



STUDENT DISCIPLINARY POLICY

1. Scope and Purpose

1.1 This document sets out the procedure which should be followed where a student's behaviour, conduct or action breaches the expected standards of behaviour, rules, regulations or policies of Reaseheath College and University Centre (together called 'the College').

1.2 The College's Student Charter sets out the behaviour expectations that the College has of its students (a copy is provided in the student handbook and on the College website). These expectations include that students will conduct themselves in a manner where their behaviour is of a high standard, they are respectful to all members of the College community and they uphold the College Values. These Values are:

People – Learn about democracy, develop your teamwork and leadership skills, whilst still maintaining your individual liberty. Recognise the valuable contribution each person can make to society.

Responsibility – Be responsible and accountable for your actions and decisions, take pride in your community and country and be environmentally sustainable through your behaviour.

Integrity – Demonstrate honesty, integrity and understand the rule of law, demonstrate these standards in everything you do

Diversity – Recognise, respect, promote and celebrate diversity. Oppose behaviour or views that discriminate against those with different faiths, beliefs or appearances.

Excellence – Challenge yourself to strive for the highest standards of quality and behaviour. Be the best you can be!

1.3 Students are expected to comply with all the College rules. This includes but is not limited to those relating to health and safety, safeguarding and college security, use of ICT facilities, social media use and equality and diversity. The College will not tolerate unacceptable behaviour or harassment or bullying of any members of the College community.

1.4 A breach of the College rules 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 expelled from the College.

- 1.5 This Policy applies to all students of the College, whether further education, higher education or apprentices, full-time or part-time, whether or not their course is validated by, or associated with, any other institution, and at all times during the year, whether or not during College terms.
- 1.6 This Policy does not apply to matters solely relating to academic misconduct, which are the subject of separate procedures. However, our behaviour expectations include a commitment to study, to comply with academic requirements and to participate appropriately.

2. The Process

- Official warning;
- First stage disciplinary interview;
- Second stage disciplinary interview;
- Third stage disciplinary interview;
- Appeal (if applicable).

3. Official Warning

Cases of minor misconduct may be treated informally by staff but, where the misconduct is repeated or is considered to warrant more formal treatment, staff may give an **official warning** to the student concerned, including the reasons for the warning and the consequences of further misconduct. An **official warning** should be given, where practicable, after talking to the student, asking the student for an explanation of the conduct complained of and taking into account any explanation given. This action will be noted on the student records database and on student tutorial forms.

4. First Stage Disciplinary Interview

- 4.1 Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more official warnings, the student will be invited to attend a first stage disciplinary interview with a Programme Leader or the Head of Student Services with at least 5 working days' written notice stating:
- (i) the nature of the conduct complained of;
 - (ii) the student's entitlement to accompaniment (detailed below);
 - (iii) confirmation of the time and place of the interview.
 - (iv) information that the case will be heard in student's absence in cases of non-attendance.

On occasions, the Programme Leader may delegate this responsibility to an Advanced Practitioner and the Head of Student Services may delegate to his nominee within his team.

- 4.2 The student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state his or her case (including any mitigating factors) before any decision is taken.
- 4.3 After hearing the student's case, the member of staff conducting the interview will complete the First Stage Disciplinary Template to record the outcome of the hearing. They may decide to issue a formal written warning, or may decide that no disciplinary sanction would be appropriate. Practical measures to avoid recurrence may also be implemented. The student will be notified in writing of the decision within 5 working days of the interview.

5. Second Stage Disciplinary

- 5.1 In cases where it is alleged that gross misconduct has occurred or where further misconduct is recorded following a first stage disciplinary hearing, the student will be invited to attend a second stage disciplinary interview with the Curriculum Area Manager. In the case of serious academic misconduct the interview may be with the Assistant Principal, Quality and Learner Services. On occasions, the Curriculum Area Manager may delegate this responsibility to another Curriculum Area Manager.
- 5.2 The student will be given at least 5 working days' written notice of the interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing). A legal or other professional adviser will be allowed if the College intends to have an external adviser present. The notice will state:-
- (i) the nature of the conduct complained of;
 - (ii) the student's entitlement to accompaniment (detailed above);
 - (iii) confirmation of the time and place of the interview;
 - (iv) information that the case will be heard in student's absence in cases of non-attendance.

