

INTERNAL PROCEDURE



Title: Student Disciplinary Procedure

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VERSION NO: 5 (2016)

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SUMMARY: Procedure to be followed when an allegation of unsatisfactory conduct is made against a student.

ACCESSIBILITY: If you would like this information in an alternative format, e.g. Easy to Read, large print, Braille or audio tape, or if you would like the procedure explained to you in your language, please contact the Communications & PR Officer on 01603 773 169.

FURTHER INFORMATION: If you have any queries about this policy or procedure, please contact the named policy holder or the Communications & PR Officer on 01603 773 169.

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STUDENT DISCIPLINARY PROCEDURE

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CITY COLLEGE NORWICH

STUDENT DISCIPLINARY PROCEDURE

Purpose and Scope

The purpose of this procedure is to enable College staff to deal with student disciplinary issues in a consistent and fair manner. It provides for the orderly investigation and resolution of cases of alleged unsatisfactory conduct and will be initiated:-

- (a) When a student is alleged to have broken College rules, regulations and procedures.
- (b) When a student is alleged to have breached the Ten Group Equality and Diversity Procedure (available on the College website, blackboard and the student handbook).
- (c) When gross misconduct is alleged (see para 4.4.1).
- (d) For students in the 14 – 16 age group please refer to the 14 -16 Behavioural Policy. **See Appendix 7** for Flow Chart.

2 Exceptions

- 2.1 Minor infringements of discipline should be dealt with by either the student's Tutor or the Programme Manager, Team Leader, Curriculum Manager.
- 2.2 In cases of irregular attendance or persistent student absence the College Student Attendance and Achievement Procedure should be referred to and applied.
- 2.3 Failure to submit work in accordance with study guidelines. In such cases if the Head of School / Centre considers exclusion this must be discussed with the Principal prior to the hearing. The Principal will then be consulted after the hearing before exclusion can be invoked.
- 2.4 Students who have a medical condition, Learning difficulty or disability which could be related to their lack of discipline. In such cases the Admissions and Review panel should be convened. See the separate Admissions and Review panel Procedure for details.

3 Initial Decision Making

The Head of School / Centre will need to decide, based on the information available, whether an alleged incident warrants application of the formal disciplinary procedure and if so, at what stage (see below). Further investigation by the Head of School / Centre may be needed before making this decision.

The purpose of the investigation is to ascertain promptly the facts and circumstances relating to the alleged incident, to record the findings, and to make a judgement as to whether the disciplinary procedure should be invoked. If, in the judgement of the Head of School / Centre, disciplinary action is not to be invoked then no record should be maintained on file.

Due account should be taken of the stressful nature of a disciplinary investigation and, if it is thought appropriate, a member of staff or Student Union official unconnected with the original complaint and disciplinary processes should advise and support the student.

Depending upon the severity of the incident, the disciplinary procedure can be implemented at any stage. For example, a case of gross misconduct would warrant a disciplinary hearing as the initial response. In exceptional circumstances it may be necessary to suspend a student pending the outcome of the disciplinary hearing. In such cases reference must be made to a member of the Executive Team. If suspension of a student is agreed the procedure detailed below must be followed.

4 The Disciplinary Framework

4.1 Stage One – Verbal Warning

For a minor breach of College regulations a verbal warning may be considered sufficient. If so, it should be delivered in private by the student's Tutor. The student will be told why his / her behaviour does not meet an acceptable standard and made aware of what he/she has to do in order to meet that standard. Such issues as disruptive behaviour in the classroom, persistent use of mobile devices and repeated failure to carry a college identity card may need to be dealt with in this way and separate guidance is available for these. The record of the verbal warning should be uploaded to the eILP and a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

See Appendix 1. Form to record the verbal warning, to be uploaded to the eILP

4.2 Stage Two – First Written Warning

For a more serious breach of College regulations, or for further breaches after a verbal warning has already been issued, a written warning should be given to the student. This should be from the Head of School / Centre. It will include the student entering into a signed Learning / Behavioural Agreement. The letter should be posted to the student, uploaded to the eILP and a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

See Appendix 2. Letter template for advising a Stage 2 written warning, to be posted and uploaded to the eILP.

See Appendix 10. For the Learning/Behavioural Agreement to be posted and uploaded to the eILP.

4.3 Stage Three – Final Written Warning

A final written warning should be given to the student for a breach of College regulations considered serious enough to issue a severe written warning as the first response, but not sufficiently serious to warrant a disciplinary hearing, or for further breaches of regulations by a student who has already received a written warning. The letter should be from the Head of School / Centre. For a student who has not previously been required to enter into a signed Learning/Behavioural Agreement this should be included. Where a student has already entered into a Learning/Behavioural Agreement consideration should be given to revising its conditions. The letter should be posted to the student, uploaded to the eILP and a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

See Appendix 3. Letter template for advising a Stage 3 written warning to be posted and uploaded to the eILP.

See Appendix 10. For the Learning/Behavioural Agreement to be posted and uploaded to the eILP.

4.4 Stage Four – Disciplinary Hearing

4.4.1 A disciplinary hearing will be held in the following circumstances:-

- (a) A student's conduct continues to be unsatisfactory despite warnings.
- (b) A student commits an act of gross misconduct.

