

# Discipline Procedure for Students

<b>Policy originally approved:</b>	<b>Senior Management Team</b>	<b>20/1/97</b>	<b>Minute 143</b>
	<b>Corporation</b>	<b>26/3/97</b>	<b>Minute 132</b>
<b>Policy implemented :</b>	<b>1997</b>		
<b>Reviewed by :</b>	<b>David Brookes</b>		<b>February 2007</b>
<b>Policy Approved :</b>	<b>Strategic Management Team</b>	<b>25/11/01</b>	<b>Minute 598</b>
	<b>Academic Board</b>	<b>5/2/02</b>	<b>Minute 199</b>
	<b>Corporation</b>	<b>25/3/02</b>	<b>Minute 357</b>
<b>Review by:</b>	<b>Executive</b>		<b>February 2007</b>
<b>Next Review date:</b>	<b>August 2010</b>		

# COLEG MORGANNWG POLICY DOCUMENT

---

## **Preamble to the Policy**

### **Equal Opportunities**

The College shall comply with the Sex Discrimination Act 1975, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001 and Disability Discrimination Act 2005), the Rehabilitation of Offenders Act 1974, the Human Rights Act 1998 (or any enactment modifying or replacing them) and all relevant statutory duties in respect of equal opportunities.

### **Special Educational Needs and Disability Statement**

The College shall have particular regard to the provisions of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001 and Disability Discrimination Act 2005) in respect of this policy.

The Act applies to people who are disabled according to the definition of disability in the DDA 1995. That is, a disabled person is someone who has a physical or mental impairment that has an effect on his or her ability to carry out normal day to day activities.

That effect must be:

1. Substantial (that is, more than minor or trivial), and
2. Adverse, and
3. Long-term (that is, has lasted or is likely to last for at least 12 months or for the rest of the life of the person affected).

The College is committed to take all reasonable steps to implement or adjust the policy taking in the circumstances of each individual. Reasonable steps may include, for example, alternative format documents, special arrangements for meetings (please note the examples are not exhaustive).

# COLEG MORGANNWG POLICY DOCUMENT

---

## STUDENT DISCIPLINARY CODE

### 1. Scope and purpose

- 1.1 This document sets out the code of conduct to which students are expected to adhere in return for being admitted to the College and being provided with educational and other services and facilities. It also sets out the procedure that should be followed where the code of conduct is breached.
- 1.2 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 expelled from the College.
- 1.3 This code applies to all students of the College, where 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.
- 1.4 This code does not apply to matters relating to academic performance. This is the subject of a separate procedure.

### 2. Obligations of students

Students are **expected to:**

- 2.1 Attend all classes regularly and on time. Registers are closed ten minutes after the start of class.
- 2.2 Observe all health and safety procedures, special clothing regulations etc.
- 2.3 Take your course seriously and listen to the advice of your tutors.
- 2.4 Complete all course work on time (assignments and homework) as required by your tutors.
- 2.5 Respect the diversity of the people within the College.
- 2.6 Respect the property of the College, staff, other students and visitors.

Students **must not:**

- 2.7 Create litter.
- 2.8 Bring hot food into the classroom (Outreach and community centres may differ).
- 2.9 Enter the College if you have been drinking or are carrying alcohol.
- 2.10 Enter the College if you have been using or are carrying illegal drugs or weapons.
- 2.11 Use offensive language or wear clothing with offensive slogans.
- 2.12 Have a mobile telephone switched on during lessons.

### 3. Misconduct

The following are examples of misconduct that may result in disciplinary action being taken against students:

- 3.1 any breach of any of the students' obligations set out above (including any breach of health and safety or other regulations of the College);

# COLEG MORGANNWG POLICY DOCUMENT

---

- 3.2 any failure to follow the reasonable instructions of a member of staff;
- 3.3 any smoking in non-smoking areas;
- 3.4 any cheating, plagiarism or copying of work of other students;
- 3.5 any unduly noisy or any unruly behaviour or the use of foul or abusive language;
- 3.6 disrupting any class or any other College activity, whether or not involving staff or other students.
- 3.7 deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- 3.8 any unauthorised interference with software or data belonging to, or used by, the College;
- 3.9 any theft of property of any other dishonest acts;
- 3.10 any drunkenness on College premises or on any activity associated with the College, or the use, possession or supply of any illegal drug;
- 3.11 any bullying, intimidation, taunting, verbal abuse or the use of violence or threat of violence towards any person;
- 3.12 any behaviour which is racially or sexually offensive, or which is offensive to those with learning and/or physical disabilities or impediments;
- 3.13 any behaviour which could bring the College into disrepute;
- 3.14 any illegal act that may have an adverse effect on the work of the College or on other students.

