

# Student Disciplinary Policy

## POLICY STATEMENT:

The Policy outlines the College's:

### Disciplinary Procedure

The purpose of this policy is to support a College culture that contributes to students enjoying college and achieving in their studies. The policy provides a consistent approach to matters of discipline and behaviour as well as clear guidelines for staff and students when dealing with student disciplinary matters.

The term **East Kent College Group**, includes all activities and venues where programmes are delivered under the auspices of the Corporation, known as East Kent College Group.

East Kent College Group provides an inclusive learning environment. Its learning environment is based on the ideals of mutual respect and co-operation. This provides the basis for the **required standards of behaviour**; the orderly conduct of both students and employees who have a positive approach to the College community in which they work and study to the best of their abilities

### The student disciplinary policy aims to:

- Establish the boundaries of acceptable behaviour
- Clarify reporting procedures for employees
- Clarify instances of gross misconduct
- Provide a consistent and fair approach when dealing with student disciplinary matters
- Enable students to complete their course successfully
- Protect and safeguard staff, students and stakeholders
- Provide early intervention strategies and identify support for students who are at risk of jeopardising their own and others' success
- Identify and offer appropriate support for students via an agreed action plan
- Safeguard the property of others
- Enable the College to exclude students whose behaviour is consistently unacceptable and/or which is negatively affecting the ability of other students to learn
- Identify issues that lead to a disciplinary situation, to record, review and monitor cases and ensure lessons are learned and improvements are made
- Protect the reputation of the College

## APPLICATION OF THE POLICY:

The policy applies in cases where a student is failing to meet the required standards. However, the policy should be interpreted paying due regard to any **special circumstances** (see below), which may be relevant.

### It applies to:

- all students whether full-time or part-time
- to students at all times during the year.
- students' behaviour and conduct outside the College premises on college activities.
- students under the age of 16 (not Technical School students at Broadstairs, please refer to separate Technical School Disciplinary Policy).

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**The Policy will be used:**

- where there are breaches in College policies and codes.
- whenever and wherever the student's behaviour could bring the College into disrepute. (ie on College premises, study visits, residential courses, work placements and when travelling to and from any of the aforesaid)
- Where it appears that a student may have behaved inappropriately, to ensure that the matter is properly investigated and that action is taken to ensure that a safe
- environment is maintained.

**Staff Guidelines:**

All staff are required to challenge unacceptable behaviour whenever it is taking place.

- During teaching sessions the lecturer/supervisor/LSP will have immediate authority for student discipline.
- All staff, (for the purpose of this Policy this includes Security Staff) have immediate authority to take appropriate course of action to maintain discipline in the common areas of the College.
- All breaches of Student Agreed Standards of Behaviour must be reported by the member of staff as soon as reasonably possible to the student's Mentor or Personal Tutor so that they can take the appropriate action.
- Students are required to keep on their person evidence that they are an enrolled student at all times whilst on College premises (or whilst engaged in any activity associated with their programme at College whether on or off the College premises). If the member of staff does not know the student he/she must request to see the student's ID or ask the student to identify himself/herself. The member of staff should note the student's name, course programme, and name of his/her Personal Tutor/Progression Mentor.
- The student should be reminded that refusal to supply this information will be considered to be a serious breach under this Policy. Where there is no evidence of the 'student' being enrolled on a programme for the current academic year the member of staff should ask the person to leave the College premises. Where this presents a problem the staff member should seek assistance from security.

**Special Circumstances:**

Due regard must be paid to the following student's circumstances/status:

**1. The student in difficulty**

It should be remembered that inappropriate behaviour or conduct may occur as a result of the student experiencing personal difficulties. The student may not have disclosed these to the College.

Any student who behaves inappropriately should be treated with respect at all times; a supportive environment which encourages students to disclose information about difficulties that they may be having should be provided so that appropriate action can be taken.

**Examples of difficulties include:**

- Homelessness
- Being in care or leaving care
- Alcohol abuse, drug abuse or self-harm
- Mental health difficulties
- Learning difficulties
- Pregnancy
- Caring responsibilities
- Health issues
- Domestic violence and abuse

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- Personal relationship difficulties
- Bullying and/or harassment
- An undisclosed or undiagnosed learning difficulty or disability e.g. dyslexia, dyscalculia, ADHD etc.

**Early warning signs for students who may be experiencing difficulties are:**

- Being persistently late for lessons
- Poor attendance
- Failure to complete coursework/assignments
- Failure to engage in lessons, appearing withdrawn or being disruptive
- Appearing to be under the influence of drugs/drink
- Suspected or actual evidence of physical, mental or emotional abuse

**2.0 Pre -16 students (not Technical School students)**

There may be a small cohort of students 14-16 who were elected home educated and now attend college and in fill into a department. If an elected-home educated student on needs to be disciplined, this should be dealt with by the Head of the area they are studying in, in consultation with the Principal of the College.

