

FE Student Disciplinary Policy

*(Incorporating the FE Positive Behaviour Management
Intervention Strategy)*

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Director of FE	FE Central
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Introduction

There are many forms of behaviour that can impact on a student's experience and success at College. The aim of this policy is to provide a supportive framework to ensure that students stay at College, complete their course and achieve their potential.

- (1) Managing student behaviour should be seen as a supportive measure with actions to address and change behaviour. A holistic approach, considering all aspects of College life and external factors, will always be looked at when considering any students' behaviour; this will encompass Social, Economic and Mental Health needs
- (2) We will promote positive behaviour management by having a clear consistent behaviour management approach and focus on the prevention of inappropriate behaviour by using effective behaviour management techniques. All staff both teaching and business support have a responsibility to promote positive behaviour and wellbeing through their own conduct and their interactions with students.
- (3) This policy and procedure cover all Further Education (FE) students enrolled at Writtle University College (WUC) studying on FE course and programmes, to include students enrolled on short courses and apprenticeships provided by WUC. WUC would expect any visiting students to adhere to this policy and for accompanying staff to ensure compliance. In cases of poor behaviour, WUC will make representation to the appropriate designated person from the visiting institution.
- (4) WUC recognises that most instances of poor behaviour can and should be dealt with informally and promptly by an appropriate member of WUC staff without recourse to the FE Student Disciplinary Procedure. A note of such a warning will be recorded on the College tracking system (Promonitor) and staff informed.
- (5) The behaviour of the vast majority of students is exemplary - they are responsible and considerate. To deal with those who are not, the FE Student Disciplinary Procedure will be enforced to protect WUC and wider community and to deter those who interfere with its work and activities. Students agree to abide by the WUC rules and regulations at the time they register and they apply not just on campus but within Writtle village and in Chelmsford as well. Parents, residents, staff and students all expect students to maintain a safe, orderly and peaceful environment – the WUC takes this extremely seriously.
- (6) FE students sign the 'Writtle University College and Student Commitment' which can be found in the FE Student Handbook on the University College VLE (Moodle)

Purpose

- (1) This policy is designed to ensure:
 - students are aware of the expectations of WUC;
 - fairness in the disciplinary process;
 - students are encouraged to meet acceptable standards of conduct whilst studying at WUC, whilst on WUC premises and also when they are out in the local community or on WUC visits and trips so as not to bring WUC into disrepute;
 - consistent and fair treatment for all regardless of age, ethnic origin, and gender, disability, sexual orientation, religion or belief;
 - all facts are established and, where appropriate, matters fully investigated *before*

disciplinary action is taken.

- (2) The purpose of this procedure is to facilitate the timely resolution of a difficulty experienced by a student and so help prevent issues escalating into major problems where it may become too late for a recovery to be made. The process covers how WUC manages situations when there is a concern about the wellbeing of a student and how this will affect their ability to study at WUC and the impact on themselves and others
- (3) Staff, students, visitors or general members of the public are encouraged to report at the earliest opportunity any alleged breaches of the student code of conduct or alleged anti-social or criminal behaviour or behaviour which brings WUC into disrepute.
- (4) Once reported, WUC staff (at an appropriate level depending on the nature of the offence) will take steps to investigate the alleged breach in a timely manner.
- (5) If an FE student is a current WUC resident in Halls, the HE Disciplinary policy can be used to address halls of residency, bar and out of hours disciplinary issues.
- (6) This policy outlines the process for dealing with allegations of inappropriate student behaviour. It is designed to ensure fair and equal treatment of students.

Principles

- (1) Managing student behaviour, in class or outside, is the responsibility of all staff. WUC is committed to, and will provide ongoing training and development to keep skills and knowledge relating to behaviour management up to date for all staff to support the positive management of behaviour.
- (2) If there is an allegation that a student has breached or broken the Code of Conduct, the FE Student Disciplinary Procedure will apply. These policy and procedures apply to students enrolled as Further Education students of WUC. Investigation will take place as required.
- (3) Students under the age of 18 will normally be accompanied to disciplinary meetings at by a parent or person with parental responsibility. Students over the age of 18 are entitled to be accompanied at a meeting by a Student Union (SU) representative or a member of support/wellbeing staff at any disciplinary interview or meeting. Any student aged under 18 whose parent or person with parental responsibility has confirmed to WUC that they refuse to accompany may instead be accompanied by a SU representative or a member of support/wellbeing if appropriate.
- (4) Under this policy and procedure, WUC has the authority to discipline students and to suspend or exclude any student for just cause, or to ban or exclude any student from campus, specific Halls of Residence or specific buildings or to ban their vehicle from campus even where the misconduct takes place outside of the learning environment.
- (5) The definition of misconduct is outlined in the Code of Conduct and relates to behaviour that:
 - Contravenes WUC regulations, or
 - Damages WUC or its reputation, and/or
 - Constitutes a criminal offence.