## **4. Gross misconduct**

- 4.1 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 and 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. These instances will be dealt with at Curriculum Manager level.

# COLEG MORGANNWG POLICY DOCUMENT

---

## PROCEDURES

### 5. Official warning

- 5.1 Cases of petty 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, explaining the reasons for the warning and the consequences of further misconduct. Such 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. The warning need not be in writing, but should be reported to the appropriate Curriculum Area Manager who should keep a written record of it. The warning will be spent after a period of three months and that any reference to it will be withdrawn from the departmental file.

### 6. Curriculum level interview

- 6.1 Where the conduct complained 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 school disciplinary interview with a Curriculum Area Manager. The student will be given at least 5 days written notice on the interview stating:
- i. the nature of the conduct complained of and a summary of the evidence for the complaint;
  - ii. the student's entitlement to accompaniment (detailed below);
  - iii. confirmation of the time and place of the interview.

The member of staff conducting the interview must not have had previous involvement in any previous stage of the disciplinary process relating to the particular complaint.

- 6.2 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 before any decision is taken. Under exceptional circumstances, by mutual agreement, a friend / representative may attend alone on behalf of the absent student.
- 6.3 After hearing the student's case, the Curriculum Area Manager may decide to issue a formal written warning or an official warning verbally, 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 days of the interview.

# COLEG MORGANNWG POLICY DOCUMENT

---

## **7. Formal written warning**

- 7.1 Any formal written warning will be issued within five days of the interview. It will give brief reasons for the decision and will state that any repeated or similar misconduct by the student may result in the student's formal suspension or expulsion from the College. (The sanctions of suspension or expulsion will only be available at a Assistant Principal level interview). The warning will be spent after a period of three months and that any reference to it will be withdrawn from the departmental file

## **8. Suspension pending interview**

- 8.1 A student may be suspended from College immediately by a Curriculum Area Manager (or course tutor in their absence) pending a disciplinary hearing where that member of staff has reason to believe that the student has committed an act of gross misconduct. Any such suspension will be confirmed in writing within 2 days of its occurrence and that student will be invited to a disciplinary interview with an Assistant Principal such interview to take place, where possible, within 10 days of the suspension.
- 8.2 Where a disciplinary interview is adjourned pending further investigation, any student who has been suspended under this provision will remain on suspension until the interview is reconvened.

## **9. Assistant Principal level interview**

- 9.1 In cases where it is alleged that gross misconduct has occurred or where further misconduct is complained of after a formal written warning has been given to a student, the student will be invited to attend a disciplinary interview with an Assistant Principal.
- 9.2 The student will be given at least 5 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. The notice will state:
- i. the nature of the conduct complained of and a summary of the evidence for the complaint;
  - ii. the student's entitlement to accompaniment (detailed above);
  - iii. confirmation of the time and place of the interview; and
  - iv. notice that because of the misconduct alleged or because a formal written warning has already been given, it may be that he or she may be formally suspended or expelled from the College as a result.
- 9.3 The member of staff conducting the interview must not have had prior involvement in any stage of the disciplinary process relating to the particular complaint.

# COLEG MORGANNWG POLICY DOCUMENT

---

## **10. Notification of penalty**

- 10.1 Within **5** days of the disciplinary interview, the student will be given written notification of the penalty to be imposed. The range of penalties possible is infinite. The student may be permanently expelled, suspended for a fixed period, subjected to a lesser disciplinary sanction, or informed that no disciplinary sanction will be imposed. If the penalty is suspension or expulsion then the student will be informed of his or her right of appeal to the Principal. A copy of this notification should be sent to The Learner Services Officer and The Governance Unit.
- 10.2 When setting a penalty attempts should be made to ensure it equates to penalties imposed for similar offences.

