



# **Student Code of Conduct**

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# **Disciplinary Procedure**

**2016/17**

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## STUDENT CODE OF CONDUCT

### 1. SCOPE AND PURPOSE

- (a) The College operates under a policy of positive behaviour management. Rather than responding to poor behaviour we will establish a culture of mutual respect through strategies that recognise and reward good behaviour.
- (b) We have established cross college expectations when it comes to student behaviour, these expectations are set out clearly within the student handbook and are supported by a formal contract for behaviour agreed at induction with all students.
- (c) This disciplinary code of conduct therefore relates to any behaviour that is contrary to the maintenance of good order, discipline or health and safety within the College or on official college visits or functions. It also sets out the procedure to be followed when a student fails to meet the expectations of behaviour as set out by the College in the student code of conduct.
- (d) Breach of the code of conduct may lead to disciplinary action being taken against a student and repeated breaches, or a single, very serious breach may result in a student being suspended or excluded from the College. Other sanctions may be employed by the College, such as the requirement to pay for damage to property caused by the student.
- (e) The College has a zero tolerance policy in relation to acts of bullying, harassment or discrimination of any kind. Similarly the College operates a zero tolerance policy in relation to illegal drugs and alcohol. Any student found to have engaged in any activity falling within these categories will be deemed to have committed a serious breach of the student code of conduct and therefore may be taken through to stage three of this process immediately.
- (f) The code applies to all students of the College, whether full-time or part-time, and applies at all times during the year. Pupils under 16 who are still on school registers are also subject to the College's disciplinary code of conduct whilst they are in College.
- (g) Copies of this code can be found on the College intranet and at Student Support areas, and can be made available in large print format and in minority languages.
- (h) The Deputy Principal: Teaching and Learning has overall responsibility for implementing this code. The Deputy Principal:Teaching and Learning will delegate this responsibility as appropriate.
- (i) Obligations of students and examples of misconduct and gross misconduct are provided in Sections 2 and 6 respectively.
- (j) Issues relating to student academic performance **must** be dealt with initially through the tutorial process and by the Curriculum Manager. Only when it can clearly be shown that this has taken place, should the disciplinary procedure be used, and then only if it is reasonable to do so.

## 2. OUR EXPECTATIONS OF STUDENTS: STUDENT CODE OF CONDUCT

### Students must:

- Uphold the college values of respect, responsibility and professionalism.
- Attend College and/or the workplace regularly and be on time for their classes/work.
- Help keep the College and the workplace clean and tidy and not drop litter.
- Act safely and sensibly and take responsibility for the safety of themselves and others when in College or in the workplace.
- Act respectfully towards staff, other students and College property, this includes not using offensive language whilst in College or in the workplace.
- Take an active part in their lessons and not disrupt the learning of others in any way.
- Wear their lanyards and ID cards and have them clearly on display at all times whilst on College sites.
- Follow reasonable instruction from any member of staff.
- Take an active part in College life.
- Complete their work to the best of their ability and hand it in on time.
- Meet the requirements of their learning agreement.
- Abide by all College/employers' policies and procedures as relevant to them including the policy on the acceptable use of IT.
- Only smoke off College sites/or in designated workplace areas.

## 3. HOW THE DISCIPLINARY PROCEDURE WORKS

### Informal processes

Minor misdemeanours that take place within the classroom or other areas of the College will be dealt with by the tutor or the member of staff informally. In most cases this will involve challenging the student about their behaviour and asking them to cease or modify their behaviour in line with our expectations.

Should the informal approach not have the desired effect, the behaviour continues to be repeated or a more serious breach of the code of conduct take place then the formal disciplinary process as described below will be invoked. Details of informal processes will be recorded on form 1.

### 3.1 There are three stages to the formal disciplinary process:

**Stage 1** When a student has allegedly committed a series of minor misdemeanours or a more serious breach of the code of conduct the tutor will issue the student with their first **warning** this will take the form of an informal discussion with the tutor which will be recorded on form 2. If the unacceptable behaviour does not cease a second warning will be issued, this will result in a meeting with the student, tutor and Curriculum Manager and result in a formal behaviour management plan being agreed (form 3 and 4). This plan will be monitored on a weekly basis by the tutor and parents/carers will be notified if appropriate.