- (6) The FE Student Disciplinary Procedure seeks to ensure that in all decisions regarding student discipline, students are afforded a fair hearing and that penalties are appropriate. In the event that gross misconduct or criminal behaviour is committed, a student can be suspended temporarily or excluded from WUC permanently
- (7) Further Education student FE Academic Regulations policy can be found on the VLE (Moodle).

Suspension

For the purposes of this policy the term suspension should not be confused with the term exclusion.

- (1) Suspension can be used as a precursor to disciplinary action during the investigative phase. It can also be used where it is considered it would be detrimental for a student to remain where the health, safety and welfare of themselves or others is compromised. Particular attention will be paid to students' resident on campus. WUC will make no unreasonable demands in this regard but resident students may need to make urgent and alternative accommodation arrangements in the event they are suspended, and WUC will not be liable for costs. A student suspended from Halls will remain liable for Hall Fees, in line with the Occupancy Agreement.
- (2) A period of suspension does not automatically presume guilt. A suspension should only be imposed where it is considered absolutely necessary, for example to enable an investigation to proceed unheeded where facts or evidence need to be gathered or where there is a safety consideration either for the student concerned or for others.
- (3) Conditions may be attached to the period of suspension and if these are not adhered to, it is most likely to carry further consequences for the student concerned if breached.
- (4) Only the Director of FE, Assistant Director of FE, Student Services Manager, Head of Safeguarding and Student Wellbeing or member of UCLG has the authority to approve a suspension.
- (5) A period of suspension must be time-limited and should be for no more than 4 weeks at the outset whilst an investigation takes place. The period must be kept under review by the person who approved the suspension and may be extended if needed. A longer period may be imposed at the outset if the matter is being investigated as a criminal offence by the Police or Enforcing Authority (such as the Health and Safety Executive).
- (6) Suspension should be lifted once it is clear disciplinary action is not being taken.
- (7) The student concerned must be kept informed and should be provided with a named contact at WUC. The named contact should, where possible, be the student's course manager. Alternatively, where more appropriate, a member of the FE management team can be appointed.

Disciplinary Meetings

- (1) If the alleged misconduct is serious or gross misconduct in the view of WUC (as defined in appendix 1), WUC may proceed directly to a Disciplinary Meeting. In this case the panel

will be chaired by the Director of FE, Assistant Director of FE, Student Services Manager, accompanied by another member of FE managerial staff and, if required, a member of the safeguarding/wellbeing team.

- (2) For serious or gross misconduct disciplinary meetings WUC must ensure all views and facts are reasonably established before the meeting, and is required to consult WUC support services to identify any additional external circumstances to be considered. This investigation can be undertaken by any member of managerial staff (for example CTLs), and it is good practice for the investigating manager to be the second person on the meeting panel.
- (3) Alternatively, WUC may proceed to this stage where misconduct continues following a Curriculum Team Leader Guidance Meeting. In this case the panel will be chaired by an Assistant Director of FE or FE Student Services Manager, accompanied by another FE Manager and, if required, a member of the safeguarding/wellbeing team.
- (4) Prior to the disciplinary meeting being called, checks must take place by the Chair to ensure positive behaviour management intervention strategies have been correctly followed with suitable and appropriate targets and time lines set. Checks also to be made with the Wellbeing and Safeguarding Teams where appropriate, and further investigations made into the issues as required.
- (5) All disciplinary meetings will be convened in writing electronically, followed by a copy of the letter in the post. Communication with students will clearly state the reason for the disciplinary meeting, the time and date for the meeting, and is to include a copy of the FE Student Disciplinary Policy.
- (6) **Only where the student is under 18** – the University College will inform the student's parents (or person with parental responsibility) in advance of the meeting so that they have the opportunity to accompany their young person to the meeting.
- (7) The failure by a student to attend a formal disciplinary meeting may result in a decision being taken in that student's absence.
- (8) The outcome of a Disciplinary Meeting will be one of the following;
 - I.No further action
 - II.Written Warning-
 - III.Final Written Warning
 - IV.Permanent Exclusion

In addition to the written warnings above, a number of campus based disciplinary sanctions may also be applied (see appendix 2 for full list).
- (9) Details of the meeting will be recorded on ProMonitor/e-portfolio system and the digital course file (DCF)
- (10) Failure to comply fully with the outcomes of a disciplinary meeting will result in further action being taken by WUC.

