

Learner Disciplinary Policy and Procedure

1. Scope and Purpose

- 1.1 The Learner Disciplinary Policy and Procedure (LDPP) is intended to guide staff in taking a fair and consistent approach in matters of learner discipline. The policy is linked to the 'Learner Agreement and College Code' which sets out the rules governing acceptable learner behaviour (see Appendix 6). The LDPP is to be used where learner misbehaviour cannot be dealt with through everyday classroom management or when behaviour remains unsatisfactory following informal discussion or warnings.
- 1.2 The LDPP is based on principles of equality, fairness and natural justice. It seeks to ensure and protect the right of all members of the college to study and work in an environment of mutual respect and tolerance, and is designed to be robust and supportive.
- 1.3 All learners must be made aware of the rules with which they are expected to comply. These are detailed in the 'Learner Agreement and College Code'. Learners also must be made aware of the LDPP and related sanctions that can be applied if they fail to comply.
- 1.4 During induction, learners will receive a briefing on the LDPP. Copies of the 'Learner Agreement and College Code' and the LDPP will be on each learner's ILP. Learners will indicate that they have read each of these documents.
- 1.5 Special consideration can be given where a learner's understanding of the LDPP may be affected by their learning difficulty, disability or mental health. Each case will be dealt with on an individual basis following consultation with the Assistant Principal Learner Services as appropriate.
- 1.6 At all stages of the LDPP, learners should be informed of their right for support and the provision of any appropriate reasonable adjustments.
- 1.7 It should be made clear to learners that their curriculum team can provide them with information regarding the LDPP, the rights of the individual and any possible representation. Access to support, if required and where appropriate, can also be provided.
- 1.8 The LDPP applies to all learners, of all ages, in all types of provision, and in all locations.
- 1.9 Appendix 5 to the LDPP illustrates how breaches of accommodation rules by learners in accommodation will be addressed in relation to the wider LDPP.
- 1.10 Where there is concern about a learner's health, mental health, or wellbeing, this should be addressed in a supportive manner by the Curriculum Team in partnership with Learner Services to ensure that appropriate action plan procedures are implemented.
- 1.11 Before applying the college disciplinary policy and procedure, it is important to review any support needs, reasonable adjustments and ensure that all support options have been reviewed, in order to support the student to engage effectively with their studies. Where students demonstrate new concerns, missing deadlines, poor attendance, please consult with the college safeguarding team as per your safeguarding training, which recognises changes in behaviour and concerns this might bring. It is important that the student/parents and carers are clear on the expectations of the course, but that they have also been consulted with to understand why certain behaviours may be present.

- 1.12 In some cases, such as mental health and wellbeing, or where other safeguarding concerns are prevalent, it would be most appropriate to hold a supportive meeting with the individual, apply an action plan, and recognise, report and monitor progress. This provides a supportive framework in which the student/their parents and the college can work within, to ensure students are able to continue to access their education.
- 1.13 Whilst the safeguarding team do not manage the college disciplinary policy and procedure, it is important to follow the safeguarding process, highlighting concerns or new and emerging concerns, for advice and guidance on how best to support individual students.

2. Responsibilities

- 2.1 Overall responsibility for the implementation of the LDPP lies with the Vice Principal, Curriculum and Quality.
- 2.2 During teaching, training and learning sessions, the teacher, assessor or trainer has immediate responsibility for learner discipline.
- 2.3 All college staff have responsibility for maintaining learner discipline outside the teaching and learning areas and should advise any learners behaving in a manner that is contrary to the 'Learner Agreement and College Code' that their behaviour may lead to disciplinary action. Staff should then follow the appropriate action outlined in the policy.
- 2.4 Parents and carers of learners under the age of 18 will be kept informed of any disciplinary action. Where a learner is aged 18 and over, parents and carers may only be informed with the learner's permission.
- 2.5 While it is recognised that employers may have their own codes of conduct and disciplinary procedure; workplace learners will be expected to comply with the 'Learner Agreement and College Code' whilst on college premises. This should be made clear to both learners and employers. Employers will be made aware of any disciplinary action involving their employees.
- 2.6 Learners have the right of appeal at all stages of the LDPP.
- 2.7 Loughborough College learners studying on Higher Education programmes are subject to the LDPP, along with the additional policies, processes and procedures in place to oversee provision in partnership with partner universities.
- 2.8 Loughborough College has a 'Stop and Search' policy which states that learners can be searched for possession of items banned by the college. These include: knives or weapons, alcohol, illegal drugs, stolen items, fireworks, pornographic images.

3. Types of Disciplinary Breaches

3.1 Breaches of discipline may be classed as '*minor*', '*major*' or '*gross*'. The examples given below are for guidance only and do not represent an exhaustive list. Professional judgement should be made in individual cases and it is ultimately the responsibility of the Head of Department to classify a breach of discipline as either minor, major or gross.

Minor Breach (Stage 1) includes but is not limited to allegations of:

- Repeated lateness
- Unreported absence
- 'Low level' disruptive behaviour
- Non-submission or non-completion of academic work
- Unauthorised use of a mobile phone
- Stage 1 breach of accommodation rules

Major Breach (Stage 2) includes but is not limited to allegations of:

- Repeating a minor breach
- Failure to comply with a Stage 1 Action Plan
- Offensive language or behaviour including online
- Refusal to show identification or display ID badge
- Misuse of college ID to include allowing entry or exit to a college site for another learner or individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests)
- Acting in an unsafe manner, including a failure to comply with health and safety regulations
- Disrupting the work or recreation of others
- Plagiarism or copying the work of other learners
- Repeated non-completion or submission of work
- Smoking in an unauthorised area
- Failure to comply with a reasonable request from a member of college staff
- Stage 2 breach of accommodation rules
- Misuse of college equipment including IT

Gross Breach (Stage 3) includes but is not limited to allegations of:

- Repeating a major breach
- Failure to comply with a Stage 2 Action Plan
- Theft
- Violence, including sexual, or threat of violence, including verbal threats and threats made by e-mail, mobile phone, social networking sites and messaging apps
- Sharing images or videos of another without their knowledge or consent
- Being under the influence of drugs or alcohol
- Use of or possession of drugs or alcohol
- Supplying illegal or prescription drugs
- Wilful damage to college or another person's property

- Gambling
 - Sending, accessing and/or downloading pornographic or offensive material via the internet/social media
 - Other breaches of the college computer, internet, social media and e-mail facilities or regulations
 - Insubordination or refusal to carry out reasonable requests from staff
 - Bullying or harassment, including sexual
 - Breach of equality legislation – for example racism, trans/homophobia, sexism, or ageism
 - Carrying or use of an offensive weapon
 - Possession of any of the items listed in the college ‘Stop and Search’ policy, including knives, weapons, alcohol, illegal drugs, stolen items, fireworks, or pornographic images
 - Refusal to allow or to cooperate with a search request in accordance with the ‘Stop and Search’ policy and procedure
 - Repeated misuse of college ID to include allowing entry or exit to a college site for another learner or individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests)
 - Making a malicious allegation against a member of staff or learner
 - Any activity affecting the college or other learners or which could bring the college into disrepute
 - Exam malpractice (Awarding Body protocols and sanctions will run alongside any college processes)
 - Stage 3 breach of accommodation rules
- 3.2 Where a learner is experiencing difficulties meeting the demands of their programme as a result of their physical, mental or emotional health and wellbeing, then the use of the LDPP may not be appropriate. Intervention and support can be recorded on the ILP using the ‘Manage Learner Meetings’ tab and completing a ‘Progress Review’ to ensure that any reasonable adjustments are made and any necessary support strategies are implemented prior to consideration of the LDPP.
- 3.3 In cases such as 3.2 above, every effort should be made to support the learner through partnership work between the teaching staff and curriculum and business services prior to the introduction of any disciplinary procedures.
- 3.4 Where a learner is suspected of a criminal offence, the police will be contacted. Any subsequent formal police action will not affect the college implementing its own LDPP, unless the police request that we pause our own internal investigations until they have undertaken the necessary background work. The procedure may be extended or suspended depending on the type of police investigation being carried out.
- 3.5 Where a safeguarding issue is raised in association with a breach of the LDPP, the staff member initiating the disciplinary response must contact the on duty safeguarding staff member using 07979 737 474.