**Stage 2** When behaviour at Stage 1 is repeated and the student does not comply with the action plan, or a more serious incident has allegedly occurred, a Stage 2 meeting is arranged, overseen by the student's Head of School and attended by his/her tutor and/or Curriculum Manager. The student has the right to be accompanied by a parent/guardian, carer or fellow student. A further action plan is agreed. The student will receive copies of all documents, and a copy will be kept on their file. The action plan will be reviewed every week for two weeks.

(In the case of a student who is on the roll at a local school, a Stage 2 meeting is arranged, overseen by the student's Head of School and attended by his/her tutor and/or Curriculum Manager. The student has the right to be accompanied by a parent/guardian, carer, fellow student or school representative).

**Stage 3** May be triggered when a student fails to achieve the action plan agreed, after two weeks, at Stage 2, or an act of gross misconduct has been committed. For students under the age of 18, their parents/guardian will be invited into College.

(For a student who is on the roll at a local school and under the age of 18, their parents/guardian will be invited along with a representative from the school.)

This meeting is formally chaired by a college manager, who is independent of the student's School of Learning.

Reports, outcomes and review dates at all stages of the procedure will be logged for monitoring purposes.

These three stages are explained in more detail in Section 4. Also see Procedural Stages chart, page 12.

### **3.2 Cooling off periods**

There is a clear distinction between the formal disciplinary process and the routine intervention by a Head of School or Duty Manager following reports of student misconduct from tutors.

It is acceptable for a Head of School or Duty Manager to remove a student from the learning environment for reasons of health and safety or to allow for a 'cooling off' period of no longer than 48 hours. In all cases, the removal is temporary. Employers, parents/carers will be notified if necessary. Such removal will not constitute a suspension and the student(s) concerned will not automatically become subject to the formal procedure.

## **4. THE DISCIPLINARY STAGES**

### **4.1 Stage 1**

#### **Informal and verbal warnings**

The disciplinary procedure is designed to start when misbehaviour is repeated, or of sufficient scale to be outside the normal realms of everyday classroom management.

#### **(a) Informal warnings**

Students who are disruptive in a classroom, workshop or any college premises or who fail to attend, are late submitting work or other such breaches of the code of conduct will be dealt with on the spot and informally by the tutor. A first stage warning will be issued for such behavioural issues and will be signed by the student and tutor and recorded on ProMonitor.

#### **(b) Formal warnings**

Where the misconduct is repeated or is considered to warrant more formal treatment, the Curriculum Manager may give a second warning to the student, including the reasons for the warning and the consequences of further misconduct. A formal warning will be given as a result

of a meeting with the student, the Curriculum Manager and tutor and will include a behaviour action plan. The action plan will be monitored on a weekly basis by the tutor for a period of four weeks. If, after four weeks there have been no further breaches of the code of conduct then the action plan will be signed off by the tutor and kept on file. If however at any stage during the review period the behaviour has not improved or there are further breaches the student will be taken to stage two of the disciplinary procedure.

(In the case of a student who is on the roll at a local school, the Curriculum Manager and the school representative will keep a written record of it to be retained on file until the end of their course.)

## 4.2 Stage 2

Where the student fails to comply with the agreed action plan at Stage 1, or where there are more serious allegations of misconduct, Stage 2 of the disciplinary procedure may commence.

(a) The student will be invited to attend a Stage 2 disciplinary interview with the Head of School with at least 5 working days' written notice stating:

- The nature of the conduct complained of and a summary of the evidence for the complaint.
- The student's entitlement to be accompanied (clause 5.2).
- Confirmation of the time and place of the interview.

(b) The student will be entitled to state his or her case (including any mitigating factors) before any decision is taken.

(c) After hearing the student's case, the Head of School may decide to issue a formal written warning, or may decide that no disciplinary sanction would be appropriate. Practical measures to avoid recurrence will be implemented, including an action plan which will be agreed and signed by both parties. The student will be notified in writing of the decision within 5 working days of the interview.

(d) The action plan will be reviewed every week for two weeks and if behaviour has not improved the student will be taken to stage three of the process.

(e) **Formal written warnings**

Any formal written warning will be issued within 5 working days of the interview. It will give brief reasons for the decision and will state that any repeated or similar misconduct or failure to comply with the action plan may result in Stage 3 of the disciplinary procedure being invoked, which may result in suspension or exclusion from the College. The warning will be retained on the student's file for the remainder of their time at College.

## 4.3 Stage 3

(a) Stage 3 of the disciplinary procedure may be invoked where it is alleged that the student has committed an act of gross misconduct or where further misconduct is alleged to have taken place after a formal written warning has been given to the student at Stage 2.

