



Introduction

- This procedure has been drawn up in order to ensure that all students who may breach the Code of Conduct are dealt with in a fair and equitable manner.
- It is appropriate in any educational institution to set appropriate standards of performance and behaviour and to operate rules which promote order and fairness and allow the development of students' abilities and skills. Such rules should be readily understood by both the students and staff.
- The **Student Code of Conduct** provides details of the College's expectations of students. A student who does not meet the required standards of behaviour makes him/her liable to actions to remedy the situation, suspension or expulsion in sufficiently serious cases.
- Wherever an action under this procedure is undertaken, the procedure should be effected as speedily as possible, whilst allowing time for an investigation where necessary.
- It is recognised that for minor breaches of the Code of Conduct, a less formal arrangement should exist whereby a member of the College's staff will discuss the matter with the student concerned in order to resolve the issue. Such informal discussion is not the subject of this document although failure of a student to respond to such discussion or offers of support could lead to more formal actions being taken.

Scope and Purpose

- This procedure applies to all students of the College when they are at the College, placement or event. They also apply when behaviour outside of the College has a detrimental impact on other people attending the College, e.g. cyber-bullying.
- This procedure is in place to help and encourage students to achieve and maintain acceptable standards of conduct and to ensure consistent and fair treatment in relation to any actions taken in response to allegations of unacceptable conduct or performance.

General Principles

- If appropriate, the Tutor (or staff acting with the authority of the tutor), may suspend the student whilst an investigation is carried out.
- At every stage, a student has the right to be advised of the reason for formal conduct meetings, to hear the evidence against him/her and to state his/her case.
- If a student fails, without good reason, to attend a conduct meeting/tutorial which s/he has been invited to attend, the meeting can take place and a decision made in his/her absence.
- A student has the right to appeal against any action imposed and against any decision to be permanently excluded. Any appeal must be in writing and

addressed to the Centre Director within 10 working days.

- Special consideration will be given to students whose behaviour might be the consequence of a recognised learning difficulty or disability.

Misconduct

The following are some examples of misconduct:

- any breach of the responsibilities of students outlined in the **Student Code of Conduct** and any breach of health and safety or other regulations of the College.
- any failure to follow the reasonable instructions of a member of staff.
- any theft of property or any other dishonest acts.
- deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others.
- any misuse of substances as defined by the Substance Misuse Policy e.g. solvents, alcohol, non-medical use of prescribed drugs or illegal drugs. This applies to substance misuse within, or having an effect within, the grounds and premises of the College. It includes all settings where college activity is taking place (including off-site visits, placements);
- any interference with hardware, software or data belonging to or used by the College or other students.
- any cheating, plagiarism or copying of the work of other students.
- any unduly noisy or any unruly behaviour or the use of foul or abusive language.
- disrupting any class or any other College activity, whether or not involving staff or other students.
- any bullying (including cyber-bullying), intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person.
- any behaviour which is socially or sexually offensive, or which is offensive to those with learning and/or physical disabilities or impediments.
- any behaviour which could bring the College into disrepute.
- any illegal act which may have an adverse effect on the work of the College or on other students.
- significant drop in attendance which has a negative effect upon academic performance. The College expects students to attend all lessons. Attendance below the minimum required for the particular course of study is a cause for concern and will be followed up by tutors. Where a student is warned about their attendance but there is no improvement then a student's place in College could be at risk.

This is not an exhaustive list and each incident will be reviewed individually.

Gross Misconduct

To protect the learning environment, the College takes seriously any breaches of the **Student Code of Conduct** and will follow the College's **breaches to the Student Code of Conduct Policy** should this happen. Furthermore, this policy will be used in cases where students are involved in:

- theft of any kind
- threatening behaviour or assault
- discrimination of any kind (including racial, homophobic and disability)
- any behaviour which is socially or sexually offensive, or which is offensive to those with learning and/or physical disabilities or impediments.
- Any bullying (including cyber-bullying), harassment including by text or email intimidation, threats, taunting, verbal abuse or the use of any violence or threat of violence towards any person is not tolerated and will be regarded as gross misconduct.
- deliberate damage to property (College and personal property)
- endangering the health and safety of others
- any potentially criminal activities affecting the College or other students
- possession and/or use of alcohol while within, or having an effect within, the grounds and premises of the College. It includes all settings where college activity is taking place
- possession and/or use of illegal substances
- cheating, plagiarism, forgery
- foul, threatening and abusive language used toward any member of the College staff either implied or explicit

This is not an exhaustive list and each incident will be reviewed individually.

Where a student's behaviour is deemed to be gross misconduct, the College reserves the right in the first instance to suspend the student pending a formal investigation. In all cases of gross misconduct the Centre Director will investigate the incident. If actions are judged to be so serious that a student's place in College could be untenable, the Centre Director may recommend the permanent exclusion of a student. A letter will be issued to the student notifying them of the decision taken.

Stages of the 'Breaches to the Student Code of Conduct Policy'

The policy is the direct responsibility of the Centre Director, all tutors or a delegated manager.

1. First Stage – Informal

1.1 This is a support measure before any formal action is applied and will generally relate to a failure to fulfil a commitment to College e.g. regular lateness, poor attendance, low level disruptive behaviour, failure to complete work on time, disrespectful behaviour towards staff or fellow students. The following should act as a guide;

- Attendance - falls below the minimum required for the particular course of study in any academic year
- Punctuality - regular unauthorised lateness which disrupts learning
- Deadlines - regular late submission of assessed work - including significant course work
- Behaviour - any breach of the Student Code of Conduct

1.2 It is important that all tutors who have concerns about a student in their class log the concern either on **Student Incident Log** or/and on the student's file.

