



LEARNER DISCIPLINARY CODE

1 Scope and Purpose

- 1.1 This document sets out the code of conduct to which learners are expected to adhere in return for being admitted to the College and being provided with educational and other services and facilities. It also sets out the procedure which should be followed where the code of conduct is breached.
- 1.2 Breach of the code of conduct may lead to disciplinary action being taken against a learner and repeated breaches or a single very serious breach may result in a learner being suspended or expelled from the College.
- 1.3 This Code applies to all learners of the College, whether full-time or part-time, whether or not their course is validated by, or associated with, any other institution, and at all times during the year, whether or not during College terms.
- 1.4 This code should be read in conjunction with the College's Harassment Policy and Procedures.
- 1.5 Sanctions imposed under this code remain in place for the duration of the course, i.e. over a 2 year course the slate is not wiped clean at the end of the first year, only at the end of the course. However, the College may in some cases of gross misconduct refuse a learner entry to a further course.
- 1.6 This code does not cover pre 16s where a simpler "3 strikes and out" system operates.

2 Obligations of Learners

Learners must:

- 2.1 use the College's facilities and behave generally in a way which respects the needs and aspirations of others to learn, teach and live within the community of the College;
- 2.2 familiarise themselves with the College's health and safety and other regulations, comply with those regulations and act at all times with due regard for their own safety and that of others;
- 2.3 respect the property of the College, and of its staff, other learners and visitors;
- 2.4 support staff and other learners in the maintenance of a clean and tidy environment throughout the College;

- 2.5 attend lectures and other events at which they are scheduled to attend regularly and punctually and comply with the College Assessment Strategy;

- 2.6 inform the appropriate member of staff as soon as practicable if for any reason they are unable to attend a lecture or other scheduled event;
- 2.7 comply with the College's Equal Opportunity Policy.

3 Misconduct

3.1 Misconduct includes any breach of a learner's obligations as set out above (including any breach of health and safety or other regulations of the College);

3.2 *General Misconduct*

The following are examples of general misconduct which may result in disciplinary action being taken:

- 3.2.1 any failure to follow the reasonable instructions of a member of staff;
- 3.2.2 any smoking in College buildings or on site;
- 3.2.3 any unduly noisy or any unruly behaviour or the use of foul or abusive language;
- 3.2.4 disrupting any class or any other College activity, whether or not involving staff or other learners;
- 3.2.5 deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- 3.2.6 any unauthorised interference with software or data belonging to or used by the College;
- 3.2.7 any theft of property or any other dishonest acts;
- 3.2.8 any drinking of alcohol or drunkenness on College premises or on any activity associated with the College or the use or possession of any illegal drug;
- 3.2.9 any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person;
- 3.2.10 any behaviour which is offensive or which is offensive under the College's Equal Opportunities Policy;
- 3.2.11 any behaviour which could bring the College into disrepute;
- 3.2.12 any illegal act which may have an adverse effect on the work of the College or on other learners.

3.3 Academic Misconduct

- 3.3.1 Academic misconduct includes plagiarism, cheating, collusion and attempting to obtain an unfair academic advantage;
- 3.3.2 Academic misconduct may occur in any form of assessment, including examinations, coursework, assignments, portfolios, essays and dissertations;
- 3.3.3 Plagiarism is defined here as the presentation of someone else's work, words, images, ideas, opinions or discoveries, whether published or not, as one's own, or alternatively appropriating the artwork, images or computer generated works of others, without properly acknowledging the source, with or without their permission;
- 3.3.4 Examples of academic misconduct which may result in disciplinary action include:
- getting someone else to produce part or all of the work submitted
 - colluding with one or more learner(s) to produce a piece of work and submitting it individually as one's own
 - copying the work of another learner, with or without their permission
 - knowingly allowing another learner to copy one's own work
 - unauthorised re-submission of one's own previously graded work
 - using forbidden notes or books in producing assigned work or tests
 - fabrication of results (including experiments, research, interviews, observations, questionnaires)
 - failure to meet learning targets
- 3.3.5 In this context the word 'academic' relates to the delivery and assessment of the whole curriculum, including vocational courses and all assessed learning programmes.

