

Student Disciplinary (Misconduct) Procedure and Code of Conduct

Staff Instructions

Purpose

The Bedford College Group is committed to providing a learning environment in which students can fulfil their potential and participate freely in college activities. All staff are expected to help and support students in achieving high standards of performance and behaviour. All members of staff have a responsibility to ensure that student discipline is maintained.

Principles

The student disciplinary procedure applies in cases of student misconduct and is designed to:

- ensure procedural fairness
- encourage all students to meet the standards of behaviour required by the college
- ensure consistent and just treatment for all regardless of disability, age, race, gender (sex), religion and belief, sexual orientation, gender reassignment, pregnancy and maternity
- ensure that the facts are established and the matter is investigated fully before disciplinary action is taken
- ensure that students know what is expected of them
- ensure that students are given access to a fair hearing.

Each case will be investigated on its own facts, and decisions will normally be based on the **balance of probability** that an incident did or did not take place.

The procedure applies to all individuals enrolled as a student of the college. Additional considerations for dealing with students with learning difficulties and/or disabilities are included at Annex I.

Students have the right to be accompanied by a parent, person with parental responsibility or friend at all stages of the procedure, as a supporter. This would normally not be a student on the same course. It is the student's responsibility to contact his/her supporter. The role of the supporter is to provide moral support and ensure the student has understood the process and any questions being asked. It is not the role of the supporter to speak on the student's behalf. The procedure does not allow for legal representation on behalf of the student in disciplinary interviews.

Higher Education Students – Academic Offences

Higher Education students committing academic offences such as plagiarism or cheating should be dealt with through this procedure, but the incident should be recorded on the form at annex H. The levels of responsibility, investigation/interview procedure and possible outcomes (sanctions) are as for all other misconduct.

Students on courses validated by the University of Bedfordshire or the University of Northampton are subject to the regulations set by the relevant validating HE institution.

Equality and Diversity Statement

The Bedford College Group is committed to the advancement and promotion of equality and diversity. We aim to provide a learning environment which values individuals equally regardless of disability, age, race, gender (sex), religion and belief, sexual orientation, gender reassignment, pregnancy and maternity.

It is our duty and obligation under the Equality Act 2010 to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between different groups

This procedure will be implemented in accordance with our equality and diversity policy, and students subject to disciplinary investigation or action will not be discriminated against or victimised on any grounds. Records of disciplinary action are monitored by race and gender.

Reasonable adjustments must be made when dealing with students with learning difficulties and/or disabilities, for instance, allowing the student to be accompanied by more than one person in an academic performance meeting (the procedure does not allow for legal representation on behalf of the student).

Code of Conduct for Students

The Code of Conduct given at Annex A sets out the college requirements for student behaviour whilst on college premises, on trips and visits, in Halls of Residence, undertaking Work Experience or taking part in college activities, so that all students know what is expected of them. It is referred to in the learner agreement and student handbook, and should be brought to the attention of all students at induction. The college reserves the right to investigate incidents which occur off-site if they are between two (or more) students or student(s) and staff.

Whilst it is not possible or desirable to lay down an exhaustive set of standards, the Code of Conduct lists the college's general expectations in terms of:

- behaviour
- attendance and punctuality
- work/study performance.

If the Code of Conduct is not adhered to, disciplinary action may be taken.

Academic neglect

Issues relating to attendance, punctuality and academic performance should be dealt with through the college's Academic Performance Procedure.

Gross misconduct

Gross misconduct is generally seen as serious misconduct where the college considers that it is not possible to continue to allow the student to study at or be on the college premises.

Such action of gross misconduct, if proven, would normally result in the student's exclusion from the college.

While it is not possible to compile a comprehensive list of offences which can be termed gross misconduct, examples which may be considered are given at Annex B.

Criminal activity

The college reserves the right to report potentially criminal activity to the police, and/or to advise victims of such activity of their right to do so. Unless there are exceptional circumstances, such as safeguarding concerns, incidents should not be reported to the police or other external agency against the wishes of the victim.

