

**Title: Student Disciplinary Procedure****Type:** Procedure

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**Purpose:** To ensure that good standards of behaviour are upheld. To be used when The College Code of Conduct is broken and supportive action has been exhausted. It includes guidelines for dealing with cases of gross misconduct and clarification of suspension.

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**Scope:** This procedure applies to learners.

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**Responsibility:** The Vice Principal HR & Student Services is responsible for this policy. The Director Student Services is responsible for the monitoring of the policy.

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**Associated policies:** Student Code of Conduct  
Student ID Policy

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The following procedure will be used when The College Code of Conduct is broken. It includes guidelines for dealing with cases of gross misconduct and clarification of suspension.

**Purpose**

The purpose of the Disciplinary Procedure is to ensure that good standards of behaviour are upheld. Formal disciplinary action should be seen as the last resort when other supportive action has been exhausted or when an offence is serious enough to necessitate immediate, formal action.

In using this procedure we will aim to ensure fair and equal treatment.

**Representation**

Students are entitled to representation at stages 2 and 3 of the disciplinary procedure. Students should be informed of this right by the person initiating the disciplinary action. Representation can be a student representative, parents/guardian or other. Parents/Guardians are expected to attend disciplinary meetings from stage 2 for students under 18. In the event of a non-attendance without prior notification at stages 2 and 3 the College reserves the right to conduct the meeting in their absence. The outcome of the meeting will be communicated via letter.

**Records**

All recorded upheld disciplinary action will remain on the student's file for 3 years unless the nature of the misconduct warrants a shorter period. If the allegation is not upheld this will be recorded. At no time will the disciplinary record of the student be divulged externally without prior written consent of the Principal.

## **The Six Week Probationary Period**

For full-time FE students the first 6 weeks of the course is a probationary period. During the probation period if a student's behaviour is of serious concern (e.g. gross misconduct), the Head of School, Assistant Principal and Director of Operations reserve the right to exclude the student. Any decision to withdraw will follow a documented meeting with the student and notification to parents.

Students wishing to appeal the withdrawal decision must do so in writing to the Assistant Principal within 5 working days. If the withdrawal decision was made by an Assistant Principal, then appeals must go to the Vice Principal HR and Student Services within 5 working days.

## **Informal Procedure**

Every effort will be made to avoid the use of formal disciplinary action where problems can be remedied informally. All staff carry the responsibility for the informal disciplining of students and for ensuring that misconduct or poor academic performance on the part of students is consistently dealt with in accordance with this policy.

## **Cause for Concern (CFC)**

A CFC can be issued to address first time or minor incidents of classroom management issues or behavior concerns within College. The issue should be discussed with the student and logged by the person issuing it on ProMonitor within 24 hours. Actions to be monitored by the person issuing the CFC.

Where informal measures prove insufficient to establish a satisfactory standard of conduct, a Cause for Concern may be given. If there is no improvement, then four formal disciplinary stages may be invoked and may include the possibility of fixed period or permanent exclusion from the College.

Where breaches of discipline occur such as a failure to comply with the Code of Conduct or any incident of academic misconduct, the following procedure will be used.

## **Stages of the Disciplinary Procedure**

Please note - any disciplinary action, including CFC's must be logged electronically on the Student Database.

In all cases staff should ensure they are aware of any learning difficulty or disability which may affect the student and seek advice and support from the Additional Needs team as appropriate and always before implementing formal action.

Students can be placed on any stage of disciplinary without having undergone the previous stage, the principle here being that the level of disciplinary action is determined by the alleged misconduct (see appendix 1 for guidance)

Where a disciplinary meeting forms part of an investigation into an alleged act of misconduct, the chair of the meeting may decide that there is no case to answer and the student (and parent/representative if appropriate will be informed accordingly.

## **Procedures**

### **Stage 1**

A stage 1 meeting will be used to formally discipline a student when informal approaches by staff and CFCs have either not affected the required change in student conduct or when they are deemed insufficient to affect the required change in student conduct. It can be implemented at the discretion of a personal tutor, or when directed by the relevant Course Leader, Programme Manager or Head of School.