Appeals

Request to be heard

- (1) A request for an appeal against disciplinary matters dealt with at a disciplinary meeting, must be submitted within five working days of receipt of the disciplinary outcome letter. The request **must** be made in writing to the Director of FE and must identify the grounds of appeal with the reasons. There are usually only three grounds for appeal:
 - the student was not provided with a fair hearing
 - that there is new evidence that was unavailable at the earlier hearing or interview that would have affected the outcome; or
 - that the penalty imposed is disproportionate to the act of misconduct.
- (2) The Director of FE, or an alternative member of UCLG, will determine whether the grounds are sufficient to allow the appeal to be heard.
- (3) The Director of FE, or alternative member of UCLG, will notify the appellant in writing whether or not to allow an appeal to be heard, which they will do within five working days of receipt of the appeal letter. An appeal hearing will normally take place within another five working days if the appeal request is allowed to proceed. Exceptions will be agreed by the Director of FE (or alternative member of UCLG) with the appellant/person with parental responsibility if the student concerned is under 18.

Appeal Hearing

- (4) Where an appeal is allowed to proceed, an Appeals Panel will be formed comprising the Director of FE (or a person delegated in their absence) plus an independent person operating at a senior level within the institution and a student representative.

NB Only exceptionally and where the Director of FE has been involved in the case prior, will a member of UCLG be appointed to take the Director of FE's place in the Appeal process.

- (5) The Appeal Panel will take evidence from the student and review the findings of earlier disciplinary meetings. The student may be accompanied by a friend or representative other than the student representative on the panel and may request the attendance of other parties
- (6) The Appeals Panel will determine one of 3 outcomes:
 - that both the finding of guilt and the penalty imposed be upheld;
 - that the finding of guilt is confirmed but that the penalty is re-determined; or
 - that the finding of guilt is overruled
- (7) There can be no further internal appeal against the decision of the Appeals Panel.
- (8) If an FE student remains unsatisfied they have the right to complain to the Education and Skills Funding Agency (ESFA). For further details see The Education Skills Funding Agency website.

Appendix 1

Code of Conduct

The Code of Conduct explains how students are expected to behave whilst on University College premises or where students are taking part in University College-related activities. The University College also reserves the right to investigate incidents which occur off-site. Students are responsible for the behaviour of guests they bring onto campus and should ensure their guests also comply with the Code of Conduct.

Behaviour that contravenes the Code of Conduct will be dealt with through this FE Student Disciplinary Procedure.

All Writtle University College Students must:

- ✓ Respect the rights of others to a quiet, clean and orderly environment.
- ✓ Respect the property of other people and that of the University College and its premises.
- ✓ Display professional behaviour around campus, ensuring their behaviour does not put their own or other people's health, safety or welfare at risk - observing all directions and regulations in respect of Health and Safety.
- ✓ Abide by reasonable instructions issued by a member of the University College's staff in the normal course of University College business.
- ✓ Abide by the University College's Vehicle Regulations. This includes adhering to parking and speed restrictions, registering a vehicle with the Property department, and operating a vehicle lawfully and with full consideration for others. The University College Vehicle & Parking Regulations can be found on the University College's intranet "MyWi".
- ✓ Abide by the University College's Information Technology/ IS Usage Policy can also be found on the University College's intranet "MyWi"
- ✓ Display their ID card at all times whilst on University College, ensuring it is visible at all times.
- ✓ Fully comply with the law on discrimination and with the University College's Equality Policy. By way of examples (not exhaustive) bullying, racial, circulation of offensive material or sexual harassment will not be tolerated.
- ✓ Make themselves aware of, and agree to follow, University College policies while registered as a student.
- ✓ Assist with enquiries, attend a meeting or a hearing when requested to do so.
- ✓ Only Smoke within clearly signed designated areas, where containers supplied should be used for extinguishing all smoking materials.
- ✓ Only use mobile phones during teaching and learning activities if given the express permission by a member of staff. Students are expected to turn mobile phones off and phones must remain off until teaching and learning has finished, except where they are

required for teaching purposes and it has been agreed.