4. Investigation

- 4.1 An allegation of a breach of the LDPP will be investigated.
- 4.2 The extent of the investigation should be commensurate with the nature of the alleged disciplinary breach. For an alleged minor breach, it may simply take the form of a staff member reviewing entries made on a learner's ILP. In more serious or complex cases, it may require interviewing witnesses, taking statements and examining other documentation.
- 4.3 The outcome of the investigation will determine at which stage of the LDPP any ensuing hearing will be held (Stage 1, 2 or 3).

5. Disciplinary Procedure

Minor Breach (Stage 1)

- 5.1 At the minor breach stage, where informal efforts have not resulted in the necessary improvements, and there is evidence suggesting that a minor breach may have occurred, a **Stage 1 Disciplinary Meeting** will be held. This is a short, focused meeting to efficiently address minor misdemeanours.
- 5.2 A Stage 1 Disciplinary Meeting can be held without advance notification and there is no requirement or expectation that a learner should be accompanied at the meeting.
- 5.3 At the Stage 1 Disciplinary Meeting, the Study Programme Lead, Subject Lead, Personal Tutor or nominated representative will consider any evidence concerning the alleged breach of the LDPP. Any evidence should be uploaded to the Learner's Stage 1 Disciplinary Meeting record using the 'linked document' facility on the ILP.
- 5.4 The Stage 1 Disciplinary Meeting is held by the Study Programme Lead, Subject Lead, Personal Tutor or nominated representative. Details of this meeting will be recorded on ProMonitor. Guidance on the conduct of a Stage 1 Disciplinary Meeting is available in Appendix 1.
- 5.5 At the Stage 1 Disciplinary Meeting, evidence will be presented by the member of staff holding the meeting to outline the breach of discipline and any action taken to date. The learner will present his or her case which can include any mitigating factors.
- 5.6 The staff member will consider the appropriate outcome and any recommended sanction.
- 5.7 Where an allegation is not upheld, a decision of 'allegation dismissed' will be recorded on ProMonitor and no further action taken.
- 5.8 Where a learner fails to attend a Stage 1 Disciplinary Meeting without prior notification or explanation, then the meeting will be held in their absence and a decision taken.
- 5.9 Where an allegation of a minor breach is upheld, a 'Stage 1 Written Warning Letter' will be sent to

the learner and their parent, if under 18 (using the template on ProMonitor) and a Stage 1 Action Plan will be set (and recorded on ProMonitor) which will identify specific behaviours, actions, appropriate support and timescales.

- 5.10 The Study Programme Lead, Subject Lead, Personal Tutor or nominated representative will monitor the Stage 1 Action Plan. At the end of the agreed timescale (usually seven days), a review of the Stage 1 Action Plan is completed by the Study Programme Lead, Subject Lead or Personal Tutor and the action plan updated on ProMonitor.
- 5.11 If the requirements of the Stage 1 Action Plan have not been adhered to, Stage 2 of the procedure can be initiated and logged on ProMonitor.

Major Breach (Stage 2)

- 5.12 At this stage, the learner will be required to attend a **Stage 2 Disciplinary Hearing**.
- 5.13 Once an investigation has been concluded, the learner (and parent/carer if aged under 18) should be informed of this meeting in writing, giving five working days' notice using the letter template 'Invitation to Stage 2 Disciplinary Hearing' found in the 'Print Reports' section at the bottom of the Stage 2 Disciplinary Hearing page on ProMonitor. The letter should be sent by first class post and by email to the student's college account.
- 5.14 The necessary documents to be enclosed with the letter are indicated in the 'Overview of Stage 2 Disciplinary Hearing' table. All evidence to be presented at the Stage 2 Disciplinary Hearing will be sent with the letter. The learner may be supported at the hearing by a member of staff, friend, relative or Loughborough Students Union (LSU) representative (not a legal advisor). The person supporting is not normally permitted to speak at the hearing. Any evidence should be uploaded to the Learner's Stage 2 Disciplinary Hearing record using the 'linked document' facility on the ILP.
- 5.15 The Stage 2 Disciplinary Hearing is chaired by the Curriculum Manager (or nominated representative) assisted by a staff colleague who has not been involved in the investigation. Details of this meeting will be set up on ProMonitor using the 'Manage Learner Meetings' tab and selecting the appropriate 'meeting type' from the drop-down menu in the table. Guidance on the conduct of a Stage 2 Disciplinary Hearing is available in Appendix 2.
- 5.16 At the Stage 2 Disciplinary Hearing, evidence will be presented by the investigating officer to outline the breach of discipline and any action taken to date. The learner will present his or her case which can include any mitigating factors. All evidence will be made available to all parties. The panel members will question the investigating officer and the learner to ascertain the facts of the case and if material facts are disputed, further sources of evidence may be requested.
- 5.17 The panel will consider the appropriate outcome and any recommended sanction.
- 5.18 Where an allegation is not upheld, a lesser sanction may be applied (where a minor breach is found) or a decision of 'allegation dismissed' will be recorded on ProMonitor and no further action taken.

- 5.19 Where a learner fails to attend a scheduled Stage 2 Disciplinary Hearing without prior notification or explanation, then the hearing will be held in their absence and a decision taken.
- 5.20 Where an allegation of a major breach is upheld, a 'Stage 2 Written Warning Letter' (using the template on ProMonitor) will be issued. A Stage 2 Action Plan will be set (and recorded on ProMonitor) which will identify specific behaviours, actions, appropriate support and timescales.
- 5.21 The Study Programme Lead, Subject Lead, Personal Tutor or nominated representative will monitor the Stage 2 Action Plan. At the end of the agreed timescale, a review of the Stage 2 Action Plan will be completed and the action plan updated on ProMonitor.
- 5.22 A summary record of the notes of the Hearing will be entered on ProMonitor in the 'Brief one to one Meeting Notes' section of the meeting record.
- 5.23 If the requirements of the Stage 2 Action Plan have not been addressed, Stage 3 of the procedure can be initiated and logged on ProMonitor.

Gross Breach (Stage 3)

- 5.24 At this stage, the learner will be required to attend a **Stage 3 Disciplinary Hearing**.
- 5.25 Once an investigation has been concluded, the learner (and parent/carer if aged under 18) should be informed of the Stage 3 Disciplinary Hearing in writing giving five working days' notice using the letter template 'Invitation to Stage 3 Disciplinary Hearing' found in the 'Print Reports' section at the bottom of the Stage 3 Disciplinary Hearing page set up on ProMonitor. The letter should be sent by first class post and by email to the student's college account. Where a learner has been suspended pending the hearing, the notice period can be reduced in agreement with all parties.
- 5.26 The necessary documents to be enclosed with the letter are indicated in the 'Overview of Stage 3 Disciplinary Hearing' table. All evidence to be presented at the Stage 3 Disciplinary Hearing will be sent with the letter. The learner may be supported at the hearing by a member of staff, friend, relative or LSU representative (not a legal advisor). The person supporting is not normally permitted to speak at the hearing. Any evidence should be uploaded to the Learner's Stage 3 Disciplinary Hearing record using the 'linked document' facility on the ILP.
- 5.27 The Stage 3 Disciplinary Hearing is chaired by the Head of Department or nominated representative, assisted by a member of the Wider Management Team who has not been involved in the investigation. Details of this meeting will be set up on ProMonitor using the 'Manage Learner Meetings' tab and selecting the appropriate 'meeting type' from the drop-down menu in the table. Guidance on the conduct of a Stage 3 Disciplinary Hearing is available in Appendix 3.
- 5.28 At the Stage 3 Disciplinary Hearing, evidence will be presented by the investigating officer to outline the breach of discipline and any action taken to date. The learner will present his or her case which can include any mitigating factors. All evidence will be made available to all parties. The panel members will question the investigating officer and the learner to ascertain the facts of the case and if material facts are disputed, further sources of evidence may be requested.