If a 14-16 student involved in an incident is from a partner school on a school links programme, where the guidelines below refer to Heads, this should be interpreted as the Head of Department who will liaise with the school or academy and their disciplinary procedure will be implemented.

Technical School students are covered by a separate disciplinary procedure.

**3.0 Vulnerable Students**

If a student is considered vulnerable ie on the College's Vulnerable Risk Register, the Safeguarding team must be notified, if action is taken under this Policy. Examples of students in this group include:

- Care leavers
- Those in the youth offending system
- Teenage mums and dads
- Carers
- Looked - after children

In line with Kent County Council Policy, the College will only use exclusion as a last resort and always within the legal guidelines, in an aim to reduce the rate of excluded looked- after children in Kent.

**DETAILS OF PROCEDURE:**

**1.0 DISCIPLINARY PROCEDURE**

**Recorded Verbal Warnings:**

All staff are expected to address student behaviour and conduct which does not conform to our expectations and agreed standards of behaviour. Teaching and support staff can inform the Progression Mentor/Personal Tutor of any disciplinary issues via the student' electronic record. The reader is referred to the detailed disciplinary procedure in the appendix of this document for further details.

Before reaching the Formal Disciplinary stage, it would normally be expected that the Personal Tutor/Progression Mentor would have attempted to resolve issues. Such instances will be recorded as verbal warnings on the respective student's learner comments on the electronic record. Unacceptable standards of conduct and behaviour for which a recorded verbal warning could be issued include:

- Disruptive behaviour, (talking when a member of staff is talking or when a fellow student is speaking in

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- class, distracting others, flicking paper, inappropriate use of mobile phones in class etc.)
- Unduly noisy or unruly behaviour, (shouting across the class or workshop, speaking unnecessarily loudly, constant banter and interrupting staff and others in their work)
- Smoking in non-smoking areas,
- Failure to comply with an instruction from a member of staff.
- Behaviour which could lead to damage of College property
- Behaviour which could lead to breaches of health and safety rules
- Repeated poor attendance and punctuality
- The missing of course work deadlines
- Refusal to display ID badge

### **Subject to Action Plan:**

The outcome of a verbal warning may be to place the student on an action plan for an appropriate period of time and all teachers will complete a monitoring form to record the student's progress against the agreed strategies.

Lecturers & Mentors/Personal Tutors should use their professional discretion and judgement in deciding the number of occasions in which a student's behaviour should be addressed through recorded verbal warnings; this may be dependent on the age and vulnerability of the student. If a student addresses their behaviour by the agreed target dates, then the student acknowledged for the effort made. A verbal recorded warning would not go on a student's reference.

If there has been no improvement and when all strategies have been exhausted a meeting of relevant staff lead by the Head/Programme Manager with the Mentor/ Personal Tutor will be called to agree the next step for the student, this could result in:-

**Stage 1 of the Formal Disciplinary** process being instigated.

**However, a student may be moved straight to Stage 1 of the Formal Disciplinary procedure**, without having followed the recorded verbal warning route, if they break any of the College expectations or breaches listed in the Formal Disciplinary Procedure.

## **2.0 FORMAL DISCIPLINARY PROCEDURE**

No disciplinary action will be taken against a student until the College has fully investigated the circumstances of the unacceptable behaviour giving rise to disciplinary action. All stages of the disciplinary procedure will be recorded on the electronic student record.

The disciplinary procedure consists of three stages:

- Stage 1 – Formal Written Warning –breach**
- Stage 2 – Final Written Warning - Serious breach**
- Stage 3 – Exclusion Hearing – Gross misconduct**

### **Process:**

- At every stage in the procedure the student will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case **before** any decision is made.
- Every student will be allowed the right of the exchange of documents outlining the case. The student can be accompanied at any formal stage of the procedure by a parent/guardian, friend or member of the Students' Union.
- Notification of financial benefactors: Any individual, employer or other agency known to be financially supporting or sponsoring the student's studies at the College will be notified apart from in exceptional circumstances in writing of any formal disciplinary action taken against that student under the

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Disciplinary Policy and of the outcome of any subsequent appeal made.

