

Student Disciplinary Procedure

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1 Scope and Purpose

- 1.1 The purpose of these procedures are to establish a fair and consistent approach in dealing with misconduct or poor performance by students. It also makes clear the system of responsibilities and actions to be taken when difficulties occur. All College staff are expected to support these procedures.
- 1.2 The Student Code of Conduct lists the expected behaviours students are required to adhere to. The Learning Contract signed by each student sets out their responsibilities. Breaches of this Code of Conduct and Learning Contract may lead to disciplinary action being taken against a student. Repeated breaches or a single very serious breach may result in a student being suspended or excluded from the College.
- 1.3 The procedures apply to all students enrolled at Hugh Baird College, including workplace learning students and higher education students, with the exception of the College's full time 14 to 16 year old learners who are subject to a separate procedure.
- 1.4 If it is felt necessary to invoke the disciplinary process for a School-link student the matter will, in the first instance, be discussed with relevant College managers. Subsequent discussion, which may involve parties from the relevant parent school, will agree the appropriate course of action to be followed, which may or may not include the use of this procedure. In addition, any disciplinary considerations relating to a full time 14-16 year old will be taken forward by a separate procedure produced specifically for this purpose.
- 1.5 This procedure will be used for alleged acts of misconduct on College premises or whilst on an organised College activity off the premises such as trips and visits. This procedure may be used for alleged acts of misconduct off College premises if they are connected to the College and it is deemed appropriate to do so by the College, such as work placement. However, please note paragraph 10.6.
- 1.6 The purpose of this procedure is:
- i) to help and encourage all students to achieve and maintain acceptable standards of conduct;
 - ii) to ensure College standards in respect of academic performance;
 - iii) to ensure quick, efficient, consistent and fair treatment for all in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance.
- 1.7 All stages of the Student Disciplinary Procedure will have regard to the principles of natural justice.
- 1.8 In accordance with Disability Equality where students have a disability, including mental health and behavioural difficulties, reasonable adjustments will be made to ensure students are not discriminated against. Staff should be aware of such individual cases.
- 1.9 This procedure makes reference to a number of job roles relating to those staff expected to discharge specific responsibilities. Whilst the document uses job roles relating to the College's core Further Education provision, in all instances it is expected that specific responsibilities under this procedure will be discharged by the equivalent roles that exist within other areas of the College's provision (such as those within Higher Education, Work Based Learning and full time 14 to 16). By means of example, roles assigned to an Assistant Director (Teaching & Learning) within the procedure should be completed by the Higher Education Academic Lead (Student Experience) and roles assigned to a Director/Assistant Principal should be assigned to the Dean of Higher Education.
- 1.10 Upon the College becoming aware of a possible disciplinary matter, **the Study Programme Lead will firstly liaise with the College's Student Services team** to ascertain whether the matter should be dealt with under separate safeguarding or other procedures, such as those in place for PREVENT, and to be made aware of any wider contextual factors about which a disciplinary investigation needs to be aware. Should it be the case that after review the matter is judged not to be a safeguarding concern or a matter for an alternative procedure then staff should refer this back to the Study Programme Lead who will ensure it is investigated under the disciplinary procedures, as outlined within the remainder of this document. In the course of the investigation should a possible safeguarding matter or other concern,

covered by an alternative procedure, arise then the investigating manager should refer this immediately to the College's safeguarding team for advice. At all stages, the College will make clear which procedure is being followed.

2 General Principles

2.1 The Student Disciplinary Procedure applies in cases of conduct and/or performance. Where staff are in doubt about implementing the disciplinary procedure they should liaise with their Assistant Director or the Study Programme Lead for guidance.

2.2 Four main sanctions are available under the Student Disciplinary Procedure. They are:

i) **Formal Oral Warning;**

ii) **First Written Warning;**

iii) **Final Written Warning;**

Although not a specific sanction as such, a result of the enactment of the procedure is that a student may be **suspended**, followed by a disciplinary investigation that will result in one of the following outcomes:

- a) The student returning to College with no case to answer;
- b) The student attending a formal Disciplinary Hearing that may result in:
 - returning to College with no case to answer;
 - the issuing of a Warning at a level judged to be appropriate by the Disciplinary Panel;
 - exclusion from the College.

iv) **Exclusion**, having firstly attended a disciplinary hearing¹.

