

DISCIPLINE PROCEDURE FOR LEARNERS

Prepared by:	Head of Learner Services		
Policy Approved by:	Senior Management Team	20/01/1997	Minute 143
		25/11/2001	Minute 598
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	Academic Board	05/02/2002	Minute 199
	Curriculum & Quality Panel	22/10/2010	Minute 430
	Corporation	26/03/1997	Minute 132
		25/03/2002	Minute 357
	Curriculum & Quality Committee	15/11/2010	Minute 255(ii)
AOS Aim 2			
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Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, transgender, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

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 that 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, where 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 does not apply to matters relating to academic performance. This is the subject of a separate procedure.

2. Obligations of learners

Learners are **expected to:**

- 2.1 Attend all classes regularly and on time. Registers are closed ten minutes after the start of class.
- 2.2 Observe all health and safety procedures, special clothing regulations etc.
- 2.3 Take their course seriously and listen to the advice of their tutors.
- 2.4 Complete all course work on time (assignments and homework) as required by their tutors.
- 2.5 Respect the diversity of the people within the College.
- 2.6 Respect the property of the College, staff, other learners and visitors.

2.7 Obey the College's IT regulations

Learners **must not**:

2.8 Create litter.

2.9 Bring hot food into the classroom (Outreach and community centres may differ).

2.10 Enter the College if they have been drinking or are carrying alcohol.

2.10 Enter the College if they have been using or are carrying illegal drugs or weapons.

2.12 Use offensive language or wear clothing with offensive slogans.

2.13 Have a mobile telephone switched on during lessons.

2.14 Smoke on College premises other than in designated areas.

3. **Misconduct**

The following are examples of misconduct that may result in disciplinary action being taken against learners:

- 3.1 breach of any of the learners' obligations set out above (including any breach of health and safety or other regulations of the College);
- 3.2 failure to follow the reasonable instructions of a member of staff;
- 3.3 smoking in non-smoking areas;
- 3.4 cheating, plagiarism or copying of work of other learners;
- 3.5 unduly noisy or any unruly behaviour or the use of foul or abusive language;
- 3.6 disrupting any class or any other College activity, whether or not involving staff or other learners.
- 3.7 deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- 3.8 unauthorised interference with software or data belonging to, or used by, the College;
- 3.9 theft of property of any other dishonest acts;
- 3.10 drunkenness on College premises or on any activity associated with the College, or the use, possession or supply of any illegal drug;
- 3.11 bullying, intimidation, taunting, verbal abuse or the use of violence or threat of violence towards any person;
- 3.12 behaviour which is racially or sexually offensive, or which is offensive to those with learning and/or physical disabilities or impediments;
- 3.13 behaviour which could bring the College into disrepute;

- 3.14 illegal act that may have an adverse effect on the work of the College or on other learners.

4. Gross misconduct

- 4.1 Any particularly serious cases of misconduct may be treated by the College as gross misconduct. For example, any misconduct involving violence or a serious threat of violence, deliberate damage to property, endangering the health and safety of others, 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. It is emphasised that this is not an exhaustive list of the types of case which the College may treat as gross misconduct. These instances will be dealt with at Curriculum Director level.

PROCEDURES

5. Official warning

- 5.1 Cases of petty misconduct may be treated informally by staff, but where the misconduct is repeated or is considered to warrant more formal treatment, staff may give an official warning to the learner concerned, explaining the reasons for the warning and the consequences of further misconduct. Such 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 need not be in writing, but should be reported to the appropriate Campus Director who should keep a written record of it. The warning will be considered spent after a period of six months and that any reference to it will be withdrawn from the departmental file.

6. Campus level interview

- 6.1 Where the conduct complained 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 school disciplinary interview with a Campus Director. The learner will be given at least 5 days written notice on the interview 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);
- iii. confirmation of the time and place of the interview.

The member of staff conducting the interview must not have had previous involvement in any previous stage of the disciplinary process relating to the particular complaint.

- 6.2 The learner will be entitled to be accompanied by a friend, learner representative, or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state his or her case before any decision is taken. Under exceptional circumstances, by mutual agreement, a friend / representative may attend alone on behalf of the absent learner.
- 6.3 After hearing the learner's case, the Campus Director may decide to issue a formal official 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

- 7.1 Any formal written warning will be issued within five 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. (The sanctions of suspension or expulsion will only be available at a Vice Principal level interview). The warning will be spent after a period of six months and after that any reference to it will be withdrawn from the departmental file

8. Suspension pending interview

- 8.1 A learner may be suspended from College immediately by a Campus Director (or course tutor in their absence) pending a disciplinary hearing where that member of staff has reason to believe that the learner may have committed an act of gross misconduct. Suspension occurs to allow a cooling down period after a serious event and/or to allow unhindered investigation of the event. Any such suspension will be confirmed in writing within 2 days of its occurrence and that learner will be invited to a disciplinary interview with a Vice Principal such interview to take place, where possible, within 10 days of the suspension.