- The Personal Tutor will conduct a one-to-one meeting with the student and discuss the problem with the student. Where relevant they will direct the student to support from Student Services and other support services within the college. The Disciplinary Agreement Stage One is completed on Pro- Monitor and appropriate actions for the student to take outlined.
- The student may be issued with a report card to have completed and signed in all of their sessions for a minimum of two weeks.
- After two weeks on report, the student will return the report card to their personal tutor for inspection.
- A letter will be sent to Parents/guardians of students under 18 years of age by the assigned a Student Support Officer to inform them that this meeting has taken place.

### **Resolution of Problem – End of Process**

### **No improvement – Progress to Stage 2**

### **Stage 2**

A stage 2 meeting will be used to formally discipline a student when the agreed actions from a stage 1 meeting are not met, or when a stage 1 meeting is deemed to be insufficient by the relevant Head of School or Programme Manager due to an allegation of misconduct. First-time offences of deliberate plagiarism will be addressed in a stage 2 meeting.

- The Head of School or Programme Manager will conduct a meeting with the student in the presence of either a Student Support Officer who will maintain a written account of the meeting.
- Parents/guardians are expected to attend for students under 18 years of age. In exceptional circumstances, a suitable adult can attend on behalf of the parents/guardians if agreed by the Head of School/Programme Manager and the parents/guardians.
- The Head of School/Programme Manager will outline the reason(s) for the meeting, how the student code of conduct has been broken and the consequences of any further breaches of the student code of conduct.
- The Head of School/Programme Manager will outline the actions that the student must take in order to resolve the issues raised. Where appropriate the student will be informed of timescales as to how long the stage 2 'warning' will remain in place.
- The Disciplinary Agreement Stage Two is completed on Pro- Monitor by either a Student Support Officer or Learning Coach and the agreed actions recorded.
- Students over 18 years of age will be informed that they can request to be accompanied by a representative or friend at the discretion of the Head of School/Programme Manager.

## **Resolution of Problem – End of Process**

### **No improvement – Progress to Stage 3**

#### **Stage 3**

A stage 3 meeting will take place with the student when:

- The agreed actions from a stage 2 meeting are not met,
- A student's conduct is considered sufficiently serious to warrant a final warning
- Despite receiving two ID warnings for failure to carry their ID card, a student contravenes the ID policy on a further two occasions, or
- There is an alleged case of gross misconduct where exclusion is a likely outcome.

Alleged cases of Gross Misconduct or where withdrawal is likely will be heard in a stage 3 meeting chaired by a Senior Manager with the Head of School/Programme Manager present.

All other stage 3 meetings can be chaired by a Senior Manager or the relevant Head of School.

- The chair will conduct a meeting with the student in the presence of a Student Support Officer, who will maintain a written account of the meeting.
- Parents/guardians are expected to attend for students under 18 years of age. In exceptional circumstances, a suitable adult can attend on behalf of the parents/guardians if agreed by the Head of School/Programme Manager and the parents/guardians.
- Students over 18 years of age will be informed that they can request to be accompanied by a representative or friend at the discretion of the Head of School/Programme Manager.
- The chair will outline the reason(s) for the meeting, how the student code of conduct has been broken and consider responses from the student and/or parent/carer.
- Where the chair (Senior Manager) is satisfied that that the student is guilty of gross misconduct, the student will be informed at the meeting of the decision to exclude and this will be confirmed in writing.
- In cases other than gross misconduct the student will be made aware of the the consequences of any further breaches of the student code of conduct. Where appropriate the student will be informed of timescales as to how long the stage 3 'warning' will remain in place.
- The chair will outline the actions that the student must take in order to resolve the issues raised.
- The Disciplinary Agreement Stage Three is completed on Pro- Monitor by either a Student Support Officer and the agreed actions recorded.
- A record is placed on the college disciplinary file

## **Resolution of Problem – End of Process**

### **No improvement**

Where there is no improvement or a further act of misconduct takes place that warrants escalation from stage 3, the student (and parent/carer if the student is under 18 years of age) will be notified by the Senior Manager of the decision to withdraw the student and this will subsequently be confirmed in writing, together with details of the right to appeal against the decision.

