



Student Disciplinary Policy

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Please contact us on 01904 770132 or email us at qi-admin@yorkcollege.ac.uk if you would like this document in an alternative format

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1 Policy

1.1 Rationale

The College believes that effective learning and teaching is best achieved in a supportive and mutually respectful environment. Every student and every member of staff has the right to such an environment as well as having individual responsibility for their own behaviour.

A positive environment contributes to a shared sense of security and safety in which each individual is free to strive to do their best and achieve their aims. All staff and students have a responsibility to promote and maintain this supportive, ordered and respectful culture.

When students enrol at College, they accept a responsibility to engage fully with their programme of study, including attending all lessons and completing work. Where they fail to do so, it is the duty of tutors and managers to highlight the risk this poses to a student's successful study and future progression and to agree with the student strategies to ensure they reach their full potential.

NB: In this policy, where referring to student/s it also includes apprentices.

1.2 Scope of the Policy

This policy applies to all enrolled students and covers misconduct alleged to have occurred on College premises or during College-organised off-site activities, or behaviour which brings the College into disrepute, including work related activity (work placement), college educational visits and also extends to use of ICT, including e-safety issues.

Work based students - follow the College's disciplinary procedures, with the College informing the sponsoring employer of any disciplinary outcome from Stage 2 onwards.

This policy is given effect by the Support to Meet the College Values Strategy (the associated strategy).

In this document, where reference is made to CLT, this means any manager from the College Leadership Team may be involved as appropriate. Reference to SLT means any member of the Strategic Leadership team may be involved as appropriate.

1.3 Aim

The aim of this policy is to ensure the provision of a positive learning environment; to support the learning process and to promote acceptable conduct at all times. The policy seeks to ensure that student discipline is maintained in a manner that promotes fair and equitable treatment of all students and provides support to all

members of staff. It is also focussed on restorative practice whereby, students are supported initially to find ways to meet the college's values and expectations rather than immediately disciplined for failing to meet them.

1.4 Principles on which the Policy is based

- a) Providing students and staff with a safe, secure and respectful environment in which to work and learn
- b) Promoting positive behaviour as a way of supporting student progress towards reaching their potential. In cases where support for students is unsuccessful, this might involve applying appropriate sanctions to protect the interests of all concerned
- c) Creating an environment in which all people and property are respected and everyone is encouraged to take responsibility for their own behaviour
- d) Establishing a consistent approach to managing unacceptable behaviour that is used in a fair and equitable manner by all staff
- e) Applying sanctions fairly, consistently, proportionately and reasonably – taking into account students with learning difficulties and/or disability and the needs of vulnerable learners and offering support as appropriate. The College will also consider any mitigating circumstances where relevant.

2 Expectations

2.1 What students can expect from York College

- The right to learn in a safe, secure and respectful environment
- Appropriate action to be taken by the College to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment
- Access to disciplinary procedures which ensure that students who fail to meet the expectations of the College are treated with consistency and fairness, whilst taking into account any individual circumstances
- A zero-tolerance approach to illegal drugs, theft, bullying, harassment and child on child abuse (also known as peer on peer abuse)
- Support, praise and, as appropriate, reward for students' good behaviour
- To be treated with respect and courtesy

2.2 What York College expects from all students

- To be punctual and attend all lessons
- To be fully prepared to learn, both in terms of having appropriate equipment and an appropriate attitude to learning
- Respect shown to College staff, fellow students, College property and the College environment as well as visitors to the College and members of our local community
- To take responsibility for their own learning, and to be aware of their rights, responsibilities and College expectations of them
- That they follow the reasonable instructions of College staff and others involved with their learning and keeping them and others safe
- Understanding of the advantages of good behaviour both in terms of personal advancement and building relationships

- Full compliance with measures designed to keep students and staff safe. This includes Health and Safety guidance, the wearing of appropriate personal protective equipment (PPE) and the display of visible ID at all times on the College campus
- Adherence to the student charter and no contravention of any aspect of the student disciplinary policy
- Co-operation with, and abiding by, any arrangements put in place to support their behaviour

3 Summary of levels in the disciplinary policy

- 3.1 The Disciplinary Policy has different levels in place in order to provide students with support to address issues at an early stage, to set improvement targets and implement strategies to overcome any difficulties.