- 5.29 The panel will consider the appropriate outcome and any recommended sanction.
- 5.30 Where an allegation is not upheld, a lesser sanction may be applied (where a major or minor breach is found) or a decision of 'allegation dismissed' will be recorded on ProMonitor and no further action taken.
- 5.31 Where a learner fails to attend a scheduled Stage 3 Disciplinary Hearing without prior notification or explanation, then the hearing will be held in their absence and a decision taken.
- 5.32 Where an allegation of a gross breach is upheld, a 'Stage 3 Written Warning' letter (adopted from the template on ProMonitor) will be issued.
- 5.33 A Stage 3 Action Plan will be set (and recorded on ProMonitor) and reviewed within the agreed timescale.
- 5.34 The Curriculum Manager (or nominated representative) will monitor the Stage 3 Action Plan. At the end of the agreed timescale, a review of the Stage 3 Action Plan will be completed and the action plan updated on ProMonitor.
- 5.35 Alternatively, the panel can make a request to the Vice Principal, Curriculum and Quality that the learner is withdrawn from college.
- 5.36 A summary record of the notes of the Hearing will be entered on ProMonitor in the 'Brief one to one Meeting Notes' section of the meeting record.
- 5.37 Where a learner, who has previously received a Stage 3 Written Warning, is alleged to be in breach of their Stage 3 Action Plan or has allegedly committed a further breach of the LDPP, then a Stage 3 Disciplinary Hearing is reconvened.
- 5.38 Where the alleged gross breach is upheld, then a 'Stage 3 Final Written Warning' letter (using template on ProMonitor) will be issued and a Stage 3 Final Action Plan will be agreed (and recorded on ProMonitor). Alternatively, request for withdrawal can be made to the Vice Principal, Curriculum and Quality for authorisation.
- 5.39 Where a learner is found to be in breach of a 'Stage 3 Final Written Warning', the Vice Principal, Curriculum and Quality will be informed and the learner will be immediately withdrawn from college (without recourse to another Hearing) and a 'Withdrawal Letter' sent.

6. Suspension

- 6.1 **Suspension is not a sanction, it is a neutral act.** It should only be used where a learner is an immediate danger to themselves or others, where there is reason to believe that a learner has committed an act of gross misconduct and remaining on college premises (or other premises used to deliver Loughborough College education and training) presents a concern, or where there is reason

to believe that a learner may interfere with an investigation into an allegation. It can be used as a temporary 'cooling off' period in an emotionally charged situation where the facts of an incident are not clear and an investigation is required.

- 6.2 If a learner is displaying violent behaviour, or is under the influence of alcohol or drugs that may threaten their own safety or the safety of others, security should be informed. Where a learner's safety or well-being may be threatened because of being suspended or sent off college premises, it may be necessary to engage parents/carers or other agencies as appropriate. Advice should be taken from a Designated Safeguarding Lead, as required. Parents/carers of learners under the age of 18 must be informed without delay if a learner has been suspended.
- 6.3 The relevant Head of Department or nominated representative is responsible for making the decision whether or not to suspend a learner. A member of the Senior Leadership Team can also suspend a learner when the relevant Head of Department is not available. An entry made on ProMonitor using the 'Manage Learner Meetings' tab and selecting 'Disciplinary – Suspension.'
- 6.4 The suspension must be confirmed in writing to the learner by the relevant Head of Department or nominated representative using the letter template on ProMonitor under the 'Manage Learner Meetings' tab and selecting 'Disciplinary – Suspension.' College reception and security also need to be informed. The letter should be sent by first class post and by email to the student's college account.
- 6.5 Suspension should be kept to a minimum period and is carried out 'pending a disciplinary investigation'. The appropriate stage of the disciplinary procedure should then be initiated within five working days of the completion of an investigation. In the event of external agency involvement, the period of suspension may be affected.
- 6.6 Whilst suspended, a learner may not enter college premises (or other premises used for the delivery of Loughborough College education or training provision) or access any college resources without permission from the relevant Head of Department or nominated representative. Use of the college e-learning platform and College email account are still permitted during suspension (unless the alleged offence leading to suspension is related to an issue pertaining to the use of this facility).
- 6.7 Where a learner has been suspended, a register mark of B ('supported absence') should be used to record their absence. This will enable any bursary payments to be applied as appropriate.
- 6.8 Remote or distance learning may be affected during a period of suspension.

7. Guidance on Outcomes and Sanctions

7.1 Breaches of Discipline

Minor Breach (Stage 1 Disciplinary Meeting)

(To be used once informal actions to address an initial breach have been tried unsuccessfully)

Learner Disciplinary Policy and Procedure
Applicable to: Staff, Learners
Approved by: Executive
Accessible to: Staff, Learners

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- Allegation dismissed
- Stage 1 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents/carers of learners under 18
- Stage 1 Action Plan (monitored by the Study Programme Lead, Subject Lead or Personal Tutor)

Major Breach (Stage 2 Disciplinary Hearing)

- Allegation dismissed
- A lesser (Stage 1) sanction where a Stage 1 breach is found
- Stage 2 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents/carers of learners under 18
- Stage 2 Action Plan (monitored by the Study Programme Lead, Subject Lead or Personal Tutor)

Gross Breach (Stage 3 Disciplinary Hearing)

- Allegation dismissed
- A lesser (Stage 1 or 2) sanction where a Stage 1 or 2 breach is found
- Stage 3 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) copied to parents/carers of learners under 18
- Stage 3 Action Plan (monitored by the Curriculum Manager or nominated representative)
- Stage 3 Final Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) copied to parents/carers of learners under 18
- Transfer to a more suitable course
- Withdrawal (after authorisation from the Vice Principal, Curriculum, Quality and Learner Experience) for a specified period (usually one academic year). The Withdrawal Letter template located in the 'Print Reports' section of the meeting on ProMonitor is used to notify the learner and parents/carers of learners under 18 of the withdrawal.

7.2 The application of the appropriate outcome is ultimately the decision of the Curriculum Manager or nominated representative at a Stage 2 Disciplinary Hearing, or the Head of Department at a Stage 3 Disciplinary Hearing. Some degree of judgement should be made, bearing in mind previous disciplinary history, progress on course, any mitigating circumstances and the likelihood of other learners' learning being disrupted.

7.3 The learner should be informed of the decision of the panel in writing within five working days (wherever practicable) using the Stage 1, 2 or 3 Outcome Letter (templates on ProMonitor). The letter should be sent by first class post and by email to the student's college account.

8. Appeals

- 8.1 At each stage of the LDPP, it is important that learners are given the right to appeal and are informed that they may seek advice on any support requirements from Learner Services and from the LSU.
- 8.2 All appeals must be made by email to the Director of Governance & Legal Services (appeals@loughborough.ac.uk) and must state the grounds for the appeal (e.g. new evidence not considered by the panel, conduct or fairness of the original procedure, disagreement over sanction applied). At Stages 1 and 2 of the LDPP, any appeal must be made within five working days of receiving the outcome letter. An appeal from Stage 3 of the LDPP must be made within ten working days of receiving the outcome letter.
- 8.3 The Director of Governance & Legal Services or nominated representative will review the appeal submitted to ensure that it includes grounds of appeal. The Director of Governance & Legal Services may request further information from the person appealing. Where an appeal is submitted without valid grounds of appeal, the Director of Governance & Legal Services may dismiss the appeal without a hearing. In exceptional circumstances, the Director of Governance & Legal Services in consultation with the Vice Principal Curriculum & Quality can uphold the appeal without a hearing. In all other cases where a valid appeal has been submitted, an Appeal Meeting will be set up using an 'Invitation to Appeal Meeting' letter on ProMonitor and recorded on a 'Disciplinary Appeal Meeting' template on ProMonitor.
- 8.4 The appeal panel can uphold or dismiss an appeal. They cannot increase the severity of any sanction previously applied. If the appeal is upheld, the appeal panel can amend the sanction applied at the original disciplinary meeting.
- 8.5 The decision of the Appeal panel is final and is the end of the disciplinary process.
- 8.6 All Stage 3 appeal hearings, and any stage 1 or 2 appeal hearing where the Director of Governance & Legal Services considers it appropriate, will be supported by a representative of the Director of Governance & Legal Services, whose role will be to support the administration of the hearing, to take notes and to provide advice on process where appropriate ("the appeal clerk").