4 Gross Misconduct

Any particularly serious cases of misconduct may be treated by the College as gross misconduct. For example, any serious violation of the College's Equal Opportunity Policy, endangering the health and safety of others, any serious academic misconduct, or any criminal activities affecting the College or other learners (or which could bring the College into disrepute) are likely to be treated as gross misconduct.

Examples of gross misconduct could include:

- theft;
- any drinking of alcohol or drunkenness on College premises or on any activity associated with the College or the use, possession or supply of any illegal drug;
- any bullying or the use of any violence;
- any serious breach of the code for acceptable behaviour eg. racist behaviour or other behaviour under the College's equal opportunities policy;
- endangerment of others;
- deliberate damage to college property or the property of others.

Examples of serious academic misconduct could include:

- extensive copying of text books in one piece of work or limited copying in two or more pieces of work which makes a significant contribution to the work(s)
- extensive plagiarism of professional works (more than 100 words)
- buying, selling or stealing of work
- repeated evidence of extensive use of information from the internet without acknowledgement
- using model internet answers
- using past candidates' work
- undue help from outside of the College
- repeated minor cases of academic misconduct

It is emphasised that this is not an exhaustive list of the types of case which the College may treat as gross misconduct.

5 Official Warning

Cases of minor misconduct may be treated informally by staff but where the misconduct is considered to warrant more formal treatment, staff may give an official warning to the learner concerned. This will identify the reasons for the warning and the consequences of further misconduct. An official warning should be given, where practicable, after talking to the learner, asking the learner for an explanation of the conduct complained of and taking into account any explanation given. The warning will not be in writing, but should be reported to the appropriate Course Tutor who should keep a written record of it. Repeated minor misconduct may be treated as gross misconduct.

A third official warning automatically moves the learner to a First Stage Disciplinary Process, although a learner can move to a First Stage Disciplinary Process at any time should the misconduct warrant it.

Examples of minor academic misconduct could include:

- receiving undue help in good faith because instructions have been misunderstood
- copying a couple of sentences or using someone else's diagrams
- copying small amounts of text from books without direct acknowledgement, but which does not make a significant contribution to the overall work
- downloading from the internet without acknowledgement, using another's disk or copying work from another's disk
- using another's artwork
- not referencing work properly
- failing to acknowledge the source of a small section of an assignment
- infringing the policy when the assessed work does not contribute to final grade

6 First Stage Disciplinary Process

6.1 Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more official warnings, the learner will be invited to attend a first stage disciplinary interview with the Section Head with at least 5 days written notice stating:

- (i) the nature of the conduct complained of and a summary of the evidence for the complaint;
- (ii) the learner's entitlement to accompaniment (detailed below); and
- (iii) confirmation of the time and place of the interview.

6.2 The above information will also be provided to:

- the parent/guardian of the learner attending the first stage disciplinary interview if he/she is under 18 years of age, and
- the employer of the learner attending the first stage disciplinary interview if the employer sponsors the learner

6.3 The learner will be entitled to be accompanied by a friend, learner representative or relative at the interview and will be entitled to state his or her case (including any mitigating factors) before any decision is taken.

6.4 After hearing the learner's case, the Section Head may decide to issue a formal written warning or an official verbal warning, or may decide that no disciplinary sanction would be appropriate. Practical measures to avoid recurrence may also be implemented. The learner will be notified in writing of the decision within 5 days of the interview.

7 Formal Written Warning

Any formal written warning will be issued within 5 days of the interview. It will give brief reasons for the decision and will state that any repeated or similar misconduct by the learner may result in the learner's formal suspension or expulsion from the College.

8 Suspension Pending Interview

- 8.1 A learner may be suspended from the College, without prejudice, immediately by a Section Head or Development Manager or Senior Manager pending a disciplinary interview where suspension is in the best interest of that learner or others. Any such suspension will be confirmed in writing within 2 days of its occurrence and the learner will be invited to a second stage interview with a manager, within 5 working days of the suspension.
- 8.2 Notwithstanding procedures detailed in this document, under powers delegated by the College Governors, the Principal can suspend a learner immediately for up to 2 weeks for further or gross misconduct.
- 8.3 Where a second stage interview is adjourned pending further investigation, any learner who has been suspended under this provision will remain on suspension until the interview is reconvened.