## **11. Appeal against disciplinary sanction**

- 11.1 The student will have a right of appeal to the Principal against the imposition of suspension or expulsion. Notice of appeal must be given in writing within **5** days of the notification to him or her of the sanction. If notice of appeal is given an interview with the Principal will be arranged, where possible, within **10** days of the notice being received. The student will be given at least **5** days notice of the time and place of the appeal interview and will be informed of the right 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. The student will also be given a copy of the College's Disciplinary Procedures. Any documents considered at the disciplinary interview will be available at the appeal interview. The Principal may ask some other person to sit with him to hear the appeal.
- 11.2 At the appeal interview the student will be invited to explain the grounds of the appeal and state his or her case.
- 11.3 The Assistant Principal who made the decision to suspend or exclude will be asked to respond to the appeal and explain the reasons for the decision.
- 11.4 The Principal may ask questions of the student and the Assistant Principal and will then consider the appeal.
- 11.5 If the appeal is allowed, the Principal may decide that disciplinary action lesser than that imposed by the Assistant Principal should be taken including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.
- 11.6 If the appeal is dismissed, the decision of the Assistant Principal will stand. The Principal may not impose any greater sanction against the student than that imposed by the Curriculum Area Manager.
- 11.7 Within **5** days of the appeal interview, the Principal's decision will be made known in writing to the student. A copy of this notification should be sent to The Learner Services Officer.

# COLEG MORGANNWG POLICY DOCUMENT

---

## **12 Conduct of interviews**

- 12.1 The member of staff conducting the interview will ensure that the proceedings are fair but firm. They should be accompanied by another member of staff to take detailed and accurate notes as in some instances the notes become vital documentary evidence in appeal hearings. The interview should be as informal as is possible under the circumstances, and above all it must be remembered that fairness is crucial.
- 12.2 The member of staff conducting the interview may be given instructions in relation to the conduct of the interview, including as to the length of time which any part of the interview should take. Such instructions should be fair, and must allow the student to question the evidence and state this or her case.
- 12.3 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 still proceed and under exceptional circumstances, by mutual agreement, a friend / representative may attend alone on behalf of the absent student.
- 12.4 At the disciplinary interview, the Assistant Principal conducting the interview will invite the Curriculum Area Manager to detail the allegations, which have led to the complaint of misconduct. The student will be asked if he or she wishes to dispute the facts. If the facts are disputed the Curriculum Area Manager will present the evidence available, in the form of witness statements or testimony. The student will be invited to state his or her case and asked whether the facts are disputed. If the student wishes to dispute the facts he or she will be asked to produce evidence supporting his or her case. The student will have the right to question any witnesses appearing in person, and to question any evidence presented in the form of written statements. If a witness is not available to answer questions this should be taken into account when assessing the weight to be given to conflicting evidence. Statements which do not reveal the name of the witness will not be considered other than in the most exceptional circumstances. At the completion of the interview, the Assistant Principal will ask all parties to withdraw while the issues are considered. It is also open to the Assistant Principal to adjourn the interview if it is thought that further investigation is necessary.

## **13 Criminal Offences**

- 13.1 Where any 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 code 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 provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to re-commence proceedings under this code in relation to the matter.
- 13.2 Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action after a proper investigation and

# COLEG MORGANNWG POLICY DOCUMENT

---

will not require a criminal conviction. The College is not bound by the results of any criminal proceedings against students.

## **14 Time periods**

- 14.1 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 practical considerations prevent adherence. Written notice of any such variation should be given.
- 14.2 Periods of days in this code are working days. Documents sent by first class post shall be deemed to be received within 48 hours of posting.

## **15 Students under 18 and sponsored students**

- 15.1 If a student under 18 years of age is the subject of proceedings under this code, wherever practicable a parent or guardian will be invited to attend any disciplinary or appeal interviews (in addition to any friend or student representative), unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a student under the age of 18 is given a formal written warning or expelled or suspended from College, a parent or guardian will be informed in writing wherever possible.
- 15.2 If a student under 18 years of age is on a school partnership programme, then the school should be contacted and the student dealt with under the school 's disciplinary procedure.
- 15.2 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 possible.
- 15.3 All letters issued to students/parents and employers should be posted by recorded delivery.

## **16 Sanctions**

- 16.1 All sanctions shall initially be for the period of one year, unless otherwise stated (see annexed document – ‘Guidance note – Student Disciplinary Sanctions’)
- 16.2 An exclusion shall apply to all sites managed by the Corporation, unless otherwise stated.
- 16.3 Once a sanction is spent a student may apply to enrol on a course only after an interview with the Learner Services Officer and admissions manager. This interview will determine the student's genuine intention to study and behave in an appropriate manner. A written agreement will be agreed and signed by the student.

## **17 Monitoring**

- 17.1 The Governance Unit will produce a termly summary of student disciplinary activity for the Strategic Management Team.

# COLEG MORGANNWG POLICY DOCUMENT

---

17.2 The Governance Unit will produce an annual summary of student disciplinary activity for the Academic Board and Corporation.