Minor Breach (Stage 1)

- 8.6 The appeal will be chaired by a Head of Department or nominated representative and a member of the college Wider Management Team not previously involved, within 10 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. The letter should be sent by first class post and by email to the student's college account. All evidence to be presented at the appeal will be sent with the letter. This can include evidence not previously presented. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant Curriculum Manager or nominated representative will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor. The decision letter should be sent by first class post and by email to the student's college account.

Major Breach (Stage 2)

- 8.7 The appeal will be chaired by a Head of Department or nominated representative and a member of the college Wider Management Team within 10 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. The letter should be sent by first class post and by email to the student's college account. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant Curriculum Manager or nominated representative will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor. The decision letter should be sent by first class post and by email to the student's college account.

Gross Breach (Stage 3)

- 8.8 The appeal will be heard by an appeal panel consisting of a Vice Principal or nominated representative and a Senior Leadership Team member. The appeal will be heard within 15 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. The letter should be sent by first class post and by email to the student's college account. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant member of college staff will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor. The decision letter should be sent by first class post and by email to the student's college account.

9. Record Keeping

- 9.1 Records of each stage of the disciplinary process must be entered onto ProMonitor, with all relevant documents completed and uploaded. All relevant parties must be informed in writing of the outcome at each stage.
- 9.2 It is expected that ProMonitor is used to record evidence of learner behaviour and progress and any strategies used to address any issues of concern.
- 9.3 Heads of Department or nominated representative can request an updated overview of the recorded disciplinary incidents in their programme areas together with the outcomes and sanctions applied.

10. Moderation of Formal Disciplinary Procedure

- 10.1 Chairs of Disciplinary Hearings will have training to ensure consistency and fairness in processes and outcomes across the college.

10.2 Chairs can access an updated list of recently applied sanctions to help exercise judgements over decision making.

11. Safeguarding Issues

11.1 There may be occasions where breaches of the 'Learner Agreement and College Code' immediately relate to or later raise a safeguarding issue. In these circumstances, safeguarding must be given a priority. All cases need to be treated on an individual basis and the normal safeguarding procedures will apply. At no time should the impending outcome of a disciplinary process delay the reporting of a safeguarding issue. If unsure, seek advice from the Designated Safeguarding Lead.

12. Equality Impact Assessment

12.1 This policy has undergone an equality impact assessment to promote equality of opportunity, fairness and to eliminate any form of discrimination.

13. Review of Policy

13.1 The above policy will be reviewed by the relevant parties annually or as required.

14. Persons Responsible for the Policy

Vice Principal Curriculum and Quality.

15. Linked Policies and Procedures

Learner Agreement and College Code

Stop and Search policy and procedure

H P & P

Safeguarding / Prevent Policy

Sexual Assault and Harassment Policy

16. Change log

Date	Version	Details of change	Review / Revision by	
			Name	Title
21/10/2019		EIA completed	Des Gentleman	E&D Manager
01/03/2022		Updated references & Appeals process	Ian Jones	Director of Governance & Legal Services

OVERVIEW OF STAGE 1 DISCIPLINARY MEETING

MINOR BREACH

Including but not limited to: repeated lateness, unreported absence; low level disruptive behaviour; non-submission or non-completion of academic work; unauthorised use of mobile phone, a stage 1 breach of accommodation rules

Process

Evidence Record

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor <input type="checkbox"/> The member of staff alleging the Minor Breach arranges for the matter to be taken to a Stage 1 Meeting <input type="checkbox"/> The learner meets 1:1 with the meeting lead (Study Programme Lead/Subject Lead or nominated representative) at a Stage 1 Disciplinary Meeting (see Appendix 1) <input type="checkbox"/> The meeting lead decides on the appropriate outcome and sanction | <ul style="list-style-type: none"> <input type="checkbox"/> Cause for concern (may lead to disciplinary) comment on ProMonitor <input type="checkbox"/> Evidence is collated and given to the meeting lead, who arranges to meet the learner, which may be without advance notification • All entries on ProMonitor for the learner are reviewed • Stage 1 Meeting notes are completed on the ProMonitor template <p>If the Stage 1 breach is proven:</p> <ul style="list-style-type: none"> • Stage 1 Written Warning is issued • Stage 1 Action Plan is produced |
| <ul style="list-style-type: none"> <input type="checkbox"/> Study Programme Lead/Subject Lead (or nominated representative) monitors and reviews the Stage 1 Action Plan <input type="checkbox"/> If requirements of the Stage 1 Action Plan are not met, Stage 2 can be implemented | <ul style="list-style-type: none"> <input type="checkbox"/> Entry made on ProMonitor to confirm the outcome of the action plan review, at the end of the agreed timescale <input type="checkbox"/> Entry on ProMonitor |

Sanctions and Outcomes

Allegation dismissed (no action required)

Stage 1 written warning and action plan

Appeals Process (to be lodged within 5 working days from receipt of Disciplinary Outcome letter)

Head of Department (or nominated representative) and WMT member hear appeal within 10 working days of receipt, giving 5 working days' notice of hearing to learner. Outcome letter sent within 5 working days and copied to parent/care of learners aged under 18.

OVERVIEW OF STAGE 2 DISCIPLINARY HEARING

MAJOR BREACH

Including but not limited to: repeating a minor breach; failure to comply with a stage 1 action plan; offensive language or behaviour; refusal to show identification or display ID badge; misuse of college ID to include allowing entry/exit to a college site for another person without their own ID; acting in an unsafe manner, including a failure to comply with health and safety regulations (including accommodation – specific rules); disrupting the work or recreation of others; plagiarism or copying the work of other learners; repeated non-completion or submission of work; smoking in an unauthorised area; failure to comply with a reasonable request from a member of college staff; a stage 2 breach of accommodation rules; misuse of College equipment including IT.

Process

Evidence Record

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor <input type="checkbox"/> The member of staff alleging the Major Breach gains approval from line manager to have the matter investigated with a view to it being taken to a Stage 2 <input type="checkbox"/> The investigating officer appointed by the manager collates evidence for the learner and the panel <input type="checkbox"/> The investigating officer liaises with the area administrator to have the letter and evidence sent out <input type="checkbox"/> The learner meets with the Chair (Curriculum Manager or nominated representative) and staff colleague and other support staff involved, such as Learner Services at a Stage 2 Disciplinary Hearing (see Appendix 2) <input type="checkbox"/> The investigating officer presents evidence <input type="checkbox"/> The Chair decides on the appropriate outcome and sanction • The Stage 2 Action Plan is monitored/reviewed by the Study Programme Lead/Subject Lead or nominated representative | <ul style="list-style-type: none"> <input type="checkbox"/> Cause for concern (may lead to disciplinary) comment on ProMonitor <input type="checkbox"/> ProMonitor evidence of non-completion of a Stage 1 Action Plan <input type="checkbox"/> All evidence is given to the administrator to scan and upload to the learner's meeting record <input type="checkbox"/> Administrator sends out 'Invitation to Stage 2 Disciplinary Hearing' letter' (and email) to the learner (and parent/carer as appropriate) giving a minimum of 5 days' notice of the Hearing <input type="checkbox"/> All evidence is included with the letter <input type="checkbox"/> The letter includes a link to the policy and procedure on the college website, a paper version of the 'Learner Discipline Quick Guide,' the learner's disciplinary record on their ILP (see 'Custom reports – Individual Discipline Record for Disciplinary letters') and copies of the evidence to be presented at the hearing <input type="checkbox"/> All entries on ProMonitor for the learner are reviewed <input type="checkbox"/> Stage 2 meeting notes (and outcomes) are recorded on ProMonitor <p>If the Stage 2 breach is proven:</p> <ul style="list-style-type: none"> • Stage 2 Written Warning is issued • Stage 2 Action Plan is produced • Entry made on ProMonitor to confirm outcome of the action plan review at end of agreed timescale |
|--|---|

