

Procedure Manual

04.26.01 **STUDENT CONDUCT AND DISCIPLINARY PROCEDURE**

PURPOSE To establish a clear code of conduct for student to ensure a calm, safe and happy environment is maintained in which students can achieve their full potential, and the possible disciplinary action that may be taken if a student's conduct does not meet the required standard.

SCOPE All students.

RESPONSIBILITY Tutors, Work Based Learning Coordinators, Course Directors, Lecturers, Technician Demonstrators, Student Welfare, Personal Support Tutors, Heads of Department, Executive Directors, Assistant Principals and Vice Principals.

PROCEDURE

It is the responsibility of all Course Directors / Programme Leaders / Work Based Learning staff, to ensure students are familiar with the College's expectations regarding behaviour and conduct both on and off campus, and the possible outcomes for students if these expectations are not maintain. This would normally be undertaken during the student's course induction period, but staff and students may find it helpful to review expectations at the start of each term.

Genuine inability to meet academic course requirements should be distinguished from deliberate failure to make academic progress. For instance, it may be that after embarking on a course a student is incapable of maintaining the necessary academic standards. Cases like this should be settled between the Personal Support Tutor, Course Director and the student, with the student transferring to a more appropriate level or course, within the first six weeks of their study programme. For students under 18 at the start of the course, parents/carers should be involved in this process. Where employers are funding/supporting the student, they should also be informed.

The General Principles set out below provides information on the behaviour and conducted expected of all students in certain circumstances and helps promote the College's Character Strengths, by giving students ownership of situations, which they may find themselves in while at College. Personal Support Tutors can also help ensure students are supported if they are unsure of what is required of them.

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General Principles

1. Membership Badge

All students are required to display their membership badges while on campus to help ensure a safe and secure environment is maintained. Staff will challenge students if membership badges are not on display.

2. Absence

Absences are recorded and tracked throughout the year, with attendance data being provided in parent/carer reports and to potential employers who request an academic reference. Students or their parent/carer, must notify the student's Personal Support Tutor for any unexpected absence on the day of the absence, so that the College are aware and do not contact parents/carers unnecessarily. All non-notified absences will normally be followed up on the day of non- attendance. The College must also be informed if a student is absent on a day when they should be in attending work placement, so that the employer can be notified. Some absences are planned in advance, for example:

- Hospital, dentist, optician or other clinic
- University Open Day/Interview(s)
- Funerals
- Integrated Youth Support appointments
- Driving Tests – Theory & Practical

These absences may be able to be authorised in advance, but will require a letter from the student's parent/carer, along with any supporting evidence such as a medical appointment letter. Attendance may also be authorised for students with known ongoing health/medical conditions provided evidence of the condition can be provided.

Holidays in term time are discouraged as these can be disruptive to student learning; however, formal requests for term time holiday must be made in writing to the Vice Principal Quality and Student Experience before the holiday is booked.

3. Change of Address/Employer/Contact Details

Students are responsible for ensuring the College has their most up to date contact details, this includes employer details (if appropriate), emergency contact details and parent/carer email address. If a student changes address or employer, they need to inform their Personal Support Tutor/Course Director or the Help Zone, so that a Student Amendment Form can be completed and the required information updated.

4. Health and Safety

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The College comes under the jurisdiction of the Health & Safety at Work Act 1974. It is important for everyone to observe the regulations relating to safety

in classrooms, workshops, laboratories and general safety around the College. Students must be made aware of the Health and Safety procedures and policies relating to them and their programme of study and to adhere to any safety precautions/requirements such as the wearing of Personal Protective Equipment (PPE). Students who fail to follow Health and Safety requirements or wilfully damage Health and Safety equipment, including PPE may face disciplinary action. Please refer to the [Health and Safety Policy 12.01.01](#) for further details.