## **18 Variations or amendments**

18.1 In some cases it may be desirable that variations 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. Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person conducting the interview has previously had close personal involvement in the matter being considered.

18.2 This code may be amended by resolution of the Strategic Management Team from time to time.

# COLEG MORGANNWG POLICY DOCUMENT

---

## Sample Letter

Dear .....

I am writing to inform you that you are required to attend a disciplinary hearing on ..... at .....am/pm which is to be held in .....

At this hearing the question of disciplinary action against you in accordance with the College's disciplinary procedure will be considered with regard to :

(list the offences)

You are entitled, if you wish, to be accompanied at the hearing by a friend, a student, representative or relative but not by a legal or other professional advisor.

Please confirm in either in writing or by telephone your intention to attend /not attend the interview.

**Assistant Principal**

**NB.**

**Letters to be posted by recorded/registered delivery**

**Copy of letter to parent/guardian and employer if relevant.**

# COLEG MORGANNWG POLICY DOCUMENT

---

## Sample Letter :

Dear .....

Further to your disciplinary hearing held on ..... I am writing to inform you that the decision made at the hearing was that your attendance at College should cease with effect from ....(or some other penalty)

(In cases of /exclusion include the following para)

You are obliged to return all College property (list items eg. bus pass locker keys, text books) and make arrangements by contacting (name contact)) to collect any personal effects that are held on college premises.

You have the right to appeal against this decision to the Principal, in writing, stating the grounds for your appeal, within five days of the date of this letter.

**Assistant Principal**

**NB.**

**Letters to be posted by recorded/registered delivery**

**Copy of letter to parent/guardian, Learner Services Officer, Governance Unit and employer if relevant**

# COLEG MORGANNWG POLICY DOCUMENT

## Coleg Morgannwg Guidance Note – Student Disciplinary Sanctions

This note is meant as a brief guide for panels meeting to discipline students. It is emphasised as being a guide aimed achieving consistency across the college. Each case must always be judged on its circumstances.

Sanction	Offence
<b>Category A</b> Permanent Expulsion	Serious Criminal offence against the College and/or its staff or students
<b>Category B</b> One Year's Expulsion	<ul style="list-style-type: none"> <li>• Serious theft or unauthorised possession from employees, the College or other students.</li> <li>• Bullying, which can include: assault, abusive or threatening behaviour, including sexual harassment, racial abuse in the course of his/her attendance as a student, whether or not on college property. (See college policy on bullying).</li> <li>• Falsification and irregular practice in respect of cash records or returns.</li> <li>• Fraud, or attempt to defraud.</li> <li>• Unauthorised access to, or interference with, information held on computer or associated equipment or materials.</li> <li>• Misuse of College facilities to access inappropriate materials on the internet</li> <li>• A serious act of insubordination.</li> <li>• Gross negligence that causes unacceptable risk, loss, damage, injury, or damages the public reputation of the College.</li> <li>• A conviction at court for a criminal offence, whether or not committed in connection with the College, which may affect the student's suitability for continued attendance.</li> <li>• Cheating in assessments and examinations or plagiarism (after complying with exam body rules).</li> <li>• Serious racist activity or behaviour.</li> <li>• Malicious or wilful damage to property belonging to the College, its employees, agents, students or others.</li> </ul> <p>Repeated possession or showing serious effects, of alcoholic drinks or drugs.</p>
<b>Category C</b> Written warning and transfer to another Campus	<ul style="list-style-type: none"> <li>• Minor bullying offence (no physical abuse, minor verbal statements)</li> <li>• Minor racial offence,</li> </ul>
<b>Category D</b> Written warning/caution with some rehabilitative action	<ul style="list-style-type: none"> <li>• Minor drug and alcohol offence (possession),</li> <li>• Verbal abuse of staff/students,</li> <li>• Possession of a weapon,</li> <li>• Minor race offences</li> <li>• Serious arguments</li> <li>• Minor theft or unauthorised possession from employees, the College or other students.</li> </ul>
<b>Category E</b> Written warning/caution	<ul style="list-style-type: none"> <li>• Lack of effort in studies,</li> <li>• poor attendance</li> </ul>

### Note -

- That where the police are likely to instigate criminal proceedings the 'Zellick' report recommended College investigations be suspended whilst the criminal investigation and proceedings occur.
- Where criminal proceedings have occurred be careful not to invoke 'double jeopardy' (punishing someone twice for the one offence). Legal advice may be required.