A record of the withdrawal/exclusion will be kept on Pro-Monitor

## **Appeal**

Students wishing to appeal must do so in writing to the Vice Principal HR and Student Services or the Director of Operations for Stratford upon Avon College within 10 working days.

All relevant information is passed to the Vice Principal HR & Student Services or the Director of Operations for Stratford upon Avon College who will review the information and consider the appeal and if necessary may wish to meet with the student to consider the appeal. Parents/guardian of a student under 18 are informed and invited to attend. The student (if over 18) will be informed that he/she can be accompanied by a representative or friend. The student is informed verbally and/or in writing of the outcome

## **Cases of Gross Misconduct or Criminal Act**

Gross misconduct is defined as behaviour which is so serious that it is prejudicial to the well being of other students in the college. In this definition we include acts of violence, acts of vandalism against property – including computer hacking – theft from college premises, incidents of racial or sexual abuse, any drug or alcohol abuse.

Where there is an alleged act of gross misconduct:

- 1 All students involved are suspended (i.e. temporarily excluded from college premises - see note of suspension below) by a Senior Manager or Head of School while the incident is being investigated
- 2 The Student(s) is informed verbally at the time of the incident. The Notification of Suspension Form is completed. If it is necessary a letter follows from a Senior Manager within 2 working days advising the student of the procedure. Parents students under the age of 18 should be informed.
- 3 The student(s) will attend a Stage 3 disciplinary meeting with a Senior Manager at the earliest opportunity.
- 4 The student(s) will be notified of the outcome.

## **Clarification of Suspension**

Suspension of a students has 2 main purposes:.

### **1. To provide a cooling off period**

- A cooling off period is used to:
  - i) Provide a safeguard for people if necessary
  - ii) Enable incidents to be handled rationally and effectively
- Staff with authority to suspend students on these grounds are Assistant Principals, Heads of School, Senior Managers and Senior Security Staff. **All suspensions** must be notified to the Vice Principal HR & Student Services.

## 2. To enable an Investigation to take place

Suspension for investigation is used to:

- Provide a safeguard where necessary
- Enable circumstances to be investigated quickly.

In every case it is very important that staff:

- a) Explain the grounds of suspension to students
- b) Tell students when they should return and to whom they should report
- c) Complete the Notification of Student Suspension

### Police Involvement

Where any member of staff has reason to believe that a student may have committed 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.

The Director of Student Services will liaise with the police to confirm whether there is any reason why the disciplinary proceedings should not continue.

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.

It is emphasised that in relation to the application of this procedure, the College is not bound by the results of any criminal proceedings against students.