5. Drugs and Alcohol Misuse

Students are not permitted to bring alcohol or drugs into the College, nor consume alcohol on the College campus, except in Edmunds restaurant (dependent on age). Students who are thought to be under the influence of drugs or alcohol will be taken to Student Welfare for appropriate action to be taken. This may include the student being suspended, without prejudice and sent home, if it is safe for them to return home. If the student is under 18 years of age parents/carers will be informed of the incident. If it is considered unsafe to send the student home, the student will be asked to go to the Health and Safety room where they will be assessed and the necessary action taken, which may include seeking further medical advice. Parents/carers, or employers if appropriate, will be notified as to the reason why the student has been asked to leave and depending on the circumstances, the police may be informed.

The College reserves the right to search students if there is reasonable suspicion that they have brought illegal drugs into College. Searches will be undertaken by Student Liaison Workers. Should illegal drugs be found in the possession of a student the following action could be taken:

- 1) The student suspended without prejudice and sent home and parents/carer and/or employer informed. The student is subjected to the disciplinary procedure
- 2) The police informed, if a large amount of illegal drugs are found, which could indicate the ability for the student to supply others.
- 3) Should there be mitigating circumstances a therapeutic solution could be sort with the student referred to Student Welfare for referral to a drug support agency.

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6. College Computers

Information stored on the College's database is covered by the General Data Protection Regulations. Information stored on the computer networks and on standalone computers should be regarded as the property of an individual, whether student or member of staff. Students should not attempt to gain access to any part of any computer system that is not their own unless it is a public access area. Abuse of this regulation is regarded as a serious disciplinary matter. It is College policy that no unauthorised software be used on College computers including laptops and any student found to be using unauthorised software (which includes games) will be subject to the normal College disciplinary procedures. IBOSS monitors all internet use and security breaches will be handled via the disciplinary policy.

Netiquette

If students are going to use the HUB, they must log in with their own user ID and password. This is in line with the College's [Equality and Diversity Policy 01.04.01](#). The Internet should NEVER be used to access:

- Pornographic sites or those which have a sexual content, which would cause offence to any person, staff, student or visitor in the College
- Sites that allow betting or gambling online
- Material that could be used to gain illegal access to other computing resources
- Sites that infringe copyright.

The following sites may only be visited if you have written permission from a member of staff, which must be handed to the person responsible for the area when logging in:

- Sites that have a racist content
- Sites that have a sexist content
- Sites that in the opinion of a member of staff are of a nature that would cause offence

Tracking is in place for each person using the Internet, which shows exactly which sites have been visited and when. The log is checked hourly.

7. Lockers

Lockers are available for students to use while at College. Lockers should be cleared before leaving College at the end of each term. Any property left in lockers at the end of term may be disposed of, at the discretion of the College.

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8. Gambling

No form of gambling is permitted on College premises.

9. Meals and Drinks

Open cups may not be carried out of the food and drink areas i.e. the Bistro, Edmunds and De Vinci's. Neither food nor drink, except bottled water may be consumed in classrooms, workshops or teaching areas.

10. Mobile Telephones

Mobile telephones may be used in teaching sessions when advised by teaching staff. There are mobile charging points around the College.

11. Smoking and the use of e-cigarettes

The College is a non-smoking campus and the smoking of cigarettes and e-cigarettes is not permitted. Students and visitors must use the designated smoking shelters provided if they wish to smoke/vape.

12. General Behaviour and Conduct

Students are expected to behave in a responsible, mature and respectful manner at all times. Failure to do so could result in disciplinary action being taken. If students are worried or concerned; they should talk to their Personal Support Tutor or Course Director, who will guide and support them with their issues.

13. Head Garments

Hooded garments may be worn providing the hood is not worn over the head while in class and/or removed when requested by a member of staff

14. Religious Dress

The wearing of a Hijab is permitted on campus according to the College's Equality, Diversity and Inclusion policy required by the Government's Equality Act. The Niqab, Burqa and Purda or cultural variations of this, which obscures the face, are not a fundamental requirement of the Islamic faith and Muslim scholars do not have a consensus mandating their use. These items are not permitted on campus because they shield the face preventing the confirmation of student identity.