- If requirements of the Stage 2 Action Plan, Stage 3 can be implemented

Sanctions and Outcomes

Allegation dismissed (no action required)

Lesser sanction if a stage 1 is found

Stage 2 written warning and action plan

Appeals Process (to be lodged within 5 working days from receipt of Disciplinary Outcome letter)

Head of Department (or nominated representative) and WMT member hear appeal within 10 working days of receipt, giving 5 working days' notice of hearing to learner. Outcome letter sent within 5 working days and copied to parent/care of learners aged under 18.

OVERVIEW OF STAGE 3 DISCIPLINARY HEARING

GROSS BREACH

Including but not limited to: repeating a major breach; failure to comply with a stage 2 action plan; theft; violence or threat of violence, including verbal threats and threats made by e-mail, mobile phone, social networking sites and messaging apps; sharing videos/images of another without their knowledge or consent; being under the influence of drugs or alcohol; use or possession of drugs or alcohol; supplying illegal or prescription drugs; wilful damage to college or other people's property; gambling; sending, accessing and/or downloading pornographic/offensive material via the internet/social media; other breaches of the college computer, internet, social media and e-mail facilities or regulations; insubordination or refusal to carry out reasonable requests from staff; bullying or harassment; breach of equality legislation (for example racism, trans/homophobia, sexism, ageism; carrying/use of an offensive weapon; possession of any of the items listed in the college 'Stop and Search' policy; refusal to allow or to cooperate with a search request under the 'Stop and Search' policy; repeated misuse of college ID to include allowing entry/exit to a college site for another learner/individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests); making an unfounded allegation against a member of staff; any activity affecting the college or other learners or which could bring the college into disrepute; exam malpractice; a stage 3 breach of accommodation rules

Process

- The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor
- The member of staff alleging the gross breach gains approval from line manager to have the matter investigated with a view to it being taken to a Stage 3
- The investigating officer collates evidence for the learner and the panel
- The investigating officer liaises with the area administrator to have the letter and evidence sent out

Evidence Record

- Cause for concern (may lead to disciplinary) comment on ProMonitor
- ProMonitor evidence of non-completion of Stage 2 Action Plan
- All evidence is given to the administrator to scan and upload to the learner's meeting record
- Administrator sends out 'Invitation to Stage 3 Disciplinary Hearing' letter' (and email) to the learner (and parent/carer as appropriate) giving a minimum of 5 days' notice of the Hearing. The letter includes a link to the policy and procedure on the college website, a paper version of the 'Learner Discipline Quick Guide,' the learner's disciplinary record on their ILP (see 'Custom reports – Individual Discipline Record for Disciplinary letters') and copies of the evidence to be presented at the hearing

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> The learner meets with the Chair (Head of Department or nominated representative) and staff colleague and other support staff involved, such as Learner Services at a Stage 3 Disciplinary Hearing (see Appendix 3) <input type="checkbox"/> The investigating officer presents evidence <input type="checkbox"/> The Chair reviews the evidence on ProMonitor and consider any evidence presented concerning the alleged breach <input type="checkbox"/> The Chair decides on the appropriate outcome and sanction <input type="checkbox"/> The Stage 3 Action Plan is monitored/reviewed by the Curriculum Manager (or nominated representative) <input type="checkbox"/> If there is any breach of the conditions outlined in the Stage 3 Written Warning letter, the learner will attend a reconvened Stage 3 Disciplinary Hearing and will be at risk of withdrawal from college | <ul style="list-style-type: none"> <input type="checkbox"/> All entries on ProMonitor for the learner are reviewed <input type="checkbox"/> Stage 3 Meeting notes are completed on ProMonitor template <input type="checkbox"/> If the Stage 3 breach is proven: <ul style="list-style-type: none"> • Stage 3 Written Warning is issued • Stage 3 Action Plan is produced <input type="checkbox"/> Entry made on ProMonitor to confirm outcome of the action plan review at the end of the agreed timescale <input type="checkbox"/> Re-convened Stage 3 Disciplinary Hearing Record on ProMonitor <input type="checkbox"/> If an allegation of a breach is proven then a 'Stage 3 Final Written Warning' is issued or a request for withdrawal is made to the Vice Principal Curriculum and Quality |
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Sanctions and Outcomes

Allegation dismissed (no action required)

Lesser sanction if a Stage 1 or 2 breach is found

Stage 3 written warning and action plan

Stage 3 final written warning and action plan

Withdrawal for a specified period (pending approval by Vice Principal Curriculum, Quality & Learner Experience)

Appeals Process (to be lodged within 10 working days from receipt of Disciplinary Outcome letter)

A Vice Principal (or nominated representative) and SLT member will hear the appeal within 15 working days of receipt, giving 5 working days' notice of the hearing to the learner. The outcome letter will be sent within 5 working days.

LDPP Appendix 1

Protocol for a Stage 1 Disciplinary Meeting

A Stage 1 Disciplinary Meeting is held where a learner is alleged to have committed a Minor Breach of the college Disciplinary Code and has not responded to informal support provided by teachers, tutors and/or support staff.

Pre-meeting preparation

The staff member alleging the Stage 1 offence will identify the evidence for the Stage 1 Disciplinary Meeting and collate it to provide to the learner and the meeting lead.

The learner will be informed of the meeting as appropriate, which may be held on the same day.

Meeting Attendees

Staff: The Stage 1 Disciplinary Meeting will be led by the Study Programme Lead, Subject Lead or nominated representative.

Other staff will present evidence as appropriate to the case.

Learner: The learner should attend as required and there is no expectation that they should be accompanied at the meeting.

Conduct of the Meeting

- The meeting lead will introduce themselves, any other staff presenting evidence, any invited support and the learner and their representative.
- The lead will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue.
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view.
- The lead will present their evidence to the meeting.
- The lead will invite any other witnesses (such as Learner Support staff, Progress Tutor, and other learners) to present their evidence and answer questions.
- The lead will invite the learner to make their statement, including any mitigation where the allegation is admitted.
- The outcome of a Stage 1 Meeting can often be given immediately. In any case, the learner is informed that they will receive written confirmation of the outcome on their ILP and by letter (copied to parents/carers if under 18) within five working days of the meeting. The learner is informed that any appeal against the outcome must be made to the Director of Governance & Legal Services (appeals@loughborough.ac.uk) within five working days of the date of the outcome letter, giving grounds for the appeal.
- The lead thanks attendees and closes the meeting.

- The lead withdraws to consider their decision.
- The lead will produce an outcome decision, which will be either:
 - Allegation dismissed – no action
 - Minor Breach confirmed – Stage 1 Action Plan to be set
 - Minor Breach confirmed – Stage 1 Written Warning to be issued
- The necessary letter will be issued by the administrator from ProMonitor and sent by first class post and by email to the learners' college account.
- A record of the meeting is logged onto ProMonitor within five working days, along with a copy of the Stage 1 Action Plan / Stage 1 Written Warning (as appropriate).
- Any agreed Stage 1 Action Plan will be closely monitored by their Study Programme Lead, Subject Lead or nominated representative and reviewed within an agreed timescale (usually seven days).