- × **All Students MUST NOT** consume, be under the influence of, be in possession of or deal, any illegal substances, controlled substances (drugs), legal highs or any other substance which may impair their performance on University College premises, or whilst off site representing the University College. The University College strictly operates a zero tolerance to illegal drugs. (NB *Medicinal drugs that are on the Home Office's Controlled Drugs List which are prescribed by a Medical Practitioner must be previously and voluntarily disclosed by a student to a Course Manager or to a member of Student Services). For further information, see the University College Drugs Policy.
- × **All Students MUST NOT** Carry or bring to the University College any offensive weapons or any objects which may be reasonably deemed as offensive by the University College.
- × **All Students MUST NOT** consume, or be under the influence of, alcohol on University College premises, or whilst off site representing the University College.
- × **Students under the age of 18 MUST NOT** consume, or be in possession of alcohol, whilst on University College premises, or whilst off site representing the University College. Any student who is a resident and who is under the age of 18 must not consume, attempt to or buy alcohol or any other illegal substances whilst off site during a period of University College residency (including days taken off or non- teaching time such as bank holidays).

Appendix 2

Examples of Misconduct (CTL Guidance Meeting)

The following illustrates behaviour which is likely to signify misconduct, but is neither exclusive nor exhaustive:

- Acts of plagiarism
- Failure to comply with a reasonable request from a member of staff
- Smoking in non-smoking areas
- Any unruly noise, or unruly behaviour, or the use of foul or abusive language
- Disrupting any class or any other College activity, whether or not involving staff or other students
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, including offensive behaviour, whether on College premises or elsewhere
- Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the College or any visitor to the College
- Failure to comply with any government or college guidance in place at the time will lead to disciplinary action
- Failure to comply WUC policies, procedures and local rules in relation to non WUC owned animals on campus

Examples of Serious/Gross Misconduct (Disciplinary Action)

The following illustrates behaviour which is likely to signify serious misconduct, but is neither exclusive nor exhaustive:

- Acts of malpractice/ repeated plagiarism
- Malicious communications, including electronically, and inappropriate comments/media/media/recordings on any social media site or messaging service regarding WUC / members of WUC
- Verbal abuse of staff, other adults or students
- Possession of drugs (including 'legal highs'), or suspected to be under the influence of drugs (as defined in the Misuse of Drugs Act) covering possession, use and/or supply in any part of the University College estate
- Bullying, including cyberbullying
- Discriminatory conduct on the basis of the Equality Act 2010, including actions that are sexist, homophobic, racist or on the basis of religion/belief or which is offensive to those with learning and/or physical disabilities
- The causing of damage, deliberate or through negligent actions, to, or defacement of, any WUC buildings, equipment, books or furnishings or any property of others.
- Acts of dishonesty, including theft, fraud, deceit, or deception in relation to WUC, its staff, its students or its visitors
- Endangering other students, staff or visitors g. Violent, indecent, disorderly, threatening, or offensive behaviour or language whilst on WUC premises or engaged in any WUC activity
- Physical or verbal assault
- Damage to or discharge without just cause of, or other misuse of or interference with, a fire extinguisher or other fire safety equipment

- Drunkenness or suspected intoxication on or near WUC premises, or while representing WUC off site.
- Possession of drugs, or suspected to be under the influence of drugs or involvement in any drug related activity whilst on or near WUC premises, or while representing the university college off site.
- Breach of the provisions of any WUC rule, regulation, policy, procedure or code of practice including those for Information Services, Student Services and Accommodation Services, including any breach of a student accommodation contract not otherwise covered. In particular this includes any breach of WUC IS Acceptable Use Policy and misuse of social
- Behaviour, which has a significant adverse impact on WUC reputation
- Inviting anyone onto WUC grounds/buildings who is not a member of the WUC
- Being in possession of an offensive weapon whilst on or near WUC premises, or while representing WUC off site.
- Possession of an offensive weapon whilst on or near WUC premises, or while representing WUC off site.

Offensive Weapons

The College determines that, in addition to legislative guidance, any knife, irrespective of length, constitutes an offensive weapon and should not be brought into College. In addition to knives, axes, BB guns, air guns, GATT guns, catapults, slings, etc. will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, craft knives, bats, other blunt instruments, possession of any corrosive liquid or items judged by the College to be carried with the intention to inflict injury on another individual - this includes fireworks, blades, chemicals etc

Appendix 3

Disciplinary Sanctions

Depending on what the offence is, the panel may consider a number of other sanctions either on their own or in addition to a Written Warning. The sanctions will usually depend on the nature of the offence including how and when it was committed plus consideration will be given to their previous conduct and academic achievement.