If an incident is serious and of a criminal nature, the college reserves the right to defer disciplinary action pending the outcome of criminal proceedings, in order not to compromise any police investigation. Depending on the seriousness of the incident, it may be necessary to suspend the student in the meantime, but this decision must not be taken lightly.

Disciplinary Procedure

The following procedure should apply where students have breached the Code of Conduct and standards expected of them whilst at college.

Informal stage

For non-serious or minor or first instances of misconduct, the personal tutor or other member of staff may deal with the incident by means of an informal verbal warning in a tutorial interview. In such instances the student must be advised:

- of the college Code of Conduct
- of the standards of behaviour expected
- that any further misconduct will be dealt with formally under the college's Disciplinary (Misconduct) Procedure.

Formal Stage

1. Investigation

The investigation is about **listening** to the facts.

A thorough investigation into the alleged misconduct **must** take place before a disciplinary interview is held or disciplinary action taken. This is likely to involve interviewing and gaining information from staff and students who were involved or witnessed the alleged misconduct. Such investigations should be recorded in writing and completed in 5 working days of the alleged misconduct.

The member of staff carrying out the investigation should advise individuals being questioned of the reason for the investigation and that it may lead to disciplinary action.

Staff or students who were witnesses have the right to choose not to take part in the investigation. Students involved in the investigation should be advised that they may be accompanied at any investigation interview by a parent/carer or friend.

2. Outcome and action

The following outcomes of the disciplinary investigation are possible:

- no case to answer
- student offered counselling/support/mediation
- allegations appear to be substantiated and there is a case to answer.

Where the student is found to have a case to answer, disciplinary action should be taken within the following **disciplinary framework**.

Disciplinary Framework

Annex C list the levels of responsibility for each stage of the procedure. There are slight variations in respect of The Bedford Sixth Form and Shuttleworth residential students due to different job roles. It is essential that the procedure is conducted by staff at the appropriate level. Failure to do this could result in any decision made being overturned on appeal. Where an incident involves students from more than one academic area, the person leading the investigation must interview all parties, regardless of the curriculum areas or campuses in which the parties are based.

Where an investigation of alleged misconduct indicates that disciplinary action may be required, the following framework should be implemented. The stage at which action is taken will depend on the nature and severity of the alleged misconduct and, in serious cases, heads of department or directors (deputy heads and head at The Bedford Sixth Form) may wish to proceed straight to the written warning or, exceptionally, exclusion stage. The College does not use sanctions as a form of restorative justice, eg litter picking. **All stages must be preceded by investigation.**

1. Recorded oral warning

In cases deemed too serious for informal action, or where the misconduct persists despite an informal warning, the student should be given a recorded oral warning.

In such instances the member of staff should:

- Arrange a date and a time to hold a disciplinary interview with the student. This should be done within 5 working days of the alleged incident
- Confirm with the student:
 - the date and the time of the disciplinary interview
 - the allegation of misconduct to be heard at the interview
 - the student's right to be accompanied by a supporter (parent, person with parental responsibility or friend)
- Explain that failure to attend this meeting or make contact to rearrange it will result in a decision being made in their absence
- Email/Phone the parent (or person with parental responsibility) if the student is **under 19 at the start of their course, unless they have previously withdrawn consent to contact.** Make them aware of the date and the time of the meeting and the reasons for why the meeting is taking place
- Conduct the disciplinary interview in line with the guidance contained in Annex D
- If recorded oral warning is felt to be the appropriate sanction, issue the student with an oral warning, recorded on the form at Annex E and signed by the student
- Retain a copy of the form in the Student File and record the outcome on Promonitor
- Give a copy of the form to the student
- Give a copy of the form to Student Services (normally via Personal Tutor)
- Advise the student that, if any future misconduct of any kind occurs, s/he will be disciplined further.