(In the case of Higher Education students completing awards validated through partner Higher Education Institutions, the academic regulations of that institution will apply at this stage.)

**(b) Suspension pending disciplinary panel**

- (i) In cases where it is alleged that gross misconduct has occurred, or where the student is a risk to health and safety and/or college property, a student may be suspended from the College immediately by a member of the Executive Team or the Duty Manager (independent of the curriculum area attended by the student), pending disciplinary action. A risk assessment may help inform this action. Any such suspension will be confirmed in writing and posted to the student within 2 days of its occurrence along with a copy of the student code of conduct and disciplinary procedure (this document).
- (ii) Any student who is suspended from College must be supported to continue with their programme wherever possible and practicable. This will include sitting external examinations, being provided with assignment support and remote research activity.

**(c) Collection of evidence**

- (i) Where it is alleged that gross misconduct has occurred or where further misconduct is complained of or where a formal written warning has previously been given, the relevant Head of School or their nominee will investigate the matter to determine whether there is sufficient evidence to convene a disciplinary panel.
- (ii) Where the Head of School decides that there is insufficient information to warrant a disciplinary panel hearing, the student shall be notified accordingly, and where that student has been suspended pending such interview, the suspension will be lifted.
- (iii) Where, following the investigation, the Head of School recommends to the Director: Quality and Performance that there is sufficient information to proceed to a disciplinary panel, the student will be given at least 5 working days' written notice of the panel hearing.
- (iv) The administration for the panel hearing at Stage 3 of the procedure will be conducted by a member of the College Leadership Team.

Notice of the disciplinary panel hearing will include:

- 1) A formal letter to the student setting out the reason for the hearing and a copy of the code of conduct.
- 2) The student's entitlement to accompaniment (clause 5.2).
- 3) Confirmation of the time and place of the disciplinary panel.
- 4) Advice that the Head of School, Head of Service or Director may arrange for witnesses to be available in person for the interview, and for witness statements to be taken or, where personal attendance is not practicable, for a written statement to be submitted in lieu.
- 5) Any documents (including witness statements) on which the College and/or the student intend to rely should be provided to the other party 5 working days prior to the panel hearing.

**(d) Conduct of investigation interviews and panel hearings at Stage 3**

- (i) The Head of School will act as or appoint an investigating officer, and will conduct interviews with the student and relevant witnesses. Notes of all interviews will be taken and signed and dated by the interviewee(s).

- (ii) The investigating officer and/or panel chair may give instructions in relation to the conduct of the interview, including (without limitation) as to the length of time, which any part of the interview should take. Such instructions must be fair, particularly in allowing the student to question the evidence and state his/her case.
- (iii) The investigating officer and/or panel chair may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. Failure of the student to attend the hearing will not prevent the panel considering the case and subsequently issuing disciplinary action.

**(e) Procedure for Stage 3 panel hearing**

The panel will consist of three members of College staff and will be chaired by a member of the College Leadership Team. The investigating officer will summarise the allegations which have led to the complaint of misconduct and inform the panel of the outcome of witness interviews. The student will be given the opportunity to state his/her case (including mitigating factors) and be asked to state whether the alleged facts are disputed and, if so, which facts. If material facts are disputed, the student will be asked to identify any sources of evidence supporting his/her case.

**4.4 Notification of decision of panel hearing**

The student will be given written notification within 5 working days of the panel hearing, stating the reasons on which the decision has been made. The letter will also state the outcome of the panel, this will be either: exoneration, final written warning or exclusion.

(In the case of a student who is on the roll at a local school, the decision will be either: exoneration, final written warning or College place being withdrawn.)

**4.5 Appeal against decision**

- (a) The student will have the right of appeal to the Deputy Principal: Teaching and Learning. Notice of appeal must be lodged with the Deputy Principal: Teaching and Learning within 10 working days of the date of the notice of exclusion and must give the grounds and brief particulars of the appeal.
- (b) The appeal will be considered by the Deputy Principal: Teaching and Learning who will make a decision as to whether there are sufficient grounds for an appeal to be progressed. The appeal can only be considered if it includes:
  - a. Evidence of procedural error.
  - b. New evidence supporting the case.
  - c. Objections to penalty given if considered being excessive.
- (c) If sufficient grounds exist, an appeal interview with the student will be arranged to take place within 10 working days of the notice of appeal being lodged. The interview will be conducted by a member of the College Executive Team and two members of the College Leadership Team. The student will be given at least 5 working days' notice of the time and place of the appeal interview. The student's right to be accompanied is detailed in clause 5.2. Any documents considered at the Stage 3 interview will be available for the purposes of the appeal, together with notes of the initial disciplinary panel.