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Disciplinary Action

- Disciplinary action needs to help and support students to learn from their mistakes and to get their behaviour back on track. The procedure aims to be supportive and used as an enabling tool by staff.
- When disciplinary action is required, the student must be advised of the nature of the complaint against them and they need to be given the opportunity to state their version of the situation before any final decision is made.
- Where a student involved has a significant learning difficulty, the Personal Support Tutor must ensure that the student receives appropriate guidance and support during the implementation of the procedure, which is consistent with the requirements stated in the [Parent Handbook](#).
- Before issuing any warning, the student's Individual Learning Plan (ILP)/Onefile must be checked for previous warnings on performance that may affect the level of warning to be given.
- If further action needs to be taken with a student while they have an active disciplinary record, the student will progress to the next stage of the Disciplinary Procedure.
- No warning may be issued without a thorough investigation of the facts, to establish the nature of the allegation(s), gather evidence from relevant parties and review all information collected. A thorough investigation should be undertaken, with any evidence/statements collected in advance of a disciplinary meeting. All relevant facts must be gathered promptly, but allowing sufficient time to gather relevant evidence and speak to relevant parties.
- This procedure provides for a series of warnings of misconduct (Appendix F) which, if not heeded, may lead ultimately to exclusion. The exception to this is in the case of extreme misconduct (Appendix G) in which case no warnings will be issued before the alleged breach is considered by an Executive Director for exclusion.
- At each stage of the procedure, a copy of the Action Plan, plus any supporting documents, must be placed on the student's ILP. If the student is under 18yrs (or under 25yrs if they are a vulnerable adult) at the start of the course, the student's parents/carer and their Personal Support Tutor, if appropriate, must be informed and involved in the student meetings.

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Warning Stages**Informal Warning**

- Where there is a failure to meet academic requirements or disciplinary standards (as set out in College rules and regulations), (Appendix A) students may be given a Positive Behaviour Plan (PBP), which clearly explains the improvement

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required, how the improvements are going to be achieved and a realistic timeframe for the student to achieve the desired improvements. Staff issuing the PBP must ensure they meet with the student and discuss the concerns. The PBP should be printed out and copy given to the student. For students who are under 18yrs (or under 25yrs if they are a vulnerable adult) at the start of their course, parents/carers need to be informed of the PBP and the reasons for it by the Course Director. The student's Personal Support Tutor also needs to be made aware and informed of the PBP. Where an employer is funding/supporting the student they must be informed, but only after consultation with the Vice Principal for Employer Engagement. The PBP must be recorded on the student's ILP/Onefile.

- After this stage, or if the situation is considered sufficiently serious, the following procedure will apply:

Stage 1 Formal Oral Warning (Appendix B [04.26.01F2](#))

Given orally, usually by the Course Director for either:

- i) persistent failure to meet academic requirements, i.e. unsatisfactory standard of work, accidental plagiarism, or
- ii) Persistent unsatisfactory behaviour, e.g. absenteeism, lateness, indiscipline bullying etc.
- iii) Failure to meet the conditions set out in a PBP.

The warning will be given orally to the student and confirmed in writing. The parents will be spoken to by the Course Director and invited to meet with them. The warning will be valid without the student's signature, and still placed on their file including the Tutorial Record/ILP/Onefile. A copy of the warning will be sent to the appropriate Head of Department. For students who are under 18 (or under 25 if they are a vulnerable adult) at the start of their course, parents/carers will be sent a copy of the Formal Oral Warning (usually by email). Where an employer is funding/supporting the student they must be informed, but only after consultation with the Vice Principal for Employer Engagement.

Following the Formal Oral Warning, the student should agree an action plan, with their Course Director in order to guide them as to expectations of the College, and support will be discussed and put into place if necessary. The action plan must be recorded in the student's ILP/Onefile.

A Formal Oral Warning will last for one Term and will be spent if there are no further issues.

If the student's behaviour fails to improve then they move to:

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Stage 2 First Written Warning (Appendix C [04.26.01F3](#))

Given in writing in the form of a formal letter (normally within 5 working days) by the Head of Department, this formal warning

- i) draws attention to continued failure to meet academic requirements,
or
- ii) sets out the circumstances of the complaint, e.g. repeated absenteeism,
lateness, indiscipline
- iii) and identifies the possible consequences if the issues continue

For students who are under 18yrs (or under 25yrs if they are a vulnerable adult) at the start of their course, parents/carers will be invited to the meeting and subsequently sent a copy of First Written Warning (usually by email). Where an employer is funding/supporting the student they must be informed, but only after consultation with the Vice Principal for Employer Engagement.