Examples of gross misconduct may include but is not restricted to:-

- Physical or verbal assault whilst on College premises or College related activities.
- Harassment or bullying (see separate Anti-Bullying and Harassment Policy (Learners) for more guidance).
- Possession of or dealing with illegal substances.
- Alcohol abuse.
- Vandalism.
- Theft.
- Abuse or misuse of computer equipment;
- Infringement of the College Equality and Diversity Procedure
- Behaviour which brings the College into disrepute.

This is not a definitive list.

4.4.2 If it is alleged a student has committed an act of Gross Misconduct, the matter is to be reported immediately to a member of the **Executive Team who will decide, on the information available, if the student should be considered for suspension.**

Subsequently and wherever possible, the Head of School / Centre will interview the student concerned, who should be given the opportunity to state their version of events. Following this meeting if the Head of School / Centre determines that further action is necessary they must consult a member of the Executive Team to confirm the Disciplinary Procedure is to be invoked and if so what is the most appropriate method of dealing with the matter i.e. Stage 1 to 3 or a Disciplinary Hearing.

The member of the Executive Team will review the allegation and confirm if the student should be suspended. The suspension of a student will always lead to a Disciplinary Hearing. At this stage the Head of School / Centre will also agree with a member of the Executive Team if they need to attend and Chair the hearing which will be necessary if it is thought that the student could be excluded.

If the student is to be suspended then they are to be verbally informed of the suspension. In some cases it may not be possible to see the student i.e. they have left the campus. In such instances every effort should be made to speak with them on the telephone. They should be informed of the nature of the allegation and that the suspension will be confirmed in writing.

The student copy of this procedure **must** be included with the letter **See Appendix 9**

The letter should be posted to the student and a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

If the student concerned has not already given a statement of their version of events the letter must invite them to submit this to the Head of School / Centre.

See Appendix 4 Letter template for advising a student suspension to be posted, a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

4.4.3 Following the students suspension the Head of School / Centre will be responsible for:-

- Monitoring the students period of suspension.
- Ensuring that all appropriate witness statements, interview notes, reports are collated.
- Ensuring all appropriate witnesses are requested to attend the disciplinary hearing.
- Normally incidents, however serious, will be dealt with by the College under this procedure. There may, however, be cases where it is clearly the duty of the College to report the matter to the police. Where the Head of School / Centre feels the alleged offence warrants the police being involved and to ensure the College adopts a consistent and uniform approach to these incidents, the

matter is to be discussed with a member of the Executive Team, whose agreement must be obtained.

- Secretariat Services will arrange for another Head of School / Centre to Chair a hearing to be held at the earliest possible date.
- This will normally be within 2 weeks of the suspension of the student and **only in exceptional circumstances** will this deadline be extended i.e. student / witnesses not available because of holidays, sickness etc. In all cases where an extension is required the matter is to be discussed with the Principal or a member of the Executive Team, whose agreement must be obtained.
- Liaising with the Head of School regarding statements that are required and witnesses who will be requested to attend.
- Advising the suspended student of the date of the hearing, ensuring that 5 working days' notice is given

See Appendix 5. Letter template for advising student of the hearing, a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable).

4.4.4 The suspended student should be informed in the letter of the following:-

- The date, time and place of the hearing (the place will normally be on College premises).

NB. Additional rooms may need to be booked to ensure that the suspended student and any witnesses etc. they might have requested are kept separate from any other parties.

- The nature of the allegation.
- A contact telephone number.
- The student is entitled to be accompanied by a family member / friend or representative. Where a student wishes to bring more than 2 representatives the Head of School / Centre and the Chair will use their discretion. The student must give at least 2 days' notice to the Head of School / Centre and the names and relationship of anyone accompanying them.
- The student is entitled to call witnesses. The student must give at least 2 days' notice to the Head of School / Centre and the names of any witnesses they are calling.
- Advise the student if the College has or will be relying on statements it has collected and the names or any witnesses it proposes calling. The student is to

be advised that they should arrive at least 30 minutes before the hearing in order that they can read any statements etc. the college has collected.

NB. Statements will not be sent to suspended students prior to the hearing as a matter of course. This is in order to protect the persons giving them. They must, however, be made available for reading by the suspended student prior to the hearing and the Chair **must** ensure the student has had adequate opportunity to read and understand the contents before the hearing commences.

Similarly, in exceptional cases the names of witnesses the College proposes calling may be withheld until the hearing. The Chair should then advise the student at the hearing of the names of witnesses who have been called and the reason(s) why their names were withheld.

- 4.4.5 The hearing will be chaired by another Head of School / Centre / Centre as detailed in 4.4.2. The hearing must be minuted by a member of the Secretariat Services Team designated by the Secretariat Services Team Leader.

The hearing will be conducted as follows:-

- Prior to the hearing the suspended student (and if the allegation is that an act of Gross Misconduct was committed against another student then that student as well), must be given the opportunity of reading **all** statements.
- The Chair should then invite the suspended student and if present, their representative(s) to join the hearing. The Chair will deal with any introductions and procedural points. The Chair will detail the allegation(s) against the student, how the hearing will be conducted, the names of any persons involved and witnesses and when and in what order any other person involved or witnesses will be called.
- The Chair and/or the Head of School / Centre may put questions to any students, their representatives and witnesses.
- The suspended student (and with the Chair's agreement) their representative(s) may put questions to any other student, their representatives and witnesses. This procedure will also apply to any other student involved.
- When the Chair is satisfied everyone has been heard and there are no more questions, the hearing will then sit in private to consider if the allegation is substantiated and if so what sanction(s) will be imposed. In arriving at their decision the hearing will take in to account the nature of the allegation, all statements both written and verbal and any mitigating circumstances.
- Once a decision has been arrived at the suspended student will be invited to re-join the hearing and will then be advised of its decision.

