

STUDENT DISCIPLINARY PROCEDURES

1 Introduction

LCIBS is committed to ensuring the maintenance of a College community in which both learners and staff can work or study to the best of their abilities. The College culture believes in the idea of mutual respect and co-operation which provides the foundation for the orderly conduct of the College community. The Student Disciplinary Procedures provide a framework for managing student behaviour in order to ensure the proper functioning or activities of the College for those who work or study in the College.

These Procedures should be read in conjunction with the Student Disciplinary Policy 2017/18

2 Scope

2.1 The procedures apply:

- to all learners of the college whether full time or part time
- to all learners studying at the College, whether or not the course or programme of study is validated by or associated with any other institution
- to all learners studying in off-site provision i.e. work experience, educational visits, work-based learning

2.2 The purpose of the procedure is:

- to help and encourage students to achieve and maintain acceptable standards for:
 - Attendance and punctuality
 - Behaviour
 - Commitment to their work
- to ensure commitment and fair treatment for all in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance

2.3 The procedure will be followed in the order of stages as set out below. However, offences of a serious nature may be brought into the procedure at any stage if an earlier stage would not be severe enough or appropriate to deal with it i.e. the procedure for a major disciplinary offence may commence at Stage 3.

2.4 This document provides details on:

- Disciplinary offences
- Major disciplinary offences
- Suspension pending disciplinary action Formal procedures:
 - Stage 1 - informal
 - Stage 2 - formal
 - Stage 3 - Final
- Disciplinary Review meetings

- Disciplinary Hearings
- Appeals against Exclusion

3 Disciplinary offences

3.1 **Misconduct** is defined as any conduct within the College which interferes with, disrupts or obstructs the activities of the College, or of another student or of members of staff of the College in carrying out their duties, or of any other person legitimately on the College premises such as a visitor or supplier of services.

3.2 The following constitute **misconduct** and as such should be regarded as disciplinary offences:

- smoking or vaping within any College building, or in any other unauthorised area
- absence without permission or other good reason from scheduled classes. Poor attendance or recurrent lateness which is not justified by illness or other good reason
- failure without good reason to meet assignment deadlines
- breach of College rules such as ID cards not being worn visibly at all times or refusing to show them on request, abusive language and gestures to other students or staff and caps or hoods being worn while on College premises
- eating or drinking in the College Learning Resource Centre, or other unauthorised areas. Water in a sealable, clear container and food and drink required for medical purposes is permitted
- using a digital device (e.g. mobile phone, MP3 Player etc) which is not linked to the learning process or in any way which is contrary to College Policy on this matter
- persistent distracting behaviour in the classroom which impedes the learning of self and others
- for international students, non-compliance with UK Border Agency regulations regarding attendance and punctuality, accommodation arrangements or other rules affecting the College's sponsorship of student visas

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

3.3 If such disciplinary offences occur, the member of staff involved should deal with the matter themselves and should report it using a paper based Cause for Concern form (appendix 1) via registry. Teachers can take action directly if it occurs with their students. In some instances, if the student continues to breach rules or behaviours are considered as major disciplinary offences, the member of staff should refer to the relevant Programme Lead or Dean.

3.4 Staff dealing with disciplinary offences should:

- remind the student of the relevant College rule
- minimise the opportunity for other students to get involved i.e. move from the scene of conflict or see a student after class
- call another member of staff and police if there is any perceived threat to the safety of themselves or others

