, and notes will be kept.
- b) The member of staff conducting the interview may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. If the student does not attend any interview, disciplinary action may nevertheless proceed.

## **10. STUDENTS UNDER 18 / SPONSORED STUDENTS**

- a) If a student under 18 years of age is the subject of proceedings under this process, wherever practicable a parent or carer will be invited to attend any disciplinary or appeal interviews (in addition to any friend or student representative), unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a student under the age of 18 is given a written warning or excluded or suspended from the College, a parent or carer will be informed in writing whenever practicable.
- b) If a student who is being sponsored at the College by an employer, training agency or a partner institution (i.e. university) is given a written warning or excluded or suspended the employer, partner institution or training agency will be informed whenever practicable.

## **11. SCHOOL PUPILS 14-16 YEARS**

- a) Instances relating to the discipline of school pupils will be dealt with in accordance with school/college agreed processes.
- b) Where the College is to take the lead, the process will be as follows:-
- instances of misconduct will evoke written warnings by the Assistant Director – records will be kept on file
  - repeated instances of misconduct will be treated as a Category 2 and a final written warning will be given to the pupil by the Assistant Director. The school contact will be informed by the Assistant Director.
  - serious misconduct or further instances of misconduct will evoke a “panel hearing” of this procedure.  
The school contact and the parent will be informed by the Head of Student Studies. The pupil will be suspended from College pending an investigation
  - the pupil will have the right to appeal as outlined in this procedure.

## **12. ADULTS WITH LEARNING DIFFICULTIES AND ESOL LEARNERS**

Incidents involving adults with learning difficulties will require full liaison with the appropriate Head of Department at the early stages to ensure that all students involved are given support at all stages. In addition involvement of key workers, social services or other staff may be required.

The college will need to take account of the need to provide language support for both the learner who may be disciplined and for Parents where English may not be the first language.

Learners may not act as interpreter for their parents where language is a barrier.

Where an interpreter cannot be facilitated as necessary then the hearing will collapse and must not be carried out as this will discriminate against the individual and their parents and or carer.

## **13. VARIATIONS AND AMENDMENTS TO THIS CODE**

- a) In some cases it may be desirable that variations should be made to procedural aspects of this code. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.
- b) This code may be amended by resolution of the Governors from time to time.

## **14. MONITORING & REVIEW**

The Student Disciplinary procedure will be reviewed and updated by the Assistant Principal and Head of Centre on an annual basis and approved by the Senior Leadership Team.