LDPP Appendix 2

Protocol for a Stage 2 Disciplinary Hearing

A Stage 2 Disciplinary Hearing is held where a learner is alleged to have committed a Major Breach of the college Disciplinary Code.

Pre-meeting preparation

The staff member investigating the disciplinary offence will be responsible for preparing and presenting all documentation and evidence for the panel at the Stage 2 Disciplinary Hearing.

An invitation to the Stage 2 Disciplinary Hearing will be sent by letter (see ProMonitor template) and emailed to the learner (copied to parent/carer if under 18). The letter will be sent by first class post and by email to the learner's college account.

The letter will include the time, date and location of the meeting and details of the alleged disciplinary offence. All evidence to be presented at the Stage 2 Disciplinary Hearing will be included with the letter.

The learner will be asked to inform college in advance of the Stage 2 Disciplinary Hearing of whether they wish to be accompanied at the Stage 2 Disciplinary Hearing.

A period of five working days from the date of the letter will be given for the date of the Stage 2 Disciplinary Hearing.

A link to the college website location of the 'LDPP' and a paper version of the 'Learner Discipline Quick Guide' will be included in the written communication from the college.

Meeting Attendees

Staff: The Stage 2 Disciplinary Hearing will be chaired by the Curriculum Manager (or nominated representative) assisted by a staff colleague.

Other staff will present evidence as appropriate to the case.

Learner: The learner should attend and may choose to be accompanied by a friend, family member or carer for support. However, the accompanying person is not normally permitted to speak at the meeting. Legal representation is not permitted.

Conduct of the Hearing

- The Chair will introduce members of the panel, any other staff presenting evidence, any invited support and the learner and their representative.
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue.
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view
- The member of staff investigating the Stage 2 breach of the disciplinary policy (the 'investigating officer') will present their evidence to the meeting. They will then answer questions from the panel and from the learner.

- The Chair will invite any other witnesses (such as Learner Support staff, Progress Tutor, and other learners) to present their evidence and answer questions.
- The Chair will invite the learner to make their statement, including any mitigation where the allegation is admitted.
- The Chair and the panel can ask questions of the investigating officer, witnesses and the learner.
- The Chair checks that all questions and queries have been addressed.
- The learner (and their representative) is informed that they will receive written confirmation of the outcome by email and letter within five working days of the meeting.
- The learner is informed that any appeal against the outcome must be made to the Director of Governance & Legal Services (appeals@loughborough.ac.uk) within five working days of the date of the outcome letter, giving grounds for the appeal.
- The Chair thanks attendees and closes the Stage 2 Disciplinary Meeting.
- The panel withdraw to consult and make their decision.
- The Chair will produce an outcome decision, which will be either:
 - Allegation dismissed – no action
 - Minor breach found – Stage 1 Written Warning and Action Plan
 - Major Breach confirmed – Stage 2 Action Plan to be set
 - Major Breach confirmed – Stage 2 Written Warning to be issued
- The necessary letter will be issued by the administrator from ProMonitor and sent by first class post and by email to the learner's college account.
- A record of the meeting is logged onto ProMonitor within five working days, along with a copy of the Stage 2 Action Plan and/or Stage 2 Written Warning (as appropriate).
- Any agreed Stage 2 Action Plan will be closely monitored by their Study Programme Lead, Subject Lead or nominated representative and reviewed within an agreed timescale.

LDPP Appendix 3

Protocol for Stage 3 Disciplinary Hearing

A Stage 3 Disciplinary Hearing is held where a learner is alleged to have committed a Gross Breach of the college Disciplinary Code.

Pre-meeting preparation

The staff member investigating the disciplinary offence will be responsible for preparing and presenting all documentation and evidence for the panel at the Stage 3 Disciplinary Hearing.

An invitation to the Stage 3 Disciplinary Hearing will be sent by letter (see ProMonitor template) and emailed to the learner (copied to parent/carer if under 18). The letter will be sent by first class post and by email to the learner's college account.

The letter will include the time, date and location of the meeting and details of the alleged disciplinary offence. All evidence to be presented at the Stage 3 Disciplinary Hearing will be included with the letter.

The learner will be asked to inform college in advance of the Hearing of whether they wish to be accompanied at the Stage 3 Disciplinary Hearing.

A period of five working days from the date of the letter will be given for the date of the Stage 3 Disciplinary Hearing.

A link to the college website location of the 'LDPP' and copies of any evidence to be presented will be included in the written communication from the college.

Meeting Attendees

Staff: The Stage 3 Disciplinary Hearing will be chaired by the Head of Department or nominated representative together with a member of the Wider Management Team having had no involvement in the alleged breach. Other staff will present evidence as appropriate to the case.

Learner: The learner should attend and may choose to be accompanied by a friend, family member or carer for support. However, the accompanying person is not normally allowed to speak at the meeting. Legal representation is not permitted.

Conduct of the Hearing

- The Chair will introduce members of the panel, the investigation officer, any other staff presenting evidence, any invited support and the learner and their representative.
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue.
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view.
- The member of staff investigating the Stage 3 breach of the disciplinary policy (the 'investigating officer') will present their evidence to the meeting. They will then answer questions from the panel and from the learner.

- The Chair invites any other witnesses (such as Learner Support staff, Progress Tutor, and other learners) to present their evidence and answer questions.
- The Chair invites the learner to make their statement, including any mitigation where the allegation is admitted.
- The Chair and the panel ask questions of the investigating officer, witnesses and the learner.
- The Chair checks that all questions and queries have been addressed.
- The learner (and their representative) is informed that they will receive written confirmation of the outcome by email and letter within five working days of the meeting.
- The learner is informed that any appeal against the outcome must be made to the Director of Governance & Legal Services (appeals@loughcoll.ac.uk) within 10 working days of the date of the outcome letter, giving grounds for the appeal.
- The Chair thanks attendees and closes the Stage 3 Disciplinary Hearing.
- The panel withdraws to consult on their decision.
- The Chair will produce an outcome decision, which will be either:
 - No case to answer – no action
 - Minor or Major breach found – Stage 1 or 2 Written Warning and Action Plan
 - Gross Breach confirmed – Stage 3 Action Plan to be set
 - Gross Breach confirmed – Stage 3 Written Warning to be issued
 - Gross Breach confirmed – Stage 3 Final Written Warning to be issued
 - Gross Breach confirmed - Withdrawal from college for a specified period (pending approval from The Vice Principal Curriculum, Quality and Learner Experience)
- The necessary letter will be issued by the administrator from ProMonitor and sent by first class post and by email to the learner's college account.
- A record of the meeting is logged onto ProMonitor within five working days, along with the Stage 3 Action Plan and/or Stage 3 Written Warning (as appropriate).
- Any agreed Stage 3 Action Plan will be closely monitored by the Curriculum Manager (or nominated representative) and reviewed in an agreed timescale.

LDPP Appendix 4

Protocol for Appeal Hearings

Most appeals will be made after Stage 3 of the LDPP. **The guidance below relates to a Stage 3 appeal.** Where Stage 1 or Stage 2 appeals are different, this is shown with an asterisk and the Stage 1 / 2 equivalent is in the square brackets. Please refer to Section 8 of this document for further guidance.

Pre-hearing processes

Appeal letters will be submitted by email to the Director of Governance & Legal Services (appeals@loughborough.ac.uk).

On receiving an appeal, the Director of Governance & Legal Services (or nominated representative):

- Where no grounds of appeal are provided, may seek further clarification or may dismiss the appeal
- Where, in exceptional circumstances, the Director of Governance & Legal Services considers that appeal must succeed in full, the Director will, in consultation with the Vice Principal Curriculum and Quality, uphold the appeal without a hearing and may substitute the decision with any outcome that the appeal panel would have been able to make
- In all other circumstances, will arrange an appeal hearing

The learner will be invited to a hearing within 15 working days* [10 wd], giving at least 5 working days' notice of the hearing, including the time, date and location of the hearing and all evidence being used at the hearing.