4 Major disciplinary offences

4.1 The following constitute **gross misconduct** and as such should be regarded as major disciplinary offences:

- violent, indecent, disorderly, threatening or offensive behaviour and language whilst on College premises or engaged in any College activity
- breach of the College's policies in relation to the acceptable use of Information Communication Technology; such as abusive or offensive emails, including the use of another person's email; using College computer resources to download material of a pornographic nature from the internet, or in any other way to transmit or retrieve material of this kind
- fraud, deceit, deception or dishonesty in relation to the College or its staff or in connection with holding any office in the College, or in relation to being a student of the College
- academic cheating, including plagiarism, forgery, impersonation and any other form of cheating in assessments or examinations
- action likely to cause injury or impair safety either on College premises or on any other sites associated with the College through its professional or other programmes. This includes assisting unauthorised entry to any College site
- acts of disturbance which threaten the rights and privacy of any staff/students, whilst on College premises, engaged in College activity.
- harassment of any kind, including sexual, homophobic, disability or racial harassment of any student, member of staff or other employee of the College or any authorised visitor to the College, including that committed by electronic or other remote means
- incitement for others to commit self-harm, through use of drink or drugs or as part of group self-harm practices (such as cutting)
- unfounded and malicious complaints brought against a member of the College under the College Student Complaints Procedures
- possession or use of knives, guns or any other item that could be used as an offensive weapon
- possession, use, sale or distribution of alcoholic beverages or illegal drugs (including so called 'legal highs'), or being under the influence of the same, on College premises or at official College sponsored activities off campus. Prescription drugs would fall into this category if they are sold or distributed, or used by someone other than the named person they were prescribed for
- theft or damage, especially malicious or negligent damage, to College property, or theft or damage to property of the College community on College premises or on other premises used by the College. This can include damage to or other interference with computers or software system administration or supplies belonging to the College
- unauthorised use or alteration of College documents or stationery; or fabrication of documents or stationery purporting to be College documents or stationery; or impersonation of College staff, or other persons associated with the College. This includes misuse or unauthorised use of the College name or logo

- committing a criminal offence on College premises or while involved in College activities, or other conduct likely to bring the College into disrepute

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

- 4.2 If such major disciplinary offences occur, the member of staff involved should directly refer to the relevant Programme Lead. In cases where the offences constitute a breach of law, the Programme Lead should also refer to the Head of Operations or the Dean.

5 Suspension

- 5.1 Suspension involves the prohibition of attendance on College premises or any participation in College activities. It may be subject to qualification such as permission to attend an examination or disciplinary investigation. Managers who are able to suspend are Programme Leads, members of the senior leadership team and Dean
- 5.2 These managers can suspend a student accused of, or involved in, a disciplinary offence whilst the College undertakes an investigation. This is more likely to occur in cases of major disciplinary offences but can also include situations where there has been persistent repetition of minor offences, particularly where the safety of others is perceived to be a risk. If the manager suspends a student they will complete a Notice of Suspension (appendix 2), which should be sent to the relevant Programme Lead.
- 5.3 In cases of Misconduct, Programme Leads can also enforce a one day suspension in exceptional circumstances, where there is a need for 'cooling off' or there is a perceived risk to the student or others. The Notice of Suspension should be completed and a decision should be made within 24 hours to determine further actions to be taken with the student. This should be communicated to the student when they return on the following day. For students under 18, the parent/carer should be contacted to inform them of the suspension.
- 5.4 If the Programme Lead decides to suspend a student or receives a Notice of Suspension from another manager, they will:
- confirm the suspension in writing to the student immediately and inform the student of the reason for the suspension, the period of the suspension and remind the student that they are not permitted on College premises without the Deans written permission for the period of the suspension (appendix 2). (This is not necessary for one day suspensions).
 - inform registry
 - inform registry to suspend the student's pass (if more than one day) advise parents/carers of the suspension if the student is aged under 18
 - instigate/delegate any necessary investigation, which may include an interview with the suspended student
- 5.4 An initial suspension is for seven college days and the investigation should normally be completed within this time. This period may be extended if further time for investigation is required. The Notice of Suspension form should be used to inform students of an extension to the suspension period.

- 5.5 A Disciplinary Hearing should be arranged by the relevant Programme Lead within fourteen working days to review the circumstances leading to suspension and decide the sanctions to be applied. An invite should be sent to the student (appendix 4) and a letter sent to parents/carers of students under 18 (appendix 5).
- 5.6 A student who has been under suspension for three weeks or more may appeal against the suspension. The appeal must be in writing to the Dean. The appeal shall be heard in accordance with the provisions of Appeals against Exclusion as soon as is practicable (see section 7). The suspension shall continue pending the determination of the appeal.

