

STUDENT CONDUCT AND DISCIPLINARY PROCEDURE (FE and HE)

Effective for all students of the College and University Centre Somerset on or after 1 December 2023.

Author: Assistant Principal Student Experience
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1. Introduction

- 1.1 This procedure sets out the standards of conduct that Bridgwater and Taunton College and University Centre Somerset (UCS) expects of its students, and provides the College's (including UCS) 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, learning and a professional environment, students are required to meet certain standards of conduct, and the College has a fair and consistent procedure where they do not.

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 for students in Further Education (FE). The Procedure covers General Misconduct for students in Higher Education (HE) and allegations of Academic Misconduct will be covered by the UCS HE Academic Misconduct Policy.
- 2.3 The College has a zero tolerance policy towards violence, and promotes 'a positive culture and behaviours to seek to eradicate discrimination and harassment'.
- 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. These are described in the 'BTC Professional Expectations' which all staff and students are expected to adhere to, and the Disciplinary Process contributes to upholding these expectations.
- 2.5 The College is committed to conducting all stages of its Disciplinary Procedures fairly, consistently, without bias 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 Professional Expectations, 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), hate crime, or discrimination against another person, including in communications and 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

Any member of staff with good cause can require and request a student to leave a specific area, or the premises if a situation should occur that cannot reasonably be resolved in a safe manner.

- 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 (if appropriate). 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 Deputy Head of the Department 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 Presenting Manager 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 Senior Manager to join the Stage 3 Hearing, or a Student Engagement Manager where the issue is related to Safeguarding or extreme wellbeing needs.

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

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, suspension or withdrawal of a student
- Reversal of the Stage 3 Panel's decision e.g. reinstate an excluded, suspended or withdrawn student on a programme
- Variation of the Stage 3 Decision e.g. reinstate an excluded student to the College but to a different programme (where appropriate).

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 BTC Professional Expectations
- The Operating Procedures for COVID-19
- The Equality and Diversity Policy
- The Safeguarding and Child Protection Policy
- The UCS Safeguarding Policy (for HE students)
- Relevant academic Regulations (for HE students)
- The Complaints Procedure
- The HE Complaints Policy (for HE students).

7. Review

This procedure will be reviewed every two years (or sooner where appropriate) by the Assistant Principal Student Experience 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's Data Protection Officer, and is usually viewed as part of the investigation rather than being shown in the Stage 3 hearing. Any relevant evidence should be retained and locked away securely but may be produced during the hearing.

Stage 3 Personnel

Roles in a Stage 3 Disciplinary hearing are as follows:

- The hearing is chaired by the Head of Department responsible for the course area in which the student studies.
- A Manager or Course Leader acts as the College's 'Presenting Manager' and explains what happened to lead to the Stage 3.
- The student is supported by their Personal Tutor, a Wellbeing Officer or any member of staff who is particularly trusted by the student.

The Head of Department may wish, for particularly complex cases or severe misconduct, to invite to the hearing:

- A Student Engagement Manager, where serious student welfare or safeguarding issues are likely
- A Senior Manager where the matter is significantly complex and / or may lead to exclusion of the student.

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 Presenting Manager presents the incident or circumstances which have led to the Stage 3 hearing and is able to question the student.
3	The student gives their own account of what happened, and is able to call on any witnesses or advocates, including parents/carers (where appropriate).
4	The Chair questions the Presenting Manager 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.
5	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.
6	The Panel recalls all to the room and announces the outcome, or gives a timescale if further investigation is required.

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 (where appropriate) 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.