2.3 On the rare occasion when a student's behaviour is deemed so serious that, in the view of College managers, it presents an immediate significant risk to others in the College or to College premises, once the full facts have been ascertained to the College's satisfaction then the Principal may instruct that the perpetrator be excluded immediately, without recourse to appeal. It is anticipated that such an action would be needed in extremely rare instances.

2.4 When a student has committed a breach in the code of conduct, and the nature of the incident calls for the student to be sent home for a short "cooling off" period, this may be done with the authorisation of the Study Programme Lead. If the Study Programme Lead is not available, authorisation must be gained from an Assistant Director/ Director/Assistant Principal or higher. (This is **NOT** a suspension and the student will be expected to return to College for a case conference within 24-48 hours). Under no circumstances should any other member of staff authorise for a "cooling off" period.

2.5 Sanctions i) to iv) will be imposed in successive stages if behaviour and/or performance does not reach acceptable standards or is not maintained at an acceptable standard. However, if warranted, it is possible to omit the earlier stages and proceed straight into the 'first written warning' stage with authorisation of the Study Programme Lead, Assistant Director, Director or Assistant Principal.

In cases of alleged gross misconduct, the Study Programme Lead or a member of the Principalship may instruct that stages 2.2 i) – iii) be omitted and a student be immediately suspended. Note that only a member of the Principalship may formally suspend a student.

3 Formal Procedures - Formal Oral Warning (Stage One)

3.1 The student should be asked for an explanation of the conduct or performance complained of and account should be taken of this explanation. If a Study Programme Coordinator is confident and has

¹ Note paragraph 2.3

evidence that a student's performance and/or conduct is below the standard required s/he will issue a Formal Oral Warning.

- 3.2 If a member of staff is concerned about a student, then s/he should inform the student's Study Programme Coordinator setting out the cause/s of concern. If the Study Programme Coordinator is satisfied that the student's performance and/or conduct is below the standard required s/he will issue a Formal Oral Warning and implement the above procedures.
- 3.3 The student will be advised of the reason for the warning and informed that this is the first stage of the formal disciplinary procedure. The date, time and circumstances surrounding the warning will be recorded on the student's record within ProMonitor.
- 3.4 An action plan agreed between the Study Programme Coordinator and student with clear conditions for improvement and the timescale for improvement will be drawn up. It will also state that failure to demonstrate the required improvement may lead to the issuing of a First Written Warning.
- 3.5 The College is committed to each student's success and all reasonable efforts will be made to support their needs. This will include the Study Programme Coordinator contacting Student Services where misconduct or performance indicates the student will benefit from additional help. This support will form part of the action plan. The Disciplinary Action Plan should be regularly reviewed to monitor improvement.
- 3.6 Once an Oral Warning has been issued then this should be confirmed as completed on ProMonitor by the Student. The Oral Warning will remain in force for 3 months or for the remainder of the student's course, whichever is sooner.
- 3.7 In the case of a student who is aged 16 or 17, the Study Programme Coordinator will telephone or write to the student's parent(s)/guardian(s) to inform them that an Oral Warning has been issued. Similarly, where a student is sponsored to attend College, the sponsor will be informed of the Oral Warning.
- 3.8 In all cases the Study Programme Coordinator will inform his/her Curriculum Coordinator, Assistant Director, Director/Assistant Principal and the Study Programme Lead.

4 Formal Procedures - First Written Warning (Stage Two)

- 4.1 The student should be asked for an explanation of the conduct or performance complained of and account should be taken of this explanation. If the Study Programme Coordinator and Assistant Director is confident and has evidence that a student's performance and/or conduct is below the disciplinary standard required a First Written Warning and sanction(s) as outlined below will be given to the student:
 - i) the student has failed to comply with the Formal Oral Warning issued under section 3;
 - ii) despite having received a Formal Oral Warning under section 3 the student has committed further misconduct or his/her conduct or performance continues to be unsatisfactory.
- 4.2 The Study Programme Coordinator and Assistant Director will advise the student of the reason for the Warning and inform them that this is the second stage of the formal disciplinary procedure. The date, time and circumstances surrounding the First Written Warning will be recorded on the student's record within ProMonitor.
- 4.3 An action plan agreed between the Study Programme Coordinator, Assistant Director and student with clear conditions for improvement and the timescale for improvement will be drawn up. It will also state that failure to demonstrate the required improvement may lead to a Final Written Warning.
- 4.4 The College is committed to each student's success and all reasonable efforts will be made to support their needs. This will include contacting Student Services where misconduct or performance indicates the student will benefit from additional help. This support will form part of the action plan. The Disciplinary Action Plan should be regularly reviewed to monitor improvement.