### **Breaches of Student Agreed Standards of Behaviour:**

These may be a breach, serious or gross. Examples of each type of breach are given below for guidance. This list is not exhaustive and **professional judgments** will need to be made about the severity of each breach. A breach or serious breach may be sufficiently serious, that it could result **in the instigation of a suspension**. However, the College Principal, Deputy, Assistant Principal or nominated security post holder may decide to suspend a student whilst the circumstances of the incident concerned are being investigated. Suspension does not imply the student has done something wrong; it is to allow for an impartial investigation to be carried out.

In exceptional circumstances where immediate action needs to be taken a Head of Department/Programme Manager can instigate a 'cooling off' period, where the student is asked to leave the campus and go home to 'cool off' and reflect on their behaviour. This period would be for a maximum time of 24hrs. After which the Principal of the College, Deputy or Assistant Principal will decide if suspension should be instigated. If the 'cooling off period' is used and the student is under 18 then parents/carers must be informed that the student is being sent home.

The College reserves the right where it believes that there is evidence that a **criminal offence** has been committed, to refer the matter to the police. In the event of serious criminal charges being laid, the disciplinary interview may be deferred pending the outcome.

The procedure will normally be followed from **Stage 1**, with subsequent stages being invoked for repeated instances of unacceptable behaviour.

**However where a serious breach of the 'Agreed Standards of Behaviour' occurs the procedure may be instigated at the stage deemed appropriate in relation to the incident concerned.**

### **Breach**

Examples of offences that would be construed as misconduct and which may invoke stage 1 of the disciplinary procedure are as follows:

- When a student has not made the improvements required under the recorded verbal warning stage
- Persistent failure to comply with the College's rules and regulations and Student Code of Conduct e.g. smoking outside of designated areas, not wearing ID, anti-social parking on neighbouring roads
- Minor damage to College property
- Behaviour and actions that cause offence to others e.g. abusive language, gestures or actions
- Repeated poor attendance and persistence lateness (where all other strategies for addressing this have been exhausted)

### **Serious Breach**

Some of the instances below may be sufficiently serious to take the student to gross misconduct:

- Being drunk or under the influence of drugs whilst on College premises
- Possession of drug paraphernalia
- The consumption of illegal substances off site.
- Fighting or assault
- Persistent bad behaviour that may adversely affect the reputation of the College or is offensive to others.
- Misuse of College computers and/or networks
- Threatening behaviour

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## Gross Misconduct

A breach which is so serious that a member of the College Senior Management Team considers immediate suspension is justified is classified as **gross misconduct which could lead to exclusion**. This would invoke Stage 2 and/or possibly Stage 3 of the disciplinary procedure. Examples are as follows:

- Possession of illegal drugs (**automatic exclusion**)
- Serious breaches of health and safety which put self and others at serious risk of injury or harm
- Harassment or bullying of any kind e.g. on the basis of sex, disability, age, religion/belief, sexual orientation, personal appearance or circumstances, etc.
- Cyber bullying - instances of harassment or bullying that may occur outside of College premises on social networking sites.
- Theft
- Violence towards people or property
- Supply or use of illegal drugs or legal highs
- Bringing alcohol onto College premises and/or supplying it to other students
- Possession of offensive weapons.
- Threatening behaviour e.g. intimidation, blackmail
- Fighting or assault
- Soliciting for sexual services
- Cheating in examinations or assessments, plagiarism
- Persistent bad behaviour that may adversely affect the reputation of the College
- Possessing pornographic materials on College premises and using College resources to distribute or access the same
- Serious anti-social behaviour e.g. acts of indecency
- Deliberate damage to College property
- Any criminal activities affecting the College, staff, students or customers.
- Hacking or breach of student use of IT policy.

**Where a student is found in possession of illegal drugs, there will be immediate exclusion. The student may still instigate their right to appeal.**

### Exclusion:

In the event of gross misconduct Stage 3 of the disciplinary procedure may be instigated. The result of a stage 3 meeting may be exclusion. Exclusion occurs in extreme instances of unacceptable behaviour or repetition of unacceptable behaviour following a Final Written Warning.

### Appeal:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting at any formal stage of the procedure. The appeal will be heard, as soon as practical, by the identified member of staff within the published procedure.

### Appeal against Exclusion:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting. The appeal will be heard, as soon as practical, by the Deputy Principal. This decision will be final and binding.

### Documentation:

**Standard letters** recording the incident are held by the student's department and uploaded to the student's online record. Copies of these records must be given to the student and their parent/guardian, (if under 18) and one must be kept in the individual Student file.

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**Formal written warnings at Stage 2 or above** will remain on the student's file for the duration of their time at the College or for a maximum period of 2 years. After 2 years these warnings will be treated as 'spent' and will not be included in any reference provided by the College (subject to the legal responsibilities of the College).