Nescot
Epsom's college of further and higher education

# Student Disciplinary Policy

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| Version | V1 |
| Policy Originator: | Head of Quality |
| Equality Impact Assessed: | |
| Approved by: | SMT |
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| Audience: | Staff and Students |

## 1 Purpose

1.1 The purpose of this policy is to positively establish and maintain the Student Code of Conduct as a culture of good practice and to firmly embed the student principles of:

- Display my ID Badge
- Respect myself and others
- Respect the environment
- Behave responsibly
- Strive for success

1.2 To ensure a consistent approach across the College towards maintaining student discipline.

1.3 To ensure the timely address of breaches.

1.4 The common ownership of student attendance and behaviour, by all staff across all aspects of a study programme or apprenticeship.

1.5 To provide direction for staff, students, parents, and employers on the disciplinary procedures to be adopted when the Code of Conduct is broken, and/or when major or gross misconduct occurs.

1.6 Although this Policy is applicable to students enrolled on Higher Education (HE) courses, it must be implemented in conjunction with any agreement with the appropriate validating HE Institution.

## 2 Scope

2.1 The Disciplinary Policy will reflect and support the:

- The Student Code of Conduct
- The Mission of the College
- The College policy on progression and performance, which provide an appropriate alternative where there are concerns about student performance in the classroom
- Policies and procedures on student welfare, including safeguarding, disability and mental health, and substance misuse
- Other relevant College policies and procedures
- The rules of natural justice

- The principles of restorative practice
- Academic misconduct procedures

## 3 Implementation

3.1 The implementation of this Policy should take into account:

- Current legislation
- The role of parents/carers and employers
- The age and circumstances of the student

3.2 The College has an obligation to ensure a fair hearing for students. Students will be given a copy of the Code of Conduct on joining and will be informed how to access College Policies as part of induction.

3.3 The timescales of this policy can be expedited within the first 6 weeks of the academic year at the discretion of the Director of Faculty. Student will have a right to appeal to the Deputy Principal.

3.4 It is at the College's discretion to refer matters to the Police, unless required by law.

## 4 Responsibility for student discipline within the College

4.1 All members of staff have a responsibility and authority to take immediate action to maintain discipline in the common areas of the College. A student behaving in a manner that could lead to a breach of the Code of Conduct should be warned that their behaviour is inappropriate and that disciplinary action could follow.

4.2 The group tutor/teacher/progress coach has a responsibility and authority for student discipline during teaching. This Policy does not seek to replace standard classroom management. Staff should seek advice from the Section Leader, Head of Department or the Director of Faculty as appropriate for the breach.

4.3 Students are required to confirm they have read the Code of Conduct during induction and each student has a responsibility to acquaint themselves with the student principles and comply with the Code of Conduct. A copy is available on weblearn or from the Quality Office.

## 5 Breaches of Discipline

5.1 There are two elements to the disciplinary process and these are low level disruption and formal performance and behavior management. Professional judgement will need to be made about the severity of each breach of the Code of Conduct. If in doubt, contact the Head of Quality or Director of Tutoring and Professional Studies to ensure a consistent approach across College.

## 6 Stages

6.1 There are three stages to the College Disciplinary Procedure. The procedures will begin at the stage appropriate to the seriousness of the breach:

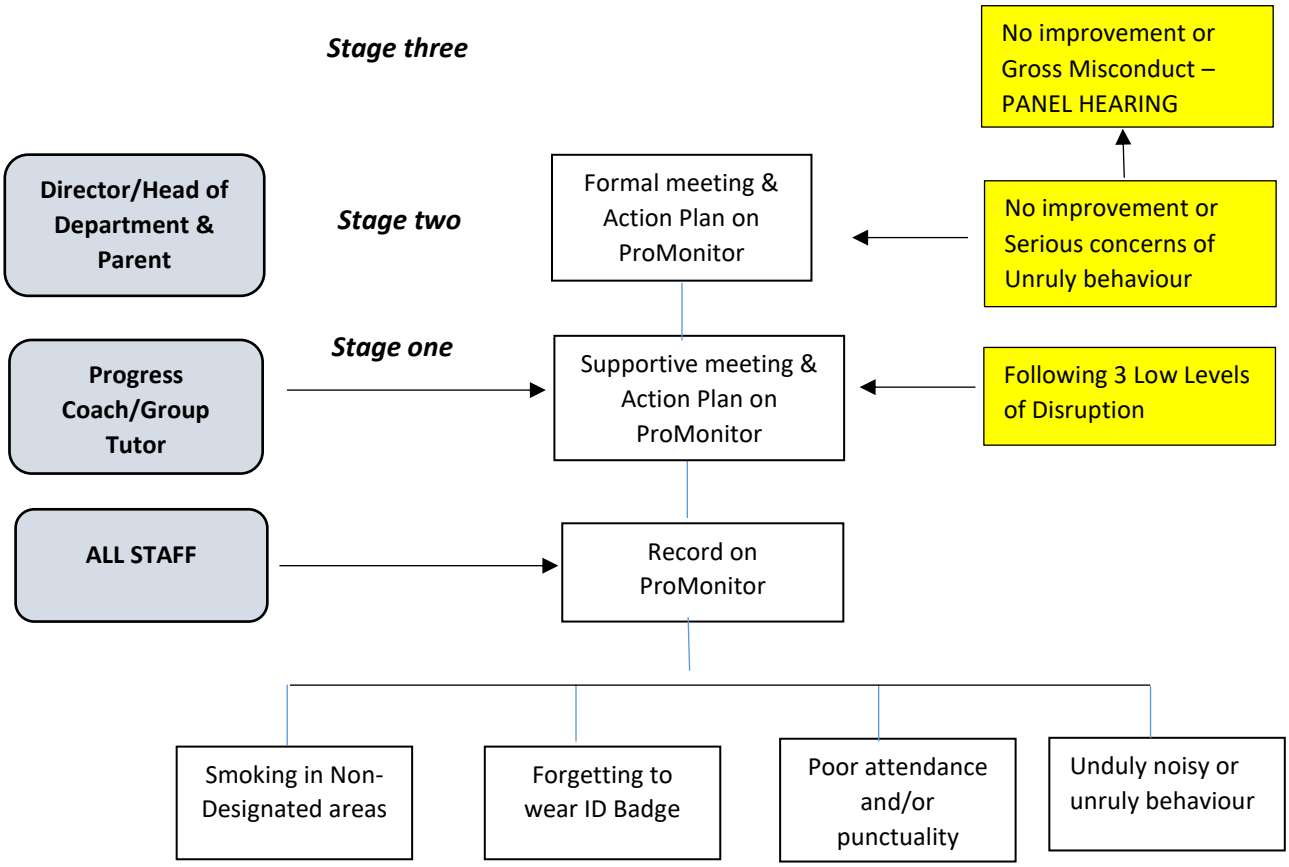
6.1.1 Progress Coach/Group tutor will monitor low disruption notes on Promonitor. Following 3 low disruption notifications a stage one supportive tutorial meeting will take place and actions to support improvement logged on promonitor.

6.1.2 Following a further breach or if a student has serious behaviour or performance management issues a stage 2 formal meeting will take place with the Head of Department or Director of Faculty which will include the parent.

6.1.3 Following a further breach or if a student commits gross misconduct a stage 3 gross misconduct panel hearing will be convened. There are 3 outcomes from this panel:

A. Case not proven
B. Exclusion
C. Return to College to demonstrate change in behaviour for up to one month with timebound actions, which if breached then an automatic withdrawal/exclusion.

6.1.4 Any student excluded from college will not be permitted to return for a minimum of 12 months.



## 6.2 Table of Breaches, Stages and Sanctions

| Stage | Breach | Possible outcomes | Actions |
|---|---|---|---|
| **Pre- Stage** | **Low disruption notes (informal)**<br>• Any low disruption should be recorded on promonitor by a member of staff and monitored by Progress Coach/Group tutor<br>• When there are 3 low disruption notes the Progress Coach/Group tutor will escalate to stage 1 of disciplinary procedure | • Verbal warning to students that if there are 3 low disruption notes they will progress to stage 1<br>• Issue attendance card | • All staff to log on promonitor<br>• Tutorial meeting with student<br>• Recorded on Promonitor |
| **Stage 1** | **Low disruption notes (formal)**<br>• Formal hearing not required<br>• Tutorial meeting to enter student formally to stage 1 | • Time-bound SMART actions and contract signed<br>• Letter to parent/guardian<br>• Issue one further attendance card for persistent non-attendance | • Tutorial meeting with Progress Coach/Group Tutor<br>• Recorded on Promonitor<br>• 3-6 week deadline for improvement period<br>• Deadline can be extended on consultation with Head of Department |
| **Stage 2** | **Serious behaviour or performance management issues**<br>• Formal hearing to take place within 2 weeks of breach<br>• Parent/Guardian(s) invited to formal hearing<br>• Further time-bound SMART actions set<br>• Breach of action plan results in progression to stage 3 | • Case not proved<br>• Case proved:<br>• Attendance card<br>• Time-bound SMART actions and contract signed<br>• Letter to parent/guardian<br>• Contract signed<br>• Referral to Stage 3 | • Cooling off period may be put in place whereby student sent home for up to a maximum of 2 weeks (determined only by Head of Department)<br>• Student/Parent/Guardian to receive written notification of hearing<br>• Outcome of hearing and action plan communicated to parent/guardian<br>• All actions to be recorded on Promonitor |
| **Stage 3** | **Gross Misconduct**<br>• On discussion with Director of Tutoring student referred to stage 3<br>• Independent panel set up by Faculty Administrator | • Case not proved<br>• Case proved:<br>• Attendance card<br>• Return to College for up to one month with time-bound actions, which if breached then an | • Student may be suspended pending the hearing<br>• Evidence must be collated and presented to Faculty Administrator within 5 days<br>• Hearing convened within 2 weeks of breach |