Following the First Written Warning, the student should agree an action plan and any support necessary with their Head of Department and their Personal Support Tutor, in order to guide them as to the expectations of the College, and support them in achieving these. The action plan must be recorded in the student's ILP/Onfile and a review date agreed.

The warning will be classed as 'spent' after 6 months, provided the student's behaviour has improved. The warning cannot be taken into account if disciplinary action is required after a six-month period.

If a student fails to meet the required College standards during the period of an active warning, they will automatically proceed to the next stage of the procedure.

Copies of formal warnings must be sent to an Executive Director and the Head of Pastoral Support, the Personal Support Tutor and the Course Director/Work Based Learning Coordinator.

Stage 3 Final Written Warning (Appendix D [04.26.01F4](#))

If a student still fails to meet the required standards of behaviour or academic performance including intentional plagiarism, the case will be referred to the Head of Pastoral Support. The Head of Pastoral Support will chair a disciplinary meeting and will have discretion to use their judgement on the level of warning required. If it is deemed appropriate, they will issue a Final Written Warning and inform the student that any further breaches may result in the student being excluded from the course and/or the College.

The warning will be classed as 'spent' after 12 months, provided the student's behaviour has improved. The warning cannot be taken into account if disciplinary action is required after a 12-month period.

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Copies of all Final Written Warnings must be sent to the relevant Executive Director, the Personal Support Tutor, the Course Director/WBLC and the Head of Department. For students who are under 18yrs (or under 25yrs if they are a vulnerable adult) at the start of their course, parents/carers will be invited to the meeting and subsequently sent a copy of Final Written Warning (usually by email). Where an employer is funding / supporting the student they must be informed, but only after consultation with the Vice Principal for Employer Engagement.

The Head of Pastoral Support, in agreement with the Course Director and Personal Support Tutor, will agree an action plan with the student, and discuss any support necessary in order to guide the student as to the expectations of the College, and enable them to be successful in achieving these. The action plan must be recorded on the student's ILP/Onefile and a review date agreed.

Stage 4 Disciplinary Hearing (Appendix E)

Students can only be dismissed from the College by an Executive Director following a Stage 4 Disciplinary Hearing. There may be occasions when this will occur without either a verbal or a written warning, for extreme misconduct, as outlined below. Upon dismissal, the student's membership badge must be collected from the student by the Executive Director at the time of dismissal. The Executive Director must also confirm that all due fees have been paid, library books returned etc. In cases where a student is dismissed from the College, an appeal may be made in writing to the Vice Principal Quality and Student Experience.

Extreme Misconduct (Appendix G)

In the case of alleged extreme misconduct, examples of which are given in Appendix G, an Executive Director will initiate an investigation by the appropriate Head of Department. A meeting will be arranged for an Executive Director to chair and hear the results of the investigation in the presence of the student concerned, the student's parents/carer and the student's Personal Support Tutor. If stage 4 is not warranted then stages 1 to 3 may be applied at the discretion of the Executive Director, depending on the findings of the investigation and the offence committed.

Suspension without Prejudice

If appropriate, a student may be suspended immediately by an Assistant Principal, Executive Director, Head of Pastoral Support, Student Welfare Manager or Vice Principal. In exceptional cases, if any of the above are unavailable, the College Duty Officer may suspend a student. For students who are under 18yrs (or under 25yrs if they are a vulnerable adult) at the start of their course, parents/carers must be contacted before the student is permitted to leave the College. The circumstances of the suspension will be confirmed in writing on the day of the suspension and a copy sent to the student's parents/carer if appropriate. A suspension would normally lead to a disciplinary hearing. This will normally take place within ten working days of the

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initial suspension. This suspension does not represent an implication of guilt and is always taken as a neutral act.