- 8.2 Where a disciplinary 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. Vice Principal level interview

- 9.1 In cases where it is alleged that gross misconduct has occurred or where further misconduct is complained of after a formal written warning has been given to a learner, the learner will be invited to attend a disciplinary interview with the Vice Principal – Learner Services & Transformation.
- 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, but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing. 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; and
 - iv. notice that because of the misconduct alleged or because a formal written warning has already been given, it may be that he or she may be formally suspended or expelled from the College as a result.
- 9.3 The Vice Principal conducting the interview must not have had prior involvement in any stage of the disciplinary process relating to the particular complaint.

10. Notification of penalty

- 10.1 Within 5 days of the disciplinary interview, the learner will be given written notification of the penalty to be imposed. The range of penalties possible is infinite. The learner may be permanently expelled, suspended for a fixed period, subjected to a lesser disciplinary sanction, or informed that no disciplinary sanction will be imposed. If the penalty is suspension or expulsion then the learner will be informed of his or her right of appeal to the Principal. A copy of this notification should be sent to The Head of Learner Services and the Executives Office.
- 10.2 When setting a penalty attempts should be made to ensure it equates to penalties imposed for similar offences.

11. Appeal against disciplinary sanction

- 11.1 The learner will have a right of appeal to the Principal against the imposition of suspension or expulsion. Notice of appeal must be given in writing within **5** days of the notification to him or her of the sanction. If notice of appeal is given an interview with the Principal will be arranged, where possible, within **10** days of the notice being received. The learner will be given at least **5** days notice of the time and place of the appeal interview and will be informed of the right to be accompanied by a friend, learner representative or relative but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing. The learner will also be given a copy of the College's Disciplinary Procedures. Any documents considered at the disciplinary interview will be available at the appeal interview. The Principal may ask some other person to sit with them to hear the appeal.
- 11.2 At the appeal interview the learner will be invited to explain the grounds of the appeal and state his or her case.
- 11.3 The Vice Principal – Learner Services & Transformation who made the decision to suspend or exclude will be asked to respond to the appeal and explain the reasons for the decision.
- 11.4 The Principal may ask questions of the learner and the Vice Principal – Learner Services & Transformation and will then consider the appeal.
- 11.5 If the appeal is allowed, the Principal may decide that disciplinary action lesser than that imposed by the Vice Principal – Learner Services & Transformation should be taken including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.
- 11.6 If the appeal is dismissed, the decision of the Vice Principal– Learner Services & Transformation will stand.
- 11.7 Within **5** days of the appeal interview, the Principal's decision will be made known in writing to the learner. A copy of this notification should be sent to The Head of Learner Services.

12 Conduct of interviews

- 12.1 The member of staff conducting the interview will ensure that the proceedings are fair but firm. They should be accompanied by another member of staff to take detailed

and accurate notes as in some instances the notes become vital documentary evidence in an appeal hearing. The interview should be as informal as is possible under the circumstances, and above all it must be remembered that fairness is crucial.

- 12.2 The member of staff conducting the interview may give instructions in relation to the conduct of the interview, including as to the length of time which any part of the interview should take. Such instructions should be fair, and must allow the learner to question the evidence and state this or her case.
- 12.3 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 still proceed and under exceptional circumstances, by mutual agreement, a friend / representative may attend alone on behalf of the absent learner.
- 12.4 At the disciplinary interview, the Vice Principal – Learner Services & Transformation conducting the interview will invite the Campus Director to detail the allegations, which have led to the complaint of misconduct. The learner will be asked if he or she wishes to dispute the facts. If the facts are disputed the Campus Director will present the evidence available, in the form of witness statements or testimony. The learner will be invited to state his or her case and asked whether the facts are disputed. If the learner wishes to dispute the facts he or she will be asked to produce evidence supporting his or her case. The learner will have the right to question any witnesses appearing in person, and to question any evidence presented in the form of written statements. If a witness is not available to answer questions this should be taken into account when assessing the weight to be given to conflicting evidence. Statements which do not reveal the name of the witness will not be considered other than in the most exceptional circumstances. At the completion of the interview, the Vice Principal – Learner Services & Transformation will ask all parties to withdraw while the issues are considered. It is also open to the Vice Principal – Learner Services & Transformation to adjourn the interview if it is thought that further investigation is necessary.