6. Second Stage - Disciplinary Interview

- 6.1 At the second stage interview, the Curriculum Area Manager will be accompanied by another member of staff and will take the student through the allegations which have led to the complaint of misconduct. The student will be given the opportunity to state his or her case (including any mitigating factors) and 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 or her case. Notes of the interview will be taken by a member of staff. The Curriculum Area Manager will complete the Second Stage Template to record the outcome of the hearing.

- 6.2 The College reserves the right to review all aspects of the student's performance to inform the disciplinary interview, prior to a decision being made.
- 6.3 After hearing the student's case, the Curriculum Area Manager conducting the interview may decide to issue a final written warning, to permanently expel or to formally suspend the student for a fixed period. Alternatively, they may decide that a lesser disciplinary action should be taken.
- 6.4 Within 5 working days of the second stage disciplinary hearing, the student will be given written notification of the outcome of the hearing.

7. Further Investigation after Second Stage Interview

- 7.1 The Curriculum Area Manager has the authority to adjourn the meeting if they consider further investigations necessary. The meeting will be re-convened under the same conditions within 10 working days.

8. Third Stage - Disciplinary Interview

- 8.1 In the event that the student fails to comply with the criteria identified within the final written warning, the student will be invited to attend a third stage disciplinary hearing with an Assistant Principal. If the case is proven against the student, the Assistant Principal has the authority to permanently expel the student. The Assistant Principal will complete the Third Stage Template to record the outcome of the hearing.
- 8.2 The student will be given at least 5 working days' written notice of the interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing). A legal or other professional adviser will be allowed if the College intends to have an external adviser present. The notice will state:-
 - (i) the nature of the conduct complained of;
 - (ii) the student's entitlement to accompaniment (detailed above);
 - (iii) confirmation of the time and place of the interview;
 - (iv) information that the case will be heard in student's absence in cases of non-attendance.

9. Appeal Against Recommendation

- 9.1 The student will have a right of appeal against any permanent expulsion. Where the expulsion has been actioned by an Assistant Principal, the appeal will be to the Vice Principal. Where the expulsion is actioned by the Curriculum Area Manager, the appeal will be to the Vice Principal but the Vice Principal may delegate this responsibility to an Assistant Principal. Notice of appeal must be made in writing to the Vice Principal within

10 working days of expulsion and must give the grounds and brief particulars of the appeal.

- 9.2 If a notice of appeal is lodged within the time allowed, an appeal interview with the Vice Principal will be arranged to take place within 21 working days of the notice of the appeal being lodged. The student will be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing). A legal or other professional adviser will be allowed if the College intends to have an external adviser present. Any documents considered at the second/third stages interviews will be available for the purposes of the appeal.
- 9.3 At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.
- 9.4 The person who implemented the expulsion will be asked to respond to the appeal and explain the reasons for the expulsion.
- 9.5 The Vice Principal may ask questions of the student and the member of staff and 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 second/third stage interviews.
- 9.6 If the appeal is allowed, the Vice Principal may decide that disciplinary action lesser than that recommended by the member of staff should be taken. The Vice Principal may also decide that no further disciplinary action should be taken.
- 9.7 If the appeal is dismissed, the expulsion implemented by the member of staff will stand.
- 9.8 Within 5 working days of the appeal interview, the final decision by the Vice Principal will be confirmed in writing to the student.

10. Suspension Pending Interview

- 10.1 A student may be suspended from the College immediately pending a disciplinary interview where a member of staff has reason to believe that the student has committed an act of gross misconduct. Any such suspension must be sanctioned by a Member of the Executive and will be confirmed in writing within 2 working days of its occurrence. The student will be invited to a second stage interview with the Curriculum Area Manager, such interview to take place within 5 working days of the suspension.
- 10.2 Suspension will be imposed where the college believes that the student has the potential to cause harm to themselves, staff, students or college property and/or is under investigation by the Police in relation to a criminal offence involving illegal substances, violent or sexual offences. This extends to potential intimidation of witnesses.

- 10.3 Where a second stage interview is adjourned pending further investigation, any student who has been suspended under this provision will remain on suspension until the interview is reconvened.

