

# STUDENT DISCIPLINE PROCEDURE

## **Policy Statement**

All students will agree to abide by the expectations listed in the Loughborough College Charter and sign to agree to this at enrolment.

Loughborough College will ensure that all processes and procedures associated with student discipline are fair, open and transparent and that all disciplinary proceedings will be conducted in accordance with the college's Student Discipline Procedure.

## **1. PURPOSE**

- 1.1 The college recognises the role it plays in the academic and social development of its students. The college aims to provide a supportive and well-structured environment in which all students can develop respect for everyone who uses the college.
- 1.2 The welfare and well being of all users of the college depend on the reasonable and disciplined behaviour of college members. The standards of conduct, attendance and work performance expected from all students are referred to in the Student Charter, college policies and procedures.
- 1.3 The Student Discipline Procedure is designed to help students to achieve and maintain high standards set by the college. The aim is to ensure consistent and fair treatment for all by setting out the action that will be taken if the college rules are broken.

## **2. PRINCIPLES**

The Student Discipline Procedure has been developed with the following principles in mind:

- 2.1 All students have responsibility for following college rules, policies and procedures.
- 2.2 If a student does not attend any classes for 4 consecutive weeks, and provides no notification or reason for absence the student will be withdrawn automatically from the course as detailed in the Attendance and Punctuality Policy.
- 2.3 All members of college staff have a responsibility to ensure that student discipline is maintained.
- 2.4 The procedure is designed to establish the facts quickly and deal fairly and consistently with disciplinary issues.
- 2.5 At every stage of the disciplinary procedure students will be given details of the complaint against them and will be given the opportunity to state their case before a decision is made.
- 2.6 At any stage a case may be heard in the absence of the student provided reasonable steps have been taken to contact the student.
- 2.7 A record of each stage of the disciplinary procedure will be kept and a copy given to the student. Copies may be sent to other people who may need to know, for example, employer, work placement provider, linked school, parent, guardian, carer and other tutors. Procedures to obtain the consent of students for the college to contact parents, guardians and carers will be followed.

- 2.8** The procedure may be implemented at any stage dependent on the seriousness of the alleged misconduct. In the case of gross misconduct, the procedure may move straight to suspension, pending a disciplinary panel hearing.
- 2.9** A student may be accompanied by a family member or friend at any stage of the disciplinary process.
- 2.10** A student has a right to appeal at any stage of the procedure.
- 2.11** All reference to days in the procedure in terms of timings, indicate working days, and will exclude college and statutory holidays.

### **3. SCOPE**

The college's expectations are outlined in the Student Agreement and cover the following areas:

- Punctuality and time keeping
- Meeting deadlines for set work
- Absence
- Complying with college policies, procedures, guidelines and regulations, including health and safety
- Obeying reasonable instructions from staff
- Misconduct, bad language and unruly behaviour
- Use and misuse of college property and premises
- Abuse or harassment of others

These expectations apply when students are engaged in college activities and this may not necessarily mean that they are on college premises. For example, they will still apply if students are living in Halls of Residence, representing the college or are engaged on a college education visit, trip or placement.

### **4. MISCONDUCT**

Breaches of discipline may be minor, serious or gross. Examples of each type are listed in the table below.

This list is not exhaustive or exclusive and situations of a similar nature will be dealt with in accordance with these guidelines.

#### **4.1 Minor Misconduct**

- Lateness (at its earliest stage)
- Irregular attendance (at its earliest stage)
- General rowdiness and thoughtless behaviour
- Late work (at its earliest stage)
- Use of mobile phones in prohibited areas

#### **4.2 Serious Misconduct**

- Repeated minor misconduct
- Multiple minor misconduct
- Use of offensive language
- Failure to complete course work or assignments
- Refusal or failure to disclose correct identity when asked
- Disruption to the work or recreation of others
- Persistent non attendance
- Gambling