- 4.5** In the case of a 16 or 17 year old student, the Written Warning should preferably be given in the presence of his/her parent(s)/guardian(s). Similarly, where a student is sponsored to attend College, the sponsor will be invited to be present when the Warning is issued and informed that the Warning has been issued. If a parent/guardian/sponsor is not present, the Study Programme Coordinator will telephone or write to them to inform them that a First Written Warning has been issued.
- 4.6** Once a First Written Warning has been issued then this should be confirmed as completed on ProMonitor by the Student. The Written Warning will be kept on file by the Assistant Director and will remain in force for 12 months, even if the student progresses to another course or to the second year of their current course.
- 4.7** In all cases the Study Programme Coordinator in conjunction with the Assistant Director will inform their Curriculum Coordinator, Director/Assistant Principal and the Study Programme Lead that the first Written Warning has been issued.

5 Formal Procedures - Final Written (Stage Three)

Warning applying Sanction(s)

- 5.1** The student should be asked for an explanation of the conduct or performance complained of and account should be taken of this explanation. If a Study Programme Coordinator is confident and has evidence that a student's performance and/or conduct is below the disciplinary standard required s/he will request a Final Written Warning is issued from the Study Programme Lead and Director/Assistant Principal. A Final Written Warning and sanction(s) as outlined below will be given to the student by the Study Programme Lead and Director/Assistant Principal with the Study Programme Coordinator present if:
- i) the student fails to comply with the First Written Warning issued under section 4;
 - ii) despite having received a First Written Warning under section 4 the student has committed further misconduct or his/her conduct or performance continues to be unsatisfactory.
- 5.2** The Study Programme Lead and Director/Assistant Principal will advise the student of the reason for the Warning and inform them that this is the next stage of the formal disciplinary procedure. The date, time and circumstances surrounding the Final Written Warning will be recorded on the student's record within ProMonitor. Once a Final Written Warning has been issued then this should be confirmed as completed on ProMonitor by the Student.
- 5.3** The Final Written Warning will give the reason and details for the sanction(s) to be applied, the action to be taken to achieve the improvement required and timescale for improvement. It will also state that, if misconduct continues or performance remains unsatisfactory during the period of the Final Written Warning, the case will be referred to the Vice Principal Curriculum & Quality (or another member of the Principalship) who may exclude or suspend the student pending a Disciplinary Hearing. The Disciplinary Hearing outcome could also result in exclusion from the College.
- 5.4** The sanctions available to the Study Programme Lead and Director/Assistant Principal are as follows:
- i) formal action plan;
 - ii) if the conditions are not met then recommendation to possibly suspend and/or attend a disciplinary panel hearing.
- 5.5** In the case of a 16 or 17 year old student, the Final Written Warning should preferably be given in the presence of his/her parent(s) / guardian(s). Similarly, where a student is sponsored to attend College, the sponsor will be invited to be present when the Warning is issued and informed that the Warning has been issued. If a parent/guardian/sponsor is not present, the Study Programme Coordinator will telephone or write to them to inform them that a Final Written Warning has been issued.
- 5.6** The Final Written Warning will remain in force for 12 months even if the student progresses to another course or to the second year of their current course.

5.7 In all cases the relevant Director/Assistant Principal, relevant Assistant Directors, Study Programme Coordinator and Curriculum Coordinator are to be informed that the Final Written Warning has been issued.

6 Formal Procedures – Suspension followed by possible Exclusion (Stage Four)

6.1 When staff identify student misconduct or performance of sufficient concern to invoke possible exclusion, this must be referred to the relevant Assistant Director/Director/Assistant Principal or the Study Programme Lead who, following review, will where relevant refer the matter to the Vice Principal Curriculum & Quality or another member of Principalship for action. Wherever practicable, written evidence detailing the alleged gross misconduct should be available to inform discussions.