11. Criminal Offences

- 11.1 Where the College 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 policy or 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 policy, and the results of enquiries or criminal proceedings are known, the College reserves the right to recommence proceedings under this policy in relation to the matter.

- 11.2 It is emphasised that in relation to the application of this policy, the College is not bound by the results of any criminal proceedings against students.

12. Conduct of Interviews

- 12.1 Disciplinary and appeal interview(s) under this Policy will be conducted fairly and firmly by the member of staff conducting the interview(s), who will be accompanied by another member of staff to take notes.

- 12.2 The member of staff conducting the interview 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. If the student does not attend any interview, disciplinary action may nevertheless proceed.

13. Time Periods

- 13.1 With the exception of the time allowed for lodging an appeal, time periods stated in this Policy 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.

14. Sponsored Students

- 14.1 If a student who is being sponsored at the College by an employer is given a formal written warning or expelled or suspended, the employer will be informed wherever practicable.

15. Variations and Amendments to this Policy

- 15.1 In some cases it may be desirable that variations should be made to procedural aspects of this Policy. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, 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.

15.2 This Policy may be amended by decision of the Executive of the College from time to time.

16. Examples of misconduct

Examples of misconduct which may result in disciplinary action being taken against students include but are not limited to:-

- 16.1 any failure to follow the reasonable instructions of a member of staff;
- 16.2 any smoking in non-smoking areas;
- 16.3 any unduly noisy or any unruly behaviour or the use of foul or abusive language;
- 16.4 disrupting any class or any other College activity, whether or not involving staff or other students;
- 16.5 deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- 16.6 inappropriate entry or use of hostels;
- 16.7 any unauthorised interference with software or data belonging to or used by the College;
- 16.8 any theft of property or any other dishonest acts;
- 16.9 any drunkenness on College premises or on any activity associated with the College or the use, possession or supply of any illegal drug;
- 16.10 any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person;
- 16.11 any behaviour which is racially or sexually offensive or which is offensive to those with learning and/or physical disabilities or impairments;
- 16.12 any behaviour which could bring the College into disrepute;
- 16.13 any illegal act which may have an adverse effect on the work of the College or on other students;
- 16.14 any non-display of ID badges.

17. Examples of disciplinary sanctions

Examples of disciplinary sanctions which may be applied at Stage 1 or Stage 2, depending on the severity of the misconduct, include:

- 17.1 placed on time constrained period of community service;
- 17.2 placed within curfew boundaries
- 17.3 referral to, and compulsory attendance, with external support agencies
- 17.4 expulsion in the case of gross misconduct.

18. Gross Misconduct

Any particularly serious cases of misconduct may be treated by the College as gross misconduct. For example, any misconduct involving violence or a serious threat of violence, deliberate damage to property, endangering the health or safety of others, or any criminal activities affecting the College or other students (or which could bring the College into disrepute) are likely to be treated as gross misconduct. It is emphasised that this is not an exhaustive list of the types of case which the College may treat as gross misconduct.

19. Complaints

The College will follow its policy and process set out in this Student Disciplinary Policy. Students may access the College's complaints processes if they consider that the College has failed to follow its own process in implementing this policy (procedural irregularity). The College complaints processes can be accessed on the College website at www.reaseheath.ac.uk or for Higher Education students on the University Centre Reaseheath website at www.ucreaseheath.ac.uk

University Centre Reaseheath is a member organisation of the Office of the Independent Adjudicator for Higher Education (OIA). If a student remains dissatisfied after completing all stages of the University Centre Reaseheath complaints process, they are entitled to ask the OIA, an independent ombudsman service, to look at the complaint. The OIA will only consider complaints from students who remain dissatisfied at the conclusion of UCR's internal complaints procedures and processes.

The OIA's Scheme Rules and guidelines are available on its website: www.oiahe.org.uk

OIA Third Floor
Kings Reach,
38-50 Kings Road,
Reading RG1 3AA
Tel: 0118 959 9813

20. Linked Policies

Academic Misconduct Procedures

Date of issue	October 2018
Next Review Date	June 2021
Lead	Vice Principal
Approved	Executive (16.10.18) Ratified/approved (if applicable): 26.11.18
Published	Moodle, Staff Intranet
Equality Analysis Review (if applicable)	February 2018