#### **4.3 Gross Misconduct**

- Cheating, plagiarism or copying the work of others for assessment
- Theft or fraud
- Violence or serious threat of violence
- Physical abuse or threat of physical abuse
- Harassment, bullying, victimisation or discriminatory behaviour
- Serious breaches of Health and Safety regulations
- Sexual misconduct
- Negligent or deliberate failure to comply with college regulations, policies or procedures.
- Failure to pay fees and costs as required by the college
- Failure to comply with a reasonable instruction from a member of college staff
- Acts causing, or likely to cause, damage to college systems or operations, including disruption in class
- Acts causing, or likely to cause damage to college property, including the introduction of unauthorised computer software, or property of someone visiting, studying or working at the college
- Use of college computers and e-mail facilities for illegal purposes or for purposes not related to a course of study.
- Disregard for the safety or well being of any person on the college property or affiliated sites, including dangerous driving
- Unauthorised removal or use of college property
- Possession or use of illegal substances, laser pens, weapons, or attempting to distribute such items
- Incapability brought about by alcohol or substance misuse
- Falsification of information or documentation

## 5. THE DISCIPLINARY PROCEDURE

All letters sent out to students, parents, carers, guardians, employers and agents in connection with student discipline will be prepared and sent out via Administration Support, who will keep electronic records.

If any member of curriculum or business support staff (including those responsible for students in accommodation) is concerned about a student's academic performance, conduct or welfare, they must report that concern, using the Disciplinary Concern form on the Student Discipline System, which will be forwarded to the appropriate member of staff.

The Disciplinary Concern form is designed to be a way of alerting the appropriate member of staff to any cause for concern, which staff may have about a student. The appropriate member of staff will decide how to proceed with the disciplinary concern dependent on an individual student's discipline status at the time. All disciplinary concerns must be investigated and followed up with the student.

The Disciplinary Concern form should not be used in situations where abuse is suspected. In these cases the 'At Risk Policy' must be referred to.

### **Initial Verbal Warning**

The Initial Procedure is an important part of the Discipline Procedure as it provides an opportunity for staff to remind students about college regulations and agreements and, if dealt with quickly and in a supportive way, it may prevent further misconduct.

Any member of staff can discuss incidents of minor misconduct with students, as they arise and it is in the interest of students that they listen and respond accordingly.

In order to ensure that incidents are dealt with smoothly and efficiently, staff should follow up an incident immediately with the student(s) concerned, log a Disciplinary Concern on the Student Discipline System and inform the student's Progress Tutor/Course Leader/Team Leader/Curriculum Manager, where necessary (or Course Leader, if more appropriate). This Tutor may choose to issue an Initial Verbal Warning (IVW), where actions will be set, agreed and signed by the student and appropriate staff member.

Depending on the severity of disciplinary concerns, up to the three initial verbal warnings may be issued or the Progress Tutor or Course Leader may choose to go directly to the formal procedure. If three Initial Verbal Warnings are issued, any subsequent incidents of minor misconduct must be dealt with through the formal procedure.

## Formal Procedure

The college's Disciplinary Procedure comprises of three stages which are described below. Different forms of misconduct may initiate different stages of the procedure, for example, serious misconduct could start at Stage 2. Gross misconduct will start at Stage 3. The person with responsibility for administering each stage is indicated throughout this procedure; however these may vary according to the situation and the course type. For example a part time student may be dealt with by a Course Leader in Stage 1 if there is no Progress Tutor.

Every stage of the formal procedure will be logged and students will be given a copy. Copies may also be sent to other people who need to know and this could include a work placement provider, employer, parent, guardian, carer and other tutors.

A student may be suspended from the college **immediately** by a Curriculum Manager or a college Executive, pending a Disciplinary Meeting/Hearing, where a member of staff has reason to believe that the student may have committed an act of gross misconduct and an investigation is required. The Curriculum Manager will confirm the suspension in writing within **2 days** of its occurrence, and will arrange a Disciplinary Meeting/Hearing within **5 days** of the suspension. Suspended students will not be allowed to make contact with members of the college, enter college premises or use college facilities. This does not affect their right to request that a member of the college is present at the Disciplinary Meeting/Hearing.

### 5.1 Stage 1 Support Action Plan (Minor Misconduct)

Responsibility: Progress Tutor (FT) or alternative e.g.  
Course Leader (PT)

This stage is intended to address minor misconduct such as lateness, irregular attendance, thoughtless behaviour or late work. This stage involves support from the Progress Tutor and appropriate referral to Student Support if necessary.

5.1.1 The Progress Tutor will inform the student in writing, within **2 days** of the misconduct, of a meeting to discuss the issue of misconduct. The tutor will provide the student with a copy of the Student Discipline Procedure and explain that they can be accompanied by a family member, carer or friend if they wish. The meeting will take place within **5 days** of the misconduct and will be held in a room which allows for confidentiality.

