

# Misconduct Procedures

## 1. MISCONDUCT

### 1.A Definition of Misconduct

1. Misconduct is defined as behaviour by students which contravenes the College rules and responsibilities laid down in the Student Handbook.
2. It is behaviour which actually or potentially impacts harmfully on the student him/herself, other students, staff, other people's or the College's property.
3. The Misconduct Procedure provides for students being given warnings which become increasingly serious if there is no improvement in behaviour.
4. Warnings at each stage are accompanied by an agreed action plan for improvement and may also involve sanctions where appropriate.
5. The Misconduct Procedure is designed to provide the opportunity for students to recognise the error of their ways and be supported to improve.
6. The Misconduct Procedure involves formal warnings which if unheeded result in a Hearing with the Head of Faculty which might result in permanent exclusion.

### 1.B Examples of behaviour which could fall under the Misconduct Procedure

These examples are designed to provide an indication of the sorts of behaviour that might fall under the Misconduct Procedure and they are given for illustrative purposes and should not be taken to be definitive.

- Persistent non attendance and lateness
- Refusal to complete required coursework
- Failure to notify reason for absence
- Failure to follow laid down systems or procedures
- Use of insulting or obscene language
- Unruly behaviour in class
- Cheating and plagiarism
- Abuse of the IT regulations including use of chat programmes on the Internet
- Lack of care and attention under Health and Safety guidelines
- Showing disregard for/damaging the property of other students or staff
- Showing disregard for/damaging College property including graffiti
- Refusal to follow reasonable College regulations such as about food and drink in the LRC and classrooms, use in class of mobile phones, personal stereos, etc
- Smoking within College buildings
- Causing distraction in class

### 1.C Paperwork to be used in the Misconduct Procedure

1 The misconduct form should be completed by the member of staff witnessing the misconduct or by duty officer (1A)

2 **ACTION PLAN** - The Student Disciplinary Procedure Action Plan is attached as Appendix 1A. This should be used to make clear reference to agreed behaviour that is expected of the student and to any support and/or sanctions that have been agreed.

### **1.D Examples of Agreed Behaviour, Sanctions and Support in the Misconduct Procedure**

1 Examples of **agreed behaviour** might be:

- That the student will attend all classes without being late
- The student will hand in work by the required date
- The student will not use any language that might cause offence
- The student will attend agreed workshops providing learning support

2 **Sanctions** may be applied to provide evidence of compliance of the Action Plan. these might include, for example:

- Having a 'Red Card' signed for the student by each of their teaching staff
- Having the student sign in to the Divisional Office at the start and end of each day

3 **Support** to be arranged by the college to underpin the agreed Action Plan might include, for example:

- Providing access to additional study skills sessions
- Arranging access to numeracy and/or literacy workshop sessions
- Providing a 'mentor'
- Arranging daily/weekly tutorial sessions to address specific issues

### **1.E THE MISCONDUCT PROCEDURE**

1. Misconduct is defined as behaviour by students which contravenes the College rules and responsibilities laid down in the Student Handbook.
2. It is behaviour which actually or potentially impacts harmfully on themselves, other students, staff, other people's or the College's property. This includes IT related activity.
3. The Misconduct Procedure provides for students being given warnings which become increasingly serious if there is no improvement in behaviour.
4. Warnings at each stage are accompanied by an agreed action plan for improvement and may also involve sanctions where appropriate.
5. Sanctions may include a 'Red Card' system whereby for a specified period students have to get a card signed by each member of staff who teaches them for a specified period to show that behaviour has been satisfactory.
6. Ultimately the procedure leads to a hearing with the student's Head of Faculty who may judge that if all warnings have failed to bring about improvement, that the student be permanently excluded.

7. At all times during the procedure, students may be accompanied by a friend, parent or guardian, employer or representative of the Students' Union.
8. Students who have been through the full academic performance review procedure to stage 4 will proceed to stage 3 of the misconduct procedure.
9. [Flowchart of the misconduct procedure](#)

## **2. SERIOUS MISCONDUCT**

### **A Definition of Serious Misconduct**

1. Serious Misconduct is defined as behaviour by students which is illegal or which endangers the safety of students or staff or the security of other people's or the College's property.
2. The Serious Misconduct Procedure provides for the incident to be investigated by a senior member of College staff and for decisive protective action to be taken.
3. Serious Misconduct is likely to warrant immediate temporary exclusion pending investigation which may be followed by permanent exclusion, return with specified sanctions, or re-instatement.
4. The College will involve the Police if the incident is deemed criminal although it may be up to an individual to press charges.

