



BRIDGWATER  
& TAUNTON  
COLLEGE

# STUDENT CONDUCT AND DISCIPLINARY PROCEDURE

Effective for all students of the College on or after 7 September 2020

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## **1. Introduction**

- 1.1 This procedure sets out the standards of conduct that Bridgwater and Taunton College expects of its learners, and provides the College's approach to dealing with allegations of student misconduct.
- 1.2 Bridgwater and Taunton College is a very large College with many thousands of individuals studying and working together as a community. In order for such a community to function effectively, and to ensure the environment is conducive to teaching and learning, students are required to meet certain standards of conduct, and the College to have a fair and consistent procedure where they do not.
- 1.3 A particular challenge at the time of production of this update to the Policy (August 2020) is ensuring precautions the College is taking to protect students and staff against transmission of the COVID-19 virus are respected and adhered to.

## **2. Policy Statement**

- 2.1 The College recognises that disciplinary processes should be restorative in nature and should seek learning opportunities from mistakes made. At the same time an escalating procedure is required for allegations of increasing seriousness.
- 2.2 The Procedure covers both Academic and General Misconduct with differing degrees of severity of allegation and response.
- 2.3 The College has a zero tolerance policy towards violence and harassment of any type, and towards deliberate disregard of COVID-19 precautions.
- 2.4 The College seeks to achieve an environment which upholds the British Values of democracy, the rule of law, individual liberty, and especially mutual respect and tolerance of different faiths, beliefs and practices, and the Disciplinary Process should contribute to upholding these values.
- 2.5 The College is committed to conducting all stages of its Disciplinary Procedures fairly, consistently, and in proportion to the misconduct being considered. Support and guidance is available to students involved at any stage of the procedure from the Student Engagement department.

## **3. Scope**

- 3.1 The standards of conduct expected, and procedures applied where there are allegations of misconduct, apply to all students, whether on site or representing the College off-site, whether engaged in College activity in term time or non-term time, and when in College accommodation (or accommodation the College has organised) which in addition has its own rules of conduct specific to a residential setting.
- 3.2 The procedure covers both academic and general misconduct.
- 3.3 Academic misconduct includes, but is not limited to, poor attendance, failure to submit work on time or meet academic targets, plagiarism or cheating in exams.

- 3.4 General misconduct includes, but is not limited to:
- Bullying, harassment (including sexual harassment) or discrimination against another person, including in communications via social media
  - Acts bringing the College's reputation into disrepute
  - Damage to or theft of property from the College or from others
  - Disruption of College learning, enrichment or social activities
  - Persistent failure to comply with College rules and policies or respond to previously agreed sanctions
  - Misuse of alcohol, drugs and legal highs
  - Any criminal activities
  - Activities that provide a risk to other students, staff and visitors, especially those related to COVID-19.

#### 4. Procedure

- 4.1 For minor misconduct, or situations where behaviour is starting to cause concern, staff should consider intervention to change the student's attitude, for example: discuss the student with other staff and ensure you are aware of any vulnerabilities; seek support from Counselling, Health or Faith Promotions or Careers Advice; consider transfer to another programme. Record any concerns or decisions on the ILP.

#### 4.2 Stage 1 Disciplinary Procedure

**When?** Stage 1 usually involves intervention by staff at an early stage for an issue or incident which is relatively contained and minor.

**Who?** The Personal Tutor meets the student(s) concerned, discusses the issue and sets a target for improvement which is recorded on the ILP.

**Sanctions** may include a verbal warning, a requirement for an apology, or reparation to the College or an individual for damage to property for example.

#### 4.3 Stage 2 Disciplinary Procedure

**When?** Stage 2 is for cases where action at Stage 1 has failed to resolve matters or lead to improvements

**Who?** The Personal Tutor and Course Leader or Curriculum Manager meets the student(s) concerned, discusses the issue and sets targets for improvement which are recorded on the ILP.

**Sanctions** may include a written warning, a requirement for an apology or restorative justice session, reparation to the College or an individual, or a ban from a particular area, facility or service of the College.

#### 4.4 Stage 3 Disciplinary Procedure

**When?** Stage 3 is for cases of serious misconduct and / or failure to meet targets where action at Stage 2 has failed to resolve matters or lead to improvements. Investigation is often required prior to the Stage 3 Hearing (see Appendix 1). Where a criminal act is involved, police action will take precedence over College action, and

police advice should be sought about whether a student should be allowed to continue at College pending a criminal investigation or court appearance.