5.1.2 The Progress Tutor and the student will discuss the misconduct and complete a Support Action Plan (SAP). The aim of this negotiated SAP is to agree specific actions, broken down into clear, achievable steps, in order to affect an improvement in behaviour. The language used in setting the targets should be positive. As part of this stage the Progress Tutor will ensure that the student has access to support for any issue that is affecting the student's ability to study effectively. This may include referral to Student Support. The student may be issued with a verbal warning which will be kept on the student's record.

5.1.3 A review of progress will take place within **10 days** of the SAP meeting. The review will be documented on the Support Action Plan Review (SAPR) form. The Support Action Plan (SAP) and Review will be placed on the student's record.

5.1.4 If there is not satisfactory improvement after a period of 20 days, the student will be notified that disciplinary action will be advanced to stage 2.

**5.2 Stage 2: Case Conference (Serious Misconduct or progression from a previous stage)**

Responsibility: Curriculum Team Leader

5.2.1 The Curriculum Team Leader will inform the student in writing, within **2 days**, of a Case Conference meeting to discuss an issue of serious misconduct. The Curriculum Team Leader will provide the student with a copy of the Student Discipline Procedure (if not previously provided) and explain that they would be advised to be accompanied by a family member, carer or friend. The Case Conference meeting will be held within **5 days** of the misconduct. The meeting will be held in a room which allows for confidentiality.

5.2.2 This meeting will aim to involve people who can work together to help the student succeed on their course. People who may be involved are Course Leader, Progress Tutor, parent, guardian or carer, support staff etc. The meeting will identify targets that a student will need to meet in order to continue on their course. The student may be issued with a formal written warning which will be kept on the student's record.

5.2.3 Within **10 days** the student will be invited to meet with the Curriculum Team Leader (or a representative) to review whether any significant improvement has been made. If there is no significant improvement the Curriculum Team Leader will decide on one of three options.

- To give a further 10 day extension
- To advance disciplinary action to Stage 3.
- If the issue relates solely to the non-attendance of a student, to recommend to a college Executive (or someone acting on their behalf) that the student is withdrawn from the course.

**5.3 Stage 3: Disciplinary Hearing (Gross Misconduct or progression from a previous stage)**

Responsibility: Curriculum Manager

5.3.1 The college reserves the right, where it believes that there is evidence that a criminal offence has been committed, to refer the matter to the Police. In the event of serious criminal charges being laid, the disciplinary interview may be deferred pending the outcome. An Executive member of the college may extend suspension for a specified period of time pending a Police investigation.

5.3.2 The Curriculum Manager will arrange and Chair the Disciplinary Hearing. The notice for the Disciplinary Hearing will state:

- The nature of the alleged misconduct and a summary of the evidence for the complaint
- The student's entitlement to accompaniment
- Confirmation of the time and place of the interview

If the student is under the age of 18, parents, guardians or carers will be notified of the Disciplinary Hearing, if appropriate. The student can be accompanied by a member of the Student Development Team. The student can also be accompanied by a friend or relative, but not by a legal or other professional adviser unless the college agrees, having been given notice before the hearing. A legal or other professional adviser will be allowed if the college intends to have an external adviser present.

5.3.3 At the Disciplinary Hearing, the Curriculum Manager will be accompanied by at least one other member of staff and they will be referred to as The Disciplinary Panel. Every effort will be made to secure an appropriate gender and race balance on the panel. The student will be given the opportunity to state her or his case, including any mitigating factors. On the conclusion of the hearing the Chair of the Panel will provide a verbal statement of the outcome and the recommendation which will be made to an Executive on a Disciplinary Hearing Record.

5.3.4 Within **5 days** of the Disciplinary Hearing, if the Executive accepts the recommendation of the Disciplinary Panel, the student will be sent written confirmation of the decision, by way of a Disciplinary Hearing Outcome letter, a Final Written Warning or Withdrawal Notification. A copy will be sent to the student's parents, guardians or carers, if appropriate. A copy may also be sent to the student's sponsoring employer or agent.