This may include:-

- Allowing the student to return to the college
- Appropriate Warning in place:
 - First Written Warning
 - Final Written Warning
- Entering into a Learning/Behavioural Agreement (**A compulsory requirement when a student is allowed to continue at the College**)
- Suspension for a defined period
- A request for permanent exclusion or exclusion for a set period of time (as detailed in 2.3)
- Restitution

NB. Conditions may be set e.g. a formal apology, counselling, support etc.

- The Chair will be responsible for communicating the decision to the student within 5 working days by letter **see Appendix 6**, a copy is to be sent to the Parent / Carer (where consent has been given) or Employer (if applicable). This letter must detail the student's right of appeal (see 5 below).
- The papers will be stored electronically by the minute secretary in a central area.
- The Head of School / Centre for the learner's curriculum area is to be responsible for ensuring the outcome of the hearing is implemented and any appropriate advices are issued. In the case of a student's exclusion it will be reported on the Student Exclusion Report.

The Head of School / Centre should also ensure that where an allegation is substantiated, the student's eLP is suitably annotated, the record remains for as long as they remain at the College.

- 4.4.6 If the student fails to attend the hearing without offering an acceptable explanation, then it shall be conducted in their absence.
- 4.4.7 If for any reason the Chair decides a witness need not attend (e.g. there may be grounds for suspecting intimidation etc.) or any witnesses are unable to attend, they will be entitled to submit a written statement to the Head of School / Centre at least 2 days prior to the hearing. The statement(s) will be read out by the Chair at the hearing and any appropriate parties asked to comment on the statement(s). Alternatively if a witness is prepared to attend but not appear before a suspended student and his/her representative, then at the discretion of the Chair, the hearing may see the witness on their own. In either case the suspended student should be informed of this action at the start of the hearing.

4.4.8 If at any time a student admits to an allegation of gross misconduct **in writing**, the matter can proceed immediately to a hearing. The hearing will be arranged and conducted in accordance with the procedure detailed in 4 above and its subsequent sections, with the following differences:-

- The Chair of the hearing must be satisfied the student understands the allegation(s) and to what they are admitting.
- Apart from statements collected prior to the admission no, other statements need be taken.
- Witnesses need not be called.
- The student will be allowed to be accompanied and bring a representative as detailed in 4.4.4 above

4.4.9 The Chair's decision in all matters shall be final.

See Appendix 6. Letter template informing the hearing decision

See Appendix 9. Learning/Behavioural Agreement

5 **Right of Appeal**

Students have the right to appeal against the decision of the disciplinary hearing on the following grounds:

- a. They have new evidence which is likely to alter the balance of the case and had **valid grounds** for not producing this evidence during the hearing;
- b. There has been misadministration in the conduct of the Disciplinary Procedure;
- c. They dispute the severity of the disciplinary action in relation to the seriousness of the misdeed.

A student wishing to lodge an appeal must do so by writing to the Principal within 5 working days of receipt of the letter confirming the outcome of the disciplinary hearing (see 4.4.5). They should state the grounds for appeal (see above) and enclose any documents they wish to submit in support.

6 **Appeal**

The arrangements for the appeal panel will be made by the Clerk to the Corporation. The appeal panel will comprise a College Governor, the Principal (or their nominee) and a member of academic staff, none of whom should have been involved in either the alleged incident or the earlier disciplinary hearing. The Governor will Chair the panel and the Clerk to the Corporation or a secretary shall record minutes. The procedure to be followed will be as set out in 4.4.4 and 4.4.5 above with the exception that dependent on the grounds of the appeal it may not be necessary to call witnesses.

The student will be informed of the outcome of the appeal in writing within 5 working days.

If the appeal is upheld then the possible outcomes are:-

- Delete all references to the disciplinary action from the student's file. A copy of the appeal papers to be kept confidentially on the College central file for the duration of the student's course, plus 6 years. This could apply in cases where the appeal was on grounds 5(a) or (b).
- The disciplinary action is reduced and the record on the student's file is updated accordingly. This could apply in cases where the appeal was on grounds 5(a) or (c). There will be no further right of appeal.

7 Police Involvement

The College reserves the right to involve the police when any act of a criminal nature is alleged. In such circumstances a student may be suspended pending the outcome of police enquiries, without making assumptions of guilt or innocence in respect of the allegations.

See also 4.4.3 above.

8 Confidentiality

All disciplinary hearings will be treated as confidential to the parties concerned. After the hearing (and appeal if applicable) all related papers will be disposed of confidentially an electronic copy will be held centrally and kept for the duration of the student's course plus 6 years, whether the hearing finds against the student or not. Where an allegation is substantiated a record will also be kept on the student's file and eILP for as long as they remain a student at College.