The learner will be asked to inform college, in advance of the hearing, of whether they wish to be accompanied.

Meeting Attendees

Panel: The Appeal Hearing will be chaired by a Vice-Principal Curriculum* [Head of Department] (or nominated representative) together with a member of the Senior Leadership Team* [Wider Management Team]. A representative of the Director of Governance & Legal Services will* [may] attend to support the appeal panel.

Presenting Officer: The chair of the Stage 3* [Stage 1 or 2] disciplinary panel or the investigating officer will attend to present the evidence in support of the disciplinary panel's decision.

Learner: The learner should attend and may choose to be accompanied by a friend, family member, carer or LSU representative for support. However, the accompanying person is not allowed to speak on behalf of the learner at the meeting. Legal representation is not permitted.

Where a learner fails to attend an appeal hearing without notification, a decision will be made in their absence based on the evidence available to the panel.

Conduct of the Appeal Hearing:

- The Chair will introduce members of the panel, the appeal clerk, the Presenting Officer and the learner and their representative.
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue.

- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view.
- The Chair invites the Presenting Officer to summarise the findings of the disciplinary panel, including an outline of the evidence, the disciplinary action taken to date and the current level of sanction applied.
- The Chair invites the learner to make their appeal formally to the panel.
- The Chair and the panel ask questions of the learner in relation to their appeal.
- The Chair invites any further contribution from the Presenting Officer.
- The Chair invites any further contribution from the appealing learner.
- The Chair checks that all questions and queries have been addressed.
- The learner (and their representative as appropriate) is informed that they will receive written confirmation of the outcome by email and letter within five working days of the meeting.
- The Chair informs the Appeal Hearing that the decision of the panel is final.
- The Chair thanks attendees and closes the Appeal Hearing.
- The panel withdraws to consult on their decision.
- The Chair will produce an outcome decision, which will be either:
 - Appeal accepted – sanction adjusted
 - Appeal refused – original sanction upheld
- The necessary letter is issued by the appeal clerk within 5 working days.
- A record of the meeting and copy of the decision letter are logged onto ProMonitor within five working days.

LDPP Appendix 5

Accommodation Rules and Disciplinary Sanctions

1. Accommodation disciplinary sanctions

- 1.1 This appendix supports the revised Loughborough College ('college') Learner Disciplinary Policy and Procedure (LDPP). It sets out the accommodation rules (the 'Rules') and disciplinary sanctions for learners in Loughborough College accommodation ('accommodation'). Appropriately senior accommodation staff will take disciplinary action in line with the Rules and the LDPP.
- 1.2 These actions are communicated to the curriculum team via Individual Learner Plan (ILP) comments and records of meetings. This ensures that the curriculum team is aware of any accommodation-related misdemeanours.
- 1.3 An important point to note is that the disciplinary action and sanctions applied at an **accommodation-related disciplinary** can lead to the **ultimate sanction of removal from accommodation** (and not necessarily from their study programme).

2. Accommodation specific LDPP stages

Stage 1. Minor breach results in a short one-to-one meeting with warden or accommodation officer. If the alleged offence is proven, an ILP comment will be made regarding the issue of a Stage 1 sanction.

Stage 2. Major breach (largely for repeat of a Stage 1 breach) results in a more formal Stage 2 meeting with the Accommodation Services Manager (ASM).

Stage 3. Gross breach (for more serial or serious offences) results in a formal disciplinary hearing with the Curriculum Head of Department and ASM, as outlined in the LDPP.

3. Alignment of current accommodation rules (as stated in the Accommodation Handbook in the appropriate sections) with the LDPP

- 3.1 Learners in college accommodation (the 'Residents') are expected to behave responsibly. If behaviour breaches the Rules, residential sanctions will be taken. If behaviour breaches the wider LDPP, enrolment sanctions will be taken.
 - Sanction for non-compliance: dependent on the nature and severity of the offence as stated in the LDPP
- 3.2 Residents must keep bedrooms in a tidy state and are responsible for cleaning.
 - Sanction for non-compliance: dependent on the nature and severity of the offence as stated in the LDPP

- 3.3 If there is potential for harm, injury or illegal action, then a member of college staff may inspect any room at any reasonable time. Appropriate notice will be given for routine inspections. Any Resident failing to keep their room clean and tidy may be subject to disciplinary action and may have their Licence (Contract) terminated.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued
- 3.4 Residents under the age of 18 are only permitted to have family members or guardians as guests. All Residents must complete a Guest Notification Form (located in the entrance hallway of accommodation blocks) and submit it to the ASM upon arrival of any guest.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued
- 3.5 Residents in the over-18 halls are allowed overnight guests two nights per week. Residents under the age of 18 are only permitted to have family members or guardians as overnight guests, for up to two nights per week. All Residents must complete a Guest Notification Form (located in the entrance hallway of accommodation blocks) and submit it to the ASM upon arrival of any guest.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.6 Residents are responsible for their guests, and their guests' behaviour. Residents must remain with their guests at all times when at the accommodation.
- Sanction for non-compliance: Stage 2 or 3 breach on ILP as appropriate to impact of the breach and written warning issued
- 3.7 In order to stay away from accommodation overnight, Residents must complete a 'Notification of Absence' Form (located in the entrance hallway of accommodation blocks) and give this to the Accommodation Service Team (AST) 24 hours' in advance. If a Resident is under 18, the AST will seek a parent's or guardian's consent prior to approval.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued
- 3.8 The college, including its accommodation and grounds, is non-smoking. Smoking is only permitted in designated smoking areas. Disciplinary action will be taken against any person found smoking anywhere other than the designated smoking areas.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.9 The possession, storage, consumption or association with any illegal substances on college property is forbidden. The college will inform the police of any suspected breach of this regulation, and the LDPP will be applied.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

- 3.10 Drunkenness and disorderly conduct will be subject to the LDPP.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued
- 3.11 Residents are not allowed to create any unnecessary noise that disturbs other Residents. This will be treated as a major breach under the LDPP.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.12 Litter and food must not be thrown out of windows or dropped anywhere on college property. Waste should be disposed of in the appropriate containers and in compliance with the Accommodation Waste Management Guidelines and Local Authority Recycling Scheme.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued
- 3.13 The use of radios and music centres, including car stereos, may disturb other Residents. Their use outside of accommodation is not permitted unless permission is given by the ASM.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued
- 3.14 The installation and use of personal Wi-Fi routers is not permitted.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.15 No aerial or satellite dish may be affixed without prior consent from the Head of Estates.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.16 The possession and use of candles, incense sticks and other ignitable materials is forbidden, as they pose a serious risk of fire.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.17 The misuse of, or tampering with, fire appliances, fire notices, fire detection system and fire doors is a criminal offence and disciplinary action will be taken against anyone tampering with them.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning of final written warning issued
- 3.18 Stairs, passageways, exits or any means of escape from fire must be kept clear of rubbish, bicycles or other obstructions. Disciplinary action will be taken against anyone responsible for obstructing fire escape routes.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

- 3.19 Ball games, skateboards, hover boards and segways are not allowed on college property. Disciplinary action will be taken against anyone found playing ball games or using a skateboard on site, either on college grounds or inside college buildings.
- Sanction for non-compliance: Stage 1 breach on ILP
- 3.20 Students are not allowed to bring firearms or air weapons (real or imitation), BB guns, catapults, knives, incendiary devices (including fireworks), ammunition, dangerous weapons, or items that could be used as dangerous weapons (e.g. darts) into accommodation or on college grounds.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued
- 3.21 The use of electrical cooking appliances (rice cookers, kettles, toasters, slow cookers, deep fat fryers etc.) is not allowed in Residents' bedrooms because of the serious risk of fire. The use of chip pans or similar cookware is forbidden. Any of these items found in Accommodation will be removed and stored until the end of the occupancy period.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued
- 3.22 Food and drink preparation is allowed only in the communal kitchens.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued
- 3.23 For health and safety reasons, portable heaters of any description, cookers, freezers, refrigerators, tumble dryers and items of furniture other than those provided by the college are not allowed in accommodation. If an item is required for medical reasons, Residents should submit a request to the AST with supporting medical evidence.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.24 All electrical appliances brought into halls must conform to UK safety standards and will be visually inspected. Up to five electrical items may be connected in a room at any time. Any more than five may overload the electrical system.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 3.25 Drying and ironing of laundry is not permitted in Residents' bedrooms. There is a coin-operated launderette at The Gables Site and in C Block Common Room entrance, which has tumble dryers. There is also a clothes line situated on the grassed area behind B Block at the Gables Site. Ironing should be done in accommodation kitchens or the launderette.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued

3.26 Pictures and posters may be attached to the provided notice boards. If these are attached to any other surfaces, Residents will be charged the cost of rectifying any damage.