9 Second Stage Disciplinary Process

- 9.1 In cases where it is alleged that continued misconduct after the first written warning has been given to a learner or misconduct of a more serious nature has occurred, the learner will be invited to attend a second stage disciplinary interview with a manager who will chair the interview.
- 9.2 The learner will be given at least 5 days written notice of the interview and will be entitled to be accompanied by a friend, learner representative or relative. The notice will state:
 - (i) the nature of the conduct complained of and a summary of the evidence for the complaint;
 - (ii) the learner's entitlement to accompaniment (detailed above);
 - (iii) confirmation of the time and place of the interview.
- 9.3 The Chair may appoint an investigating officer to carry out interviews with the learner and witnesses and to report findings at the disciplinary interview.
- 9.4 The member of staff conducting the investigation or chairing the disciplinary interview will not have had prior involvement in any previous stage of the disciplinary relating to the complaint.

10 Final Stage Disciplinary Process

- 10.1 In cases where it is alleged that repeated misconduct after the final written warning has been given to a learner or gross misconduct has occurred, the learner will be invited to attend a final stage disciplinary hearing with the Deputy Principal or nominee who will chair the hearing.
- 10.2 The Chair will appoint an investigating officer to carry out interviews with the learner and witnesses and to report findings at the disciplinary hearing.
- 10.3 The investigating officer will conduct a full investigation and will produce a summary report for presentation at the disciplinary hearing.
- 10.4 The member of staff conducting the investigation or chairing the disciplinary interview will not have had prior involvement in any previous stage of the disciplinary relating to the complaint.
- 10.5 The learner will be given at least 5 days written notice of the investigative interview and will be entitled to be accompanied by a friend, learner representative or relative. The notice will state:
- (i) the nature of the misconduct
 - (ii) the learner's entitlement to be accompanied (detailed above);
 - (iii) confirmation of the time and place of the interview
- 10.6 A decision about the need for a hearing will be made by the Chair based on the report of the Investigating Officer
- 10.7 If a disciplinary hearing is required, the learner will be given at least 5 days written notice and will be entitled to be accompanied by a friend, learner representative or relative. The notice will state:
- (i) the nature of the misconduct and a summary of the evidence for the complaint;
 - (ii) the learner's entitlement to be accompanied (detailed above);
 - (iii) confirmation of the time and place of the interview; and
 - (iv) will indicate the serious nature of the allegation and that this could lead to expulsion
- 10.8 Copies of any documentary evidence, together with copies of any written statements will be provided to the learner at least 5 days before the disciplinary hearing.

10.9 At the final stage interview, the Chair will explain the disciplinary process and the allegations made against the learner. The Chair will review evidence presented by relevant witnesses or by the investigating officer. The learner will be given the opportunity to state his or her case (including any mitigating factors) and asked to state whether the alleged facts are disputed. The learner will have the right to question any of the witnesses or the evidence presented.

10.10 If a witness is not available to answer questions, that will be taken into account by the Deputy Principal when assessing the weight to be given to conflicting evidence. Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.

11 The Recommendation

11.1 The Chair of the disciplinary hearing will weigh the evidence presented and will reach a conclusion which will be conveyed to the learner as early as possible

11.2 Should the case against the learner not be proven, the allegations will be dismissed and there will be no formal records held on the student's file.

11.3 Whenever the case is proven, the Chair will inform the learner of their right to appeal against the decision and will outline the process of appeal.

12 Notification of Recommendation

12.1 Within 5 days of the end of the final stage process, the learner will be given written notification of the recommendation of the Deputy Principal to the Principal in relation to the case, stating the main findings of fact on which the recommendation is made.

12.2 The recommendation may be that the learner should be permanently expelled or formally suspended for a fixed period, that a lesser disciplinary sanction should be taken or that no disciplinary action should be taken. If the recommendation is for expulsion or formal suspension the learner will be suspended pending consideration of the recommendation by the Principal and given details in writing of the right of appeal.

13 Implementation

13.1 If there is no appeal against the recommendation within the time allowed (see below) the Principal may implement the recommendation or, if the Principal sees fit, any lesser sanction without any further proceedings within 21 days of the date of the recommendation.