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| STAGE                    | PROCESS   | SANCTIONS   | MISCONDUCT LEVEL   | APPEAL |
|--------------------------|---|---|--|--------|
| <b>Cause for Concern</b> | Course Tutor will issue a Cause for Concern to student and log interaction on Pro Monitor.  | None other than advised that if behaviour is repeated it may lead to disciplinary   | Incidents of classroom management issues such as those listed below at Stage 1 plus any additional behaviour concerns witnessed throughout the College   | None   |
| <b>Stage 1</b>           | <p>The Personal Tutor is informed, and discusses the problem with the student and the opportunities for support from Student Services and other support services within the college are outlined and the student is encouraged to use them.</p> <p>The Disciplinary Agreement Stage One is completed on Pro- Monitor and targets set</p> <p>Parents/guardian are informed for students under 18</p> | <p>Stage 1 Disciplinary Agreement is completed on Pro-Monitor and action plan issued with appropriate Agreed Actions to be completed</p> <p>Additional sanctions and reparation as appropriate (e.g. limited access to IT, apologies to any inconvenienced individuals).</p> <p>This stage can be repeated once only if appropriate but then escalation to stage 2 is required.</p> | <p><b>Issues such as continuous/repeated:</b></p> <ul style="list-style-type: none"> <li>• use of mobile phone in class</li> <li>• disrespect towards staff or visitors</li> <li>• disruptive behaviour/unacceptable language</li> <li>• non-application to work in class</li> <li>• initial instance of bullying</li> <li>• unjustified absenteeism or lateness</li> <li>• poor attitude to completing work</li> <li>• regularly unprepared for lessons</li> <li>• minor breaches of College rules or the code of conduct – e.g. smoking, inappropriate use of IT</li> <li>• inappropriate parking</li> </ul> | None   |
| <b>Stage 2</b>           | <p>The Student meets with Head of School/Programme Manager</p> <p>The Disciplinary Agreement Stage Two is completed on Pro- Monitor and targets set</p> <p>Parents/guardian are informed and invited to attend for students under 18</p> <p>The student is informed that he/she can be accompanied by a representative or friend (over 18)</p>  | <p>Stage 2 Disciplinary Agreement is completed on Pro-Monitor and action plan issued with appropriate Agreed Actions to be completed</p> <p>Other sanctions and reparations as appropriate</p> <p>This stage can be repeated once only if appropriate but then escalation to stage 3 is required.</p>   | <p>Failure to achieve a stage 1 action plan.</p> <p>Issues such as the following should come straight to this level:</p> <ul style="list-style-type: none"> <li>• minor damage to property</li> <li>• minor levels of aggression/bullying/harassment towards other students or staff</li> <li>• minor health and safety infringements</li> <li>• discriminatory behaviour/comments of any kind</li> <li>• abuse of any college facilities</li> <li>• unacceptable behaviour towards</li> </ul>   | None   |

