

**Student Disciplinary Policy**

City College Limited

69 Steward Street

Birmingham

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| Title  | Student Disciplinary Policy | Department  | Quality  |
| Location  | Sharepoint  | Author  | PWA |
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| V.2 | PWA | January 2021 | Review |

**Key Person(s)**

**Managing Director**

**Associate Director for Quality and Partnerships**

**Higher Education Manager**

**Chief of Staff**

**Student Disciplinary Policy**

**Policy Statement**

City College strives to deliver the highest standard of teaching learning and assessment to each of its students and aims to uphold the integrity of any and all qualification and awards the College delivers recognising that many students strive to become professionals. To achieve this, the College recognises the need for robust procedures to ensure all students maintain the expected standards of discipline, behaviour and attendance throughout their learning journey and that there are robust procedures and support mechanisms in place.

This Policy is not intended to replace existing procedures, staff and students should read this policy in context and:

* If students have concerns College about services provided, they should be raised as a complaint through the standard Complaints Procedure.
* If there is a concern about a student’s professional conduct, it should be raised through the Fitness to Practise Policy
* If there is a concern about a student’s well-being this should be raised either through the Safeguarding Policy if there are external factors or the Fitness to Study Policy for internal factors.

**Responsibility for Student Discipline**

All students are expected to behave inan adult and responsible way so that everyone can study effectively. Students are expected to make every effort to achieve the standards required on their programme and demonstrate behaviours and understanding appropriate to their chosen area of employment. During teaching and learning activities the tutor has immediate responsibility for student discipline however, within the College all staff have immediate authority to take action to maintain discipline. Any member of staff observing a student behaving in an inappropriate manner has the authority to warn the student that their behaviour is unacceptable and might lead to disciplinary action.

 **Misconduct**

Breaches of discipline may be minor, major or gross. Examples of each type of breach are given below for guidance. This list is not exhaustive and professional judgements will need to be made about the severity of each breach. For the first six weeks of all programmes, all students will be on probation. Appropriate action will be at the discretion of the tutors but must be authorised by the Higher Education Manager.

Minor Breach: disruptive behaviour, unduly noisy or unruly behaviour, smoking on any part of the College, lateness, Unauthorised Absence or nonengagement, less than 85% in a single week without notification

Major Breach: persistence of a minor breach, offensive language or behaviour, refusal to identify themselves, acting in an unsafe manner, including failure to comply with Health and Safety Policy and Regulations, disruption to the work or recreation of others or a continuing nonengagement, less than 85% for two weeks without notification.

Gross Breach: persistence of a major breach, theft, violence, serious threat of violence, including threats/bullying made via emails, mobile phone and social media, incapability through drugs or alcohol, deliberate damage to College property, sending accessing and/or downloading pornographic/offensive material via the internet, any other breach of the E- Safety Policy, the Bullying and Harassment Policy or the Equal Opportunities Policy, and any criminal activities affecting the College or other students or which could bring the College into disrepute or a continuing nonengagement, less than 85% from all session for four weeks without notification.

**Attendance and Engagement**

There is an expectation that students should have 100% attendance and engagement. In the event that a student knows they will not be able to attend, the student should contact the College before the start of class. Any non-attendance that is not reported prior to the start of a class will be recorded as ‘Unauthorised Absence’ in line with the City College Attendance and Engagement Polocy.

**Procedure**

The Disciplinary Procedure will begin at the stage appropriate to the seriousness of the offence.

Stage 1: Verbal Warning

This stage is to address minor breaches of the rules

Where a minor breach is identified, the Programme Lead or Administrator should meet with the student, outline the issue and identify the required change in behaviour. The Programme lead or Administrator should follow this up with an email, succinctly explaining the required change and any actions agreed.

Stage 2: Written Warning

This stage addresses major breaches of discipline, or the failure to meet the requirement of a stage 1

Where a major breach is identified the Higher Education Manager or an alternative member of the Senior Leadership Team (SLT) should meet with the student and issue a formal written warning and then develop a suitable Behaviour Action Plan to bring about improvement. Action plans should be reviewed no later than two weeks from the date of issue. Failure to meet the targets set in the action plan will lead to the student moving to stage 3 of the Disciplinary Process.

Stage 3: Final Written Warning/Exclusion

This stage is to address gross breaches of discipline or a failure to meet the requirements of a Behaviour Action Plan, following Stage 2 of these procedures.