NB

- a) In all cases where reference is made in this procedure to the Head of School / Centre and they are unavailable, the matter should be referred to their Deputy (Programme Manager, Team Leader, Curriculum Manager).**
- b) If the Deputy is unavailable then the matter should be referred to a member of the Executive Team.**

CITY COLLEGE NORWICH
STUDENT DISCIPLINARY PROCEDURE
RECORD OF VERBAL WARNING (FORM VW1)

Student Details

Name:	
Course:	
Student Number:	
Year of Course:	Personal Tutor:

Verbal Warning Details

Warning issued on (Date)_____	By _____ (Name)
Brief details of misconduct	_____ (Position)
Expected change in behaviour:	
Date added to eLLP:	
Staff signature:	

Appendix 2

Suggested wording for first written warning

Name
Address

Dear (Name)

First Written Warning

On (date) you were given a verbal warning by your Tutor about your behaviour whilst at College. You were asked to comply with the College Rules, Regulations and Procedures in the future. Since that warning, you have breached the College Rules, Regulations and Procedures again on (date) in the following manner: (give details of misdemeanour).

This behaviour is unacceptable. With immediate effect, I expect you to conduct yourself in accordance with College Rules, Regulations and Procedures. In order to assist you and ensure that you are complying, you are now required to sign a Learning/Behavioural Agreement. Failure to sign this agreement or comply with its terms will result in further disciplinary action which could lead to permanent exclusion

Yours sincerely

Head of School / Centre

Cc Parent/Carer/Employer (where applicable)

Enc.

Appendix 3

Student Disciplinary Procedure

Suggested wording for final written warning

Name
Address

Dear (Name)

Final Written Warning

On (date) we wrote to you about your conduct whilst at College and asked that in future, you conduct yourself in accordance with the College Rules, Regulations and Procedures. **Insert as appropriate** (You also entered into a Learning/Behavioural Agreement dated) I have been informed that on (date) you breached the College Rules, Regulations and Procedures again in the following manner: (give date and details of the misdemeanour).

This behaviour is unacceptable and I am writing to advise you that with immediate effect I expect you to abide by the College Rules, regulations and Procedures. This letter is a final warning and if any further incidents occur, you will be required to attend a disciplinary hearing which may lead to your suspension and ultimately your permanent exclusion from the College. **Insert as appropriate** (You will also be required to enter into a new Learning/Behavioural Agreement).

Or (In order to assist you and ensure that you are complying, you are now required to sign a Learning/Behavioural Agreement. Failure to sign this agreement or comply with its terms will result in further disciplinary action which could lead to permanent exclusion).

Yours sincerely

Head of School / Centre

Cc Parent/Carer/Employer (where applicable)

Enc.

Appendix 4

Suggested wording for student suspension

Name
Address

Dear STUDENT NAME

I am writing to you regarding the alleged incident (state what the alleged incident was) which occurred on (date and if known time). This letter is to confirm your suspension from the College pending the matter being investigated at a Disciplinary hearing. The hearing will be convened as soon as possible and I will write to you again, once a date and time have been fixed to give you more detailed information. In the meantime please note the following:-

1. A copy of the Student Disciplinary procedure is attached for your information
2. As you have not yet been able to give a statement of your version of events I should be grateful if you would now prepare this and send to me as soon as possible. Please remember to sign and date it. (Insert/delete as appropriate)
3. Pending the hearing you must under no circumstances return to the college or its campus without my express permission.

If you have any immediate questions then please contact me 01603 773ext.

Yours sincerely

Member of Executive Team

Cc Parent/Carer/Employer (where applicable)

Enc.

Appendix 5

Suggested wording for advising a Disciplinary hearing

Name
Address

Dear (Name)

Re Disciplinary hearing arranged for (date) at (time).

I am writing to you in connection with the allegation that on (state and nature of allegation e.g. on Friday 10th March 2006 you physically assaulted XYZ), thereby and in accordance with the Student Disciplinary procedure committing an act of Gross Misconduct.

The date of the hearing has now been arranged as detailed above and you are requested to attend. In connection with this hearing please note the following:-

1. You should arrive at the college at least 30 minutes before the hearing time. This is so you can have the opportunity of reading all statements collected by the College
2. On arrival please report to the main reception.
3. Please note that in accordance with the Student Disciplinary Procedure you may be accompanied by a family member or friend. You are also entitled to call witnesses (see section 4.4.4.). You must, however, give 2 days' notice to the Head of School / Centre, including names, if you are to be accompanied or intend calling witnesses.
4. The College is also entitled to call witnesses. At the present time it intends calling the following:-..... **Or** at the present time it is not the intention to call any witnesses but it reserves the right to do so.

Pending the hearing you remain suspended from the College and I would remind you that you can only enter the campus with my express permission.

If you have any questions arising from this letter or any other matter connected with the allegation you may contact me on (Tel No).

Yours sincerely

A member of the Executive Team

cc Parent/Carer/Employer (where applicable).

Enc.

Appendix 6

Student Disciplinary Procedure

Suggested wording for advising the decision of the hearing to the student

Name
Address

Dear (Name)

Re Disciplinary hearing held on (date) at (time).

I am writing further to the Disciplinary hearing detailed above to confirm the decision.

In respect of the allegation that you (detail allegation and date i.e. on Friday 10th March 2006 you physically assaulted XYZ), thereby and in accordance with the Student Disciplinary procedure committing an act of Gross Misconduct the hearing has **insert (A)*** upheld the allegation **or (B)**** the panel has dismissed the allegation.

