



## **POLICIES & PROCEDURES**

<b>Title</b>	<b>Disciplinary Policy – Learners</b>
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<b>Approved by Strategic Board Or Internal Procedure Approved By SLT</b>	
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## **1.1 Scope**

This policy covers occasions where the conduct or behaviour of learners falls below a standard that is acceptable to the College. The College will act swiftly in the case of proven unacceptable behaviour. The right to exclude any learners is confirmed within the brochure and the learner declaration.

## **1.2 Strategy**

The College is an open and accessible institution and welcomes learners from a wide range of backgrounds and academic abilities. To enable all students to benefit from their learning a Learner disciplinary process is in place to ensure that learners can work in a non-threatening environment and are supported to achieve their stated goals.

## **1.3 Equality & Diversity Statement**

Our College is committed to promoting and developing Equality & Diversity in every aspect of its work. We believe that all staff and learners should be treated as the individuals they are, with different needs regardless of age, gender (including pregnancy and maternity), gender reassignment, sexual orientation and civil partnership, race, religion or disability.

## **1.4 Policy Statement**

Where a student's behaviour falls below that which is expected the learner will be subject to a disciplinary process which could lead to exclusion.

## **1.5 Definition**

Code of behaviour expected from learners:

- a) Any example of racial or sexual harassment
- b) Behaviour that is physically or verbally abusive
- c) Any unduly noisy or unruly behaviour or use of foul or abusive language
- d) Disrupting any class or any other College activity, whether or not involving staff or other learners
- e) Deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others
- f) Any unauthorised interference with software or data belonging to or used by the College
- g) Any theft of property or any other dishonest act
- h) Any gambling on College premises

- i) Any drunkenness on College premises or any activity associated with the use, possession or supply of any illegal drug
- j) Any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person
- k) Any behaviour which would bring the College into disrepute
- l) Any act which may have an adverse effect on the work of the College or on other learners

## **1.6 Procedures**

Procedures for Learner disciplinary:

Types of behaviour deemed unacceptable are listed above. This is not an exhaustive list and other types of behaviour deemed unacceptable will be actioned. Each case will be looked at individually.

- 1) If a complaint of unacceptable behaviour cannot be dealt with and resolved locally e.g. in the class or by the tutor, then the complaint should be reported to the relevant Line Manager
- 2) The Manager should ask for statements from the staff and learners involved within seven days of the incident and try to resolve the matter informally
- 3) If it cannot be resolved informally then the CQM should, in appropriate cases, attempt to reach a resolution of the complaint that is acceptable to all parties through a meeting with the Learner and the CQM and/or Learner Services Manager.
- 4) If resolution of the complaint cannot be affected, the CQM concerned should refer the matter so that a formal hearing before the Principal can be carried out; and carry out any further investigations which are deemed necessary. The Principal will also be required to determine whether the learner should be suspended pending the hearing. This will depend on the likely disruption to the class should the learner continue
- 5) The formal hearing will be presented by the Principal to the Head of Service and conducted using these exclusion procedures
- 6) In exceptional cases where the complaint is judged to be very serious, the Programme Manager/CQM should refer the complaint to the Vice Principal/Principal immediately without taking action locally and a formal hearing with the Head of Service will be held
- 7) The Learner can Appeal against the decisions of the Programme Manager/CQM, Principal or Head of Service using the Appeals procedures

### **Appeal**

Appeal against a decision by the Programme Manager/CQM / Principal under the Disciplinary Procedures

1. An Appeal Panel will only consider an appeal from a Learner against the decisions made at the Programme Manager/CQM / Principal Disciplinary Hearing if the Head of

Service agrees either that procedures have not been correctly followed or that there is substantial new evidence being presented by the student

2. The Appeal Panel will comprise three members of the Strategic Board who have not previously been involved with the case
3. If the Learner decides to appeal then this must be made in writing stating the grounds for appeal to the Head of Service within five working days of having had formal notification of the decision. The Head of Service will acknowledge receipt of the appeal letter within five working days and inform the Learner whether their grounds for appeal are accepted
4. The Appeal Panel will take place within ten working days of grounds for appeal being accepted
5. Two clear working days notice will be given to the Learner of the date and time of the Panel
6. The Learner (and friend and parent of the Learner if under 18) shall be invited to attend. If the Learner fails to attend then the appeal shall nonetheless be considered in their absence on the basis of the written appeal
7. The Head of Service shall, at the commencement of the appeal hearing, confirm the grounds for the appeal. The Panel will then ask the student, if present, to explain their appeal. If required, the Programme Manager/CQM/Principal will be contacted to clarify any points concerning the original decision
8. Everyone but the Appeal Panel and the scribe shall withdraw whilst the Panel reaches its decision
9. The decision of the Panel will be communicated to the Learner verbally if he/she is in attendance and in writing by first class mail by the next working day
10. Any appeal against the Head of Services' decision will be referred to the Chair of the Strategic Board for final arbitration

## **Appeal**

### **Head of Service**

Appeal against a decision by the Head of Service under the Disciplinary Procedures

1. An Appeal Panel will consider an appeal from a Learner against the decision made at the Head of Services' Disciplinary Hearing. An appeal may be made on any grounds and is not restricted to appeals where the Learner alleges that procedures have not been correctly followed or where there is substantial new evidence being presented by the student
2. The Appeal Panel will comprise of 2 members of the Strategic Board who have not previously been involved with the case and 1 member of the College Strategic Management team, who has not been previously involved.
3. If the Learner decides to appeal then this must be made in writing stating the grounds for appeal to the Chair of the Strategic Board within 5 working days of having had formal notification of the decision. Receipt of the appeal letter will be given within 5 working days.
4. The Appeal Panel will take place within 10 ten working days of grounds for appeal being accepted.  
  
Two clear working days notice will be given to the Learner of the date and time of the Panel.
5. The Learner (and friend and parent of the Learner if under 18) shall be invited to attend. If the Learner fails to attend then the appeal shall nonetheless be considered in their absence on the basis of written appeal.
6. At the commencement of the appeal hearing, a Panel Member will confirm the grounds for the appeal. The Panel will then ask the student, if present, to explain their appeal. If required, the Head of Service will be contacted to clarify any points concerning the original decision.
7. Everyone but the Appeal Panel shall withdraw whilst the Panel reaches its decision. The decision of the Appeal Panel is final and there is no further access to appeal available to the Learner within the College.
8. The decision of the panel will be communicated to the Learner verbally if he/she is in attendance and in writing by first class mail by the next working day.