1.3 The Tutor may also raise a concern when a pattern is detected or when there is a concern about behaviour outside of the classroom.

1.4 The Tutor will review the evidence on the student file and decide to have a tutorial with the student to discuss staff concerns. The Lead Tutor may also need to be present. If necessary actions will be documented on a tutorial form and will be agreed at this meeting.

1.5 Where **actions** are set there will be a review period which is at the discretion of the Lead Tutor. This will depend upon the nature of the initial concern. The Lead Tutor and/or the Tutor will meet the student at the end of the agreed review period to check progress against the individual targets set.

1.6 If the Lead Tutor and/or the Tutor is satisfied that sufficient progress has been made to address the initial concerns the student will be notified that no further action will be taken. If the student has not made sufficient progress against the agreed targets, the Lead Tutor and/or the Tutor will recommend to the Centre Director that the student is issued with a **second stage formal warning**. The Centre Director will issue the second stage formal warning.

2. Second Stage – Formal

A Second stage formal warning is given if there has been failure to make satisfactory progress during the first informal stage. A student can also be issued directly with a Second stage formal warning for any serious breach of the **Student Code of Conduct** without having to go through the first informal stage.

2.1 The Lead Tutor will make arrangements to interview the student for a formal review. The meeting will be held with the student's Tutor present. A student has the right to be accompanied to this meeting by a supervisor/counsellor/carer or a student enrolled at the College. The purpose of the meeting will be to highlight staff concerns and to agree an action plan with the student to address these concerns. The agreed actions will be entered on the tutorial form and the student's file.

2.2 A review date will be set at this meeting; however, more frequent meetings can be arranged at the discretion of the Lead Tutor and Centre Director.

2.3 At the end of the agreed review period the student will have a final review meeting with the Lead Tutor and Tutor. If the Lead Tutor and Tutor are satisfied that sufficient progress has been made to address the agreed improvement targets they will report this to the Centre Director, and if agreed, the student will be notified that no further action will be taken. If the student has not made sufficient progress against the agreed targets, the Lead Tutor and Tutor will

recommend to the Centre Director that the student progresses to the **third formal stage**.

3. Third Stage – Final

- 3.1** A Third stage is extremely serious; this represents the final stage of the procedure. If there is no significant improvement in behaviour or achievement of the targets set at the second stage (formal) then the Centre Director may recommend that the student is permanently excluded from College.
- 3.2** The Lead Tutor and Centre Director will make arrangements for a review meeting. A student has the right to be accompanied to this meeting by a supervisor/counsellor/carer or a student enrolled at the College. The purpose of the meeting will be to highlight continuing staff concerns and to agree final individual actions with the student to address these concerns. The agreed actions will be entered on the tutorial form and on the student's file.
- 3.3** At the end of the agreed review period the student will have a final review meeting with the Lead Tutor and Centre Director. If the Lead Tutor and Centre Director are satisfied that sufficient progress has been made to address the agreed improvement targets the student will be notified that no further action will be taken. If the student fails to meet the conditions outlined in the tutorial the Lead Tutor and Centre Director will decide on the next course of action, this could be suspension pending further investigation or permanent exclusion from the College. A student has the right to be accompanied to this meeting by a supervisor/counsellor/carer or a student enrolled at the College.
- 3.4** If a student is taken off the third stage formal warning and a further concern is raised (repeat of previous/similar behaviour), the student will in all cases be referred directly to the Centre Director who will decide on the appropriate course of action.
- 3.5** In the case of permanent exclusion the student does have the right of appeal to the Centre Director. This appeal must be made in writing within 10 working days (see point 4. Appeals).
- 3.6** In the event of a permanent exclusion from College the student will be notified in writing. If a student has been excluded for serious misconduct they will not be entitled to re-apply for a College course in the subsequent year.

4. Appeals

- 4.1** If a student wishes to appeal the outcome, this appeal must be made in writing to the Centre Director within 10 working days. An appeal can only be submitted at the conclusion of the above process.
- 4.2** The Centre Director will refer the appeal to an Independent Adjudicator, who will determine if there are grounds for review.
- 4.3** If there are grounds for review, the Independent Adjudicator, after reviewing the case, can decide to uphold the appeal and refer for re-consideration, lessen the sanctions imposed, or reject the appeal.

4.4 If an appeal is upheld, the decision will be communicated to the student in writing. If an appeal is rejected or there are no grounds for review, the Independent Adjudicator will issue a Completion of Procedures letter.

4.5 The Independent Adjudicator's decision is final.

NOTE: It should be noted that depending on the seriousness of a student's actions, or the persistent disregard for College procedures a student can be disciplined through this procedure at the stage which the College considers to be the most appropriate. In extreme circumstances for example, gross misconduct, a student can be taken straight to a final interview with the Centre Director, without having to go through the stages 1, 2 and 3.

Other Relevant Policies

- Student Code of Conduct
- College Equality and Diversity Policy
- Substance Misuse Policy
- Health and Safety Policy
- Fitness to Practise Committee/Fitness to Practise Panel

09.12.2021