(A)*

The decision of the hearing is:-

1. Insert decision e.g. you are excluded from the College for the remainder of this academic year or permanently excluded or will be allowed to return with effect from (insert date) etc.
2. Insert conditions e.g. Your return will be subject to you agreeing to apologise to.....
Or accepting support from the College with your behavioural problems etc.
3. Insert as appropriate: You will be required to enter into a signed Learning/Behavioural Agreement (copy attached).
4. Insert if appropriate – Please note that this letter is a *first and final or final* written warning. If any similar incidents occur, or any other matter is brought to the College's attention, which constitutes an act of Gross Misconduct under the Student Disciplinary Procedure, you may be immediately excluded from the College without any further hearing taking place.

(B)**

The decision of the hearing is:-

1. That no further action be taken against you and you be allowed to return to the College with effect from (insert date) or
2. You be allowed to return to the College with effect from (insert date). Add any conditions – see** below such as written warning or final written warning.

In conclusion I would draw your attention to section 6 of the Student Disciplinary Procedure which details the circumstances under which you may lodge an appeal against the hearing's decision.

Yours sincerely

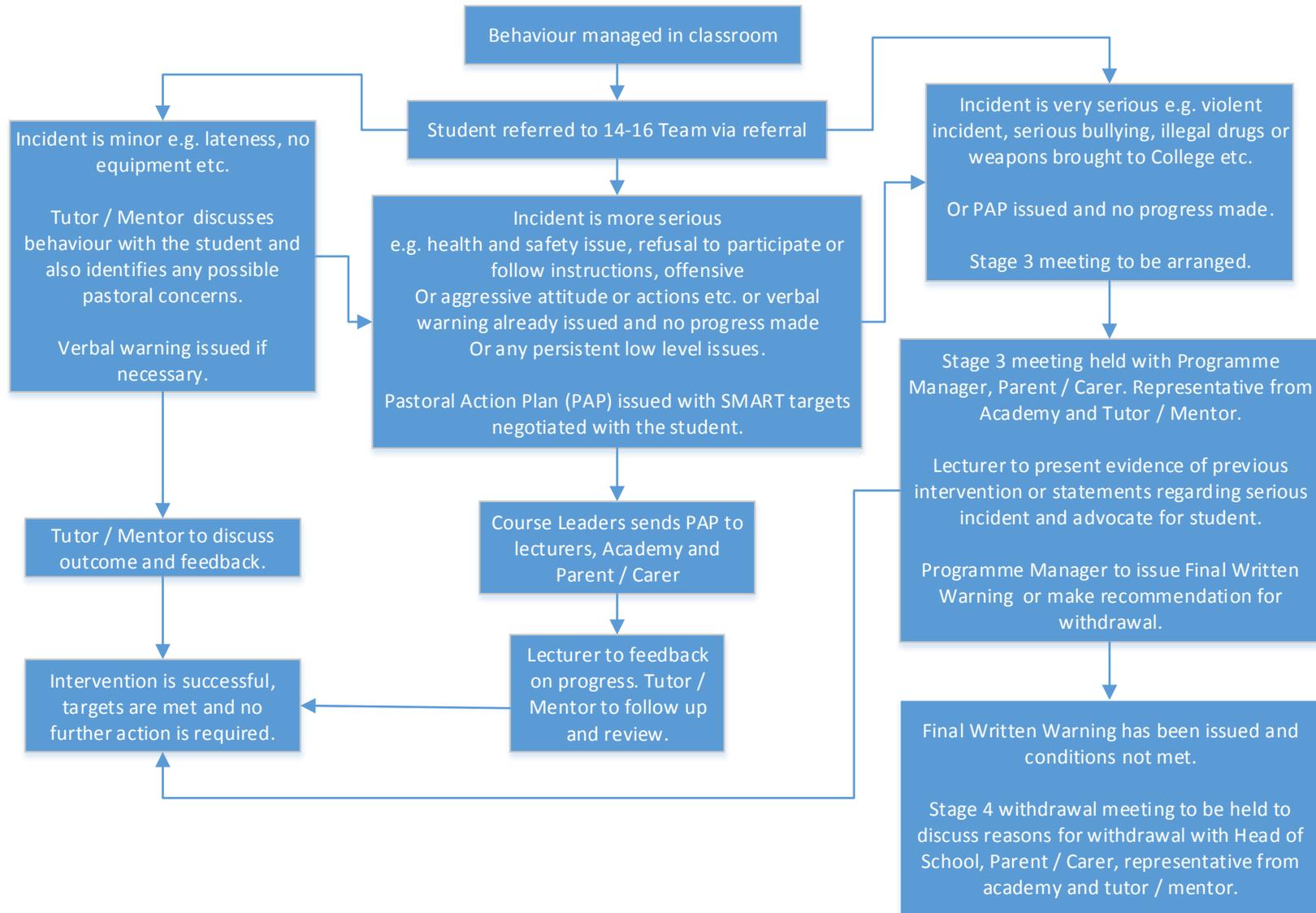
Chair of the Hearing

Cc Parent/Carer/Employer (where applicable)

Enc.

NB. In dismissing the allegation the hearing may decide that the student's behaviour / action was unacceptable and whilst not constituting an act of Gross Misconduct warrants a written warning or final written warning or other action such as an apology.

Appendix 7



Appendix 8

Learning/Behavioural Agreement.

The purpose of this agreement is to provide:

- The student with a clear set of conditions which must be met, in full, throughout the length of the agreement to ensure standards of behaviour and/or performance are improved.
- The course tutor with the responsibility to review progress against these conditions at regular intervals.