If the student committing misconduct is under 18 the outcome will be conveyed to their parents/person with parental responsibility.

Written warnings

- (1) Written Warning
- (2) Final Written Warning
- (3) Permanent Exclusion

Other sanctions that can be applied are:

- A bar ban (please note: the Bar or Assistant Bar Manager as licensee has the authority to issue an immediate bar ban, which can be either temporary or permanent)
- Halls of residence ban (can be either temporary or permanent). Resident students excluded from halls remain liable for Hall Fees.
- A full campus ban (can be either temporary or permanent)
- A partial campus ban e.g. from the recreational Centre facilities
- A time-limited exclusion from University College
- A vehicle campus ban (can be either temporary or permanent)
- A charge (see list of charges at Appendix C) University College Community Service

Appendix 4

FE Positive Behaviour Management Intervention Strategy

Prior to any formal intervention, steps should be taken to address issues around student conduct/engagement through supportive discussions with students. These discussions, targets and any reviews that take place are to be recorded on Promonitor to enable members of staff taking action to check whether any attempt has been made to correct previous misconduct and whether any previous attempts to address issues should be taken into consideration.

At each guidance meeting the student will be provided with a copy of the FE Student Disciplinary policy and reminded of University College expectations.

Cause for Concerns

- (1) Minor breaches (usually minor misconduct or first minor incidents) will be dealt with informally by way of a Cause for Concern being issued. An example of this is where behaviour has fallen short of expectation which has caused only some small inconvenience to others.
- (2) All cause for concerns issued must be accompanied by a conversation with the student to discuss what has happened, with goals/targets for the behaviour to be improved.
- (3) All cause for concerns, and accompanying targets, are to be recorded on Promonitor and parents/guardians informed.

Course Manager Guidance Meeting

- (1) The procedure can be invoked at this stage:
 - (i) Where a student receives three or more Cause for Concern for the same issue
 - (ii) Where the breach is deemed beyond the remit of a cause for concern being issued
- (2) This stage is to be led by Course Managers
- (3) The staff member will meet with the student as soon as possible but no later than 5 working days after the issue being raised.
- (4) At the meeting, the Course Manager will explore the reasons/circumstance behind any issues raised, considering student's progress, any mitigating or external factors and check for any barriers students maybe experiencing (liaising with the Wellbeing Team as appropriate). Goals/targets are to be set in partnership with the student, and any support needs identified to be referred to the correct departments.
- (5) A review date will be agreed (normally two weeks from the initial meeting). The review meeting will be held as agreed and if the problem persists or the student does not meet

the agreed targets, then a CTL Guidance Meeting may be called.

(6) All details are to be recorded on Promonitor, and parents/guardians informed.

Curriculum Team Leader (CTL) Guidance Meeting

(1) The procedure can be invoked at this stage:

- a. Where the matter is deemed sufficiently serious in the eyes of the University College (NB for more serious or gross misconduct, the University College may proceed directly to a disciplinary meeting).
- b. Where the targets set at a Course Manager Meeting have not been sufficiently met

(2) This stage is to be led by the Curriculum Team Leader, with another member of FE staff present at the meeting (the Course Manager where possible).

(3) Prior to any meeting the Curriculum Team Leader must check the intervention stage procedures have been correctly followed with suitable and appropriate targets and time lines set. Checks also to be made with the Wellbeing Team, and further investigations made into the issues as required.

(4) A letter (sent electronically and by post) will be issued requesting the student attends a CTL Guidance Meeting.

(5) **Only where the student is under 18** – the University College will inform the student's parents (or person with parental responsibility) in advance of the meeting so that they have the opportunity to accompany their son/daughter/young person being cared for, to the meeting. If the parents/carers are unable to attend, the student can request to be accompanied by a member of the SU, wellbeing team or support staff.

(6) At the meeting, the CTL will explore the reasons/circumstance behind any issues raised, considering student's progress, any mitigating or external factors and check for any barriers students maybe experiencing (liaising with the Wellbeing Team as appropriate). Goals/targets are to be set in partnership with the student, and any support needs identified to be referred to the correct departments.

(7) A review date will be agreed (normally two weeks from the initial meeting). The review meeting will be held as agreed and if the problem persists or the student does not meet the agreed targets, then a further CTL Guidance Meeting may be called, or the disciplinary procedure invoked.

(8) All details are to be recorded on Promonitor, and parents/guardians informed.

(9) The failure by a student to attend a CTL Guidance Meeting may result in a decision being taken in that student's absence.