If the student enters the Disciplinary Process at this stage, a formal disciplinary panel hearing with two College managers, who will be nominated by the Associate Director of Quality and Partnerships will be convened to consider the facts of the case. Where the student progresses to this stage of the process from stage 2, the Higher Education Manager will consider the facts of the case and make an appropriate judgement on how to proceed.

### The student enters the process directly at stage 3

Where the student has entered the Disciplinary Process directly at this stage, the Programme Lead responsible for the student’s learning programme will undertake an investigation into the facts of the case and decide whether there is a case for a Formal Disciplinary Panel to hear. The Programme Lead may request the Associate Director of Quality and Partnerships, to arrange such a panel hearing. The Panel will comprise of a member of the SLT (chair), an experienced member of the curriculum teaching staff and a member of the admiration team

The Associate Director for Quality and Partnerships will then present their findings to the Panel. The student will state their case which will include any mitigating factors. Witnesses may be called by the Associate Director or the student. The Panel will find for either the College or the student and make a recommendation to the as to what sanction should apply in the event of the Panel finding for the College. Outcomes and actions may include but may not be limited to;

* There is no case to answer
* There is a case to answer but no further action needs to be taken
* Support arrangements or reasonable adjustments can be put in place
* An action plan can be put in place to manage a positive change
* The student may be withdrawn from their current work placement
* The student may be issued with a written warning
* The student may be issued with a final written warning
* The student may be suspended from their studies
* The student may be withdrawn from the academic board
* The student may be expelled, this final sanction should be considered as a last resort

A student may also be suspended by a member of the SLT immediately, pending a disciplinary hearing, where there is reason to believe that the student has committed an act of gross misconduct

Suspensions should be used as a last resort in order to preserve order and discipline and to protect students and staff. A suspension will be ‘pending a disciplinary investigation’ and is not to be used as a punishment. All suspensions shall be reported to the Managing Director who will review the circumstances of the case and satisfy themselves that suspension is appropriate in the circumstances. This decision will be communicated to the student as soon as possible and arrange a Disciplinary Hearing within ten days of the suspension. Any such suspension will be confirmed in writing within two days of its occurrence

If the student’s conduct is considered a breach of a criminal law, the chair may, at their discretion, refer the matter to the police. In these instances, the chair may choose to suspend taking action under this policy pending the outcome of any criminal investigation or proceedings Acquittal or discontinuation of criminal proceedings will not prevent the College with continuing action under this policy

Within five days of the Disciplinary Hearing, the student will be sent written notification of the panel’s decision in respect of the matter

The student progresses to stage 3 from stage 2

Where the student progresses to stage 3 of the Disciplinary Process from stage 2, the Director responsible for the student’s programme will meet with the student to review the facts of the case. Where the Director decides that there is a case to answer he/she has two possible programmes of action:

The student will be issued with a new Behaviour Action Plan and a Final Written Warning, which will stay on the student’s record for the remainder of his/her programme. The Behaviour Action Plan should be reviewed no later than two weeks from the date of issue. Where the student fails to meet the targets set in the action plan, or engages in further inappropriate behaviour, including unauthorised absences that is subject to the Disciplinary Process.

**Appeals**

Students have the right to appeal again the outcome of the Disciplinary Process. Any appeal should be made, in writing, within ten working days of the outcome of the Disciplinary Process, clearly stating one or more of the grounds for the appeal. Appeals should be made to the Managing Director. An appeal will not be granted on a simple request, students may only request an appeal on one or more of the following grounds;

The College did not follow this policy which had an impact on the outcome

* The outcome was disproportionate with either the allegation or the evidence provided
* The outcome was unreasonable or inconstant with the evidence provided
* Evidence provided was factually incorrect
* New evidence is available that is likely to have an impact on the outcome

The decision of the original the Disciplinary Process will remain in force until it is changed by the outcome of an appeal. On receipt of an appeal the Managing Director may choose one of the following actions;

* Dismiss the appeal
* Appoint another the Disciplinary Panel sitting as an appeal panel
* In the case of new evidence, refer the matter back to the original the Disciplinary Panel.

The student will be notified, in writing, within five working days of the decision being reached along with the reasons for that decision. The decision of the Appeal Panel or the Managing Director is final.

**Related Policies**

This policy needs to be read in conjunction with other policies including:

* Academic Misconduct Policy
* Fitness to Practise Policy
* Fitness to Study Policy
* Equality and Diversity Policy
* Complaints Policy and Procedure
* Attendance and Engagement Policy
* Appeals Policy and Procedure
* Safeguarding Policy
* Bullying and Harassment Policy
* Quality Assurance and Delivery Policy
* Academic Freedom Policy
* Governance Code