



Higher & Adult Education Student Conduct & Disciplinary Policy

April 2019

This policy applies to :	Higher & Adult Education students
Author/Department:	Assistant Principal Higher & Adult Education & Practitioner Research Lead
Area/Person responsible:	Assistant Principal Higher & Adult Education & Practitioner Research Lead
Date approved:	April 2019
Related Documents/ Policies:	Equality Scheme, Learning Agreement, Safeguarding Policy
Date of Next review:	April 2020

Date of most recent review:	April 2019
Changes made:	

The Equality Act 2010: The Equality Duty

The College has a duty to consider the needs of all individuals in our day-to-day work – in shaping policy, in delivering services and in relation to our employees. The Equality Duty has three aims, which require the College to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Does the policy support the aims of the Equality Duty?	Yes	✓	No		N/A	
If no, please state which groups may be affected and complete a full equalities impact assessment (guidance and forms available on the intranet)						
Impact Assessment Reference:						

Initial Impact Assessment Completed	
Review of Policy	

Date	
Date	

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1. Introduction

1.1 Context and Aims of This Policy

Ashton Sixth Form College is an institution which prides itself on putting the success and well-being of its students first. In order to create the ideal learning environment in which all students have the opportunity to achieve and enjoy, the College needs to establish a set of rules/guidelines/standards for student conduct and performance.

This code of behaviour shall apply to all students of the College when they may reasonably be regarded as being engaged in activities relating to the College. This shall include behaviour arising at any time when a student may be regarded as representing the College as an individual or as part of a team or group, and when the student is at some location away from the College either as part of his/her study or following an arrangement made through the College. The College may also apply this procedure to incidents involving students not engaged in legitimate activities of the College where the misconduct involves other students of the College or where there is a risk to the reputation of the College, or is otherwise detrimental to the College as a result of the Incident.

It is essential for any educational institution to have a clear behaviour policy to provide clear rules and guidelines for behaviour to students. In order to support and backup this behaviour policy, it is necessary to have a clear discipline policy/procedure to ensure that students who depart from the required standards of behaviour or academic performance are returned to acceptable modes of conduct and work as quickly as possible. While consistency is important when implementing the disciplinary procedure, it is both inevitable and necessary to build in an element of flexibility. Context and circumstances need to be taken into consideration when deciding upon an appropriate course of action.

The rules and guidelines laid out in this policy are devised to achieve the following objectives:

- to promote order and fairness;
- to promote a purposeful ethos within college;
- to create a safe learning environment for all members of the College community, free of physical risks, bullying or harassment;
- to promote relationships based upon respect and tolerance.
- to provide students with the opportunity to modify their behaviour so that they may remain in college and successfully complete their course of study;
- to provide clear and effective systems of referral;
- to ensure that all students who may be subject to disciplinary procedures are dealt with in a fair, consistent and equitable manner.

1.2 Raising Awareness of the Policy

All members of the College community – students and staff – should be made aware of this policy and the College's expectations in relation to student conduct. Expectations of behaviour will be made clear to students in the following ways:

- college induction – both the general college induction and reinforced within class sessions;
- open/information evenings for prospective students;
- learning Agreement.

These expectations and guidelines should be reinforced throughout the academic year through:

- class sessions
- one-to-one reviews with students;

College staff (teaching and support) will be made aware of the policy through:

- full staff meetings;
- the College induction programme for new staff;
- staff training days.

New staff will be informed about the discipline policy during their induction. Training on how to use the on-line system is delivered to new staff as part of the staff induction programme.

1.3 Responsibility for Implementing and Monitoring the Policy

All college staff have a role to play in promoting good standards of behaviour and conduct in students and monitoring/reporting breaches of the policy. All members of staff should be prepared to challenge poor standards of behaviour and deal with minor breaches of the policy. However, there is a system of referral, outlined later in this policy, which should be followed for more serious or persistent breaches of the conduct policy. Where a matter is deemed to be of an extremely serious nature, the member of staff reporting the issue should refer the matter to the student's teacher or the A.P. Higher & Adult Education & Practitioner Research Lead.