6.2 The following circumstances may lead to exclusion of a student from the College:

- i) the student fails to comply with the terms of the Final Written Warning;
- ii) the student commits an offence of gross misconduct as specified in section 10.

6.3 Where one or more of the circumstances listed in paragraph 6.2 exists, the Vice Principal Curriculum & Quality or another member of the Principalship² may suspend a student pending the holding of a Disciplinary Hearing. Suspension will be until the outcomes of the Disciplinary Hearing are known. The College will aim to ensure that this period of time is no longer than 21 continuous College working days³. One exception is when the incident which led to suspension may be subject to criminal proceedings (see paragraph 10.5). A flowchart that details the disciplinary process is available for managers and students to refer to during the meeting. If it is not practicable to suspend the student in person, the Vice Principal Curriculum and Quality or another member of the Principalship will instruct that the student be suspended by letter. This letter will contain all pertinent information that would have been covered had suspension been communicated in person.

6.4 At the conclusion of the suspension meeting, the Vice Principal Curriculum & Quality should clarify with the student that they understand the key aspects of the disciplinary process that is about to be undertaken, highlighting in particular:

- i) the reason(s) for the suspension;
- ii) that suspension does not mean that the student is guilty but, rather, provides an opportunity for a full investigation;
- iii) that the student must not come into College except to attend a pre-arranged meeting or unless they need to sit exams;
- iv) that staff will arrange for work to be sent home and/or made available through electronic means on a regular basis throughout the time the student is suspended;
- v) that the suspension will continue until the outcomes of the Disciplinary Hearing are known. The College will aim to ensure that this period of time is no longer than 21 continuous College working days and whilst the outcome of the investigation is pending, the student must not return to College unless a senior member of staff either contacts them by letter or phone stating that they are allowed to return.

6.5 Upon occasions a decision may be taken not to suspend a student whilst a disciplinary investigation is undertaken. With the sole exception that the student remains in College, all aspects of the disciplinary process as detailed in this procedure are to be followed in this instance.

² For operational expediency, this and other actions contained within this Procedure designated to the Vice Principal Curriculum and Quality may be completed by another member of the Principalship

³ For clarity, standard holiday periods do not count as 'working days' in this context.

- 6.6 If the suspended student is 16 or 17 years of age, all subsequent correspondence posted to the student in relation to the suspension will also be copied to their parent(s)/guardians(s). In addition, parent(s) / guardian(s) will be invited to attend all meetings that take place as part of the suspension.
- 6.7 The Vice Principal Curriculum & Quality will arrange for a letter to be sent to the student, normally within 2 consecutive working days, confirming the suspension and setting out the reasons for it. Copies of the letter will be sent to the Study Programme Lead and the relevant curriculum Director.
- 6.8 The Study Programme Lead will designate an appropriate College manager⁴ to carry out an investigation into the alleged incident(s). Section 7 sets out details of how to conduct the investigation.
- 6.9 Following the investigation the Investigating Manager shall review the evidence they have collected and state a judgement as to how the matter should be addressed. The Investigating Manager should then discuss their findings with the Study Programme Lead. If it is decided that a Disciplinary Hearing is warranted, the Vice Principal Curriculum & Quality or another member of the Principalship will be appointed as Disciplinary Panel Chair and will then notify the student in writing of the date that the Disciplinary Hearing will be held. The College will aim to ensure that a Disciplinary Hearing is held within a period of time that is no longer than 21 continuous working days from the date of suspension (except where criminal proceedings may be involved – see paragraph 10.5) and notification, together with a copy of the evidence that has been collected, will be sent to the student no later than 7 consecutive days prior to the Disciplinary Hearing taking place.
- 6.10 If, following the investigation, it is decided that a Disciplinary Hearing is not warranted, the Study Programme Lead will liaise with the relevant Director/Assistant and Assistant Director with a recommendation as to how to deal with the matter.