### **B Examples of behaviour which could fall under the Serious Misconduct Procedure**

1 These examples are designed to provide an indication of the sorts of behaviour that might fall under the Serious Misconduct Procedure and they are given for illustrative purposes and should not be taken to be definitive.

- Threatening behaviour to other students, staff or visitors
- All forms of sexual or racial harassment
- Indecent behaviour
- Assault
- Fighting
- Being intoxicated by drink, drugs or other stimulants
- Dealing or possession of illegal substances
- Wilful damage to College property or that belonging to other people on the College premises
- Downloading unacceptable material from the Internet including pornography, hacking and sending unsolicited or offensive material
- Theft

## **THE SERIOUS MISCONDUCT PROCEDURE**

2. Serious Misconduct is likely to warrant immediate temporary exclusion pending investigation which may be followed by permanent exclusion, return with specified sanctions, or re-instatement. The College will involve the Police if the incident is deemed criminal.
3. The procedure will operate fairly and at each stage the student/s will be informed of his/her rights (including the right to be accompanied by a parent/guardian, friend, employer or representative of the Student Union) and be given clear indication of possible outcomes of the process.

### **3. STUDENT EXCLUSION APPEALS PROCEDURE**

#### **A. STUDENT EXCLUSION APPEAL**

1. A student who has been excluded from his/her course or the College has the right to request that this decision is reviewed by the Student Exclusion Appeal Panel by writing directly to the Principal. Grounds for the appeal should be clearly stated.
2. Grounds for appeal are:
  - a. New evidence which the student could not have reasonably made available at the time of exclusion decision,
  - b. The exclusion decision was not conducted fairly,
  - c. The exclusion decision was not conducted in accordance with College procedures,
  - d. The decision to support the allegation of misconduct was unreasonable in line with the facts.
3. The Student Exclusion Appeal Panel will be set up by the Principal on receipt of a request from the student.
4. The Student Exclusion Appeal Panel will consist of the Principal and 2 Directors . In addition, the Director excluding the Student will be required to attend to present his or her report.
5. If the case of more than one student was considered at the time of the exclusion decision and more than one student appeals, it is at the Principal's discretion as to whether the cases of all or any of the students will be heard together.

#### **B. STUDENT EXCLUSION APPEAL PANEL PROCEDURES**

1. The Panel will be chaired by the Principal.
2. The proceedings will be strictly confidential.
3. The Principal's Personal Assistant will act as Clerk to the Panel; write minutes and issue letters about the meetings.
4. The Director who has excluded the Student will prepare a summary report for the Student Exclusion Appeal Panel with the reasons for the Exclusion. This will include details of any prior warnings and prior action agreed, if relevant.

5. The Student who has requested an Appeal will be given notice of the Student Exclusion Appeal Panel Meeting, in writing, at least 10 days prior to the meeting. The letter will also contain a copy of the Exclusion Report drawn up by the excluding Director, as well as a further copy of these procedures. The letter will also inform the Excluded Student:
  - of his or her right to appear and be heard before the Panel
  - of his or her right to be accompanied by a parent/guardian, friend, employer or representative of the Students' Union. The accompanying person may present the appeal on behalf of the student or aid in its presentation.
  - For those students who have a learning facilitator, because of their learning or language difficulty or disability, can ask this person for support in attending the Student Exclusion Panel Meeting (e.g. a signer for a student with a hearing impairment or an interpreter for a student whose first language is not English)
  - the requirement to inform the Principal's Personal Assistant who will be accompanying him/her and the names of witnesses, at least 2 days before the Student Exclusion Panel Meeting.
6. If the student fails to attend without giving prior notice, the Student Exclusion Appeal Panel may consider and establish the outcome of the appeal in the student's absence.
7. The Exclusion Report will also be made available to the members of the Panel 10 days prior to the meeting. Members of the Panel intending to call witnesses are required to inform the Principal's Personal Assistant at least 2 days before the Student Exclusion Panel Meeting.