2. First written warning

If further misconduct occurs or if the behaviour does not improve after a recorded oral warning, a first written warning can be given. Alternatively if the misconduct is deemed more serious, the course manager or head of department (deputy head at The Bedford Sixth Form) may proceed directly to the first written warning stage, bypassing the oral warning stage.

In such instances the head of department or director (deputy head at The Bedford Sixth Form) should:

- Arrange a date and a time to hold a disciplinary interview with the student within 5 working days of the alleged misconduct

- Confirm with the student:
 - the date and the time of the disciplinary interview
 - the allegation of misconduct to be heard at the interview
 - the student's right to be accompanied by a supporter
- Explain that failure to attend this meeting or make contact to rearrange it will result in a decision being made in their absence
- Email/Phone the parent (or person with parental responsibility) if the student is **under 19 at the start of their course, unless they have previously withdrawn consent to contact**. Make them aware of the date and the time of the meeting and the reasons for why the meeting is taking place
- Conduct the disciplinary interview in line with the guidance contained in Annex E.
- Confirm the outcome in writing to the student within 5 working days of the disciplinary interview, sending a copy, with a covering letter, to the parent (or person with parental responsibility) if the student is **under 19 at the start of the course, unless they have previously withdrawn consent to contact**
- The letter must include:
 - a clear statement of the reasons for such action
 - the conduct of behaviour and standards expected of the student
 - an explanation that the letter will be held on the student's file
 - the action that will be taken in the event of continued misconduct
 - the student's right of appeal. This must be submitted in writing within 10 working days of receipt of the written warning letter.
- Record the action taken on the form at Annex E and Promonitor. Put a copy of this, together with all other documentation relating to the investigation and action, in the Student Information File. Send a copy of the form to Student Services (normally via Personal Tutor).

The Director of Student Services (or his/her representative – normally the Personal Tutor) should be present at the disciplinary interview. His/her role will be to advise on the disciplinary procedure to ensure fairness of treatment and to offer advice to aid decision-making.

3. Final written warning

If further misconduct occurs following the previous warnings, a final written warning may be given. Alternatively, where serious misconduct has occurred, the student may be given an immediate final written warning.

In such instances the steps detailed for 'first written warning' should be carried out.

Additionally the student must be informed that further misconduct or failure to meet the conduct of behaviour and standards expected will result in the student being excluded from college.

Details of recorded oral warnings and written warnings will remain on the student's file for 12 months from the date of the warning being issued, after which they expire.

4. Exclusion from College

If the student's misconduct persists despite the final written warning, or in instances of gross misconduct (see Annex B), the student should be excluded from college.

In such instances the steps detailed for 'written warnings' should be carried out and a disciplinary interview held.

The exclusion letter **must** state:

- the reason for the exclusion
- conditions placed on the student's future return to college

- the student's right to appeal to the Vice Principal with responsibility for Quality. This must be done in writing within 10 working days of receipt of the exclusion or dismissal letter.

If possible, the student's ID card should be retained.

Only a Director or a Vice-Principal (Head at The Bedford Sixth Form) has the authority to exclude a student from college. In exceptional circumstances, the Chief Executive may exercise the right to exclude.

If the disciplinary interview is likely to result in exclusion, the interview must be carried out by a Director or Vice Principal (Head at The Bedford Sixth Form).

A student excluded for misconduct should not normally be allowed to return to college on a full-time course for the rest of the academic year in which the exclusion was imposed, or for the following academic year. If a student breaches the terms of the exclusion, for example by being on college premises without valid reason, consideration may be given to extending the period of exclusion.

In exceptional circumstances, these conditions may be waived at the discretion of the Vice Principal with responsibility for Quality.

Suspension

In cases where the alleged misconduct is serious and/or it may be detrimental to the smooth running of the course and/or college for the student to remain on site, suspension may need to be considered while the case is being investigated.