5.3.5 Recommendations open to the Disciplinary Panel to consider include:

**A.** Withdrawal of the student in one of two ways:

- Withdrawal from the college at that time with leave to reapply after a particular period of time. In this case the student would not be interviewed until the application was approved by the Principal or a Senior post holder acting on his behalf.
- Withdrawal from college with no leave to return if the misconduct is regarded as extremely severe

**B.** Re-admission of the student in one of three ways:

- Immediate re-admission of the student with no sanctions
- Re-admission of the student with criteria in place, including a risk assessment and supervision.

- Issue of a final written warning that if the student offends subsequently the student will immediately be withdrawn from college. The withdrawal to be authorised and actioned by the Chair of the Disciplinary Panel. Such a warning will remain on file and be active for the remainder of the student's time at college.

## 6. APPEALS

Students have the right of appeal against a disciplinary decision if they believe they have not been fairly treated. The appeal will be heard by an Appeals Panel consisting of a minimum of two Managers, none of whom has been previously involved in the disciplinary case.

### Stage 1 and 2 Appeals

- 6.1 Appeals should be made in writing, to the Curriculum Manager, within **5 days** of the warning and must give grounds and particulars for appeal. The grounds must present new evidence not previously considered, or provide reasons why the procedure or decision was flawed or unfair.
- 6.2 If the Curriculum Manager considers there may be valid grounds for appeal against a warning she or he will arrange an Appeal Hearing. The Appeal Hearing will consist of the Curriculum Manager and another Manager, not previously involved. Other staff may be called upon if required. The Hearing will take place within **5 days** of receiving the Appeal letter from the student, and following this, a decision will be given in writing within **5 days**.
- 6.3 If the Curriculum Manager does not consider there are valid grounds for an appeal she or he will inform the student of this, stating her or his reasons in writing. This will be done within **5 days** of receiving the appeal letter from the student.

### Stage 3 Appeal

- 6.4 A student has the right of appeal and must appeal to an Executive against the recommendations of the Disciplinary Panel. Notice of appeal must be made in writing within **10 days** of the recommendation of the Panel and must give grounds and particulars for appeal. The grounds must present new evidence not previously considered, or provide reasons why the procedure or decision was flawed or unfair.
- 6.5 If the Executive does not consider that there are valid grounds for an appeal they will inform the student of this, stating their reasons in writing. This will be done within **10 days** of receiving the appeal letter from the student.

- 6.6 If the Executive considers there are valid grounds for appeal against the recommendations they will arrange an Appeal Hearing. The Hearing will take place within **20 days** of receiving the Appeal letter from the student and the student will be given at least **5 days** notice of the time and place of the appeal interview. The student will be entitled to be accompanied by a friend, student, representative or relative, but not by a legal or other professional advisor unless the college otherwise agrees, having been given notice before the day of the Hearing. A legal or other professional adviser will be allowed if the college intends to have an external adviser present.
- 6.7 The Appeal Panel will comprise of an Executive (or nominated staff member), a Manager and one other member of staff not previously involved in the case in question. Any documents considered at the original Disciplinary Hearing will be available for the purpose of the appeal, together with notes of the hearing.
- 6.8 At the Appeal Hearing, the student will be invited to explain the grounds of the appeal and to state her or his case. The Chair or a member of the Disciplinary Panel who made the recommendation at the Disciplinary Hearing will be asked to respond to the appeal and explain the reasons for the original recommendation. The Appeals Panel may ask questions of the student and the Chair or member of the Disciplinary Panel and then consider whether to allow or dismiss the appeal. Having made a decision, the Panel will inform the student.
- 6.9 If the appeal is upheld, the Appeal Panel may decide that disciplinary action less than that recommended by the Disciplinary Panel should be taken, or that no further disciplinary action be taken.
- 6.10 If the appeal is dismissed, the recommendation of the original Disciplinary Panel will stand.  
The Appeals Panel will not impose any greater sanction against the student than that recommended by the Disciplinary Panel.
- 6.11 Within **5 days** of the appeal interview the Chair of the Appeals Panel will confirm the final decision in writing to the student.

*NOTE: For the purposes of this procedure, 'days' refers to Monday to Friday during term time. Times specified will be adhered to wherever practicable but during vacations these may be extended.*

Standard documentation will be used in all Student Discipline cases (this may be modified), of which is available on Loughborough College's Discipline System.

## Discipline