6 Formal procedures

- 6.1 A formal Disciplinary meeting should be held with a student to discuss the offence(s) committed and issue the formal warnings appropriate to each stage of the process (as detailed below). The discussion and outcome should be recorded on the students' record (Open Campus). An Action Plan will be negotiated and used to monitor progress.

6.2 Stage One – informal

If conduct does not meet acceptable standards, the student will meet with their personal tutor for a Stage One meeting. The student will be:

- informed of the nature of the misconduct given an opportunity to discuss the issue informed of the improvement required
- given an Action Plan with SMART targets recorded in Open Campus, offered appropriate support to help achieve the improvement and informed that it is the first stage of the disciplinary procedure
- informed of a date and time for a review meeting
- the Notice of First Written Warning should be recorded on Open Campus.

If a First Written Warning is issued, a copy should be sent to the student via email generated from Open Campus. The Programme Lead should also email registry to send a letter confirming the reasons for the warning to the student's parent/carer (if aged under 18). After twelve months, the warning will be spent.

6.3 Stage Two – first formal

The Second Stage will be invoked by the Programme Lead, or other delegated member of the curriculum team, if:

- the student fails to comply with improvements required under the First Written Warning
- despite being given a Second Written Warning, the student commits a further offence of misconduct

The Module tutor will inform the Programme Lead of the need to take stage 2 action. The student will be:

- informed of the nature of the misconduct
- given an opportunity to discuss the issue
- informed of the improvement required
- given an Action Plan with SMART targets recorded in Open Campus
- offered appropriate support to help achieve the improvement

- informed that it is the second stage of the disciplinary procedure
- informed of a date and time for a review meeting
- the Notice of Second Written Warning and the agreed sanction should be recorded on Open Campus.

Sanctions that can be applied for Stage Two disciplinarys are:

- Attendance Report Card Monitoring
- Behaviour Contract Monitoring
- the requirement to apologise verbally or in writing to another person
- removal or suspension of the right to utilise College facilities such as common room, learning centre etc.
- the requirement to carry out some service for the College such as the removal of graffiti or cleaning of College property
- any sanction (other than a recommendation to exclude or expel) as may be reasonable in the circumstances

A copy of the Second Written Warning should be sent to the student via email generated from Open Campus. The Module Tutor should also email Registry to send a letter confirming the reasons for the warning to the student's parent/carer (if aged under 18). After twelve months, the warning will be spent.

6.4 **Stage Three - Final**

The Final Stage will be invoked by the relevant Programme Lead if:

- the student fails to comply with the Second Written Warning
- despite being given a Second Written Warning, the student commits a further offence of misconduct
- the student commits a major disciplinary offence

The Tutor will inform the Programme Lead of the need to take stage 3 action in cases of noncompliance with the action plan.

For behaviour other than gross misconduct, the student will be:

- informed of the nature of the misconduct given an opportunity to discuss the issue informed of the improvement required
- given an Action Plan with SMART targets recorded in Open Campus and offered appropriate support to help achieve the improvement
- informed that it is the final stage of the disciplinary procedure and that failure to achieve the improvement or a further offence may result in permanent exclusion
- informed of a date and time for a review meeting
- the Notice of Final Written Warning and the agreed sanction should be recorded on Open Campus.

Sanctions that can be applied for Stage Three disciplinarys are:

- Attendance Report Card Monitoring
- Behaviour Contract Monitoring
- the requirement to apologise verbally or in writing to another person
- removal or suspension of the right to utilise College facilities such as common room, learning centre etc

- the requirement to carry out some service for the College such as the removal of graffiti or cleaning of College property
- any sanction (other than a recommendation to exclude) as may be reasonable in the circumstances

A copy of the Final Written Warning should be sent to the student via email generated from Open Campus. The Module Tutor should also email Registry to send a letter confirming the reasons for the warning to the student's parent/carer (if aged under 18). After twelve months, the warning will be spent.

In addition, in cases of gross misconduct, the Programme Lead will hold a disciplinary hearing to review the offence. This will give the student an opportunity to discuss the issue and present any mitigating circumstances. Sanctions that can be applied are as for other Stage Three disciplinarys with the addition of:

- temporary or permanent exclusion from certain parts of the College's premises and/or certain courses/programmes
- exclusion from the College premises/courses as a whole.

Exclusion will apply for a minimum of one full academic year. However, cases of gross misconduct and/or those associated with non-compliance to UK Border Agency regulations can lead to permanent exclusion. The Programme Lead is responsible for ensuring the tariff of exclusion is recorded on Open Campus and the student records.

6.5 **Disciplinary Review Meetings**

Following each stage of the Disciplinary Procedure, there will be a review meeting to monitor the student's progress against the Action Plan. This will be held by the Module tutor for Stage 1, by the Programme Lead, or other delegated member of the curriculum team, for Stage 2 and by the Programme Lead for Stage 3. The date of this meeting will be linked to the dates set for achieving improvements within the Action Plan. This could lead to further stages of the disciplinary process if there has been no improvement or further misconduct.

For students aged under 18, a parent/carer should be invited to this meeting and they should be sent copies of the outcomes. Additional support will be provided for students as necessary to meet individual. Any support should be arranged by the Programme Lead prior to the review and in negotiation with the student.

Failure for a student to attend a Disciplinary Review Meeting without satisfactory reason (i.e. Certificated illness) will lead to the next stage of the Disciplinary Procedure.

6.6 **Disciplinary Hearing**

The relevant Programme Lead will arrange a Disciplinary Hearing with all appropriate parties to consider exclusion (appendix 4). Attendance will include the personal tutor, the student and any relevant witnesses. For students aged under 18, a parent/carer should be invited to this meeting and be sent relevant documentation with a covering letter (appendix 5). Additional support for students will be provided as necessary for any Hearing to meet individual needs. Any support should be arranged by the Programme Lead prior to the Hearing and in negotiation with the student.

The Chair should determine that:

- the disciplinary procedure above has been applied

- expulsion would be fair
- there is no new evidence to be considered

The student should be informed that they have a right of appeal to the Dean.

Failure of a student to attend a Disciplinary Hearing without satisfactory reason (i.e. certificated illness) will lead to sanctions or exclusion in absentia.

Students should be sent a letter confirming the outcomes of the hearing and the reasons for exclusion (appendix 6).

7 Roles and responsibilities

7.1 The Programme Lead will act as the Chair or delegate the role to another member of the curriculum team, Head of QA or Dean. They are responsible for nominating the Investigating officer and ensuring the investigation takes place within seven working days. They will ensure that the administrative team have all the information they require to support the process and set a hearing date within fourteen working days of the suspension or notification of possible exclusion. They will suggest the names of appropriate panel members and ensure any learner support needs are accommodated. They will ensure students and parents/carers have at least five working days' notice of the hearing date.

7.2 Panel members can be nominated from the following members of staff:

- Programme Leads
- Module Leaders
- Module Tutors
- Student Support staff

7.3 The Registrar will ensure administrative support for the process. This will include preparation of the documentation, invites and information to students, parents, the Investigating Officer, witnesses and panel members. They will ensure documentation is sent to all parties four working days before the Hearing. The Administrative team will manage room bookings and will provide note taking for the hearing.

7.4 The Investigating Officer will gather information, statements and accounts and produce a summary report of their findings with recommendations. They will identify any witnesses required for the hearing and/or any CCTV footage. The information will be given to the Administrative team for distribution to the Chair, panel members and the student four working days before the hearing. The Investigating Officer will present their findings at the hearing and invite witnesses to support if necessary.