The disciplinary procedure may be implemented at any stage if the student's alleged conduct warrants such action.

If a student fails to attend any appointment regarding this procedure without valid reason, then the matter will be decided *in absentia*, and confirmed in writing, within five working days of the date of the meeting.

Appeals Procedure

The student will have the right of appeal against exclusion to the Vice Principal Quality and Student Experience. Notice of appeal (Appendix I - Appeals Form [04.26.01F5](#)) must be sent to the Clerk to the Corporation within seven working days of receipt of the decision.

The letter of appeal must give brief particulars of the grounds for appeal.

If a notice of appeal is lodged within the time allowed, an appeal interview with the Appeals Panel will be arranged to take place within seven working days of the notice of appeal being lodged. The student will be given at least five working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend or relative, as well as their Personal Support Tutor. Any documents considered at earlier stages of the process will be available prior to the appeal, together with the notes taken at meetings with the student held prior to the decision to expel being taken.

At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.

The Executive Director who issued the exclusion will be asked to respond to the appeal and explain the reasons for the decision. The Vice Principal Quality and Student Experience may ask questions of the student and the Executive Director and will then consider whether to uphold or reject the appeal.

If the appeal is upheld, the Vice Principal Quality and Student Experience may decide that disciplinary action lesser than that recommended by the Executive Director should be taken, including a period of suspension. The Vice Principal Quality and Student Experience may also revoke all disciplinary outcomes.

If the appeal is rejected, the decision of the Executive Director will stand. The Vice Principal Quality and Student Experience may not impose any greater sanction against the student than that taken by the Executive Director.

Within five working days of the appeal interview, the final decision by the Vice Principal Quality and Student Experience will be confirmed in writing to the student.

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Informing Key Staff

A dismissed student form must be completed by the Course Director formerly responsible for the student (in addition to the withdrawal form) and circulated to managers listed on the 'Dismissed Student Form'.

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Warning Stage	Implementation	Parental Involvement	Staff to Inform	Duration of Warning	Appeal to:
<i>Informal</i> Personal Behaviour Plan	Issued by the student's Course Director for failure to meet required academic standards or for unsatisfactory behaviour.	Copy of PBP sent and Course Director to contact parent/carer	PST Head of Department	Until targets achieved, but not longer than one month	n/a
<i>Stage 1</i> Formal Oral Warning	A verbal warning will be issued at a meeting and formalised in writing as a Formal Oral Warning by the Course Director for a persistent breach of required standards. PST to be invited, if applicable.	Parents/carers informed by Course Director. Copy of FOW sent.	Head of Department	One Term	n/a
<i>Stage 2</i> First Written Warning	A written warning will be issued by Head of Department at a meeting, to which the student's parents/carers and PST will be invited, if applicable.	Parents/carers invited to attend meeting. Copy of FWW sent	Executive Director Head of Pastoral Support	Six months	n/a
<i>Stage 3</i> Final Written Warning	A second, final written warning will be issued by an Head of Pastoral Support at a meeting, to which the student's parents/carers and PST will be invited, if applicable.	Parents/carers invited to attend meeting. Copy of Final Written Warning sent	Executive Director of Quality Head of Pastoral Support	Twelve months	n/a
<i>Stage 4</i> Disciplinary Hearing	In the event of a further breach of discipline, the student will be required to attend a disciplinary hearing with an Executive Director, to which the student's parents/carers will be invited, if applicable. Referral to a Disciplinary Hearing will usually come with a recommendation for exclusion from the course and/or the College.	Parents/carers invited to meeting and copy of findings sent	Vice Principal Quality and Student Experience	n/a	Vice Principal Quality and Student Experience

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Appendix E

PROCEDURE FOR THE CONDUCT OF THE DISCIPLINARY HEARING

Any written evidence relevant to the allegation must be provided to the student and the Executive Director prior to the panel meeting. Such written evidence will be provided with sufficient time to enable the student to make reasonable arrangements for attendance and for the attendance of any witnesses. It is the student's responsibility to ensure that any witnesses called on his/her behalf are informed of the date, time and venue of the hearing.