All members of college staff are expected to follow the discipline procedure outlined in this policy document. It is expected that, for minor breaches of college policy, the member of staff who witnesses or is informed of the incident will deal with the matter. For more serious breaches of the student conduct policy or where concerns are persistent/ongoing, the formal referral procedure should be followed, and the matter will be dealt with by the student's teacher.

The A.P. Higher & Adult Education & Practitioner Research Lead is responsible for monitoring and reviewing this policy.

2. General Policy Statement

2.1 Expectations/Standards of Behaviour

ATTENDANCE & PUNCTUALITY

- Students must attend all timetabled lessons and tutorials.
- Students must attend student support sessions (when required).
- Any absence from college or placement must be confirmed by telephone call on the day of the absence.
- Where a student will miss lessons for reasons other than illness and this absence is known about in advance, he/she should gain advance authorization from his/her teacher and ascertain what work will be missed.
- Where a student is required to leave college part way through the college day/evening, they must inform their teacher.
- Every absence or incident of lateness will be checked.
- Where a pattern of absences emerges (authorized or unauthorized) and becomes a cause for concern, a more serious discussion will take place.
- Punctuality – persistent lateness or patterns of lateness will not be tolerated.

COLLEGE PROPERTY AND FACILITIES

- Students involved in the theft or misappropriation or misuse of the College's property, funds or assets will be subject to disciplinary procedures. This includes vandalism, graffiti and other similar offences against college property.
- All college property, including furniture, fixtures and fittings must be respected at all times.
- Damage and breakages, through wilful or neglectful behaviour, may be charged to the student in accordance with the Governors' policy on charging.
- Students should adhere to the rules stated in the ICT contract which is discussed and signed during their Canvas induction. Abuse of ICT or Internet facilities will lead to a student being placed on review. For further details, the 'Acceptable Use' policy can be referred to.
- Students should respect the College environment by disposing of all litter in the bins provided around the site for that purpose. Students should also show respect to the College's neighbours, both residents and local businesses, by not littering or causing damage in the surrounding area.
- Any interference with, or misuse of, fire safety equipment is a life-endangering offence and will result in immediate suspension from college.

ID CARDS

- Students must be in possession of their ID cards at all times.
- Any student found lending their ID card to someone else or using another student's ID card will be subject to disciplinary measures.

FOOD AND DRINK

- Food and drink are not permitted in classrooms, lessons or the Library and Library IT Centre, however there is an exception for rooms used by HE and Adult Education students. It is permitted to drink water from a sports bottle within all rooms in college.

VISITORS

- Students should not invite visitors on to college premises or encourage them in any way to enter college grounds.
- Students seen associating with unauthorized visitors will be deemed to be responsible for them being on college premises and hence to have broken the rule and be subject to disciplinary measures.
- Students should report immediately the presence of unauthorized visitors or strangers to reception or to any member of staff available so that further action can be taken.
- Where students are picked up from college by relatives or friends, they should arrange to meet the driver giving them a lift outside the College premises.

ALCOHOL

- It is forbidden for students to bring alcohol on to college premises.
- It is unacceptable for students to come into college after drinking alcohol.
- Any breach of the above rules on alcohol will result in the student being immediately suspended from college.

DRUGS

- Any student found using illegal drugs or illicit substances on or off college premises, or on college trips/visits will be immediately suspended from college, pending an enquiry into the circumstances of the incident.
- A similar approach will be taken if a student is found in possession of illegal drugs or illicit substances.
- Permanent exclusion is a likely outcome of the situations outlined above and the college will support any action taken by the police.

- It is forbidden for students to come into college under the influence of drugs or illicit substances.
- Any student who has information about drug possession, usage or sale by other students should report this to their teacher or other senior member of staff. Confidentiality will be protected.
- The college will arrange confidential drug counselling and other appropriate support for students who request help with a drug-related problem from outside college.

SMOKING/E-CIGARETTES

- The college has a 'no smoking' and 'no vaping' policy operating in all of its buildings.
- The college has designated one area where smoking is permitted. This is the covered area at the rear of the college site, adjacent to the boundary. Students should not smoke anywhere else on the college site.
- Any breach of these rules will be treated very seriously.

OFFENSIVE WEAPONS

- Following well-publicized national cases involving the carrying and/or use of offensive weapons on educational premises, legislation has extended to help tackle the problem (2006 Violent Crime Reduction Act). It is an arrestable offence to carry a knife or other offensive weapon on educational premises.
- All colleges have been recommended to introduce and maintain a procedure relating to these circumstances; it is sensible that we have such a procedure.
- The aim of the procedure is to promote precautions which seek to avoid possible injury to any member of the College community.
- Any criminal offence committed on the College premises or outside the College premises which is likely to be detrimental to the college or any of its members.
- If any student or intruder is suspected of carrying a knife or other offensive weapon:
 1. the Police must be called to deal with the suspected person;
 2. if possible, the suspected person should be kept under observation until police arrive;
 3. it is recommended that, if it is possible, the suspected person should be isolated from students, e.g. by being invited to sit in a supervised waiting area until police arrive;
 4. where possible, staff should seek immediate assistance from colleagues so that they are aided in calling for outside assistance or in observing the suspected person;
 5. A search may be carried out with immediate effect, should the situation require this. This may be done by the Principal or someone they have authorised to undertake this duty. This is most likely to involve members of the Senior Leadership Team and/or site staff. Where this is deemed an appropriate course of action, the following guidelines must be adhered to:
 - a student's possessions should only be searched in his/her presence and in the presence of an additional person over the age of 18
 - both adults must be the same sex as the student; strip searches are not permitted
 - consent to search a student should be gained wherever possible.
 6. Teaching staff should not hesitate to dismiss a class if it aids their dealing with the incident.
- In all circumstances, the safety of individuals must be the paramount consideration in any judgement made on necessary action to be taken.
- This procedure has been compiled in the light of Government information and guidelines.

RESPECT FOR OTHERS

- Bullying and harassment of any kind will not be tolerated in college.
- The following behaviours are regarded as bullying and/or harassment: verbal abuse, physical abuse, unwanted physical contact, hurtful jokes, blackmail, stalking, offensive e-mails or

letters, displaying offensive material about a person, insulting graffiti, spreading rumours, isolating individuals. Where any of these behaviours occur, the matter will be taken very seriously and dealt with accordingly.

- On line bullying/harassment (including e-mail, text, Facebook, social media sites etc.) is taken seriously by the College and will be dealt with seriously, regardless of whether it takes place inside or outside college.
- Bullying, harassment or differential treatment of a negative nature which contains a sexual, gendered, racial, religious or homophobic dimension or where a person's disability is the basis of the bullying/differential treatment will be regarded as an equality and diversity issue and will be treated as an extremely serious matter.
- Students will be informed as to how to report bullying/harassment. They should inform their teacher or any other member of staff, who should report the matter.
- Any action likely to cause injury to any person or impairing the safety of the college's premises.
- Fraud or impersonation.
- Improper disruption of or interference with teaching, learning, research, administration or other legitimate activities of the college, its members or those using the campus.
- Serious misconduct in a professional situation for example teaching practice and work (either paid or voluntary).

WE ALSO EXPECT STUDENTS TO:

- Avoid wearing clothing containing swear words or other offensive language.
- Dress in an appropriate manner in order not to offend anyone.
- Respect the local community with regard to using local transport, noise levels, parking cars and littering.
- Show respect to others by not using foul language.

3. General Procedures

- 3.1 The College's Articles of Government state that the Principal has responsibility for student discipline. The Articles also state that the Principal may suspend or exclude a student. These procedures make provision for disciplinary cases to be considered fairly and for appeals to be heard.
- 3.2 The Principal will normally delegate day to day responsibility for student discipline to the A.P. Higher & Adult Education & Practitioner Research Lead (or to another senior officer of the College as appropriate). The Principal will normally only take direct and immediate action in exceptionally serious or urgent cases, at the Principal's discretion (for example 3.5 misconduct in a professional situation requiring immediate action). In cases involving a risk of serious and immediate hazard to the well-being of a member or members of the College or to the good name of the College, it is to be expected that the student will be suspended immediately pending further consideration by the Principal. In all cases, suspension shall be reviewed every four weeks; such review is to include any developments and any representations made by the student.
- 3.3 Normally, the Student Disciplinary Procedures will only be invoked in relation to a complaint of misconduct allegedly carried out on college premises or while the student was engaged on official College activities. Where a complaint of misconduct is made in relation to circumstances other than this, the A.P. Higher & Adult Education & Practitioner Research Lead shall recommend to the Principal who will decide whether it is appropriate for the Student Disciplinary Procedures to be invoked.

PROCEDURES RELATING TO BREACHES OF CRIMINAL LAW

- 3.4 The following procedures apply where the alleged misconduct could also constitute an offence under the criminal law if proved in a court of law:
- 3.4.1 The College shall not take any action which purports to set aside or circumscribe the law of the land or the rights of any person to resort to the law.
- 3.4.2 Many circumstances which fall within the scope of the code of behaviour have the potential to be regarded as breaches of the criminal law. There are criminal acts which, even if they occur beyond the normal jurisdiction of the College, could jeopardise the reputation of the College or could be of such a nature that the perpetrator could reasonably be regarded as posing a danger to other members of the College community.
- 3.4.3 The College shall maintain a constructive relationship with the police and other statutory enforcing or emergency services and shall co-operate with any investigation by such services, and shall report any matter directly to the police or other services as appropriate.
- 3.4.4 The College may defer disciplinary action against a student until any criminal procedures have been concluded. The Principal may apply a suspension to the student until the criminal procedures have been concluded. Following the conclusion of criminal procedures the College shall consider the consequences of convictions or cautions for criminal acts incurred by the student in any subsequent disciplinary action including the suitability of that person to continue as a student of the College.

MISCONDUCT IN A PROFESSIONAL SITUATION

- 3.5 A member of staff, having teaching responsibility for a professional situation, may in cases where immediate action is deemed necessary, exclude a student from a professional situation. Such action may be necessary in cases where a student's behaviour, conduct or state of mind or health is such as to give reasonable grounds for believing that the interests of the College or clients of the College would be adversely affected by the presence or continued presence of the student in the professional situation. In cases when such action is taken it shall, in the first instance, be reported as soon as is reasonably practicable to the A.P. Higher & Adult Education & Practitioner Research Lead who may then decide that the exclusion from the professional situation shall be replaced by a formal suspension, and whether the Student Disciplinary Procedures should be revoked. As a separate matter, the College may be unable to provide a declaration of good professional conduct for that student.

4. Disciplinary Action

- 4.1 Any member of staff or student of the College who becomes aware of what they consider to be a serious case of misconduct by one or more students shall report the facts of the alleged misconduct in writing to the A.P. Higher & Adult Education & Practitioner Research Lead at the earliest opportunity.
- 4.2 Subject to 3.3 and 3.4 above, the A.P. Higher & Adult Education & Practitioner Research Lead or nominee shall, within ten working days of receipt of notification of the alleged misconduct,

consider whether the Student Disciplinary Procedures shall be invoked and shall call for such papers, examine such witnesses and conduct other enquiries into the matter as they may decide. An investigative officer may be appointed to make enquiries on behalf of the A.P. Higher & Adult Education & Practitioner Research Lead.

- 4.3 If the A.P. Higher & Adult Education & Practitioner Research Lead decides that it is appropriate to invoke the Student Disciplinary Procedures, the student against whom misconduct is alleged shall be informed immediately in writing of the nature of the allegation(s), and provided with a copy of these procedures.
- 4.4 Relevant staff of the student against whom the Student Disciplinary Procedures are being invoked will normally be informed at the same time as the student. The A.P. Higher & Adult Education & Practitioner Research Lead shall notify other officers of the College as appropriate.

STAGE ONE PROCEDURE

- 4.5 The student shall receive at least five working days written notice of a formal interview with the A.P. Higher & Adult Education & Practitioner Research Lead. The interview shall be conducted in the presence of an appropriate staff member of the College. A student attending an interview with the A.P. Higher & Adult Education & Practitioner Research Lead may be accompanied by a 'friend' (who shall be a member of the College's student body, or the student's personal teacher or another member of staff. In each case the identity, status and relationship of the 'friend' should be clearly, correctly and fully stated before the commencement of the interview). The 'friend' may speak on the student's behalf.
- 4.6 In cases where the student has acknowledged they are guilty of misconduct the A.P. Higher & Adult Education & Practitioner Research Lead may apply the measures detailed in section 5.
- 4.7 In cases where the student does not acknowledge guilt for the alleged misconduct, the A.P. Higher & Adult Education & Practitioner Research Lead may refer the case to a College Disciplinary Panel which will hear the case and determine the outcome to be applied as detailed in section 5.
- 4.8 The A.P. Higher & Adult Education & Practitioner Research Lead will inform the student of their decision in writing within three working days of the interview.

STAGE TWO PROCEDURE

- 4.9 The composition of the Disciplinary Panel shall be three officers of the College, approved by the Principal. The members of the Panel must not have any other personal interest.
- 4.10 The Panel shall convene no more than ten working days following the communication of the A.P. Higher & Adult Education & Practitioner Research Lead. The student will be notified in writing of the date, time and location of the hearing.
- 4.11 A student attending a Disciplinary Hearing may be accompanied by a 'friend' (see 4.5).
- 4.12 Failure to attend a disciplinary hearing, without prior notification of incapacity shall be considered to be a breach of the regulations; the panel may decide to hear the case in the student's absence based on the evidence available to them.

- 4.13 The A.P. Higher & Adult Education & Practitioner Research Lead (or nominated Investigating Officer) shall present the findings to the Panel based on the evidence received from witnesses and statements from members of staff or students. The findings of the preliminary meeting shall also be considered.
- 4.14 Following the hearing, the Chair of the Panel shall inform the student in writing of the Panel's findings, including details of any sanction or penalty to be applied.

5. Findings, Sanctions and Penalties

The following measures may be applied:

- 5.1 Dismiss the case or otherwise decide that no further action is warranted.
- 5.2 Give the student appropriate guidance or advice, or refer the student to others for guidance or advice.
- 5.3 Warn the student informally.
- 5.4 Warn the student formally, in writing.
- 5.5 Rule and give notice that the student be denied access to and use of specific rights, services or privileges.
- 5.6 Rule that the student be required to pay a fine, appropriate costs (e.g. for damage) or to make appropriate restitution.
- 5.7 Rule that the student should carry out a period of service to the College community appropriate to the proven misconduct.
- 5.8 Rule that the student be given a formal, written reprimand (to be held permanently on the student's file(s)).
- 5.9 Recommend to the Principal that the student be permanently or temporarily excluded or expelled. The student may also be suspended from the College for a period of time pending any appeal to the Appeals Committee (Student) of the Governing Body.
- 5.10 Recommend or take other action as appropriate to the case

6. Appeals Procedure

- 6.1 A student may appeal against a decision of the A.P. Higher & Adult Education & Practitioner Research Lead or Disciplinary panel on the following grounds:
 - The disciplinary interview / hearing failed to take into account all relevant facts before decisions were taken.

- The disciplinary procedures were not followed correctly prior to decisions being taken.
- The nature of the breach of discipline does not justify the severity of the sanction imposed.

- 6.2 The appeal must be in writing, should specify the grounds of the appeal, and must include full supporting evidence. The appeal must be received by the A.P. Higher & Adult Education & Practitioner Research Lead within ten working days of the date on which notification of the decision of the disciplinary hearing was sent to the student.
- 6.3 An appeal against expulsion or suspension from the College will be heard by the Appeals Committee (Students) of the Board of Governors. All other appeals will be heard by the Disciplinary Appeals Panel.

THE DISCIPLINARY APPEAL PANEL

- 6.4 The Principal shall establish a Disciplinary Appeal Panel with the following membership:
Principal
1 Member of staff appointed by the Principal
The Principal shall appoint a member of staff as Chair to the Disciplinary Appeal Panel.
- 6.5 No member of the Disciplinary Appeal Panel shall have been directly involved in the disciplinary case.
- 6.6 A quorum of the Panel shall be all the members. The Secretary will ensure that the student receives at least five working days' notice of the time and place of the meeting.
- 6.7 The student may be accompanied to the meeting by a 'friend' (who shall be a member of the College's student body, the student's personal teacher or another member of staff). In each case the identity, status and relationship of the student or staff member shall be clearly, correctly and fully stated before the commencement of the meeting. The 'friend' may speak on the student's behalf.
- 6.8 If, at the time appointed for the hearing, the student does not attend, the Chair of the Disciplinary Appeal Panel may proceed to hear the case if he/she is satisfied that proper notice of the hearing has been given to the student.
- 6.9 The Panel shall have the right to call for such reports, interview such persons and consider such evidence as it may deem necessary to reach a decision.
- 6.10 All witnesses called before the Panel shall be available for cross-examination and re-examination if necessary.
- 6.11 The Disciplinary Appeal Panel shall, after considering all the evidence, reach its decision in private session. The decision will be notified to the appellant after the meeting and in writing by the Chair within three working days of the meeting of the Panel.
- 6.12 The Panel shall have the power to annul, amend, or confirm the decision of the A.P. Higher & Adult Education & Practitioner Research Lead or the Disciplinary Panel subject to the wording in sections 5.1 – 5.8.

7. Appeals Committee of the (Student's) Board of Governors: Exclusion or Expulsion

- 7.1 The Board of Governors shall establish an Appeals Committee (Student). If, on receipt of the written decision that a student be permanently excluded or expelled on disciplinary grounds, the student wishes to appeal to the Committee, a letter must be written by the student to the Clerk of the Board of Governors within 10 working days.
- 7.2 All cases of suspension or expulsion for disciplinary reasons shall be reported to the Appeals Committee (Student). No student shall be permanently excluded or expelled for a non-academic disciplinary reason without being given the opportunity of appearing in person, accompanied if desired by a 'friend' before the Appeals Committee (Student).
- 7.3 If, at the time appointed for the hearing, the student does not attend, the Committee may proceed to hear the case if they are satisfied that proper notice of the hearing has been given to the student. At least 10 working days' notice must be given of a hearing.
- 7.4 The 'friend' shall be a member of the College's student body, a representative from the Students' Union, the student's teacher or another member of staff; in each case, the identity, status and relationship of the student or staff member shall be clearly, correctly and fully stated before the commencement of the hearing.
- 7.5 The Committee shall have the right to call for such reports, interview such persons and consider such evidence as it may deem necessary to reach a decision.
- 7.6 All witnesses called before the Committee shall be available for cross-examination and re-examination if necessary.
- 7.7 The Committee shall, after considering all the evidence, reach its decision in private session. It may uphold or dismiss the appeal, or otherwise decide to recommend to the Principal that other action is taken. The decision will be notified to the appellant after the meeting and in writing by the Clerk to the Governors within three working days of the meeting of the Committee.
- 7.8 For Higher Education students, once the College's processes have been exhausted, the breach of discipline will be passed over to the relevant partner university using their policy if the matter is related to an area of responsibility held by the University or in cases where individual issues cannot be resolved in line with the College procedures.