The levels of the Disciplinary Procedure are as follows:

1. Stage 0 – Informal intervention
2. Stage 1 – Support to Meet Expectations
3. Stage 2 – Support to Meet Expectations
4. Stage 3 – Disciplinary or Fitness to Study

Formal warnings will only be given where appropriate. Given the focus of this policy and the associated strategy is on support to meet values and expectations rather than immediate disciplinary action for failing to meet them, chairs of each meeting may feel support plans, actions and targets are more appropriate. However, the chair reserves the right to issue a formal warning (verbal or written) where behaviours displayed warrant such. A student can enter the process at any stage depending upon the seriousness of any single incident or pattern of behaviour.

Possible outcomes of the hearings at stage 1, 2 and 3 include no action to be taken, issuing a formal warning at the most appropriate level, fixed term or permanent exclusion, or being withdrawn under the Fitness to Study Policy. The outcome depends on the findings of the hearing, which may include the extent of involvement, the severity of any incident and response to actions set under previous warnings.

- 3.2 If a student's behaviour is deemed to be gross misconduct, either because of a specific incident or continued poor performance/ behaviour, they may be excluded from the college (fixed term or indefinite).
- 3.3 The Deputy CEO and Principal reserves the right to immediately exclude a student without a stage 3 hearing where their continued attendance to college is deemed to be a risk to themselves, others, or to the college environment and where the evidence as to misconduct is conclusive. Appeals against immediate exclusion must follow the process outlined (s 5.1).
- 3.4 Concerns over attitudes to study or study habits which are impacting on the student's academic progress should be addressed by the course tutor - targets

will be set, agreed and progress monitored as part of the learning process. However, if there are persistent issues which may impact on the student's progress or the progress of others, this will be dealt with through the disciplinary process.

4 Grounds for Disciplinary Action

4.1 Some examples of grounds for disciplinary action are, but not limited to:

- Cheating and Plagiarism – direct copying from the internet, learning resource material or other past or present students' work - to pass off as own work
- Continuing poor attendance or punctuality without an acceptable reason
- Behaviour which is disruptive or offensive to College staff and/or other students, visitors to the College or members of the local community, including sexual harassment
- Behaviour likely to bring the College into disrepute
- Failure to follow the College's security arrangements such as refusal, or persistent failure, to display their ID badge as required while on College premises
- Academic neglect, poor attitude and working at a consistently poor standard and/ or not completing work on time

4.2 Gross Misconduct

Any of the following examples may lead to immediate exclusion by the CEO and Principal (or assigned Deputy), or should be addressed in a stage 3 meeting as described in the associated strategy:

- a) Violence or vandalism to people or property
- b) Abuse or harassment as defined in the College's Equality & Diversity and Anti-Bullying Policies
- c) Child on child abuse (also known as peer on peer abuse)
- d) Criminal Activity (see below)
- e) Using IT or mobile phones as a means of harassment (Cyberbullying)
- f) Interference with IT systems or computer configurations, for example, hacking
- g) Inappropriate use of internet and email - accessing or transmitting material that is considered by the College to be offensive, obscene, abusive, sexist, racist or defamatory
- h) Misuse of social media which harasses or bullies other students or staff members
- i) Circulating obscene or malicious images
- j) Serious damage to College premises and equipment (incl. IT equipment)
- k) Carrying an offensive weapon
- l) Theft
- m) Failure to pay College tuition fees
- n) Irresponsible behaviour resulting from use of banned drugs or alcohol
- o) Promotion or selling of drugs
- p) Serious misbehaviour which is disruptive or offensive to College staff and/ or other students or visitors to the College

- q) Serious misconduct likely to bring the College into disrepute
- r) Behaviour likely to cause accident or injury to themselves or others
- s) Persistent or significant plagiarism
- t) Smoking or vaping in college or in non-designated areas

The lists above are not exhaustive – there may be other issues that incur disciplinary procedures.

4.2 Criminal Activity

The College reserves the right to report potential criminal activity to the Police and/or to advise victims of such activity of their right to do so. If an incident is serious and of a criminal nature, the College may defer disciplinary action pending the outcome of criminal proceedings. In exceptional circumstances the College may also take the decision to suspend the student until the outcome of the proceedings is known. The College also reserves the right to take disciplinary action irrespective of any police action (or lack of action).

4.3 Managed Absence

A managed absence is not a disciplinary action and should not be confused with exclusion. In cases of possible gross misconduct students may be placed on a managed absence until the disciplinary meeting is held. The decision to place a student on a managed absence is made by a member of the College Leadership Team. Managed absences are normally used for one of the following reasons

- (a) To provide a 'cooling off' period for students involved in an incident
- (b) Where a student's continued attendance at College presents a risk to others or to themselves
- (c) Where a student's continued attendance at College is likely to hamper any investigation prior to a disciplinary meeting

If the student is placed on a managed absence, the Head of Curriculum will arrange for the student to keep up with College work as far as is possible. During the absence period, students must not be on college premises without the prior permission of their Head of Curriculum. Students' ID cards will be retained for the College by the manager arranging the managed absence.