8 Disciplinary Hearing format

8.1 Evidence of the case against them will be provided to the student before the hearing, together with any documentary evidence that will be referred to. The student may be accompanied by their parent or carer, a student representative, or a fellow student. If the student wishes to call any witnesses, or provide any documentary evidence to be considered at the hearing, this should be notified and/or provided to the Chair at least four days prior to the hearing.

8.2 At the beginning of the hearing the Chair will:

- introduce those present and the note taker

- explain the purpose of the hearing and the possible outcomes. The Chair may make it clear at this stage that they have the power to exclude from the hearing any person who behaves unreasonably, or disregards the instructions of the panel
- explain how the hearing will be conducted: Investigating Officer will present followed by questions, then the student will be asked to respond followed by further questions. The decision will be made and communicated to the student within five working days
- explain that the hearing can be adjourned at any point if it is not possible to complete the hearing within the time set-aside, or if the Chair deems it is necessary to seek further information
- outline the allegation against the student in a way that is as clear and straightforward as possible

8.3 The Chair will invite the Investigating Officer to present their findings and call any witnesses to support these. CCTV footage may also be viewed. The panel and the student will have an opportunity to ask questions of both the Investigating Officer and any witnesses.

8.4 The Chair will invite the student to present their case and call any witnesses. The panel will have an opportunity to ask questions of both the student and any witnesses.

8.5 Witnesses will withdraw from the hearing once they have given their evidence.

8.6 At the conclusion of the hearing the Chair will invite the student to either wait, or leave the premises while the panel makes its decision. The disciplinary panel will then decide whether to uphold or dismiss the allegation and on the penalty to be applied. If the student is waiting for the decision of the panel, the Chair will verbally inform the student. In all cases, the Chair will communicate the outcome of the hearing in a letter to the student (using Appendix 6) within five working days of the hearing.

9 Appeals against Exclusion

9.1 A student who wishes to appeal against exclusion, or a suspension of more than three weeks duration, must inform the Dean in writing within five working days of the date of the decision stating clearly the reason for their appeal. This will form the basis of the Appeal Hearing. The appeal process is not an opportunity to rehear the evidence presented in the original hearing, but an opportunity to consider where there may be mitigating circumstances or some inaccuracy in the process. The appeal will be heard by a committee chaired by the Dean with a panel comprising of three staff members not involved with the case, usually a Programme Lead, a member of teaching staff and a member of support staff.

9.2 The Appeal Hearing will take place as soon as possible after notice of appeal has been received by the Dean. The student will be given at least five working days' notice of the date; time and place fixed for the hearing and will receive notification of the procedure to be adopted at the Appeal Hearing. The student will be given an opportunity to state their case and will be entitled to be accompanied. In the case of students aged under 18, this should be a parent/carer or other adult family member. Additional support for students will be provided as necessary to meet individual needs.

9.3 The format of the Appeals Hearing will follow that of the Disciplinary Hearing. However, the evidence will not be reviewed except where there are discrepancies or additional information that was not considered. The decision of the Appeals Committee will be notified to the student within five working days of the appeal hearing and will be final and binding.

10 Monitoring

Registry is responsible for collating data regarding disciplinaries in curriculum areas. Information will be reported by age, ethnicity, gender, disability and level of study. This data will be

monitored by the Dean, the senior leadership team and by the Quality Assurance and Enhancement committee.

11 Review

This document will be subject to annual review. The review will be initiated by the head of Quality Assurance .

12 Access to Procedures

The procedures will be published on the College website.

Appendix 1 Cause for Concern Form

In the event of a student's performance or behaviour giving serious cause for concern to a subject teacher or other member of staff, this form should be completed and passed to Registry to record and distribute to the Programme Lead.