- Sanction for non-compliance: Stage 1 breach on ILP and written warning issued

3.27 No pets are allowed in accommodation unless their requirement is supported by medical evidence, i.e. medical support animals.

- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued

3.28 Permission must be obtained from the ASM to organise or participate in any function (including parties) held on the premises.

- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued

4. Car parking

“Residents must not bring their cars with them while they stay at the Gables Site unless they have an identified off-road parking space. Assigned parking spaces can be purchased on a first-come first-served basis on arrival, and are issued in line with college parking and traffic policies.”

4.1 If Residents park illegally or inappropriately, disciplinary action will be taken and fines applied. Offences include parking in restricted areas, obstructing fire escape routes, obstructing access to facilities (e.g. waste bins).

- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued

5. Bicycles

5.1 Bicycles must not be kept inside accommodation. Secure storage is provided for bicycles, free of charge.

- Sanction for non-compliance: Stage 1 breach on ILP and written warning

6. Fire Safety

“The spread of smoke during a fire kills more people than the actual fire. Fire doors, smoke/heat detectors and fire-fighting equipment, such as fire extinguishers and fire blankets, play a vital role in allowing people to escape from the building, but the fire safety equipment cannot do this job if it is misused. It is therefore prohibited to:”

6.1 Wedge fire doors open

- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

6.2 Block fire escape routes

- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

6.3 Cover smoke or heat detectors

- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

6.4 Tamper with or move any fire-fighting equipment

compliance: Stage 3 breach on ILP and written warning or final written warning issued

6.5 Damage fire doors

- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

7. Under 18's: Accommodation Rules

7.1 Residents are required to vacate accommodation when the college is closed over the Christmas and New Year Holiday. Residents may leave their belongings in Resident's bedroom. At weekends and during all other holiday periods, under-18 Residents are expected to vacate Accommodation between 8 pm on Friday and 5 pm on Sunday. Exceptions to this requirement may include:

- Being unable to travel home because of the distance
- Having local training commitments

Under-18 Residents wishing to remain in accommodation at weekends or over holiday periods (other than Christmas and New Year) must request permission from the ASM, giving at least 24-hours' notice, and the request must be validated by a parent or guardian.

- Sanction for non-compliance: Stage 1 breach on ILP

7.2 To stay away from accommodation overnight, Residents must complete a 'Notification of Absence' Form (located in the entrance hallway of accommodation blocks) and give this to the Accommodation Service Team (AST) 24 hours' in advance. If a Resident is under 18, the AST will seek a parent's or guardian's consent prior to approval.

- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued

7.3 When parental permission is received for overnight stays outside of accommodation, Residents must vacate Accommodation between 8pm and 7am.

- Sanction for non-compliance: Stage 1 breach on ILP and written warning
- 7.4 Residents must swipe in and out using their student cards when leaving and returning to the Gables Site in the evenings and at weekends, so that the Duty Accommodation Warden and AST know who is in the building in the event of an emergency.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning
- 7.5 Residents must return to their own accommodation building before 11:30 pm and not leave their Accommodation building until 7 am the following morning, unless there is an emergency evacuation. Residents must seek permission (supported by their parent or guardian) from the AST for any absence from the building between these hours.
- Sanction for non-compliance: Stage 1 breach on ILP and written warning
- 7.6 Residents must sleep in their own accommodation room.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 7.7 Residents under the age of 18 are only permitted to have family members or guardians as guests. All Residents must complete a Guest Notification Form (located in the entrance hallway of accommodation blocks) and submit it to the ASM upon arrival of any guest.
- Sanction for non-compliance: Stage 2 breach on ILP and written warning issued
- 7.8 The possession or consumption of alcohol and illegal substances on college property, Accommodation or grounds is forbidden. Drunken and disorderly conduct will be subject to disciplinary action in accordance with the LDPP, which may involve a police investigation.
- Sanction for non-compliance: Stage 3 breach on ILP and written warning or final written warning issued
- 7.9 Residents who turn 18 while resident in the accommodation assigned to under 18s must continue to comply with under-18s Rules. Room transfers to the over-18 Accommodation may be possible.
- Sanction for non-compliance: Stage dependant on level of offence
- 7.10 Sports students who incur head injuries at matches must not return to accommodation until they have fully recovered. Sports coaches will take responsibility for their players' wellbeing and follow injury protocols aligned with RFU and FA HIA guidelines. Sports coaches will contact a parent or guardian to collect the injured student for recovery at their family home.
- http://www.englishrugby.com/mm/Document/MyRugby/Headcase/01/30/49/22/returntoplayafterconcussion_Neutral.pdf
- <http://www.thefa.com/get-involved/coach/concussion>

- Sanction for non-compliance: not applicable

The Accommodation Learner Disciplinary Procedure will be applied to any learner not complying with the contractual obligations of living in college accommodation. The LDPP will be applied to curriculum-related misdemeanours. Details of the LDPP are available from college staff or from the college website. Entries on a learner's ILP are used to inform relevant staff of any concerns about learners in accommodation.

LDPP Appendix 6: Learner Agreement and College Code

We will provide you with:

- A safe and friendly learning environment within a secure campus
- Clear, accurate and impartial information, advice and guidance to help you choose the right programme of learning, to achieve and progress
- An environment that promotes equality and respect and welcomes and celebrates diversity
- Excellent, inspiring and enjoyable teaching and learning
- High quality support services and facilities to support your learning
- Opportunities to have your say and share your views of the college
- Enrichment and opportunities to enhance your employment skills and personal development
- Clear, current and accurate information to support your studies and progression

We expect you to:

- Attend all your learning sessions, be punctual and ready to learn
- Act in a mature manner at all times and treat all individuals with respect, consideration and tolerance
- Respect the college environment, facilities and resources and cause no wilful damage to college or other people's property
- Participate fully in all scheduled learning sessions and complete all work and assessments on time
- Not consume food or drink, except water, in classrooms or other learning areas
- Switch off mobile phones in classrooms and other learning areas, except when being used specifically for learning
- Take care to act safely and not put yourself or others at risk; where there are special safety requirements in your area of work, you must adhere to them
- Display your college lanyard and ID at all times around your neck whilst on college campus
- Never allow another individual to use your ID to enter or exit college
- Only smoke in designated areas, including e-cigarettes
- Not come to college under the influence of alcohol or drugs or bring alcohol or drugs onto the campus
- Not harass other people (harassment means giving people unwanted attention)
- Comply with college requirements on safeguarding and Prevent, and not express extremist or offensive views, or act in ways that could be considered extremist and/or offensive, or attempt to influence others to do so

Please be aware that failure to adhere to the College Code may result in disciplinary action.

STUDENT SIGNATURE:

DATE:

PRINT NAME:

STAFF SIGNATURE:

DATE:

PRINT NAME:
