

# INTERNAL PROCEDURE

## Title: Student Disciplinary

|                |                                       |
|----------------|---------------------------------------|
| POLICY HOLDER: | Vice Principal Curriculum and Quality |
| SMT OWNER:     | Principal                             |
| VERSION NO:    | 8.1                                   |
| LAST REVIEWED: | January 2023                          |

### Summary:

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**Further information:** If you have any queries about this policy or procedure, please contact the named policy holder or the College's marketing team on 01603 773 169.



## Amendments log

| Review date  | Version | Changes                | Originated by | Approval |
|--------------|---------|------------------------|---------------|----------|
| October 2021 | 8       | Full review            | Julia Bates   | SMT      |
| January 2023 | 8.1     | Changes to Job Titles  | Laura Myles   |          |
| April 2024   | 8.1     | Addition of N.B in 6.3 | Jacky Sturman |          |

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## Glossary

|                                             |       |
|---------------------------------------------|-------|
| Additional Learning Support                 | ALS   |
| Admissions and Review                       | A&R   |
| Apprenticeship Delivery Manager             | ADM   |
| Assistant Principal HE and Adults           | APHEA |
| Assistant Principal Student Services        | APSS  |
| Behaviour and Attitudes Learning Agreement  | BALA  |
| College Leadership Team                     | CLT   |
| College Management Team                     | CMT   |
| Course Leader                               | CL    |
| Education, Health and Care Plan             | EHCP  |
| Electronic Individual Learning Plan         | eILP  |
| Head of Area                                | HoA   |
| Higher Education Delivery Manager           | HEDM  |
| Higher Education Programme Manager          | HEPM  |
| Investigating Officer                       | IO    |
| Looked After Child                          | LAC   |
| Senior Management Team                      | SMT   |
| Special Educational Needs and Disabilities  | SEND  |
| Students at Risk                            | StAR  |
| Tutorial Supervisor                         | TS    |
| Vice Principal Curriculum and Quality       | VPCQ  |
| Vice Principal Student and College Services | VPSCS |
| Ways of Working                             | WoW   |

## 1 Introduction

This internal student disciplinary procedure supports City College Norwich's belief that all who learn and work at the college have an indisputable right to study, work, learn and at times socialise, in an atmosphere of respect, tolerance and inclusivity. We celebrate difference in all its forms and expect that students and staff at the college work with a common purpose to support this approach for the benefit of all.

The College is committed to supporting students to develop professional behaviours and attitudes for life and work, professionalism; honesty; inclusivity; tolerance; respect. The expectation is that all students work hard to exhibit these vital skills at college routinely, supported by staff as required.

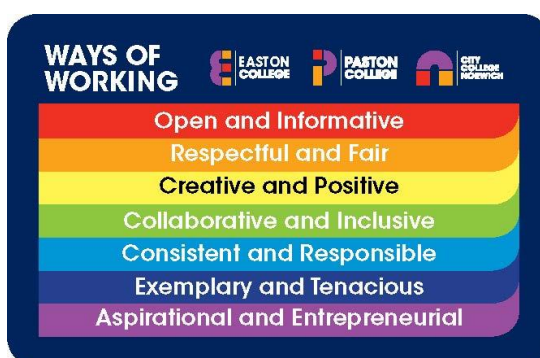
It is expected therefore that everyone who learns and works at the college is responsible for their own behaviours and attitudes, staff and students are also expected to work together, challenging, and supporting each other to display exemplary behaviours and attitudes routinely. This collaborative approach will ensure that professionalism is evident in all parts of the college and its work.

This procedure also provides for open, fair, transparent, and orderly investigations, facilitating the resolution of cases of alleged unsatisfactory conduct. It should also support students to understand that professional behaviours and attitudes which align well with our organisational values, are non-negotiable.

The procedure provides for investigation of:

- Alleged misconduct i.e., a student is alleged to have broken College rules, regulations, and procedures, including residential rules regulations and procedures (see 6.1).
- If a student is alleged to have breached the Equality Statement (available on the College website, blackboard, and the Student Handbook)
- When gross misconduct is alleged (see 6.2).

The '**College Ways of Working**' underpins this disciplinary procedure and all developmental disciplinary interventions that are taken, are expected to result in students developing the professional behaviours and attitudes that are required for life and work.



**Other key documents** which also support this developmental approach are:

- Appendix 1 Staff Responsibilities
- Appendix 2 Student Charter (easy read version)

## **2 Purpose**

The purpose of this procedure is to outline positive and straightforward processes which staff and students can work through to attend to disciplinary issues, in a consistent and fair manner. It supports developmental interventions that ensure students improve, and display consistently, appropriate professional behaviours. Its aim is to support all students to make excellent progress whilst they are studying at the College and ensure that they thrive in their learning environment.

## **3 Scope**

The policy applies to all students, of all ages, who attend college premises, use college transport, college IT systems (including remote lessons), those on-site visits to other locations, work placement, trips, and visits and those in residences.

Low level behaviour disruption and poor student attitude matters should routinely be dealt with by staff before this disciplinary procedure is invoked. This should involve communicating clearly, what expected behaviours are, always modelling best practice. The WoW should be used as a frame for conversations and Interventions should be swift. Appropriate behaviour management techniques that support students to develop better behaviours and attitudes, preventing the necessity for working through this formal disciplinary procedure, should be worked through as soon as is necessary (low level behaviour disruption should never be accepted). Examples of low-level behaviour disruption:

- Not following reasonable instruction or requests
- talking unnecessarily, chatting, disrupting learning
- being slow to start work or follow instructions
- showing a general lack of respect for other students and staff
- not arriving ready for learning, not bringing the right equipment etc.
- using mobile devices inappropriately

This list is not exhaustive

Only when low level behaviour disruption, poor attitude etc. becomes regular (more than once or twice) and sustained (over longer than a week) is it considered misconduct, at this point matters should be addressed through this disciplinary procedure and sanctions such as verbal warnings, written warnings etc. should be applied.

## **4 General Principles that apply throughout this procedure and useful things to know**

- 4.1 Criminal Acts - Where a member of SMT suspects that a criminal act may have been committed, the police will be informed. In cases of assault, the victim will make the decision to inform the police and we can support them throughout the process.
- 4.2 Limiting interaction between students - During a disciplinary intervention it may be necessary to limit interaction or communication between all student's involved, this could include limiting access to buildings, areas of the college or facilities. Parents/carers of students involved will be given relevant information regarding relevant necessary limitations.

- 4.3 Authority to act – The College Management Team and individuals with delegated authority (all staff) can make decisions under this procedure and are responsible for the operational management of sanctions, cases, decisions, and outcomes.
- 4.4 Balance of probabilities -The standard of proof for decisions made under this procedure is the 'balance of probabilities', that is, it is more likely than not that something happened. Decision makers will make reasonable decisions and give reasons for their decisions.
- 4.5 Communication – Communication with students under this procedure will be by email, to their College email address, and or by letter. If a student is suspended communications may be sent to their personal email address.
- 4.6 Confidentiality – All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the College.
- 4.7 Informal resolution - Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to the formal procedure. College staff are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action.
- 4.8 Suspension - At any stage in the procedure, if appropriate, a student may be suspended. Interim suspension is not a sanction and is not an indication of culpability.
- 4.9 Mitigating and Aggravating Factors - Any sanction imposed will take account of any mitigating or aggravating factors determined to be relevant. Students will be asked to provide evidence of any mitigating factors during the investigation or disciplinary meeting/hearing before any sanction is decided.
- 4.10 Timescales – Whilst every effort is taken to comply throughout the disciplinary procedure to timescales, as detailed in 9.6.8, in some cases, due to the complexity and or specific circumstances of the case, timescales may be extended. Students and parents/carers will be informed of timescales at key points in the procedure.
- 4.11 If a student repeatedly fails to respond to or engage with, this procedure in a timely fashion, the College may proceed to reach a decision in the absence of the student. This includes the students/parent's nonattendance at disciplinary meetings and hearings where, in the absence of the student concerned, provided that reasonable steps to inform the student of the meeting or hearing have been taken, a decision may be made in their absence (the College may agree to a prior request to change the date of a meeting, for good reason, such as ill-health).

## **5 Related documents (hyperlinks)**

[Alcohol and Drugs Misuse Procedure](#)

[Anti-Bullying and Harassment Policy](#)

[Student Attendance and Achievement Procedure](#)

[Complaints Procedure](#)

[Student Charter](#)

[Equality and Diversity Policy](#)

[City College Norwich Rules, Regulations and Procedures for Students](#)

[Admissions and Review Panel incl FTS](#)

[Professional Misconduct or Unsuitability](#)

## **6 Definitions**

For the purposes of this procedure the following guiding definitions apply:

### **6.1 Misconduct**

Not adhering to all expectations of the Student Charter, College rules and regulations or our Ways of Working. Which after challenge by a member of college staff gives, in the judgement of that member of staff, cause for concern. This could include:

- Routine and sustained unprofessional behaviour that has not improved despite repeated supportive interventions.
- Failure to comply with explicit rules or regulations, or reasonable requests e.g., smoking in non-designated areas, causing a disturbance to others learning.
- Infringement of the colleges Health and Safety rules e.g., failure to vacate buildings when asked during fire alarms.
- Refusal to respond to reasonable requests by relevant college staff e.g., refusing to confirm identity when requested to do so by staff during the normal course of their duties, checking badges are visibly displayed etc.
- Causing damage to property.
- Being under the influence of drugs or alcohol whilst on the premises
- Anti-social, unprofessional behaviour which causes distress to other students or staff and/or reputational harm to the College's relationship with its stakeholders, including the local community.

This list is not exhaustive

### **6.2 Gross Misconduct**

Involvement in actions which are unlawful, or which directly threaten the learning, rights, well-being, safety and/or security of persons rightfully using the College, or which threatens the well-being, safety and/or security of private or College property. Attitudes, behaviours, or actions which have the potential to bring the college into disrepute.

- Serious or persistent failure to comply with the Colleges rules and regulations, including Health and Safety rules.
- Physical or verbal assault or intimidation whilst on College premises or College related activities.
- Harassment or bullying (see separate Anti-Bullying and Harassment Policy (Learners) for more guidance).
- Threatening, offensive or indecent behaviour.
- Sexual misconduct, relating to all unwanted conduct of a sexual nature.
- Possession of and/or intent to supply controlled drugs or alcohol.
- Possession of items which may be deemed to be weapons.
- Causing deliberate harm and or distress to animals.
- Vandalism
- Theft
- Abuse or misuse of computer equipment and IT systems

- Infringement of the College Equality and Diversity Procedures
- Behaviour which brings the College into disrepute
- Multiple or repeated instances of minor misconduct.

This list is not exhaustive.

### 6.3 Suspension

Suspension means that a student is not allowed to come into College or onto any College premises, into college residences or use college transport and IT services including online lessons, for any reason without express permission of the Principal. The suspended student will have no access to college online services, however work where possible and appropriate, will be sent home to the student to complete (this does not include online learning).

N.B. Executive Office and or the Investigating Officer may contact a suspended student via their personal email address whilst they do not have access to college online services.

### 6.4 Exclusion

Exclusion means that a student is not allowed to come into College or onto any College premises or use college transport and IT services, the student is then no longer a student of the College. The exclusion can only be reviewed by the Principal, at the end of the academic year the exclusion was issued within.

The Principal may refer the exclusion to a college Admissions and Review panel to consider the well-being and safety of staff and other students, before determining whether a student should be excluded from the College for the remainder of the academic year or permanently excluded.

The Principal must be consulted and agree to an exclusion before it is invoked, this may result in a final decision being delayed at any disciplinary hearing where it has been decided that an exclusion is appropriate.

## 7 **Exceptions (when this disciplinary procedure should not be used)**

- 7.1 Minor infringements of discipline or where behaviour falls below expectation should be managed by teachers and staff in sessions in the first instance.

Beyond the classroom, all minor infringements of discipline or where behaviour falls below expectations, should be challenged by any staff member witnessing the behaviours which have fallen below expectation. This should be followed up with Head of Area (HoA), Apprenticeship Delivery Manager (ADM), HE Delivery Manager (HEDM) at the time, or as soon as possible after the occurrence to ensure interventions are taken with the student swiftly. This timeliness will better support students to adopt more appropriate, professional behaviours quicker.

- 7.2 Further interventions for minor infringements where behaviour continues to fall well below expectation, requires partnership working between Course Leader (CL), Tutorial Supervisor (TS), Tutor, Head of Area (HoA), Higher Education Delivery Manager (HEDM), Apprenticeship Delivery Manager (ADM) should take place. Course Leaders should always take the lead in this dynamic teamwork.

- 7.3 In cases of lower-than-expected attendance or persistent lateness, the Student Attendance and Achievement procedure should be referred to. This includes fitness to study procedures.

- 7.4 This procedure should only be used when students have failed to submit work in accordance with study guidelines, when all other appropriate sanctions have been explored and exhausted. If it gets to the stage where this procedure does need to be used and there is the potential that exclusion may be considered, this needs to be discussed with the VPCQ / APHEA or a member of SMT prior to any hearing being convened.
- 7.5 An Admissions and Review Panel is also often the appropriate final procedural vehicle for students that have a medical condition, moderate or profound learning difficulty or disability. There may be evidence that their challenges and barriers to learning are related to the behaviours they are displaying which are falling well below expectation, resulting in the alleged misconduct, gross misconduct or where a student is alleged to have breached the Equality Statement. However, in some cases the Disciplinary process may be the most appropriate final procedural vehicle by express permission of the Principal and Chair of the disciplinary panel.
- 7.6 An Admissions and Review Panel is the most appropriate final procedural vehicle for all students who are moving through the 'fitness to study' procedure, the disciplinary procedure should not be used in these cases.
- 7.7 Where a full investigation has been undertaken and reviewed by a member of SMT they may decide that the matter should not proceed to a disciplinary hearing. No further action required or that further action is required but through support and intervention mechanisms.

## 8 Parent/Carer involvement in the disciplinary process

If a student is under the age of 18 at enrolment, their parents/carers should be kept informed of progress made with Behaviour and Attitudes Learning Agreements where this is appropriate (some students do not give permission to share information with parents/carers). Parents/Carers, where appropriate, will receive a copy of letters sent under this procedure, and this will be recorded on the students eILP.

Parent/Carer involvement throughout all interventions with students is valued highly and it is recommended that all work together to help students to develop the personal skills they need to exhibit exemplary professional behaviours and attitudes routinely.

For students who have been identified as vulnerable, those under the auspices of the safeguarding team, students with SEND (Special Educational Need and/or Disability) or an EHCP (Education Health and Care Plans) parents/carers are required to always be involved where appropriate.

## 9 The Disciplinary Framework

There are four stages in the disciplinary procedure. Normally, to ensure fairness, each stage will be taken before moving to the next one. In cases of serious breach of conduct however, managers have the discretion to go directly to further stages. However, supporting documentation and a clear basis on which this is to be moved forward is required.

| Stage | Intervention      | Intervention                                        | Authorising staff                                                   |
|-------|-------------------|-----------------------------------------------------|---------------------------------------------------------------------|
| 1     | Verbal Warning    | Copy sent home to parent/carers (where appropriate) | Any staff member liaising with Course Leader or Tutor, HoA/ADM/HEDM |
| 1.1   | Cause for concern |                                                     |                                                                     |

|     |                                                                                   |                                                                                                                                         |                                                |
|-----|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 1.2 | Escalated Cause for Concern                                                       |                                                                                                                                         |                                                |
| 2   | Written Warning with Behaviour and Attitude Learning Agreement                    | Student and Parent Meeting with Course Leader / Tutor<br>Copy of letter sent home to parent/carer (where appropriate)                   | Course Leader or Tutor, signed by HoA/ADM/HEDM |
| 3   | Final Written Warning with Behaviour and Attitude Learning Agreement or review of | Student and Parent Meeting with Course Leader or Tutor and HoA/ADM/HEDM<br>Copy of letter sent home to parent/carer (where appropriate) | HoA/ADM/HEDM                                   |
| 4   |                                                                                   | Disciplinary hearing (which could lead to permanent exclusion)                                                                          | Member of SMT to chair                         |

### 9.1 Vulnerable students and students with SEND and or EHCP:

9.1.1 For students who have been identified as vulnerable or are under the auspices of the safeguarding team - the Safeguarding team should be informed at ALL stages of the process.

9.1.2 For students with SEND and an EHCP or who have been identified as having a support need (this may not be formal) the appropriate ALS or SEND Support team members should be informed and invited where necessary from Stage 2.

All students with an EHCP should have an urgent EHCP review before permanent exclusion or withdrawal can take place. This will be overseen by the Chair of the disciplinary panel and may be referred to an Admissions and Review panel for further consideration.

External agency professionals should be invited at relevant stages of the process as appropriate, in liaison with the relevant internal SEND and Wellbeing team member.

Local authority responsible for the student's EHCP will be informed in the event of a student being excluded.

9.1.3 The safeguarding officer/LAC role should be advised at Stage 2 of the process for any student who is looked after (LAC), is a care leaver, young carer or has a known social worker.

### 9.2 Behaviour and Attitudes Learning Agreements (BALA)

Behaviour and Attitudes Learning Agreements may be issued to students without verbal or written warnings. A BALA can be used to encourage expected behaviours, for example attendance and submission of work.

Students who are progressing within the college who may have found developing expected behaviours challenging, can also be placed on an BALA as a part of progression requirements, to support their continued development of professional behaviours and attitudes.

### **9.3 Stage One - Verbal Warning**

For a minor breach of college regulations, a verbal warning should be considered sufficient. Course teams should use appropriate supportive, developmental interventions planning follow-up as necessary, to ensure that an inclusive, open, and transparent, developmental approach to student behaviour, is supported. This should include appropriate targets which are recorded on student's eILP and a copy sent to parents/carers.

Relevant staff should meet with a student privately to give a verbal warning, where it should be clearly identified and communicated, how their behaviours displayed, fall below expectation and where they do not align with our 'Ways of Working.' Students should have it described clearly to them what they need to do, to meet minimum expectation, but also what they could do to exceed expectation. They should also be informed of the potential consequences of continuing to exhibit behaviours and attitudes which fall below expectation or where they continue to not meet targets set.

It should be clearly communicated to students that it is expected that professional behaviours & attitudes are developed routinely and that this may include the need for additional personal development of:

- self-awareness,
- self-control
- commitment to their learning (and our college)

No more than two verbal warnings (and subsequent recorded meetings) should be given, before the formal process is initiated.

### **9.4 Stage Two - Written Warning**

For more serious breaches of college regulations, or for further breaches after verbal warnings have been issued, a written warning should be given to a student. Staff, student, Parent/Carer meetings should be convened with all relevant additional staff and all interventions and meetings documented on students eILP.

If a student continues to exhibit behaviours and attitudes which fall below expectation, which may also affect their ability to make the good academic progress that is expected of them, then a written warning and a behaviour and attitude learning agreement (BALA) should be issued. A written warning should be given no later than 1 working week after the misdemeanor/ incident and the BALA should be reviewed after 2 weeks and thereafter until behaviours and attitudes and expected academic progress is exhibited routinely, at least meets expectations.

If improvement is not evident (a student is not making academic or behavioural progress) then after reviewing what support and intervention has been put in place the next stage of the process should be instigated and the student placed on the curriculum areas 'student at risk' register (StAR).

### **9.5 Stage 3 - Final Written Warning**

If regular student support and intervention does not result in a change in expected behaviours and attitudes and/or the student ignores the previous warnings, then a final written warning should be given, and an amended BALA (behaviour and attitude learning agreement) should be issued. This should happen within 1 working week and the contract reviewed after 2 weeks.

If any misconduct is English or Maths related it is expected that all college managers involved will liaise, with the curriculum HoA taking the lead in this team dynamic. The

warning and respective BALA can then be formulated collaboratively and implemented/recorded on the students eILP

For an incident deemed serious enough for a final written warning, if no other warnings have previously been given, a first and final written warning can be issued at HoA/ADM/HEDM discretion.

## **9.6 Stage 4 - Disciplinary Hearing**

- 9.6.1 If a student continues to fail to make sustained progress with any of the afore mentioned or where all support measures have been exhausted, a disciplinary hearing can be considered.

The VPCQ / APHEA or a member of SMT must be given all documentary evidence to consider if a disciplinary hearing is appropriate or not.

Pending the decision, the student may be suspended if their continued presence is seen to be potentially disruptive or harmful to other students. A member of CMT will meet with the student to suspend in these rare circumstances.

*NB. The Principal must be consulted and agree to any suspension before it is invoked.*

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

- a. A student's conduct continues to be unsatisfactory despite warnings
- b. A student commits an act of misconduct or gross misconduct
- c. a student is alleged to have breached the Equality Statement

*NB. It may be decided by a member of CLT, in exceptional circumstances that a disciplinary hearing should not take place, and instead a multi stakeholder meeting with parent/carer, support staff and academic staff should be convened.*

- 9.6.4 If it is alleged a student has committed an act of Gross Misconduct, the matter is to be reported immediately to a member of SMT who will decide, on the information available, if the student should be considered for suspension. Permission should then be sought from the Principal.

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

- 9.6.5 The Principal or a member of CLT will review the allegation and confirm if the student should be suspended. The suspension of a student should always lead to a Disciplinary Hearing, following a full investigation. In rare or exceptional circumstances following a discussion with the Principal or member of CLT it may be decided that a disciplinary hearing should not take place and other support interventions agreed with Parent/Carer should take place instead.

If the student is to be suspended, then they are to be verbally informed of the suspension. In some cases, it may not be possible to see the student i.e., they have left the campus. In such instances every effort should be made to speak with them on the telephone they should be given the opportunity to state their version of events over the telephone and this should be recorded in writing by the manager making the call. They should also be informed of the nature of the allegation and that the suspension will be confirmed in writing.

The student copy of this procedure must be included with the suspension letter.

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

If the student concerned was not able to give a statement of their version of events the letter must invite them to submit this to the IO as soon as possible to ensure appropriate consideration through any investigative process.

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

9.6.6 Following the student's suspension the HoA/ADM/HEDM will be responsible for: -

- Monitoring the student's period of suspension
- Ensuring that where possible and appropriate work is sent home to the student.
- Informing student, parents/carers and other parties of the progress of investigation or status of suspension, whilst ensuring that information given does not prejudice any investigation or outcome.

9.6.7 Following the student's suspension a member of SMT/CMT who is independent from the curriculum area will be responsible for: -

- Investigating the allegation, to be known as Investigating Officer (IO)
- Ensuring that all appropriate witness statements, interview notes, reports are collated.
- To share a summary of the allegations and pertinent information with the suspended student to enable the student to respond appropriately.
- Ensuring all appropriate witnesses are requested to attend the disciplinary hearing.

Normally incidents, however serious, will be dealt with by the College under this procedure. There may, however, be cases where it is clearly the duty of the College to report the matter to the police. Where the HoA/ADM/HEDM/IO feels the alleged offence warrants the Police being involved and to ensure the College adopts a consistent and uniform approach to these incidents, the matter is to be discussed with a member of CLT, whose agreement must be obtained.

9.6.8 The Executive Office will arrange for VPQC (for FE Students and Apprentices) or APHEA (for HE and Adult students), or another member of SMT, to Chair a hearing to be held as soon as possible.

This will normally be within 2 weeks of the suspension of the student and only in exceptional circumstances will this deadline be extended i.e., student/staff/witnesses not available because of holidays, sickness etc. In all cases where an extension is required the matter is to be discussed with the Principal or a member of CLT, whose agreement must be obtained.

Liaising with the IO regarding statements that are required and witnesses who will be requested to attend.

Advising the suspended student of the date of the hearing, ensuring that 5 days' notice is given.

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

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

- a. The date, time and place of the hearing which is usually face to face on College premises. However, there may be times when a disciplinary hearing needs to take

place using video or telephone conferencing, e.g., Blackboard Collaborate or Microsoft Teams.

*NB. Additional rooms are booked as appropriate, to ensure that the suspended student and any witnesses etc. they might have requested are kept separate from any other parties.*

*When a hearing is taking place via video conferencing all participants should have their videos activated, if the student does not have access to facilitate the use of video conferencing, facilities on college premises maybe offered with the agreement of the Chair.*

- b. The nature of the allegation, with as much detail as is permitted (which will not be prejudicial to any subsequent investigation)
- c. A contact telephone number and email address.
- d. The student is entitled to be accompanied by a family member/friend or representative. Where a student wishes to bring more than 2 representatives the IO and Chair will use their discretion. The student must give at least 2 days' notice to the IO and the names and relationship of anyone accompanying them.
- e. The student is entitled to call witnesses. The student must give at least 2 days' notice to the IO and the names of any witnesses they are calling.
- f. Advise the student if the College has or will be relying on statements it has collected and the names or any witnesses it proposes calling. The student is to be advised that they should arrive at least 30 minutes before the hearing in order that they can read any statements etc. the College has collected.

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

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

- 9.6.8 The hearing will be chaired by VPCQ / APHEA, or another member of SMT. The hearing must be minuted by a member of the Executive Office team designated by the Executive Manager or Easton College Manager. The recording of meetings is not permitted.

The hearing will be conducted as follows:-

- a. Prior to the hearing the suspended student (and if the allegation is that an act of Gross Misconduct was committed against another student then that student as well), must be given the opportunity of reading all statements.
- b. The Chair should then invite the suspended student and if present, their representative(s) to join the hearing. The Chair will deal with any introductions and procedural points. The Chair will detail the allegation(s) against the student, how the hearing will be conducted, the names of any persons involved and witnesses and when and in what order any other person involved or witnesses will be called.
- c. The Chair and/or the IO/HoA/ADM/HEDM may put questions to any students, their representatives, and witnesses.

- d. The suspended student (and with the Chair's agreement) their representative(s) may put questions to any other student, their representatives, and witnesses. This procedure will also apply to any other student involved.
- e. When the Chair is satisfied everyone has been heard and there are no more questions, the hearing will then sit in private to consider if the allegation is substantiated and if so what sanction(s) will be imposed. In arriving at their decision, the hearing will take in to account the nature of the allegation, all statements both written and verbal and any mitigating circumstances.
- f. Once a decision has been arrived at, the suspended student will be invited to re-join the hearing and will then be advised of its decision.

This may include, but is not limited to allowing: -

- the student to return to the college without sanction
- a student to return to college with appropriate sanction in place:
  - First Written Warning
  - Final Written Warning
  - Entering into a Behaviour and Attitude Learning Agreement (A compulsory requirement when a student is allowed to continue at the College)
- Suspension for a defined period
- Restitution
- Student may not return to college and an Admissions and Review (A&R) panel meeting is invoked; suspension remains in place until there is an outcome of the A&R panel meeting.
- An urgent EHCP review is requested and or an A&R panel to be convened.
- Returning to college with conditions e.g., further mediation meetings, making a formal apology, counselling, support etc.
- A request for permanent exclusion or exclusion for a set period (as detailed in 6.4)

The Chair will be responsible for communicating the decision to the student within 5 working days by letter, a copy is to be sent to the Parent/Carer (where consent has been given) or Employer (if applicable). This letter must detail the student's right of appeal (see 10 below).

The papers will be stored electronically by the minute clerk in a central area.

The HoA/ADM/HEDM for the student's curriculum area is to be responsible for ensuring the outcome of the hearing is implemented and any appropriate advice are issued. In the case of a student's exclusion, it will be reported on the Student Suspension and Exclusion Log for the academic year.

The HoA/ADM/HEDM should also ensure that where an allegation is substantiated, the student's eILP is suitably annotated, the record remains for as long as they remain at the College.

If for any reason the Chair decides a witness need not attend (e.g., there may be grounds for suspecting intimidation etc.) or any witnesses are unable to attend, they will be entitled to submit a written statement to the IO at least 2 days prior to the hearing. The statement(s) will be read out by the IO or Chair at the hearing and any appropriate parties asked to comment on the statement(s). Alternatively, if a witness

is prepared to attend but not appear before a suspended student and his/her representative, then at the discretion of the Chair, the hearing may see the witness on their own. In either case the suspended student should be informed of this action at the start of the hearing.

If at any time a student admits to an allegation of gross misconduct in writing, the matter can proceed immediately to a hearing. The hearing will be arranged and conducted in accordance with the procedure detailed in 9.6 above and its subsequent sections, with the following differences:-

- The Chair of the hearing must be satisfied the student understands the allegation(s) and to what they are admitting.
- Apart from statements collected prior to the admission no, other statements need be taken.
- Witnesses need not be called.
- The student will be allowed to be accompanied and bring a representative as detailed in 9.6.9 above.

9.6.2 Where a student does not have sufficient understanding of the English language or if they or a friend so requests, an interpreter should be arranged by a member of SMT. Such a necessity may cause the procedure to run outside the time limits set in this procedure.

9.6.3 If the student fails to attend the hearing without offering an acceptable explanation, then it shall be conducted in their absence. Failure to attend the hearing will not delay the process and outcome will be notified in writing outlining the hearing decision.

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

## **10. Right of Appeal**

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

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

A student wishing to lodge an appeal must do so by writing to the Principal within 5 working days of receipt of the letter confirming the outcome of the disciplinary hearing (see 9.6.8). They should state the grounds for appeal (see above) and enclose any documents they wish to submit in support.

## **11. Appeal**

The arrangements for the appeal panel will be made by the Clerk to the Corporation. The appeal panel will comprise a College Governor, the Principal (or their nominee) and a member of academic staff, none of whom should have been involved in either the alleged incident or the earlier disciplinary hearing. The Governor will Chair the panel and the Clerk to the Corporation or a minute clerk shall record minutes. The procedure to be followed will be as set out in 9.6.7 and 9.6.8 above with the exception that dependent on the grounds of the appeal it may not be necessary to call witnesses.

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

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

- a. Delete all references to the disciplinary action from the student's file. A copy of the appeal papers to be kept confidentially on the College central file for the duration of the student's course, plus 6 years. This could apply in cases where the appeal was on grounds 10(a) or (b).
- b. The disciplinary action is reduced and the record on the student's file is updated accordingly. This could apply in cases where the appeal was on grounds 10(a) or (c). There will be no further right of appeal.

## **12 Police Involvement**

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

The College reserves the right to suspend students who are subject to Police investigations or Judiciary involvement, in such circumstances a student may be suspended, without prejudice, pending the outcome of Police enquiries and or Judiciary procedures, without making assumptions of guilt or innocence in respect of the allegations.

This procedure is put on hold whilst there is Police or Judiciary involvement if these involvements cease this procedure resumes.

## **13 Confidentiality**

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

Exclusions will be reported to the Local Authority under the withdrawal reporting protocol.

*NB. In all cases where reference is made in this procedure to the HoA/ADM/HEDM and they are unavailable, the matter should be referred to their line manager.*

*If their line manager is unavailable, then the matter should be referred to another member of the SMT.*

## **Appendix 01 - Staff Responsibilities**

All College staff will be consistent in ensuring that they:

- a. Allow positive professional relationships to develop with students, always modelling and promoting our 'Ways of Working' (WoW). This means actively raising awareness of our WoW and using this frame to challenge positively and privately, modelling, and referring to, positive professional behaviours always.
- b. Align ongoing support and interventions to our inclusive organisational values and WoW
- c. Plan, deliver and evaluate engaging, challenging and fully inclusive sessions
- d. Consistently challenge, support and follow-up low level behaviour disruption and behavioural issues
- e. Take positive intervention quickly, including communication with course leader, tutorial supervisors and other key learning programme staff, taking a collaborative developmental approach, using the Disciplinary Process only after appropriate positive interventions have been taken.
- f. Staff managing a situation where students are displaying negative behaviours will always reinforce our WoW first and remain positive, responsive, supportive, and model non-confrontational de-escalation strategies.

## Appendix 02 - Behaviour and Attitude Learning Agreement (BALA)

### Behaviour and Attitude Learning Agreement

The purpose of this agreement is to provide:

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

**This Behaviour and Attitude Learning Agreement has been produced under the provisions of the student disciplinary procedure in response to unacceptable conduct by the student.**

The under-mentioned conditions must be met in full by:

|                                                                           |  |                |  |
|---------------------------------------------------------------------------|--|----------------|--|
| First Name(s)                                                             |  |                |  |
| Surname                                                                   |  |                |  |
| Date of Birth                                                             |  | Student Number |  |
| Date Agreement becomes operative                                          |  |                |  |
| Date Agreement Terminates<br>(Insert agreed date or until further notice) |  |                |  |
| Frequency of Reviews<br>(Insert fortnightly etc.)                         |  |                |  |
| Name of College Staff Member reviewing progress.                          |  |                |  |
| Course                                                                    |  |                |  |
| Area                                                                      |  |                |  |

**Behaviour and Attitude Learning Agreement Terms:**

1. Adherence to the College Charter.
2. Comply with the College Student Attendance and Achievement Procedure.
3. Comply with College Rules and Regulations for attendance, punctuality, and study requirements.
4. Submit all work with the within the agreed and published deadlines.

**Review Dates**

|    |  |    |  |    |  |    |  |
|----|--|----|--|----|--|----|--|
| 1: |  | 2: |  | 3: |  | 4: |  |
| 5: |  | 6: |  | 7: |  | 8: |  |

I agree to meet the conditions of this Agreement

|                                                              |  |          |  |
|--------------------------------------------------------------|--|----------|--|
| Student Signature                                            |  | Date     |  |
| In the presence of:<br>Name                                  |  | Position |  |
| Parent/Carer or<br>Employer Signature<br>(where appropriate) |  | Date     |  |

**A copy of this Agreement must be given to:**

- The Student
- The Course Leader
- Parent/Carer / Employer (where appropriate)
- Uploaded to the eILP

## Appendix 03 - Verbal Warning Form

### RECORD OF VERBAL WARNING

#### Student Details

|                 |  |                     |  |
|-----------------|--|---------------------|--|
| Name:           |  |                     |  |
| Student Number: |  |                     |  |
| Course:         |  |                     |  |
| Year of Course: |  | Course Leader/Tutor |  |

#### Verbal Warning Details

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

# INTERNAL PROCEDURE

## Title: Student Charter

|                |                   |
|----------------|-------------------|
| POLICY HOLDER: | Executive Manager |
| SMT OWNER:     | Principal         |
| VERSION NO:    | 1 (2019)          |
| LAST REVIEWED: | August 2019       |

**Accessibility:** If you would like this information in an alternative format, e.g. Easy to Read, large print, Braille, or audio tape, or if you would like the procedure explained to you in your language, please contact the College's marketing team on 01603 773 169.