The student is entitled to be accompanied by relatives and their Personal Support Tutor.

A note taker will be appointed as a neutral party to record the discussions and ensure adherence to the procedures, this will normally be the PA to the Vice Principal Quality and Student Experience.

The meeting will be chaired by an Executive Director, or in their absence the Executive Director for Inclusive Learning, who will ensure that all people required at the hearing are present, and that everyone understands the purpose of his/her presence.

The Head of Pastoral Support will outline the evidence to hand, calling witnesses if appropriate and checking detail/accuracy/veracity as far as reasonable.

The Executive Director will question those providing the evidence and will allow the student and/or their accompanying representative to question those providing evidence, and to raise queries concerning evidence provided.

The Executive Director will allow the student and/or their accompanying representative to reply to the allegations, calling witnesses as previously notified.

Once all evidence has been presented, the Executive Director will summarise the case against the student.

The student and/or their accompanying representative will be permitted to summarise the student's position/situation.

The Executive Director may postpone the hearing to resume later, in order to consider the arguments and make a decision based on the balance of probabilities, as to whether the allegation(s) is/are proven.

The Executive Director will reconvene the panel and inform the student verbally of their decision and reasons for their decision.

If the recommendation of the Head of Pastoral Support is upheld, then the Executive Director will indicate the means of appeal.

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The Executive Director will close the hearing, confirming in writing the decision and reasons, giving details of the means of appeal, and enclose an Appeals Form. If the student is under 18yrs, their parents/carer will also receive a copy of the written confirmation within 5 working days of the decision.

Appendix F

Student Disciplinary Procedure

Examples of Misconduct

The following offences are examples that are normally regarded as misconduct:

- Refusal to comply with a request / instruction from a member of staff
- Disruptive behaviour (including inappropriate use of mobile phones/media)
- Inappropriate behaviour to other members of the College community
- Unacceptable language
- Continual refusal to display membership badge
- Smoking outside the designated smoking area
- Criminal offences including theft
- Victimisation and bullying
- Harassment
- Substance abuse, including alcohol
- Non-compliance with College Smoking Regulations
- Violence
- Breaches of Health and Safety
- Tampering with fire equipment
- Damage and defacement of property or resources
- Littering
- Vehicle offences including unauthorised parking
- Misuse of IT equipment
- Supply of alcohol to students under 18
- Any conduct which denigrates the College reputation
- Condoning the gross misconduct of others

This list is not exhaustive.

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Appendix G

Examples of Extreme Misconduct

The following offences are examples of offences that are normally regarded as extreme misconduct:

- Fighting. Physical abuse, or threats of physical abuse.
- Swearing at a member of staff, visitor or member of the public.
- A serious criminal offence or an alleged serious criminal offence committed at College, or at a work placement, or in a place not connected with the College if the offence would adversely affect the College's reputation or has a bearing on the life of the student at College (see appendix F).
- Harassment (including bullying & victimisation) committed at College, or at a work placement that contravenes the College's Equality Policy.
- Victimisation of a person who has complained of harassment.
- Non-trivial theft, or unauthorised possession of any property or facilities belonging to the College, or work provider, member of staff, visitor or student.
- Serious damage deliberately sustained to College, or work providers, property.
- Serious negligence which causes unacceptable loss, damage or injury.
- Actual or attempted bribery, corruption or fraud, including the deliberate falsification of College documents (which includes claims forms).
- Serious incapacity at timetabled activities as a result of being intoxicated by reason of alcohol or illegal drugs.
- Serious violation of the College's rules and procedures concerning health and safety.
- Malicious and serious interference with any item of fire protection equipment or systems.
- Deliberate misuse of the College's Information Technology (IT) systems (both hardware and software), for example: downloading socially unacceptable, or inappropriate, material from the Internet; computer hacking – of other sites and/or of the College systems; sending/posting inappropriate material, or messages, through the Internet, Intranet or email systems.
- Possession of, use of or dealing in illegal drugs.

The above examples are not exhaustive, or exclusive, and offences of a similar nature will be dealt with under this procedure.