**THIS LEARNING/BEHAVIOURAL AGREEMENT HAS BEEN
PRODUCED UNDER THE PROVISIONS OF THE STUDENT
DISCIPLINARY PROCEDURE IN RESPONSE TO UNACCEPTABLE
CONDUCT BY THE STUDENT.**

The under mentioned conditions must be met in full by:

First name(s).....

Surname.....

Date of Birth.....Student No.....

Date Agreement becomes Operative.....

Date Agreement Terminates (Insert agreed date or ufn).....

Frequency of Reviews (Insert fortnightly etc.)

Name of College Staff Member reviewing progress.

School.....

Learning/Behavioural Agreement Terms:

1. Adherence to the College Charter.
2. Comply with the College Student Attendance and Achievement Procedure.
3. Comply with College Rules and Regulations for attendance, punctuality and study requirements.
4. Insert other conditions as appropriate i.e. No future incidents of verbal abuse of fellow students.
5. Ditto 4 above e.g. No future misuse of College Equipment.
6. Ditto 4 above e.g. Formal apology to student verbally abused.

Review Dates: 1.....2.....3.....

4.....5.....6.....7.....

I agree to meet the conditions of this Agreement

Student Signature.....

Date signed.....

In the presence of (Full name and position at the
College).....

Parent / Carer / Employer Signature (Where appropriate)

.....

Date signed.....

A copy of this agreement must be given to:

- The student
- The Head of School / Centre
- The Course Tutor
- Parents / Carers / Employer (where appropriate)
- Employer (where appropriate)
- Uploaded to the eILP

Appendix 9

CITY COLLEGE NORWICH STUDENT DISCIPLINARY PROCEDURE

Purpose and Scope

The purpose of this procedure is to enable College staff to deal with student disciplinary issues in a consistent and fair manner. It provides for the orderly investigation and resolution of cases of alleged unsatisfactory conduct and will be initiated:-

- (a) When a student is alleged to have broken College rules, regulations and procedures.
- (b) When a student is alleged to have breached the Equality Statement (available on the College website, blackboard and the student handbook).
- (c) When gross misconduct is alleged (see para 4.4.1).
- (d) For students in the 14 – 16 age group please refer to the 14 -16 Behavioural Policy.

2 Exceptions

- 2.1 Minor infringements of discipline should be dealt with by either the student's Tutor or the Programme Manager, Team Leader, Curriculum Manager
- 2.2 In cases of irregular attendance or persistent student absence the College Student Attendance and Achievement Procedure should be referred to and applied.
- 2.3 Failure to submit work in accordance with study guidelines. In such cases if the Head of School / Centre considers exclusion this must be discussed with the Principal prior to the hearing. The Principal will then be consulted after the hearing before exclusion can be invoked.
- 2.4 Students who have a medical condition, Learning difficulty or disability which could be related to their lack of discipline. In such cases the Admissions and Review panel should be convened. See the separate Admissions and Review panel Procedure for details.

3 Initial Decision Making

The Head of School / Centre will need to decide, based on the information available, whether an alleged incident warrants application of the formal disciplinary procedure and if so, at what stage (see below). Further investigation by the Head of School / Centre may be needed before making this decision.

The purpose of the investigation is to ascertain promptly the facts and circumstances relating to the alleged incident, to record the findings, and to make a judgement as to whether the disciplinary procedure should be invoked. If, in the judgement of the Head of School / Centre, disciplinary action is not to be invoked then no record should be maintained on file.

Due account should be taken of the stressful nature of a disciplinary investigation and, if it is thought appropriate, a member of staff or Student Union official unconnected with the original complaint and disciplinary processes should advise and support the student.

Depending upon the severity of the incident, the disciplinary procedure can be implemented at any stage. For example a case of gross misconduct would warrant a disciplinary hearing as the initial response. In exceptional circumstances it may be necessary to suspend a student pending the outcome of the disciplinary hearing. In such cases reference must be made to a member of the Executive Team. If suspension of a student is agreed the procedure detailed below must be followed.

4 The Disciplinary Framework

4.1 Stage One – Verbal Warning

For a minor breach of College regulations a verbal warning may be considered sufficient. If so, it should be delivered in private by the student's Tutor. The student will be told why his/her behaviour does not meet an acceptable standard and made aware of what he/she has to do in order to meet that standard. Such issues as disruptive behaviour in the classroom, persistent use of mobile devices and repeated failure to carry a college identity card may need to be dealt with in this way and separate guidance is available for these.

This will be added to your eLP and if appropriate, a copy posted to your parent / carer / employer.

4.2 Stage Two – First Written Warning

For a more serious breach of College regulations, or for further breaches after a verbal warning has already been issued, a written warning should be given to the student. For a student who has not previously been required to enter into a signed Learning/Behavioural Agreement this should be included. This should be from the Head of School / Centre and will be added to your eLP and if appropriate, a copy posted to your parent / carer / employer.

4.3 Stage Three – Final Written Warning

A final written warning should be given to the student for a breach of College regulations considered serious enough to issue a severe written warning as the first response, but not sufficiently serious to warrant a disciplinary hearing, or for further breaches of regulations by a student who has already received a written warning. This should be from the Head of School / Centre and will be

added to your eILP and if appropriate, a copy posted to your parent / carer / employer. For a student who has not previously been required to enter into a signed Learning/Behavioural Agreement this should be included. Where a student has already entered into a Learning/Behavioural Agreement consideration should be given to revising its conditions. A copy of the letter is to be kept on the student's file for as long as they remain a student at College.