4.4 Links to Fitness to Study Policy

At times it is not always clear whether a student's underperformance, behaviour or attendance is a disciplinary matter or the product of health-related problems. As such, students are managed through a range of support meetings with the assumption that any behaviour issue can usually be attributed to something for which support may be available. If a student's behaviour can be linked to a health or well-being issue, then the associated strategy should be implemented with due regard to College's Fitness to Study Policy.

5 Disciplinary Processes

The College reserves the right to make changes to the staff involved at each stage due to either availability of staff or their particular skills, knowledge or experience.

If a meeting is chaired by someone other than as indicated, it will ordinarily be someone of equal or higher authority. Meetings at stages 2 and 3 should not be chaired by a member of staff who has been the target of alleged misconduct or who may be impacted by alleged misconduct.

Please refer to the **Support to Meet College Values Strategy and Associated Procedures** for details on the process to be followed.

5.1 Appeal against a Stage 3 Warning or exclusion

- a) Students can appeal against a Stage 3 Warning or an exclusion. This must be done within 10 working days of the notification of the Stage 3 Warning or exclusion and be in writing to the Principal (letter or email). The appeal can only be made on the grounds of:
 - New evidence
 - Decision did not take account of all evidence
 - Procedural irregularity
- b) If a student appeals against their Stage 3 Warning or exclusion, the Principal, (or a nominated deputy) who has had no previous involvement with the case, will consider the appeal. The Principal (or nominated deputy) will review the meeting notes, outcome and student appeal letter which should outline why they are appealing
- c) The Principal (or nominated deputy) reserves the right to invite the student and their representatives in to the college to discuss the appeal in person (if deemed necessary). This would be at a mutually agreed time and date. The meeting will allow the student to present any additional information to the case
- d) The student must indicate in writing or email that they will be attending the meeting and the names of those who will be accompanying them. This information must be provided at least 48 hours before the meeting. If the student or representative fail to attend the meeting without notification, the meeting will proceed in their absence
- e) If the student or their representative(s) fail to attend the meeting without good reason then the appeal decision will be made without their input
- f) The appeal decision will be notified to the student in writing within 5 working days of the final decision. If the student's appeal is successful, the student's College record will be duly updated to reflect this
- g) This appeal decision is final. An appeal may only be made to the Chair of Governors where the CEO and Principal made an immediate exclusion decision or chaired a stage 3 meeting which led to an exclusion. Should the decision have been made by a nominated deputy, the appeal will be heard by the CEO and Principal.

6 General Information

6.1 Recommendation Meetings

Before making a final decision, it is normal practice for the Chair of a Stage 3 Disciplinary meeting to meet with a colleague or colleagues, including a member of the Strategic Leadership Team to discuss the outcome. The purpose of these meetings is to ensure standardisation and consistency in the application of penalties in line with the College policies. The outcomes of these meetings, and the reasons for them, must be recorded, including all present at the meeting. If a Strategic Leadership Team member has been involved in the recommendation meeting, then they should not be involved in assessing any subsequent appeal against that decision.

6.2 Damage to premises and / or equipment

Students will ordinarily be asked to pay for the cost of vandalism/damage to property or equipment where this is a result of the student's behaviour.

6.3 Communication of outcomes

Where a student is under 18, their parent/carer will be notified of the outcome of any disciplinary meetings, provided the student has given the College permission to communicate with their parents. For work-based students, employers will be advised of any disciplinary outcome from Stage 2 onwards. If a student is a Looked After Child, the College may contact the relevant worker at Social Services.

6.4 Readmission after exclusion

Exclusion may be permanent or fixed term to a certain date. If a student has been given a fixed term exclusion, has passed the end of the exclusion period and wishes to reapply to College, they should apply in the normal way and will be regarded as a "complex" enrolment, and will be invited in for a discussion with a member of the College Leadership Team or appointed deputy.

Applications from students who have been permanently excluded will not be considered.

6.5 Rolling forward of disciplinary status

When a student moves directly from one academic year to the next –whether in the same course or changing courses – they retain their disciplinary status, which will be reviewed within the first 4 weeks by their new Progress Coach.