13 Criminal Offences

- 13.1 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 code 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 re-commence proceedings under this code in relation to the matter.
- 13.2 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. The College is not bound by the results of any criminal proceedings against learners

14 Time periods

- 14.1 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 practical considerations prevent adherence. Written notice of any such variation should be given.
- 14.2 Periods of days in this code are working days. Documents sent by first class post shall be deemed to be received within 48 hours of posting.

15 Learners under 18 and sponsored learners

- 15.1 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 College, a parent or guardian will be informed in writing wherever possible.
- 15.2 If a learner under 18 years of age is on a school partnership programme, then the school should be contacted and the learner dealt with under the school's disciplinary procedure.
- 15.2 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 possible.
- 15.3 All letters issued to learners/parents and employers should be posted by recorded delivery.

16 Sanctions

- 16.1 All sanctions shall initially be for the period of one year, unless otherwise stated (see annexed document – 'Guidance note – Learner Disciplinary Sanctions')
- 16.2 An exclusion shall apply to all sites managed by the Corporation, unless otherwise stated.
- 16.3 Once a sanction is spent a learner may apply to enrol on a course only after an interview with the Head of Learner Service. This interview will determine the learner's genuine intention to study and behave in an appropriate manner. A written agreement will be agreed and signed by the learner.

17 Monitoring

- 17.1 The Executive Office will produce an annual summary of learner disciplinary activity for the Strategic Management Team, Curriculum & Quality Panel and Curriculum & Quality Committee.

18 Variations or amendments

- 18.1 In some cases it may be desirable that variations be made to 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 conducting the interview has previously had close personal involvement in the matter being considered.
- 18.2 This code may be amended by resolution of the Strategic Management Team from time to time.

Sample Letter

Dear

I am writing to inform you that you are required to attend a disciplinary hearing on atam/pm which is to be held in

At this hearing the question of disciplinary action against you in accordance with the College's disciplinary procedure will be considered with regard to :

(list the offences)

You are entitled, if you wish, to be accompanied at the hearing by a friend, a learner, representative or relative but not by a legal or other professional advisor.

Please confirm in either in writing or by telephone your intention to attend /not attend the interview.

Vice Principal

NB.

Letters to be posted by recorded/registered delivery

Copy of letter to parent/guardian and employer if relevant.

Sample Letter :

Dear

Further to your disciplinary hearing held on I am writing to inform you that the decision made at the hearing was that your attendance at College should cease with effect from(or some other penalty)

(In cases of /exclusion include the following para)

You are obliged to return all College property (list items eg. bus pass locker keys, text books) and make arrangements by contacting (name contact)) to collect any personal effects that are held on college premises.

You have the right to appeal against this decision to the Principal, in writing, stating the grounds for your appeal, within five days of the date of this letter.

Vice Principal

NB.

Letters to be posted by recorded/registered delivery

Copy of letter to parent/guardian, Head of Learner Services, Governance Unit and employer if relevant