- (d) The members of the appeal panel may ask questions of the student and the appeal panel will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence, which has come to light since the panel hearing.
- (e) If the appeal is allowed, the members of the appeal panel may decide that disciplinary action less than that taken by the disciplinary panel is appropriate.
- (f) If the appeal is dismissed, the decision of the disciplinary panel will stand and remain on the student's file for a period of five years.
- (g) Within 5 working days of the appeal interview, the final decision of the members of the Appeal panel will be confirmed in writing to the student.

## **5. GENERAL PRINCIPLES RELATING TO THE DISCIPLINARY PROCEDURE**

### **5.1 Stages of the procedure**

Normally, the procedure will be followed in the order of the stages set out in Section 3. However, an offence of a serious nature may be brought into the procedure at any stage, if an earlier stage would not be severe enough or appropriate to deal with it.

### **5.2 Right to be accompanied at all stages**

The student will be entitled to be accompanied by a friend, student representative, carer, parent/guardian or other relative. This right does not extend to accompaniment by a legal or other professional adviser.

### **5.3 Time periods**

- (a) With the exception of the time allowed for lodging an appeal, time periods stated in this code are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.
- (b) Periods of days in this code are working days rather than calendar days. Documents sent by registered post are deemed to be received within 48 hours of posting.

### **5.4 Criminal offences**

- (a) Where a member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure. Alternatively, the College may suspend the student pending the outcome of police enquiries and any charges, which may be brought against the student. Where the student has been suspended under this provision, the College reserves the right to recommence proceedings under this procedure in relation to the matter when the results of the enquiries into any criminal proceedings are known.
- (b) Any disciplinary action relating to alleged criminal offences will be based on the College's findings after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure, the College is not bound by the results of any criminal proceedings against students.

## **5.5 Students under 18, a student who is on the roll at a local school and sponsored students**

- (a) If a student under the age of 18 is given a formal written warning, suspended or excluded from the College, the parent/guardian and school will be informed in writing.
- (b) The College will endeavour to inform in writing the employer who is sponsoring a student who has been suspended or excluded.

## **5.6 Confidentiality**

Subject to informing parents, schools and sponsors under clause 5.5, all proceedings and related documents shall be confidential and used only for the purposes of the disciplinary procedure, and all documentation will be destroyed in accordance with timelines in the procedure.

## **5.7 Variations and amendments to this code**

In some cases it may be desirable that variations should be made to procedural aspects of this code. The College may make such variations as it sees fit, subject to informing the student concerned, and subject always to considerations of fairness. Such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

- 5.8** Decisions relating to student admission, attendance and exclusion are within the jurisdiction of the College. However, general complaints may be made to the College's arbitrator at:

West Nottinghamshire College, Derby Road, Mansfield, Nottinghamshire, NG18 5BH

## **6. MISCONDUCT AND GROSS MISCONDUCT**

The following are examples of misconduct and gross misconduct which may result in disciplinary action being taken against students. This is not intended to be an exhaustive list of the types of behaviour and consideration should be given when allegations of gross misconduct are made.

- Failure to uphold the College values of respect, responsibility and professionalism
- Failure to comply with Stage 1 and Stage 2 action plans.
- Any breach of the student's obligations including any breach of health and safety or any other regulations, rules or policies or guidelines of the College.
- Smoking except in designated areas.
- Bullying, intimidation, taunting, verbal abuse or the use of any violence towards any person.\*
- Deliberately or by negligence causing damage to any college buildings, equipment, books or furnishings or any property of others.
- Theft – from College, other students or staff.
- Fraud – including forging signatures for claims/work placement records.
- Any other criminal or dishonest acts.
- Refusal to obey reasonable, lawful instructions.
- Any behaviour which has an adverse effect on the work of the College, including damaging or interfering with buildings or equipment.
- Any behavior which is offensive to people on the grounds of their faith, belief, race, gender, sexual orientation, age, gender identity, learning and/or physical disability.\*
- Use of offensive behaviour or language.