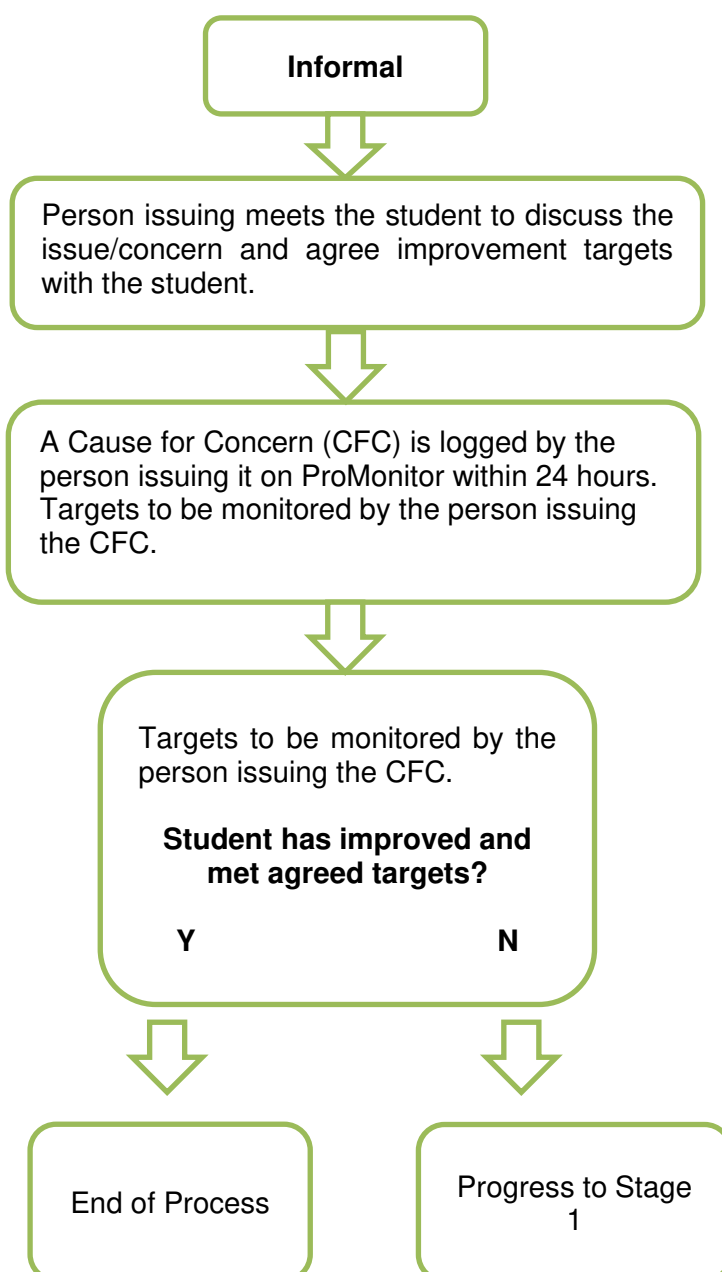
|                |   |  |  |      |
|----------------|---|--|--|------|
|                |   |  | College neighbours or their property <ul style="list-style-type: none"> <li>plagiarism</li> </ul>  |      |
| <b>Stage 3</b> | <p>Investigation for incidents of serious misconduct will be conducted by the Assistant Principal or the Director of Operations</p> <p>referral for failure to meet targets agreed at stage 2</p> <p>Interview with Programme Manager and Head of School accompanied by written statement/ details to date</p> <p>Parents/guardian are informed and invited to attend for students under 18</p> <p>The student is informed that he/she can be accompanied by a representative or friend (over 18)</p> <p>The Head of School may seek improvement within a contracted period of time</p> <p>If appropriate a verbal and/or written warning can be given, and the student is informed, where appropriate, that further suspension or exclusion could follow</p> <p>The Disciplinary Agreement Stage Three is completed on Pro- Monitor and targets set</p> <p>A record is placed on the college disciplinary file</p> | <p>Stage 3 Disciplinary Agreement is completed on Pro-Monitor and action plan issued with appropriate Agreed Actions to be completed</p> <p><b>Or</b></p> <p>A recommendation for permanent exclusion is made.</p> <p>Other sanctions and reparations as appropriate.</p> <p>This stage can be repeated once only if appropriate but then an exclusion will most likely be appropriate</p> | <p>Failure to achieve a stage 2 action plan.</p> <p>Issues such as the following should come straight to this level:</p> <ul style="list-style-type: none"> <li>Physical or verbal assault on another student or member of staff or visitor, or threatening behaviour.</li> <li>The possession, use or dealing of any illegal substances including alcohol. (See Substance Misuse Policy)</li> <li>Incapacity caused by being, or appearing to be, under the influence of alcohol, illegal drugs or solvents (see Substance Misuse Policy)</li> <li>The possession of any offensive weapon(s).</li> <li>Theft, fraud, deliberate falsification of records.</li> <li>Deliberate damage to property owned by the College, its staff, student or visitors.</li> <li>Behaviour likely to be offensive to public decency</li> <li>Failure to improve (2 more occasions) despite two ID warnings being issued (see Student ID Policy)</li> </ul> | None |