4.4 Stage Four – Disciplinary Hearing

4.4.1 A disciplinary hearing will be held in the following circumstances:-

- (a) A student's conduct continues to be unsatisfactory despite warnings.
- (b) A student commits an act of gross misconduct.

Examples of gross misconduct may include but is not restricted to:-

- Physical or verbal assault whilst on College premises or College related activities.
- Harassment or bullying (see separate Bullying and Harassment Policy (Learners) for more guidance).
- Possession of or dealing with illegal substances.
- Alcohol abuse.
- Vandalism.
- Theft.
- Abuse or misuse of computer equipment;
- Infringement of the Ten Group Equality and Diversity Procedure.
- Behaviour which brings the College into disrepute.

This is not a definitive list.

4.4.2 If it is alleged a student has committed an act of Gross Misconduct, the matter is to be reported immediately to a member of the **Executive Team who will decide, on the information available, if the student should be considered for suspension.**

Subsequently and wherever possible, the Head of School / Centre will interview the student concerned, who should be given the opportunity to state their version of events. Following this meeting if the Head of School / Centre determines that further action is necessary they must consult a member of the Executive Team to confirm the Disciplinary Procedure is to be invoked and if so

what is the most appropriate method of dealing with the matter i.e. Stage 1 to 3 or a Disciplinary Hearing.

The member of the Executive Team will review the allegation and confirm if the student should be suspended. The suspension of a student will always lead to a Disciplinary Hearing. At this stage the Head of School / Centre will also agree with a member of the Executive Team if they need to attend and Chair the hearing which will be necessary if it is thought that the student could be excluded.

If the student is to be suspended then they are to be verbally informed of the suspension. In some cases it may not be possible to see the student i.e. they have left the campus. In such instances every effort should be made to speak with them on the telephone. They should be informed of the nature of the allegation and that the suspension will be confirmed in writing. A copy of this procedure **must** be included with the letter. This should be from the Head of School / Centre and will be added to your eLP and if appropriate, a copy posted to your parent / carer / employer.

If the student concerned has not already given a statement of their version of events the letter must invite them to submit this to the Head of School / Centre.

4.4.3 Following the students suspension the Head of School / Centre will be responsible for:-

- Monitoring the students period of suspension.
- Ensuring that all appropriate witness statements, interview notes, reports are collated.
- Ensuring all appropriate witnesses are requested to attend the disciplinary hearing.
- Normally incidents, however serious, will be dealt with by the College under this procedure. There may, however, be cases where it is clearly the duty of the College to report the matter to the police. Where the Head of School / Centre feels the alleged offence warrants the police being involved and to ensure the College adopts a consistent and uniform approach to these incidents, the matter is to be discussed with a member of the Executive Team, whose agreement must be obtained.
- Arranging for another Head of School / Centre to Chair the hearing
- This will normally be within 2 weeks of the suspension of the student and **only in exceptional circumstances** will this deadline be extended i.e. student/witnesses not available because of holidays, sickness etc. In all cases where an extension is required the matter is to be discussed with the Principal or a member of the Executive Team, whose agreement must be obtained.

- Liaising with the Chair regarding statements that are required and witnesses who will be requested to attend.
- Advising the suspended student of the date of the hearing, ensuring that 5 working days' notice is given

4.4.4 The suspended student should be informed in the letter of the following:-

- The date, time and place of the hearing. The place will normally be on College premises.

NB. The Head of School / Centre may need to book additional rooms to ensure that the suspended student and any witnesses etc. they might have requested are kept separate from any other parties.

- The nature of the allegation
- A contact telephone number
- The student is entitled to be accompanied by a family member/friend or representative. Where a student wishes to bring more than 2 representatives the Head of School / Centre in consultation with the Chair (see above) have discretion. The student must give at least 2 days' notice to the Head of School / Centre and the names and relationship of anyone accompanying them.
- The student is entitled to call witnesses. The student must give at least 2 days' notice to the Head of School / Centre and the names of any witnesses they are calling.
- Advise the student if the College has or will be relying on statements it has collected and the names or any witnesses it proposes calling. The student is to be advised that they should arrive at least 30 minutes before the hearing in order that they can read any statements etc. the college has collected.

NB. Statements will not be sent to suspended students prior to the hearing as a matter of course. This is in order to protect the persons giving them. They must, however, be made available for reading by the suspended student prior to the hearing and the Chair **must** ensure the student has had adequate opportunity to read and understand the contents before the hearing commences.

Similarly, in exceptional cases the names of witnesses the College proposes calling may be withheld until the hearing. The Chair should then advise the student at the hearing of the names of witnesses who have been called and the reason(s) why their names were withheld.

4.4.5 The hearing will be chaired by another Head of School / Centre. The hearing must be minuted by a member of the Secretariat Services Team designated by the Secretariat Services Team Leader.