7 Conducting the Investigation

- 7.1 The Study Programme Lead will designate an appropriate College manager to conduct the investigation. The investigator will be a manager who is not closely connected with the disciplinary matter to be investigated and it is best practice for the manager to be from a different directorate and also exclude Principalship.
- 7.2 The Investigating Manager will take signed, written statements – using the standard College statement pro-forma – from the student who is subject to the disciplinary procedure, from relevant staff and from other witnesses as appropriate. Investigating Managers should aim to meet with all relevant parties in person as this allows for evidence provided to be probed. Requesting that any person involved in the investigation provide evidence solely in the form of an email, or other such *arms-length* mechanism, is not encouraged and may lead to a request being forthcoming for more evidence to be collected.
- 7.3 If, during the course of the investigation, corroborated evidence is collected that appears to exonerate the student, the Investigating Manager should immediately inform the Study Programme Lead who will then inform the Vice Principal Curriculum & Quality who will recommend whether or not the student should be immediately reinstated.

8 Attending a Disciplinary Hearing leading to possible Exclusion (Stage Five)

- 8.1 The Disciplinary Hearing will be conducted by a panel of three College managers including the Vice Principal Curriculum & Quality or another member of the Principalship as Panel Chair. The proceedings will be minuted.
- 8.2 The Panel Chair shall post information pertaining to the hearing to members of the panel and to the student at least 7 days prior to the Hearing. If there is any attempt to interfere with the delivery of this information the alleged offence will be treated as gross misconduct. On occasion, a panel may take place within fewer than 7 days from postage of the evidence. In all such instances this will take place with the express agreement of the student and their parent/guardian (should the student be under the age of 18).

⁴ Henceforth referred to as the 'Investigating Manager'

- 8.3** At the Disciplinary Hearing, the student will be given an opportunity to state his/her case. S/he will have the right to be accompanied by his/her parent(s)/guardian(s), or a friend who is willing and able to attend meetings arranged by management under this procedure⁵. If the student fails, without good reason in the opinion of the disciplinary panel, to attend the Disciplinary Hearing, the Hearing will take place, and a decision will be made in his or her absence. In the case of certificated illness the Hearing will be postponed.
- 8.4** The Investigating Manager and any witnesses who, in the opinion of the Investigating Manager should be called, will also be required to attend the Hearing.
- 8.5** The Disciplinary Hearing will adopt the following procedure:
- i) the Panel Chair will explain the reasons for the Disciplinary Hearing and the procedure which will be followed. S/he will also set out the possible outcomes of the Hearing and the sanctions, as outlined in paragraph 2.2, which are available to the Panel;
 - ii) the Investigating Manager will be asked to present the outcomes of the investigation. Where relevant, witnesses may be called upon to provide evidence at the Hearing. Questions may be asked by the Panel and/or the student to clarify the content of the findings or any oral evidence provided;
 - iii) the student will then be given an opportunity to state his/her case. The Panel may question him/her.
- 8.6** When all the evidence has been heard, the Hearing will be brought to an end, the student, his/her representative and the Investigating Manager will leave and the Panel will meet to determine its judgement.
- 8.7** The Panel may impose any of the sanctions listed in paragraph 2.2 and will write to the student setting out their decision. If the Panel decides to exclude a student this will be put in writing to the student specifying the reasons for the exclusion, the date when exclusion from the College will commence, how long the exclusion will be for and the right to appeal against the exclusion in accordance with section 9. If the student appeals, the notice of exclusion shall not take effect until the appeal has been heard and concluded. The student will remain suspended until this time. Should a recommendation for exclusion be agreed for a student who had not previously been suspended, then whilst the appeal is being heard the student will be formally suspended and all procedures in place in relation to a suspended student will be in place.
- 8.8** Under normal circumstances the exclusion period is for the remainder of the academic year and would not normally exceed 12 calendar months. In exceptional circumstances, the Panel in consultation with the Principal may decide that a student be excluded from College for more than 12 months.
- 8.9** All matters relating to an investigation under the Student Disciplinary procedure – including the discussions that took place in a Disciplinary Hearing, the final outcome from a Disciplinary Hearing and the contents of any letters that may have been sent in relation to the Student Disciplinary process – are strictly confidential. Not maintaining such confidentiality may be considered by the College to be an act of gross misconduct and may lead to possible suspension and, ultimately, exclusion from the College.
- 9** **Appeals against Exclusion from College**
- 9.1** A student who wishes to appeal against exclusion must inform the Principal in writing within 14 consecutive days of the date of the decision which forms the subject of the appeal. The written appeal must state the reasons for the appeal.
- 9.2** The appeal may be made only on one or more of the following grounds:

⁵ Note the College will not allow formal legal representatives to accompany students to any meeting held as part of the College's disciplinary procedure.