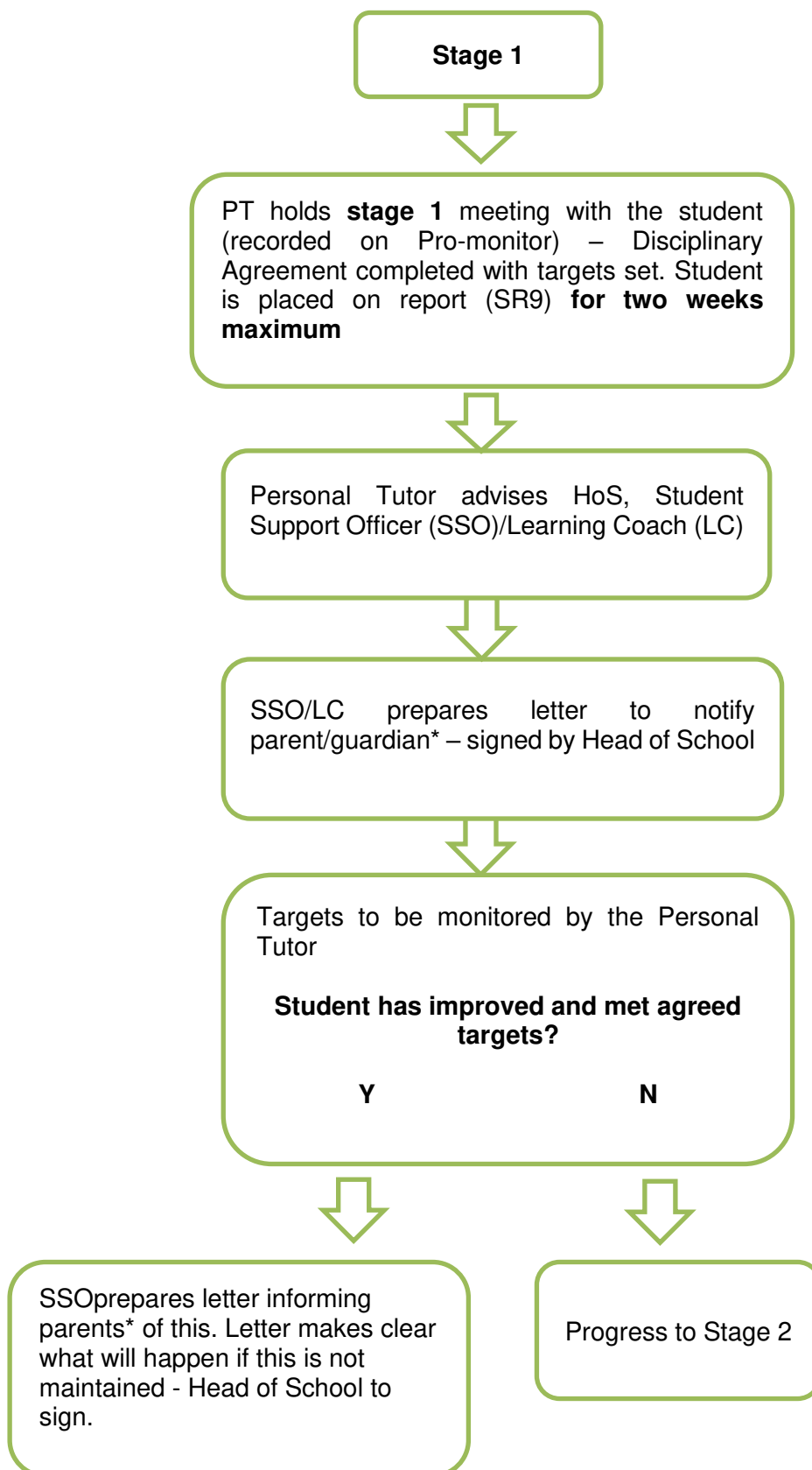


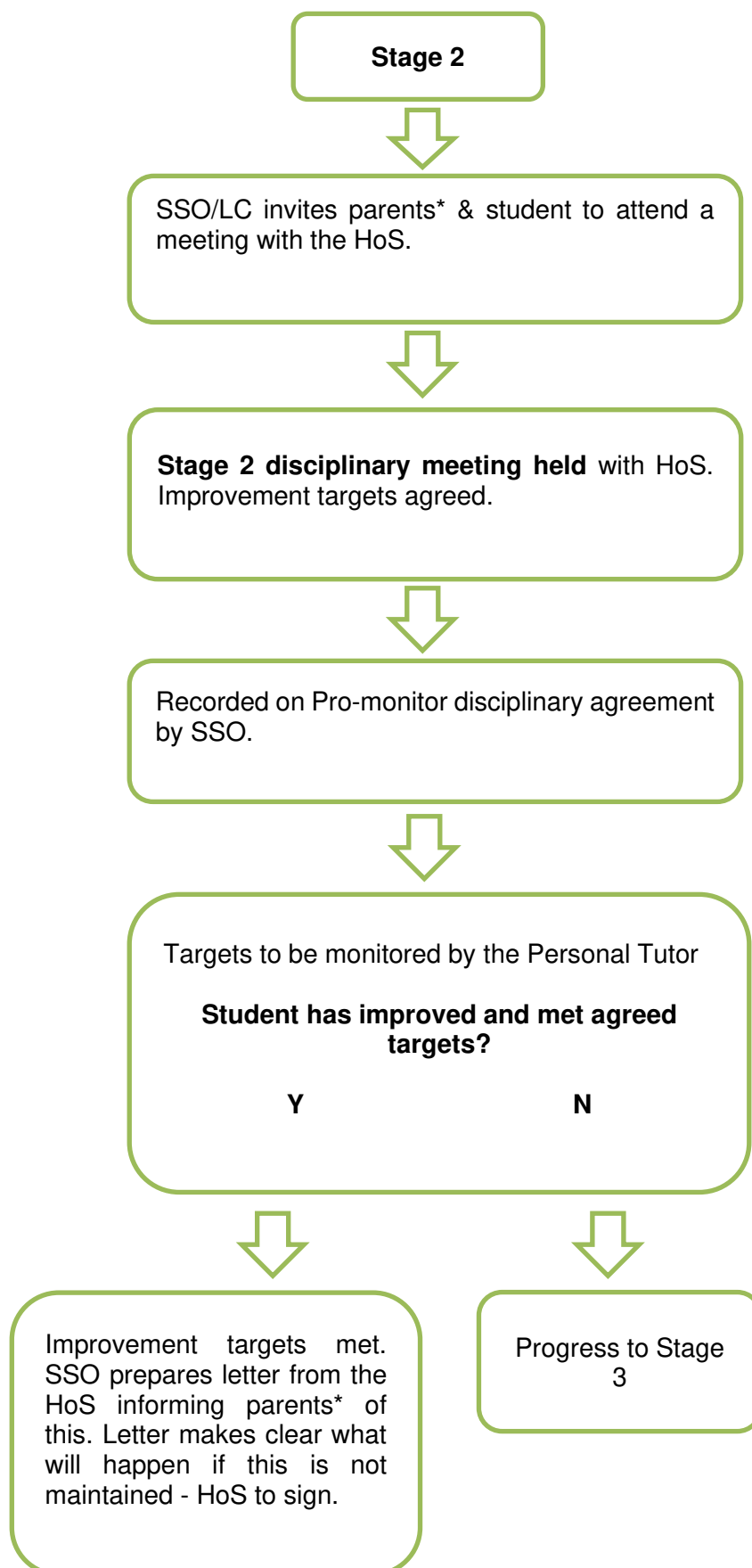
**The Disciplinary Flow Charts are for guidance and should be used with the Student Disciplinary Policy**