| Stage | Breach | Possible outcomes | Actions |
|---|---|---|---|
| | • Hearing should take place within 2 weeks of breach<br>• All alleged gross breaches of the Student Code of Conduct MUST be dealt with in accordance with Stage 3 procedures | automatic withdrawal<br>• Letter to parent/guardian<br>• Contract signed<br>• Exclusion | • Student/Parent/Guardian to receive written notification of hearing<br>• Outcome of hearing and/or action plan communicated to parent/guardian<br>• All actions to be recorded on Promonitor<br>• Appeal to Deputy Principal |

## 7 Suspension

7.1 Where there is reason to believe that a student has committed an act of Gross Misconduct he/she may be suspended from the College by either a Director of Faculty or SMT member.

7.2 Suspension should only be used as a last resort if there is a potential risk to themselves or others. It is considered a neutral act to allow time for an investigation to take place, and/or preparation for a Disciplinary Hearing.

7.3 During the period of suspension, work must be provided by the tutor and the student may (with written permission) be admitted to the College:

- For meetings/interviews
- To submit coursework to meet deadlines
- To take examinations
- To use the learning resource centre (LRC)

## 8 Cooling Off

8.1 Where an incident requires immediate “cooling off”, the student who has committed the act of misconduct may be asked to leave the premises or to move to a specific place within the College up to a maximum of a day.

8.2 “Cooling off” may be used as a disciplinary sanction for up to a maximum of 4 weeks and will always be followed by a formal action plan and contract.

## 9 Support for the student

9.1 The student is entitled to be accompanied to a Disciplinary Hearing by a friend, a student representative, or a relative, but not by a person active in legal or other professional work, unless the College otherwise agrees.

9.2 Students may discuss disciplinary charges brought against them with the Student Services Welfare team who will provide support as requested.

## 10 Appeals

10.1 There is a right of appeal against suspension and the outcome of Stage 2 and Stage 3 Disciplinary Hearings. These can be made to the Deputy Principal within 2 weeks of the notification of outcome. There is no right of appeal if there is a significant breach in behaviour during the first 6 weeks at College.

## APPENDIX 1 – GUIDANCE IN CONDUCTING A DISCIPLINARY HEARING

### 1 Stage 2 Preparation

1.1 Prepare carefully, ensure that you have all the facts and find out if there are any special circumstances to be taken account of eg. Learning difficulties, safeguarding or welfare issues or an Educational Health and Care Plan (EHCP).

1.2 Arrange a time and place for the Hearing with adequate seating where there will be no interruptions

1.3 Inform the student in writing of the date of the Hearing and ensure all information concerning the alleged breach, previous disciplinary action, witness statements are given to the student and parent/guardian prior to the meeting.

1.4 Go through the evidence, ensure you have all the relevant facts available such as previous disciplinary records, written statements from witnesses, and establish what disciplinary action has been taken in similar circumstances in the past with other students.

1.5 Examples of suitable evidence:

- First hand witness statements
- Photographs and / CCTV stills
- Incident Reports
- Course progress, attendance and tutor statement

Examples of unsuitable evidence:

- Second hand statements
- Statements with inappropriate comments
- Opinions rather than facts

### 2 Stage 3 Preparation

2.1 Stage 3 hearings are heard by a panel of at least two independent managers from CMT that are not associated with the student's programme of study and a Chairperson who should be a Director of Faculty or SMT member.

2.2 Evidence should be gathered by the investigating manager and submitted to the Faculty Administrator within 5 days of the referral, refer to stage 2 preparation for examples.

2.3 All panel members, should be sent the same documentation that is sent to the student, a minimum of 5 days before the hearing.

## 3 Stage 3 Hearing

3.1 The Chairperson should introduce those present and explain why they are there. Explain how the Hearing will be conducted and determine who is presenting the case for the student and for the College.

Explain that the purpose of the Hearing is:

- To ascertain the facts of the case
- To consider whether disciplinary action should be taken in accordance with the policy.