13.2 The Principal may ask the learner to attend in person to hear the decision. The decision will, in any event, be confirmed in writing to the learner within 2 days of being taken.

14 Appeals

- 14.1 At every stage of the formal disciplinary process the learner has a right to appeal
- 14.2 At first stage disciplinary process, the learner may make an appeal, in writing, to the Director within 10 working days of receiving the outcome of the disciplinary process.
- 14.3 At second stage the learner may make an appeal, in writing, to the Deputy Principal within 10 working days of receiving the outcome of the disciplinary process
- 14.4 At final stage the learner will have a right of appeal to the Principal against any recommendation.
- 14.5 Where the appeal is against a recommendation for permanent expulsion or formal suspension, notice of appeal must be lodged with the Clerk to the Corporation within 10 days of the date of the recommendation for exclusion and must give the grounds and brief particulars of the appeal. The recommendation will not be considered by the Principal until the expiry period for lodging the appeal.
- 14.6 If a notice of appeal is lodged within the time allowed, an appeal interview with the Principal will be arranged to take place within 21 days of the notice of appeal being lodged. The learner will be given at least 5 days notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, learner representative or relative. Any documents considered at the second stage interview will be available for the purposes of the appeal, together with the notes of the second stage interview.
- 14.7 At the appeal interview, the learner will be invited to explain the grounds of the appeal to state his or her case.
- 14.8 The Deputy Principal who made the recommendation to exclude or suspend will be asked to respond to the appeal and explain the reasons for the recommendation.
- 14.9 The Principal may ask questions of the learner and the member of staff and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the second stage interview.
- 14.10 If the appeal is allowed, the Principal may decide that disciplinary action lesser than that recommended by the member of staff should be taken, including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.
- 14.11 If the appeal is dismissed, the recommendation of the member of staff will stand. The Principal may not impose any greater sanction against the learner than that recommended by the Deputy Principal.
- 14.12 Within 5 days of the appeal interview, the final decision by the Principal will be confirmed in writing to the learner.

15 Criminal Offences

- 15.1 Where any member of staff has reason to believe that a learner may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the learner pending the outcome of police enquiries and any charges which may be brought against the learner. Where the learner has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.
- 15.2 Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure the College is not bound by the results of any criminal proceedings against learners.

16 Conduct of Interviews

- 16.1 Disciplinary and appeal interviews under this Code will be conducted fairly and firmly by the member of staff conducting the interview, who will be accompanied by another member of staff to take notes.
- 16.2 The member of staff conducting the interview may give instructions in relation to the conduct of the interview, including (without limitation) as to the length of time which any part of the interview should take. Such instructions must be fair, particularly in allowing the learner to question the evidence and state his or her case.
- 16.3 The member of staff conducting the interview may exclude from the proceedings any person (including the learner or the learner's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. If the learner does not attend any interview, disciplinary action may nevertheless proceed.
- 16.4 In any case where a previous warning is, or has been, taken into account in reaching a decision, the learner will be entitled to question whether that previous warning was warranted.

17 Time Periods

- 17.1 With the exception of the time allowed for lodging an appeal, time periods stated in this Code are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.
- 17.2 Periods of days in this Code are working days. Documents sent by first class post will be deemed to be received within 48 hours of posting.

18 Learners Under 18/Sponsored Learners

- 18.1 If a learner under 18 years of age is the subject of proceedings under this Code, wherever practicable a parent or guardian will be invited to attend any disciplinary or appeal interviews (in addition to any friend or learner representative), unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a learner under the age of 18 is given a formal written warning or expelled or suspended from the College, a parent or guardian will be informed in writing wherever practicable.
- 18.2 If a learner who is being sponsored at the College by an employer is given a formal written warning or expelled or suspended the employer will be informed wherever practicable.

19 Variations and Amendments to this Code

- 19.1 In some cases it may be desirable that variations should be procedural aspects of this Code. The College may make such variations as it sees fit, subject to informing the learner concerned and subject always to considerations of fairness. Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.
- 19.2 This Code may be amended by resolution of the Corporation from time to time.