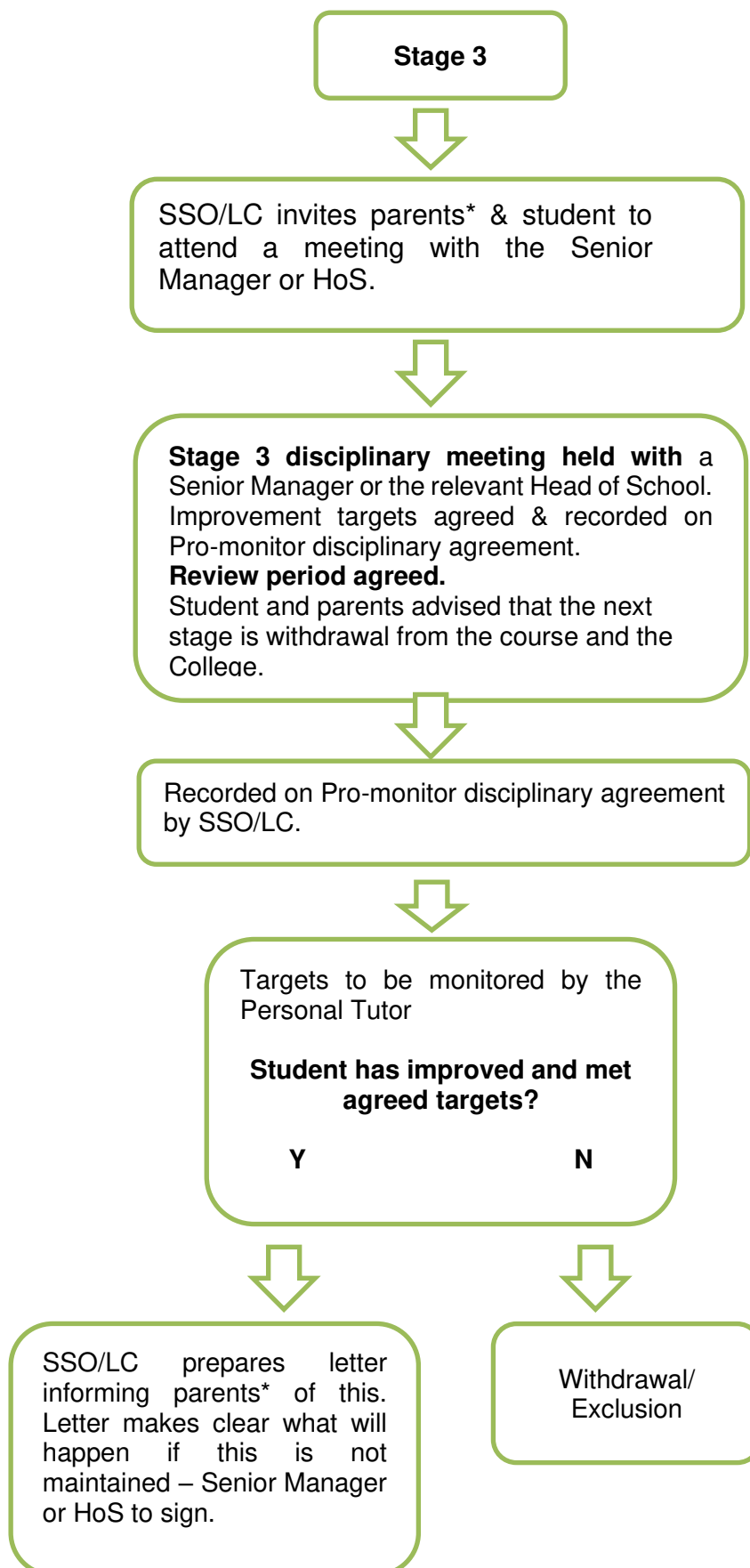
For full-time students the first 6 weeks of the course is a probationary period. During this period if a student's progress, attendance or behaviour is of serious concern, the HoS, Director of Operations and the AP reserve the right to withdraw the student. Any decision to withdraw will follow a documented meeting with the student and notification to parents.

Incidents of gross misconduct go to stage 3 to be investigated and may move on without improvement targets being agreed. Parents/ guardian must be involved for students under the age of 18.









## Clarification of Suspension

In every case it is very important that staff:

- a) Explain the grounds of suspension to students
- b) Tell students when they should return and to whom they should report
- c) Complete the Notification of Student Suspension

### Cooling off period

cooling off period is used to:

- Provide a safeguard for people if necessary
- Enable incidents to be handled rationally and effectively
- Staff with authority to suspend students on these grounds are Assistant Principals, Heads of School, Senior Managers, Senior Security Staff and the Director of Student Services. **All suspensions** must be notified to the Vice Principal HR & Student Services.

### Investigation

Suspension for investigation is used to:

- Provide a safeguard where necessary
- Enable circumstances to be investigated quickly.