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Appendix H

Serious Criminal Offences Committed by Students

The College considers that a “serious criminal offence”, is one which may result in a prison sentence if the student is prosecuted and convicted (examples may include allegations of manslaughter, murder, rape, assaults involving significant violence, serious theft).

There may be other allegations, offences or incidents that are not covered by this definition that would not normally result in a prison sentence. However in these exceptional cases an allegation or conviction may result in the College being brought into disrepute and if it were to continue to permit a student to remain enrolled, could potentially cause significant damage to the reputation of the organisation or would place at significant risk, the welfare or safety of other members of the College community.

Normally offences such as the above would be treated as extreme misconduct and must be referred to the Vice Principal for Quality and Student Experience immediately.

1 Investigation of an Allegation of a Serious Criminal Offence

If it is considered that there is evidence that a serious criminal offence may have been committed by a student, the police will be informed. The College will normally suspend the student without prejudice pending an investigation and possible disciplinary hearing in accordance with its disciplinary procedure. The College will continue to investigate the allegation consulting with the police to ensure that the police investigation is not prejudiced. During a period of suspension, students will be permitted to continue with their studies from home by accessing online learning resources supplied by the College.

2 The Criminal Investigation

In most cases of an allegation of a serious criminal offence the College will not wait until the outcome of any prosecution before taking fair and reasonable action under its disciplinary procedure.

If a student is found to be not guilty of the allegation by the internal enquiry and is later convicted of the offence by the courts, the College may reopen the investigation and reconsider its decision in the light of the court case.

If a student is found to be guilty of the allegation by the internal enquiry and is later found innocent of the offence by the courts. The College may reopen the investigation, on appeal by the student, and reconsider its decision in the light of the court case. However the burden of proof in a criminal case is higher than for an internal

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investigation and the College may uphold its original decision if no further evidence is offered by the student.

3 Allegations of criminal offences committed by students at a place or time not connected with the College

Criminal offences committed by students at a place or time not connected with the College may be subject to disciplinary action. This action will normally take place if the nature of the alleged offence is such that, by continuing to permit a student to remain enrolled, serious potential damage to the reputation of the organisation would be caused or if the welfare or safety of other members of the College community would be placed at significant risk.

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Appendix J

PROCEDURE FOR THE CONDUCT OF APPEALS

Introduction

An Appeal can only be heard by the Vice Principal Quality and Student Experience and is normally administered by the Clerk or the Vice Principal's PA. The Vice Principal will act as Chair. The College position should be presented by a member of the original Disciplinary Hearing, normally an Executive Director. The student may be accompanied by a relative and their Personal Support Tutor, who the student may designate to speak on their behalf (hereafter referred to as the Representative).

Procedure

- 1 The Vice Principal to introduce all people present at the appeal.
- 2 The Vice Principal to ensure that all people required at the appeal are present, and that everyone understands the purpose of their presence.
- 3 The Vice Principal to ensure that the student has an accompanying representative to speak on their behalf, if they so wish.
- 4 The Vice Principal to invite the College representative to present the College position, calling witnesses if appropriate.
- 5 The Vice Principal to question those providing the evidence for the College position.
- 6 The Vice Principal to allow the student and/or their accompanying representative to question those providing evidence, and to raise queries concerning evidence provided.
- 7 The Vice Principal to allow the student and/or their accompanying representative to reply to the allegations, calling witnesses as required.
- 8 The Vice Principal to allow questions to the witnesses and/or the student.
- 9 The Vice Principal to invite the College representative to summarise the situation against the student.
- 10 The Vice Principal to allow the student or their accompanying representative to summarise the student's position.
- 11 The following options are available as a result of the Appeal:
 - a) To uphold the decision of the disciplinary hearing.
 - b) To overturn the decision of the Executive Director and, where appropriate, commute that decision to that of a Stage 3 Final Written Warning.
 - c) To decide that no action should be taken against the student.

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- 12 The Vice Principal to inform the student of the decision and reasons, and confirm it in writing.
- 13 The decision of the Vice Principal is final and will not be revoked.

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