3.2 When reading or listening to the evidence please bear in mind the College Code of Conduct, Student Principles and equality issues. Be sensitive to cultural, gender and equality issues in so far as they may affect the conduct of the hearing.

3.3 Invite the College Manager (presenting the case) to state precisely what the breach is and outline the case briefly by going through the evidence gathered. Ensure that the student, and his or her representative has the opportunity to ask questions.

3.4 Invite the student or representative to state his or her case, ask questions, present evidence and present witness testimonies. Listen and be sensitive to silence as this can be a constructive way of encouraging the student to be more forth-coming.

3.5 Give time for the College Manager presenting the case to ask questions if needed.

3.6 The objective of the hearing is to discover the truth, not to catch people out. Establish whether the student is prepared to accept that he/she has done something wrong then agree the steps which should be taken to remedy the situation, or to determine the disciplinary action to be taken.

3.7 When both sides have finished presenting their cases and asking questions, then both sides should leave the room to enable the panel to discuss and make its decision. If you feel that the decision can be made fairly quickly, you may wish to ask the student to remain nearby and call them back in to hear the decision. Otherwise, you should tell them that you will inform them of the decision in writing within five working days.

3.8 In making the decision and deciding upon the penalty, try and take into account any past hearing that can be used a comparative and consider the safety and welfare of other students and of staff. Advice on this can be sought from the Director of Student Services.

3.9 The Chairperson has the authority to limit the amount of time used by each of the parties in presenting the case.

3.10 A copy of all the paperwork should be recorded on Promonitor.

## 4 Examples of Breaches (this list is not exhaustive)

**Minor Breach – Low Disruption**

Minor breaches of the Student Code of Conduct include attendance and punctuality, unauthorized absences, non-submission of coursework, disruptive behaviour, failure to wear ID badge or continually forgetting it, smoking in non-designated areas, noisy and disruptive in class.

**Major Breach - Serious behaviour or performance management issues**

Major breaches of the Student Code of Conduct include failure to improve against the action plan target(s) set, breaching the terms of the YELLOW attendance card, offensive language, persistent non-attendance or failure to wear ID badge, refusal to identify themselves, incapability through drugs or alcohol, acting in an unsafe manner including failure to comply with health and safety policy, harassment, disruption to the work of others.

**Gross Misconduct Breach**

Gross breach of the Student Code of Conduct includes failure to improve against the action plan, breaching the terms of the RED attendance card, malpractice, theft, forgery, violence, serious threat of violence, dealing in illegal substances, deliberate damage to property (to which damages will be sought), sending or accessing and/or downloading of pornographic/offensive/terrorist material via the internet, any unauthorized interference with software or data belonging to or used by the College, serious bullying, and any criminal activities affecting the College or other students.

## APPENDIX 2 – STUDENT CODE OF CONDUCT

### Student Code of Conduct to support the Nescot Principles

**When taking part in College activities on or off College premises (this includes day trips and residential VISITS)**

**You will**

1. Obey the law including laws on theft, fraud, graffiti, damage to property, violence, substance abuse, carrying offensive or dangerous weapons, possession of drugs and alcohol as well as intent to supply drugs.

2. Wear the college ID card at all times when on college property and always disclose identity when requested to do so by Security or other staff

3. Treat fellow students and staff with courtesy and respect, regardless of their disability, gender, sex, age or ethnicity

4. Fully support the College in promotion of equality and diversity practices

5. Follow all College health and safety guidelines at all times, including the evacuation procedures

6. Attend all classes, be punctual and hand work in on time

7. Follow reasonable instructions from staff

8. Obey College computer network regulations

9. Use technology and devices appropriately and in a way that supports learning

10. Drive with due care in and around College premises

11. Respect the College environment

12. Only smoke (including vaping) in designated smoking areas.

**You will not**

1. Distract others or be disruptive in and out of class

2. Bully or harass others including through social media or other online means, or encourage and join in with such behaviour

3. Use inappropriate or offensive language or behaviour

4. Plagiarise (see Plagiarism Policy), cheat or copy work from other students

5. Fight or use threat of violence, or encourage and join in with such behaviour

6. Give your own Learner ID to others for use

7. Make fraudulent claims/alter Learner ID cards, College records, signatures etc

8. Bring animals onto campus without permission

9. Bring friends or family onto College premises without permission from the Principal or her representatives

10. Organise private functions on College premises or in the College's name without permission from the Principal or her representatives

11. Take part in any gambling activities

12. Eat or drink (accept bottled water) in any teaching rooms or the Learning Resources Centre

*This list is not exhaustive or exclusive and situations of a similar nature will be dealt with in accordance with these guidelines. Please note that all incidents which involve breaking the law, including all drug related incidents will be passed to the Police immediately.*