Coleg Morgannwg

Guidance Note – Learner Disciplinary Sanctions

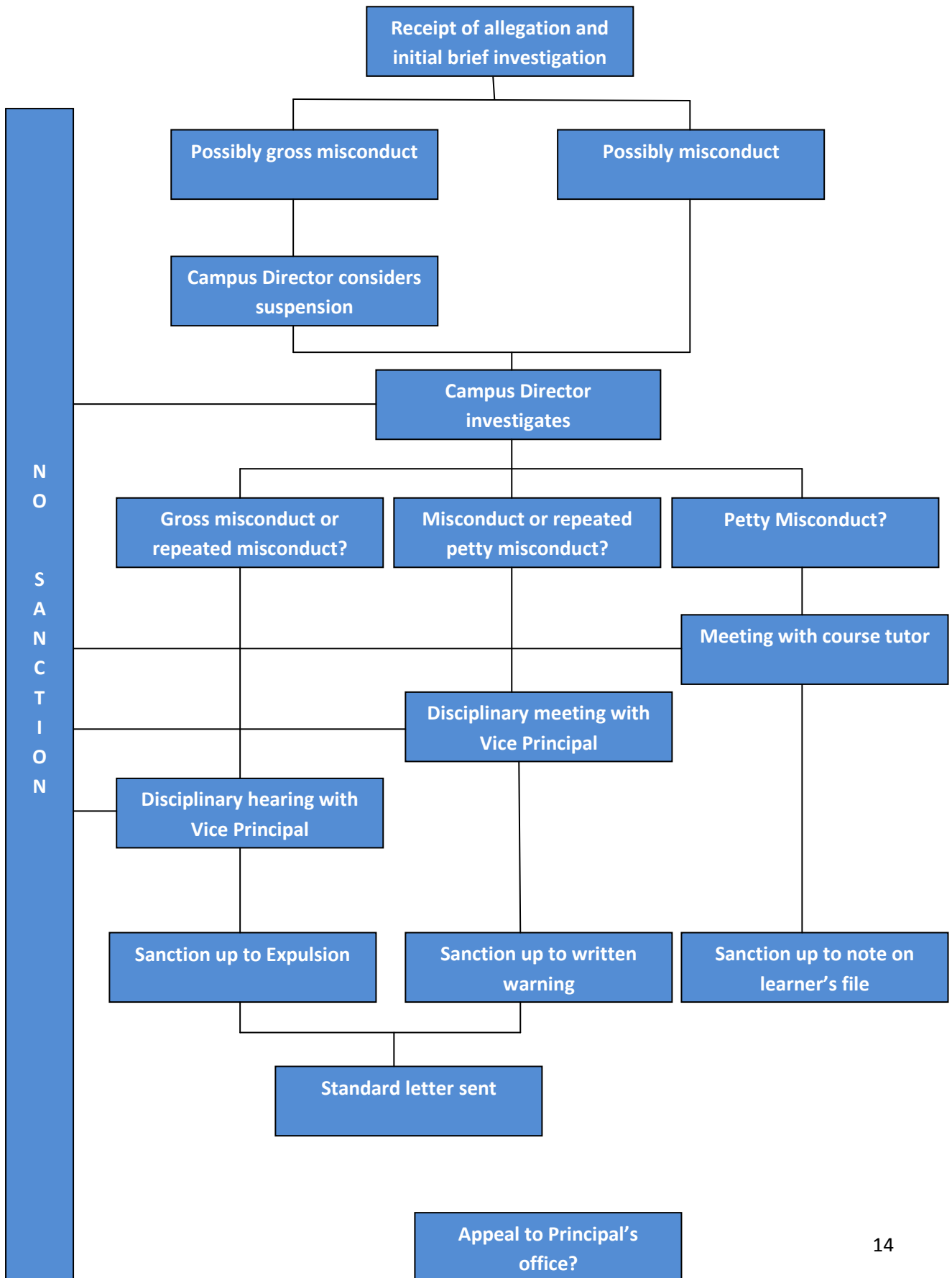
This note is meant as a brief guide for panels meeting to discipline learners. It is emphasised as being a guide aimed achieving consistency across the college. Each case must always be judged on its circumstances.

Sanction	Offence
Category A Permanent Expulsion	Serious Criminal offence against the College and/or its staff or learners
Category B One Year's Expulsion	<ul style="list-style-type: none"> • Serious theft or unauthorised possession from employees, the College or other learners. • Bullying, which can include: assault, abusive or threatening behaviour, including sexual harassment, racial abuse in the course of his/her attendance as a learner, whether or not on college property. (See college policy on bullying). • Falsification and irregular practice in respect of cash records or returns. • Fraud, or attempt to defraud. • Unauthorised access to, or interference with, information held on computer or associated equipment or materials. • Misuse of College facilities to access inappropriate materials on the internet • A serious act of insubordination. • Gross negligence that causes unacceptable risk, loss, damage, injury, or damages the public reputation of the College. • A conviction at court for a criminal offence, whether or not committed in connection with the College, which may affect the learner's suitability for continued attendance. • Cheating in assessments and examinations or plagiarism (after complying with exam body rules). • Serious racist activity or behaviour. • Malicious or wilful damage to property belonging to the College, its employees, agents, learners or others. • Repeated possession or showing serious effects, of alcoholic drinks or drugs.
Category C Written warning and transfer to another Campus	<ul style="list-style-type: none"> • Minor bullying offence (no physical abuse, minor verbal statements) • Minor racial offence,
Category D Written warning/caution with some rehabilitative action	<ul style="list-style-type: none"> • Minor drug and alcohol offence (possession), • Verbal abuse of staff/learners, • Possession of a weapon, • Minor race offences • Serious arguments • Minor theft or unauthorised possession from employees, the College or other learners.
Category E Written warning/caution	<ul style="list-style-type: none"> • Lack of effort in studies, • poor attendance

Note –

- That where the police are likely to instigate criminal proceedings the 'Zellick' report recommended College investigations be suspended whilst the criminal investigation and proceedings occur.
- Where criminal proceedings have occurred be careful not to invoke 'double jeopardy' (punishing someone twice for the one offence). Legal advice may be required.

LEARNER DISCIPLINARY PROCESS



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