- i) that there is additional evidence available that could not have been made available at the time of the original Hearing;
 - ii) there are grounds for mitigation of the sanction imposed that were not known at the time of the original Hearing;
 - iii) proper procedures were not followed;
 - iv) the penalty is considered to be unreasonable in relation to the offence.
- 9.3** If, after a review of the facts of the case, the Principal is of the view that the exclusion should be overturned then a letter will be sent to the student explaining the outcome and the reasons for it and the student will be immediately allowed to return to College. In such cases the Principal may insist that any additional disciplinary sanction, short of exclusion, be imposed as a condition of return.
- 9.4** If, in the view of the Principal, an Appeal Hearing is not justified on any of the grounds stated in paragraph 9.2, then a letter will be sent to the student explaining that this is the case, and the reasons why, concluding that the original decision of the Disciplinary Panel stands.
- 9.5** If the Principal considers that an Appeal Hearing is justified then this will be heard by a Committee established and chaired by another nominated member of the Principalship (other than the member of staff who chaired the initial disciplinary hearing) and consisting of two further members of College management staff, excluding any member of staff who served on the original panel. At the Principal's discretion, members of College management staff may be substituted with designated members of the Corporation Appeal's Committee. The Appeal Hearing will take place as soon as possible but normally no later than 21 consecutive days after the notice to appeal has been received by the Principal. The student will normally be given at least 7 consecutive days' notice of the date, time and location of the Appeal Hearing (unless an earlier date has been mutually agreed). The Appeal Hearing will be minuted. An Appeal Hearing will always be held to consider an appeal from a student who was excluded without a Disciplinary Hearing being held.
- 9.6** At the Appeal Hearing the student will be given an opportunity to state his or her case and will be entitled to be accompanied by parent(s)/guardian(s), his/her employer or a friend who is willing and able to attend the Appeal Hearing. This does not include legal representation.
- 9.7** The Appeal Hearing will adopt the following procedure:
- i) the Principal, or their delegated representative, will explain the reasons for the appeal and the procedure which will be followed;
 - ii) the chair of the original Disciplinary Panel (or in his/her unavailability, another member of the Panel) will explain the reasons which lay behind the Panel's decision to exclude the student. The Appeal Panel may question him/her to clarify the conduct of the Disciplinary Hearing or the reasons for its judgement;
 - iii) the student will then be given an opportunity to state the grounds for his/her appeal. The Appeal Panel and members of the Disciplinary Panel may question him/her.
- 9.8** When all the evidence has been heard, the Appeal Hearing will be brought to an end and the Appeal Panel will meet to determine its judgement.
- 9.9** The decision of the Appeal Panel will be notified to the student normally within 7 consecutive days of the Appeal Hearing. The decision will be final and binding.
- 9.10** All decisions made by the Principal under section 9 of this procedure will be final and binding.
- 10 Gross Misconduct - Disciplinary Code**
- 10.1** The behaviours listed below will be considered grounds for initiating formal disciplinary procedures for gross misconduct. The following are intended as exemplars only and these behaviours do not constitute a definitive list:

- i) behaving in a way which will endanger any person;
- ii) non compliance with safety notices or instructions given by staff about the use of machinery, equipment or tools;
- iii) wilful damage to College equipment or facilities, including graffiti;
- iv) assault or threat of assault to any member of staff or another student;
- v) theft;
- vi) being in possession of, or using, drugs, illegal or dangerous substances on College premises or whilst undertaking a College arranged activity;
- vii) being in possession of, or using, alcohol or abuse of alcohol on College premises or whilst undertaking a College arranged activity;⁶
- viii) gambling;
- ix) cheating or other examination/assessment misconduct⁷;
- x) serious disruptive behaviour;
- xi) threatening language or behaviour;
- xii) any action likely to put College computer systems at risk;
- xiii) misuse of the Internet;
- xiv) bullying, cyber-bullying – including the misuse of electronic networking sites such as Skype, SnapChat, WhatsApp and Facebook⁸, the distribution of inappropriate images, intimidation, harassment, victimisation or discrimination against another student, member of staff or visitor on any grounds including age, disability, ethnic origin, gender, sexual orientation, religion or belief;
- xv) possession of an object that, in the view of the College, can reasonably be assumed to be a weapon;
- xvi) attempting to enter College premises whilst suspended for any purpose other than to attend a previously arranged meeting;
- xvii) lending a College ID Card to somebody else;
- xviii) involvement in any criminal activity;
- xix) any action that may bring the College into disrepute;
- xx) providing important information to the College – either prior to enrolment or whilst enrolled – that is subsequently found to be false (e.g. failure to disclose a serious unspent criminal conviction);
- xxi) refusal to accept, or to fully co-operate with, in-class support that has been assigned and is considered necessary by the College;
- xxii) not maintaining confidentiality concerning evidence gathered from the student's involvement in a disciplinary investigation and/or outcomes arising from a Disciplinary Hearing the student attended;

⁶ Adults may on occasion, if specifically approved by the Principal, consume alcohol in moderate measure.

⁷ In the case of HE provision, due reference will be made to partner HEI guidelines and academic regulations.

⁸ This list is not exhaustive.

xxiii) if, in the view of the College, being present at College constitutes a potential risk to other members of the College community.

10.2 On some occasions action may be required to remove a student immediately from the College environment. This must be authorised by the Vice Principal Curriculum & Quality or member of Principalship and suitable arrangements put in place to ensure the safeguarding of all parties, including the student whose removal has been authorised. A decision will be made immediately as to the status of any student removed in this manner and the appropriate procedure followed, as a result.

Examples include:

- to prevent harm to self or others,
- to prevent damage to College property, serious misuse of the College intranet.

The Study Programme Lead and Assistant Director/Director/Assistant Principal in such a situation will make an assessment of how best to continue, considering the evidence available. Their findings will be presented to a member of the Principalship for a final decision on how to proceed.

10.3 The above grounds apply, at the College's discretion, to all College related activities on or off College premises.

10.4 If a student is alleged to have committed any of the above behaviours, or any other form of gross misconduct, the matter should be referred directly to a member of the Principalship.

10.5 If a criminal prosecution may result from the incident, the College disciplinary procedures may be stayed until the outcome of any criminal proceedings is known. The student will remain suspended from the College during this time. Upon completion of the criminal proceedings the College will re-open its own disciplinary investigation.

10.6 On occasion, the College may be informed of an allegation of gross misconduct by one or more of its students that took place away from College premises and was not on an officially sanctioned College trip. In all such instances, a College manager should discuss this matter with a member of the Principalship to agree the most appropriate course of action to take. In deciding the most appropriate course of action, the over-riding principle shall be the safety and safeguarding of all members of the College.

11 Disability Equality

11.1 For students with a cognitive impairment, an appropriate person will be provided to guide students through the disciplinary process and to ensure that all aspects of the policy are understood. In most cases this would be the Study Programme Coordinator, as directed by the relevant manager.

12 Application following exclusion

12.1 Once the period of exclusion has been served, if a student wishes to reapply to study at Hugh Baird College they must be interviewed by an appropriate manager prior to their application being accepted. All letters from the Disciplinary Panel that recommended exclusion shall make this process clear.