**Further information:** If you have any queries about this policy or procedure, please contact the named policy holder or the College's marketing team on 01603 773 169.



## Amendments log

| Review date | Version | Changes | Originated by | Approval |
|-------------|---------|---------|---------------|----------|
| August 2019 | 1       |         | Jacky Sturman | Exec     |
|             |         |         |               |          |
|             |         |         |               |          |

City College Norwich Student Charter

**The Student Charter has been jointly developed and written by students and staff at City College Norwich.**

You need to read this to make sure you know what you need to do and what you should not do as a student of the College. It also lets you know what staff should do.

The really, important things are: -

Our **Ways of Working** (WoW) – You will do lots of things whilst you are at City College Norwich; our WoW will help you do them in the right way.

You agree to accept the **College's Rules, Regulations and Procedures for Students** by signing the **Learning Agreement**; you signed this when you enrolled.

You agree to be 100% in class, 100% on time and 100% on task.

## The Staff

### **To make sure you get the best teaching in Norwich the staff will: -**

Plan and deliver programmes which do not bore you but do make you work hard, and make sure that you progress, attend the University of your choice, or get the job you want.

Help you develop the work skills an employer wants and make sure that you know what to expect when you go to work.

Support you when you need help. Help you to help yourself and become more confident and independent.

Work hard to get you to take responsibility for your own success. Staff know their stuff; they know what they are talking about and they want the best for you.

Make sure you know what you will be learning at the beginning of your course. They will make sure you know where you can find your timetable (it can change a lot, so you need to check it regularly).

Make sure you know what you need to do to improve and check that you are doing it; and help you....

Make sure you attend classes 100% and turn up to classes on time, LATE IS LATE!

(at work you get the sack if you do not turn up and are late all the time);

let you know how much your course is going to cost you (in some cases you may not have to pay).

Listen when you tell them what you think and do something about it, which might mean you need to do something different as well.

Talk to your parents or carers and listen to anyone who thinks we are doing something wrong; sort things out so that everyone is happy with the outcome.

Treat you as a young adult and respect your individuality, helping you to do the best you can, even if it is tough sometimes and you find it hard.

Make sure you are safe and that you know how to keep yourself and others safe.

Not put up with any sort of discrimination, bullying, banter or just general unkindness.

## The Students

### **As a student of City College Norwich you will: -**

Know what you can and what you cannot do. There are not many rules, but you must stick to the rules that are in place, which include: -

Always wear your student ID badge; you would in the workplace.

Always do the best you can, try hard ALL the time.

Listen to what staff tell you, they know what they are talking about.

Do not sit in the corridors; we have partially sighted and non-ablebodied students and staff who might need to get past you. Corridors are an escape route in the case of an emergency.

Do not eat and/or drink anything other than water in classrooms and corridors.

Respect the areas of the College where you can eat and drink.

Act like a responsible young adult, be nice to everyone; do not let yourself down by being silly.

Let us know if you need any extra help with ANYTHING!

Understand what you have signed up for and get on with it, doing the best you can.

Make sure you attend your lessons on time ALL the time; if you cannot, let us know as soon as you know you are not going to be here or you are going to be late.

Try hard to have the best time at College by joining in with as much as possible, lots of this stuff will help you get a job ... and keep it.

Look after yourself, keep safe and be healthy. Look out for the welfare of others.

Do not be a bully, discriminate or be unkind against anyone, be kind at all times.

Do not use 'banter' as an excuse for making an unkind comment; this is bullying!

Take the time to talk to staff and give them feedback so they can get things right for you.

Attend Student Forum meetings and use every opportunity (such as completing online surveys) to give your valued feedback. Tell us about the brilliant things that are happening at the College and where we can make improvements.

The Students' Union

**In its commitment to the student experience, City College Norwich Students' Union will help make the College a brilliant place and will: -**

Support you to ensure you receive fair treatment and are aware of your rights and responsibilities as a student.

Help prepare you for life in modern-day Britain.

Encourage you to participate in activities which will help you enjoy your time at College.

Tell you what the Students' Union does and how you can join in with College life.

Let you know about Students' Union Executive Officer and Student Governor positions so that you can be nominated for them and gain valuable experience for your CV or UCAS reference.

Help you get the right information to assist you with your academic studies and your wellbeing.

Represent you and your voice at a local and national level. Listen to your ideas and/or changes you want to make to College life and help make them happen.

Support active student community engagement, especially regarding combating anti-social behavior and provide a range of clubs and societies to enhance personal and professional development.