The hearing will be conducted as follows:-

- Prior to the hearing the suspended student (and if the allegation is that an act of Gross Misconduct was committed against another student then that student as well), must be given the opportunity of reading **all** statements.
- The Chair should then invite the suspended student and if present, their representative(s) to join the hearing. The Chair will deal with any introductions and procedural points. The Chair will detail the allegation(s) against the student, how the hearing will be conducted, the names of any persons involved and witnesses and when and in what order any other person involved or witnesses will be called.
- The Chair and/or the Head of School / Centre may put questions to any students, their representatives and witnesses.
- The suspended student (and with the Chair's agreement) their representative(s) may put questions to any other student, their representatives and witnesses. This procedure will also apply to any other student involved.
- When the Chair is satisfied everyone has been heard and there are no more questions, the hearing will then sit in private to consider if the allegation is substantiated and if so what sanction(s) will be imposed. In arriving at their decision the hearing will take in to account the nature of the allegation, all statements both written and verbal and any mitigating circumstances.
- Once a decision has been arrived at the suspended student will be invited to re-join the hearing and will then be advised of its decision.

This may include:-

- Allowing the student to return to the college
- Appropriate Warning in place:
 - First Written Warning
 - Final Written Warning
- Entering into a Learning/Behavioural Agreement (**A compulsory requirement when a student is allowed to continue at the College**)
- Suspension for a defined period
- A request for permanent exclusion or exclusion for a set period of time (as detailed in 2.3)
- Restitution

NB. Conditions may be set e.g. a formal apology, counselling, support etc.

- The Chair will be responsible for communicating the decision to the student within 5 working days by letter, copied to parents / carer / employer where

appropriate. This letter must detail the student's right of appeal (see 5 below).

- The Chair will also be responsible for ensuring that a report of the hearing is compiled and sent to the Principal. The papers will be stored electronically by the minute secretary in a central area.
- The Head of School / Centre for the learner's curriculum area is to be responsible for ensuring the outcome of the hearing is implemented and any appropriate advices are issued. This is completed at the time of the hearing by the Head and given to the minute secretary to arrange. This is particularly important when a student is excluded from the college. In this case an advice of the student's exclusion will be added to the suspension and exclusion log.

The Head of School / Centre should also ensure that where an allegation is substantiated, the student's file and eLP is suitably annotated and the record remains for as long as they remain at the College.

4.4.6 If the student fails to attend the hearing without offering an acceptable explanation, then it shall be conducted in their absence.

4.4.7 If for any reason the Chair decides a witness need not attend (e.g. there may be grounds for suspecting intimidation etc.) or any witnesses are unable to attend, they will be entitled to submit a written statement to the Head of School / Centre at least 2 days prior to the hearing. The statement(s) will be read out by the Chair at the hearing and any appropriate parties asked to comment on the statement(s). Alternatively if a witness is prepared to attend but not appear before a suspended student and his/her representative, then at the discretion of the Chair, the hearing may see the witness on their own. In either case the suspended student should be informed of this action at the start of the hearing.

4.4.8 If at any time a student admits to an allegation of gross misconduct **in writing**, the matter can proceed immediately to a hearing. The hearing will be arranged and conducted in accordance with the procedure detailed in 4 above and its subsequent sections, with the following differences:-

- The Chair of the hearing must be satisfied the student understands the allegation(s) and to what they are admitting.
- Apart from statements collected prior to the admission no, other statements need be taken.
- Witnesses need not be called.
- The student will be allowed to be accompanied and bring a representative as detailed in 4.4.4 above

4.4.9 The Chair's decision in all matters shall be final.

5 Right of Appeal

Students have the right to appeal against the decision of the disciplinary hearing on the following grounds:

- a. They have new evidence which is likely to alter the balance of the case and had **valid grounds** for not producing this evidence during the hearing;
- b. There has been misadministration in the conduct of the Disciplinary Procedure;
- c. They dispute the severity of the disciplinary action in relation to the seriousness of the misdeed.

A student wishing to lodge an appeal must do so by writing to the Principal within 5 working days of receipt of the letter confirming the outcome of the disciplinary hearing (see 4.4.5). They should state the grounds for appeal (see above) and enclose any documents they wish to submit in support.

6 Appeal

The arrangements for the appeal panel will be made by the Clerk to the Corporation. The appeal panel will comprise a College Governor, the Principal (or their nominee) and a member of academic staff, none of whom should have been involved in either the alleged incident or the earlier disciplinary hearing. The Governor will Chair the panel and the Clerk to the Corporation or a secretary shall record minutes. The procedure to be followed will be as set out in 4.4.4 and 4.4.5 above with the exception that dependent on the grounds of the appeal it may not be necessary to call witnesses.

The student will be informed of the outcome of the appeal in writing within 5 working days.

If the appeal is upheld then the possible outcomes are:-

- Delete all references to the disciplinary action from the student's file. A copy of the appeal papers to be kept confidentially on the College central file for the duration of the student's course, plus 6 years. This could apply in cases where the appeal was on grounds 5(a) or (b).
- The disciplinary action is reduced and the record on the student's file is updated accordingly. This could apply in cases where the appeal was on grounds 5(a) or (c).

There will be no further right of appeal.

7 Police Involvement

The College reserves the right to involve the police when any act of a criminal nature is alleged. In such circumstances a student may be suspended pending the outcome of police enquiries, without making assumptions of guilt or innocence in respect of the allegations.

See also 4.4.3 above.

8 Confidentiality

All disciplinary hearings will be treated as confidential to the parties concerned. After the hearing (and appeal if applicable) all related papers will be disposed of confidentially an electronic copy will be held centrally and kept for the duration of the student's course plus 6 years, whether the hearing finds against the student or not.

Where an allegation is substantiated a record will also be kept on the student's file and eLP for as long as they remain a student at College.