**Who?** Stage 3 is chaired by the Head of Department responsible for the course area in which the student studies. A Curriculum Manager or Course Leader (CM / CL) provides the College's side of the case, and the student is supported by their Personal Tutor or a Wellbeing Officer.

The Head of Department may wish, for particularly complex cases or severe misconduct, to invite a Student Engagement Manager or Senior Manager to join the Stage 3.

**Sanctions** may include exclusion from the College or from College accommodation; continuing at College or in College accommodation but with conditions set; or temporary exclusion from the College or from College accommodation.

#### 4.5 **Disciplinary Procedure for deliberate disregard of COVID-19 precautions**

Staff should be sensitive to the constantly changing government and public health advice about restricting the spread of COVID-19. There will be occasions when students forget to bring or wear a face covering, or to wash hands, or to stay at a reasonable distance from someone they are talking to. A supportive conversation on these occasions is likely to be appropriate.

However there may also be occasions where students think it is amusing to breach precautions being taken, or deliberately do so. Examples might include not wearing a face covering without exemption to do so, spitting, deliberately talking round the edge of a protective screen, entering barred areas or ignoring one way systems or getting intimidatingly close to a member of staff.

If a member of staff observes this type of behaviour, they may feel able to de-escalate the situation, particularly if they know the student. If their sense is that the student is remorseful, understands the risk they have presented to others, and is unlikely to repeat the behaviour, a discussion and reminder of College COVID-19 precautions may suffice.

If this is not the case – the student does not appear to understand the concern about their behaviour – the member of staff should call their manager, or the Duty Manager, who then has the right to ask the student to leave the campus immediately, and impose up to a week of online learning at home.

The Manager who does this should inform the Assistant Principal or Head of Department, who should ensure that a call is made to the student, and to parents / carers if the student is under 18, to explain why the student has been suspended from access to College and when they will be allowed to return. This should be recorded on the student's ILP.

If there are particularly flagrant and serious breaches of COVID-19 precautions – for example, a student who has tested positive coming on site and deliberately trying to infect others, or multiple instances of the need to suspend for a week, the Stage 3 process described above should be reverted to, with possible sanctions as available at Stage 3.

## 5. Appeals

**When?** An appeal may be made against the outcome of a Stage 3 Disciplinary only on the following grounds:

- The Stage 3 Panel did not consider all the available evidence
- Information is now available which was not available at the time of the Stage 3
- The correct disciplinary procedure was not followed by the Stage 3 Panel.

**Who?** An Appeal Panel chaired by a Senior Manager will be set up within 10 days of the request for an appeal.

**Outcomes** of an Appeal Hearing are limited to:

- Confirmation of the Stage 3 Panel's decision e.g. uphold the exclusion of a student
- Reversal of the Stage 3 Panel's decision e.g. reinstate an excluded student on a programme
- Variation of the Stage 3 Decision e.g. reinstate an excluded student to the College but to a different programme

See Appendix 2 for more information about preparation and procedure for a Stage 3 Disciplinary Appeal.

## 6. Related policies and procedures

This procedure should not be read in isolation and should be read in conjunction with other relevant College policies and procedures including:

- The Student Charter and Code of Conduct
- The Operating Procedures for COVID-19
- The Equality and Diversity Policy
- The Safeguarding and Child Protection Policy
- The Complaints Procedure

## 7. Review

This procedure will be reviewed every two years (or sooner where appropriate) by the Director of Student Services and approved by the Senior Management Team.

Analysis of the number and types of Disciplinary Procedure will be reported to SMT and the Academic Standards Committee at least annually.

## 8. Appendices

### Appendix 1 Stage 3 Disciplinary Procedure

#### Suspension

Cases of gross misconduct may involve suspension of a student for the safety of themselves and others. Any College manager may suspend a student with the authorisation of a Senior Manager.

Parents and carers of under-18 students should be contacted to inform them of the suspension. Care should be taken to ensure that an under-18 student is able to get home safely, for example by inviting parents / carers to collect the young person.

The suspension should be confirmed in writing to the students and, where appropriate, to parents and carers, as soon as possible, and arrangements made as quickly as possible for a Stage 3 procedure so that the suspension is not extended.

#### Investigation

Misconduct leading to a Stage 3 Procedure will often require an investigation before the hearing. Any staff, student or other witnesses should be asked to produce a statement. CCTV footage can be requested from the College Support team. Any relevant evidence should be retained and locked away securely but may be produced during the hearing.

#### Stage 3 Personnel

A Stage 3 Disciplinary is chaired by the Head of Department responsible for the course area in which the student studies. A Curriculum Manager or Course Leader (CM / CL) provides the College's side of the case, and the student is supported by their Personal Tutor or a Wellbeing Officer.

The Head of Department may wish, for particularly complex cases or severe misconduct, to invite a Student Engagement Manager or Senior Manager to join the Stage 3.

If the student is under 18 the parent or carer should be invited to the Stage 3 Disciplinary. In line with the Raising of the Participation Age (RPA), if a student has turned 18 during the year of study in which the Stage 3 takes place, the parent or carer should still be invited, unless the student has expressly asked them not to be.

The outcome of the Stage 3 is decided by the Head of Department in consultation with the other staff involved.

#### Stage 3 Procedure

A Stage 3 Disciplinary should follow the format below:

1	The Chair introduces those present, and explains the Disciplinary Procedure and the possible outcomes at Stage 3, and how the meeting will be conducted.
2	The CM / CL presents the reasons for the Disciplinary Procedure and is able to question the student.

<b>3</b>	The student gives their own account of what happened, and is able to call on any witnesses or advocates, including parents / carers.
<b>4</b>	The Chair questions the CM / CL and student and any witnesses or advocates. The personal Tutor or Wellbeing Officer should seek to ensure the student has been able to speak and is treated fairly.
<b>5</b>	The Chair asks all parties whether they have been able to say everything they wanted, then asks the student and any parents / carers to step outside the room.
<b>6</b>	The Panel recalls all to the room and announces the outcome, and provides this in writing within five working days.

## Appendix 2 Handling Appeals

1 If a student wishes to appeal against the decision of a Stage 3 Panel, they should write to the Assistant Principal of the student's Area of the College within 5 working days of the day of the decision letter, and must state the reason for the appeal from the following:

- The Panel did not consider all the relevant evidence
- Information is now available which was not available to the student or the Panel at the time
- The correct disciplinary procedure was not followed by the Panel

2 An Appeal hearing is chaired by a Senior Manager (who was NOT involved at Stage 3). The hearing will be set up within 10 working days of receipt of the request. This will enable the student to prepare his/her appeal case. A letter should be sent to the student giving details of the Appeal hearing, and the right to representation and support available from the Student Engagement team. The Chair will consider a report from the Chair of the Stage 3 Panel and evidence from the student concerned. If the student indicates that he/she will have legal representation, advice should be sought from the Principalship.

The Area PA will coordinate the Appeal proceedings and will be the contact person for the appellant and take notes of the hearing.

3 Effort must be made to make the Appeal procedure as comfortable as possible for the appellant. At the start of the hearing, the Chair will:

- Introduce those present
- Confirm that the appellant is aware of his/her right to be accompanied by a parent/carer or friend
- Confirm that the appellant is aware that the Appeal Chair's decision will be final
- Outline the conduct of the meeting.

The Chair will then ask the appellant to submit his/her case, and may ask questions.

The Chair of the Stage 3 Panel will then present the case for the College's decision at Stage 3, and the appellant and/or advocate and Appeal Hearing Chair will be given the opportunity to ask questions.

The Chair will then ask the appellant and the Chair of the Stage 3 Panel to sum up.

The appellant and the Chair of the Stage 3 Panel will then be asked to withdraw and wait and thanked for their attendance. If it becomes necessary to recall to clarify a point, then both parties will return. If no recall is required, the notetaker will inform both parties and release them.

The Appeal Chair will then deliberate and come to a decision which will be communicated in writing to the appellant. This decision remains confidential until the appellant has been informed.

The Appeal Chair may, but is not obliged to, reach a decision at the meeting. The Chair must not consider further evidence after the meeting without giving the student the opportunity to comment on it.

- 4 The student will be informed of the decision within 5 working days of the Appeal Hearing. The decision of the Appeal Hearing Chair is final.

Students who wish to challenge this decision should be directed to the College's Complaints Policy, which provides details of how to complain to the Governing Body and to external funding and inspecting bodies.