- Any dangerous or inconsiderate driving, including speeding, on College premises.
- Any behaviour which could bring the College into disrepute.
- Any unauthorised interference with software or data belonging to or used by the College.
- Accessing, downloading or distributing offensive material from the Internet (or elsewhere)
- Persistent lateness for, or absence from, classes.
- Disrupting any classes or any other college activity, whether or not involving staff or other students.
- Putting a young person or vulnerable adult at risk, whether this is physically, sexually or emotionally\*
- Being under the influence of alcohol or non-prescribed drugs or solvents.\*
- Plagiarism.\*\*

\* We operate a zero tolerance policy in relation to these actions and as such it is likely that all actions falling within these categories will be considered to be gross misconduct.

\*\* Plagiarism is defined as "Passing off someone else's work as your own". It happens if you copy somebody else's work instead of doing your own. Most people at school level call this 'cheating' or 'copying'.

Examples of plagiarism:

- Copying directly from a text, word-for-word.
- Using an attractive phrase or sentence you have found somewhere.
- Using text downloaded from the Internet.
- Paraphrasing the words of a text very closely.
- Borrowing statistics from another source or person.
- Copying from the essays or the notes of another student.
- Downloading or copying pictures, photographs, or diagrams without acknowledging your sources.

## STUDENT DISCIPLINARY: PROCEDURAL STAGES

WHAT STAGE ?	WHAT IS IT?	RESPONSIBILITY	QUICK GLANCE
Stage 1	Warnings issued to students who breach the student code of conduct – two warnings issued within this stage. Warning two results in a formal behaviour management plan being agreed.	Tutor /Curriculum Manager	4.1
Stage 2	Where the student fails to comply with the agreed action plan at Stage 1, or where there are more serious allegations of misconduct, Stage 2 of the disciplinary procedure may commence.	Tutor/Head of School	4.2
Stage 3	Stage 3 of the disciplinary procedure may be invoked where it is alleged that the student has committed an act of gross misconduct, or where further misconduct is complained of after a formal written warning has been given to the student at Stage 2.  Exclusion of the student may be considered at this stage.	Head of School	4.3
Appeal	The student may appeal to the Deputy Principal: Teaching and Learning within 10 working days of the date of the notice of exclusion or suspension, giving grounds for the appeal.	Deputy Principal: Teaching & Learning	4.5

**Student Code of Conduct and Disciplinary Procedure – informal stage**

Name of student: \_\_\_\_\_

Course: \_\_\_\_\_

Tutor: \_\_\_\_\_

Date	Incident	Action Taken

Moved to stage 1 of the formal disciplinary process



Date: \_\_\_\_\_

Signed (tutor): \_\_\_\_\_

Signed (student): \_\_\_\_\_

**Student Code of Conduct and Disciplinary Procedure – stage 1, first warning**

Name of student: \_\_\_\_\_

Course: \_\_\_\_\_

Date: \_\_\_\_\_

You have committed the following breaches of the College's code of conduct for students and as such this is your first warning. Further breaches of the code of conduct will result in the issue of a second warning and the agreement of a formal behaviour management plan. This warning forms part of the student disciplinary procedure and as such continuation of the behaviour described below could lead to you being suspended or excluded from College.

**Description of the behaviour and action taken****Comments from the student**

Signed (tutor): \_\_\_\_\_

Signed (student): \_\_\_\_\_

**Student Code of Conduct and Disciplinary Procedure – stage 1, second warning**

Name of student: \_\_\_\_\_

Course: \_\_\_\_\_

Date: \_\_\_\_\_

Despite the issue of a first warning, you have continued to breach of the College's code of conduct for students and as such this is your second warning. A formal behaviour management action plan is attached to this warning and will be reviewed on weekly basis with your tutor. Failure to meet the action plan will result in you being taken to stage two of the disciplinary procedure and could eventually lead to your suspension or exclusion from College.

**Description of the behaviour and action taken****Comments from the student**

Signed (tutor): \_\_\_\_\_

Signed (student): \_\_\_\_\_

**Student Code of Conduct and Disciplinary Procedure – stage 1, second warning action plan**

Name of student: \_\_\_\_\_

Course: \_\_\_\_\_

Date: \_\_\_\_\_

**I agree to the following action to rectify the behaviour identified.**

Identified behaviour	Agreed action

**Monitoring the action plan**

Monitoring week	Comment from the tutor and signature	Comment from the student and signature	Date
Week 1			
Week 2			
Week 3			
Week 4			

**Next steps**

Action plan fully completed – sign off and place on file  
 Behaviour continues – refer to stage two of the process

Signed (Tutor) \_\_\_\_\_

Signed (student) \_\_\_\_\_

Date \_\_\_\_\_