### **C. PANEL PROCEEDINGS**

1. The Panel will begin with members having the opportunity to clarify any points in the report.
2. The Principal will call into the meeting the Student and any person accompanying him or her.
3. The Principal will describe the process that he or she will follow as outlined below.
4. The excluding Director will present the Exclusion Report.
5. The Student will then be given an opportunity to give evidence on which he or she may be questioned. He or she may also call witnesses for questioning.
6. The Panel Members may call witnesses for questioning.
7. After all the evidence has been listened to; the Student will be given the opportunity to go over the main points of the Appeal. He or she will then be asked to withdraw with the person accompanying him/her.
8. The Panel will then make a decision about the Appeal. The Appeal Panel may:
  - a. Approve or withdraw the original decision made by the excluding Director,
  - b. Impose a lesser sanction.

9. The decision will be communicated to the Student straight away and be confirmed in writing within 5 working days. The decision will be final.
10. Following Panel decision, if the student's 'exclusion' status is revoked, this will be communicated to the Registry manager who will remove the 'exclusion' on the system.

**INCIDENCE OF SERIOUS MISCONDUCT**

- 1 A member of staff witnessing an incident or having one reported to him/her that may be construed as Serious Misconduct must call the Section Manager or Duty officer immediately. He/she should make a note of the events and of the names of other witnesses. If the circumstances warrant it, he/she should take what interim protective action he/she sees fit.
- 2 The Duty Officer will exercise his/her judgement in determining what action to take where the protection of all students, staff and property is paramount. Police may be called in at this stage if required.
- 3 The Duty Manager may consider that the matter should be dealt with under the Misconduct Procedure and should advise the student's Course Tutor or Personal Tutor as appropriate.
- 4 If considered to be Serious Misconduct, then the student/s committing the Serious Misconduct should be escorted from the College premises and excluded until 9.00 am the next working day when a disciplinary meeting shall take place with their Head of Faculty.
- 5 The Duty Officer will telephone the Parent/s/Guardian of the student if under 18 years old to inform them of the incident and invite them to the Disciplinary Meeting.
- 6 A report will be passed the same day to the appropriate Section Manager who will arrange for the matter to be investigated further

**DISCIPLINARY MEETING**

- 1 The Duty Officer called to the incident will provide a detailed report of the incident including the names of all witnesses and details of the action taken.
2. The Faculty Head will hold the Disciplinary Meeting at 9.00 am on the next working day following the incident as arranged with the student. This meeting is to ascertain the details of the incident from the student's point of view

The Head of Faculty finds that there is no case to answer

**OR**

- 1 The Faculty Head finds that there is a case to answer, then he or she will arrange a Disciplinary Hearing within 5 working days and may exclude the student/s until this date.
- 2 A Serious Misconduct Hearing letter will be sent informing the student with a copy to Parents/Guardians if under 18 (see Appendix 2A). The letter should give a summary of the case against the student and clearly set out the possible outcomes of the Hearing.
- 3 The student should be reminded of this/her right to be accompanied by a friend, Parent/Guardian, employer or representative of the Students' Union.

No case to answer

**MISCONDUCT PROCEDURE INVOKED**  
No further action under Serious Misconduct Procedure  
Warning given

**Investigation Required**  
Head of Faculty to appoint investigating officer

**INVESTIGATION OF SERIOUS MISCONDUCT**

1. The Head of Faculty will appoint an appropriate person to conduct an investigation if required
2. The appointed investigating officer will produce a full report to the Head of Faculty within 4 days
3. Head of Faculty to meet with Director to determine next stage

**HEARING OF SERIOUS MISCONDUCT**

- 1 The Hearing for a case of Serious Misconduct should be held on or before the fifth working day of a student's exclusion by the Head of Faculty.
- 2 It should be conducted by the Head of Faculty Operational manager accompanied by the Section Manager.
- 3 The Hearing should be noted in detail and this may be done by a member of staff from the Administrative Office.
- 4 The person with the student should be acknowledged and asked if he/she wants to speak on behalf of the student at any stage. His/her details should be noted.
- 5 The hearing should start with reading out the result of the investigation. The student should then have the opportunity to state his/her case.
- 6 Before deciding, the Head of Faculty may ask the student and his or her representative to withdraw for a short time to give time for deliberation.
- 7 It may be appropriate for a final Written Warning to be given at this stage, in which case it must be accompanied by an agreed Action Plan and sanctions (See Action Plan in Appendix 1A) which will be reviewed by the Head of Faculty
- 8 If the behaviour is found to be Serious Misconduct, and exclusion is considered an appropriate outcome the student will be informed of the meeting with the Director.
- 9 The Director will write to the student in the case of exclusion giving the reasons, stating the right of appeal and enclosing a copy of the Appeals Procedure, with copies to parent/guardian if the student is under 18 years of age (Appendix 2B).