Name of Student:	Student ID number:
Name of Module tutor:	Name of member of staff referring student:
Course:	

Reason for concern	tick	Details
Poor Attendance and/or lateness		
Poor Behaviour		
Unsatisfactory Completion of work		
Other (please specify)		

Further comments/statement:

Staff signature:

Date:

Appendix 2

Notice of Temporary Suspension / Extension of Suspension

Name of Student:	Student ID number:
Course:	
Date/time of Suspension:	Suspension Ends:

Member of staff responsible for the suspension:

Name:	Role:	Ext No:

This is to inform you that:

- *the above student has been temporarily suspended for the following reason(s)*
- *I have extended your suspension for a further _____ working days for the following reason(s):*

Signature of member of staff responsible for the suspension:
Date:

Suspending Manager: Original copy to relevant Programme Lead, copy to Registry

Appendix 3

Covering letter for parent / carer of student aged under 18 to be sent with Notice of Written Warning and Action Plan

Curriculum staff to email request for letter and to provide information to Registry team

(date)

Dear *(parent / guardian / carer / employer name)*

Disciplinary Review Meeting

I am sorry to inform you that *(learner name)* has, under the College's Disciplinary procedures, been given a written warning by the College for not keeping to the standards within the Code of Conduct. These standards are in place to ensure that learners will be successful. Failure to respond to these warnings may result in withdrawal from the programme or elements of it.

Enclosed are details of the Disciplinary Review Meeting that indicate:

The Notice of Written Warning: stage first / second / final

The issue(s): attendance / punctuality / behaviour / completing College work

The Action Plan also indicates:

- the improvement targets any agreed support
- details of the next review meeting

We would value your support in helping to make the required improvements.

If you would like to discuss the matter with me or attend the next review meeting, please do not hesitate in contacting me on *(phone number)* or *(email)*

Yours sincerely

(name of curriculum staff conducting review)

(role)

Appendix 4

Invite to attend a Disciplinary Hearing

Name of Student:	Student ID number:
Course:	
Name of Programme Lead :	
Date:	

Dear

You are requested to attend a Disciplinary Hearing. Please bring this letter with you when you come to college along with any documentation you wish to present at the hearing.

The hearing will take place on:			
Day:	Date:	Time:	Location:

You are entitled to be accompanied at this meeting by a friend. If you are under 18 years it is expected that this would be a parent, carer or other adult.

The purpose of this disciplinary hearing is to consider your academic performance or/and behaviour concerning :

If you are unable to attend this meeting please contact me immediately on 020 but please note the meeting may be held in your absence (unless you are prevented from attending by certificated ill health). A copy of the Student Disciplinary Procedure is enclosed with any relevant documents.

Signature of Programme Lead :

Copy to registry

Appendix 5

Covering letter for parent / carer of students aged under 19 to invite to a Disciplinary Hearing

Curriculum Director to request letter and to provide information to Registry team

(date)

Dear *(parent / guardian / carer name)*

Disciplinary Hearing

I am sorry to inform you that *(learner name)* is required to attend a Disciplinary hearing under the College's Disciplinary procedures, for issues regarding ...*(give details of offence)*. This behaviour is against the College's Code of Conduct which is in place to ensure that all learners can be successful in their studies. Failure to comply with College standards may result in withdrawal from the programme or elements of it.

Enclosed is the Invite to Disciplinary Hearing that indicates:

The issue(s): attendance / punctuality / behaviour / completing College work
The details of the date, time and venue of the hearing

We would value your support in attending this hearing with *(learner name)*.

If you would like to discuss the matter, please do not hesitate in contacting me on *(phone number)* or *(email)*

Yours sincerely

(name)

(role)

Appendix 6

Outcome of Disciplinary Hearing

Name of Student:	Student ID number:
Course:	
Name of Programme Lead :	
Date:	

Dear

At the Disciplinary Hearing held on _____ I concluded that there were issues concerning:

--

After discussing the above issue(s) it was agreed that:

--

If you wish to appeal against this exclusion you must write to the Dean within five working days of the date of this decision stating clearly the reason for your appeal

Signature of Programme Lead :

Original copy to student, copy to tutor, copy to Registry, copy to parent/carer if aged under 18.