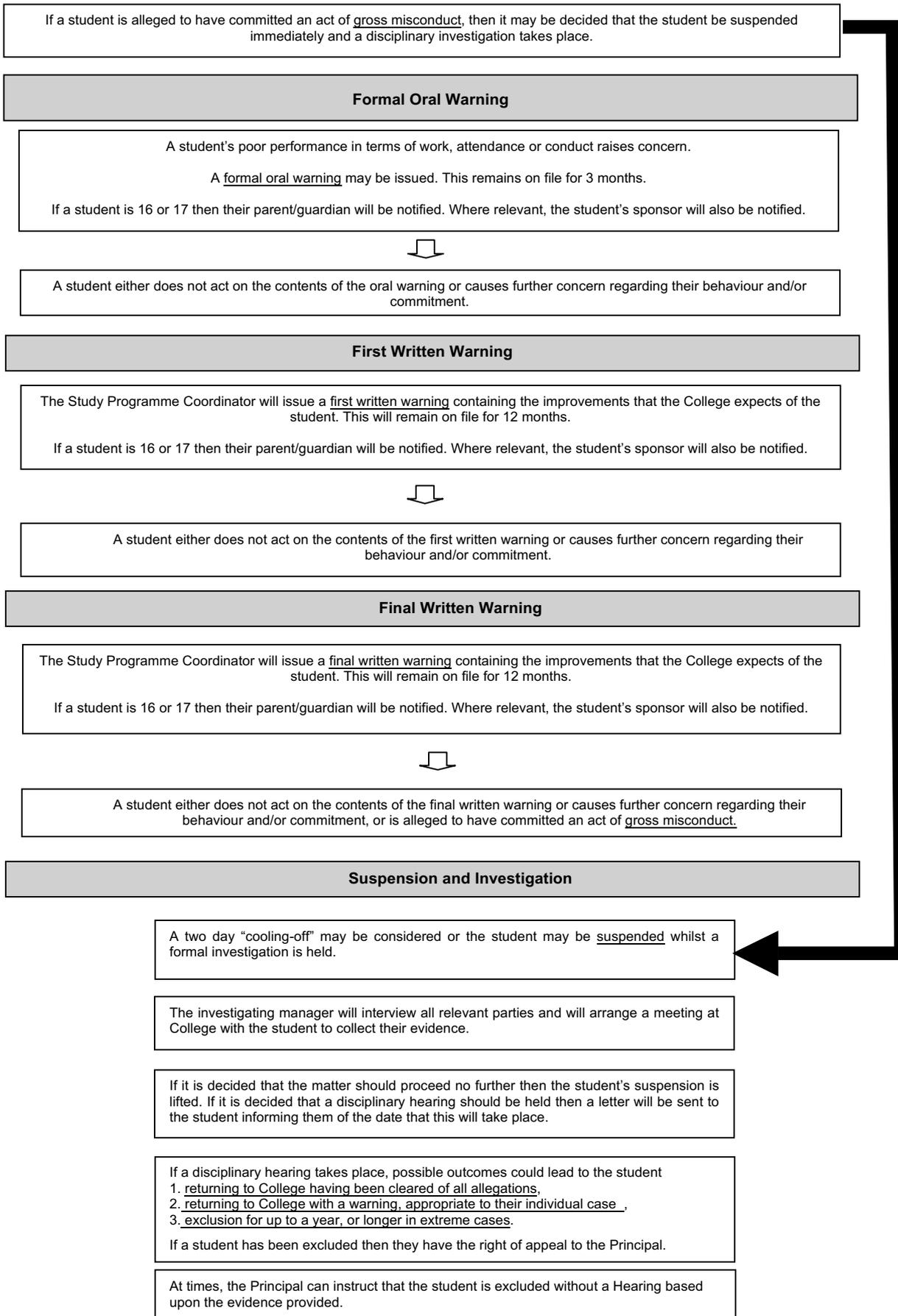
Addendum to the Student Disciplinary Procedure

Guidelines in addition to the formal procedure

1. It is important to collect the statements with care and sensitivity.
2. All written statements must show the date and time at which the statement was taken and who was present during the interview. The completed statement should be signed and dated by the person making the statement to confirm that it is an accurate record of that statement. The statements will then normally be word processed. Where practicable the word processed copy of the statement should be signed to confirm its accuracy. However, the original signed statement must be held on file.
3. On completion of the investigation the Investigating Manager will prepare a written report for the Study Programme Lead. Copies of all statements and any other relevant evidence will be collated in chronological order and appended to the report.
4. Additionally, if the Panel decides to exclude a student who is 16 to 18 years of age, the Panel Chair will, whenever possible, make reference in their letter to a pre-arranged appointment with one of the College Retention and Progression Coordinators and then refer on to an appropriate careers advice agency. Specific details of the appointment should be discussed with the Study Programme Lead prior to the letter being posted.

Appendix 1 - Student Disciplinary Procedure – Flowchart

This diagram illustrates the main points of the Student Disciplinary Procedure and is for guidance only. For full details please refer to the College's Student Disciplinary Procedure.





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