Only a Director or a Vice-Principal (Head at The Bedford Sixth Form) has the authority to suspend a student from college.

In such cases the student should be informed of the reason for the suspension. This must be confirmed in writing, with a copy to the parent (or person with parental responsibility) if the student is **under 19 at the start of their course, unless they have previously withdrawn consent to contact.**

If two or more students are implicated in the alleged offence and if suspension is considered, then normally all parties should be suspended.

The period of suspension should be kept to no longer than 5 working days, (unless it is pending the outcome of criminal proceedings).

Appeals

Under the disciplinary framework, appeals are permitted at all stages except recorded oral warning. The appeal must be submitted by the student in writing to the level of manager immediately above the member of staff who conducted the disciplinary interview and issued the warning. For exclusions, the appeal would normally be to the Vice Principal with responsibility for Quality. Appeals must be made within 10 working days of receipt of the warning/exclusion letter.

The manager conducting the appeal will collect written evidence from the investigation and from the person who issued the warning/exclusion. S/he will then conduct an appeal interview with the student according to the guidelines at Annex D.

The decision will be notified in writing within 5 working days.

Record-keeping

Records of disciplinary action should be kept on the Students record for 12 months from the date of the last action. Details of recorded oral warnings, written warnings, exclusions, suspensions and appeals (copies of letters are sufficient for this) should be sent to the Director of Student Services. This information will be held on a central register to:

- assist the Estates and Facilities Team in ensuring excluded students do not return to the site
- monitor applications from previously excluded students
- monitor and report on disciplinary activity.

Final written warnings and exclusions result in a marker being placed on EBS so that Course Managers are alerted if a student applies to go on a further course at College. Details can then be obtained from Student Services.

Director of Student Services

Principles of this procedure were approved by the Board of Governors 23 November 2005

Code of Conduct for Students

This Code of Conduct is designed to encourage all students to meet the standards of behaviour, attendance and work performance expected by Bedford College. Whilst it is not possible, or desirable, to lay down an exhaustive set of standards, detailed below are general standards which, if broken, could result in disciplinary action being taken. Issues relating to poor academic performance (academic neglect) should be dealt with through the Academic Performance Procedures.

Students at Bedford College are required to:

- treat everyone with respect, and make sure that their behaviour does not discriminate against anyone or make any other person feel uncomfortable
- respect the rights and interests of other College students, staff and visitors
- attend all required activities regularly and punctually
- explain to their tutor or lecturer any reason for non-attendance
- take personal responsibility for their own learning and make active use of the learning resources and support services provided
- work hard and complete all work within specified deadlines
- take an active part in reviewing their progress with their tutor
- seek help from their tutor or Student Services if they need it
- act safely so that they do not put themselves or others at risk and observe all health and safety rules of the College
- wear their ID card at all times on College premises and show it, on request, to any member of the College staff
- act with consideration for the College environment and other College users, e.g. by not spitting or dropping chewing gum and litter
- pay all fees and other costs for which they are liable, or seek advice from us if in financial difficulty
- abide by all College policies and procedures.

Students at Bedford College must not:

- behave in a disruptive, aggressive, intimidating, bullying, indecent or unruly manner
- disrupt or interfere with the education or learning of fellow students
- display or circulate any material which is designed to cause offence or distress to others
- misuse College property and equipment, including IT or health and safety equipment
- be intoxicated while on College premises or be incapable of undertaking their course work because of excessive drinking or use of controlled substances
- smoke anywhere other than in designated smoking areas, in accordance with the College's smoke-free policy
- consume, possess or supply toxic, dangerous or controlled substances
- make or send annoying, obscene, malicious or indecent telephone calls, letters, SMS messages, text messages or emails, or place malicious, offensive or extremist materials on any electronic or social media
- cause malicious damage to, or theft of, the property of other students, staff or visitors of the College
- use foul or abusive language
- gain unauthorised access to, or make modifications to, College files or computer material
- enter any part of the College which the student is not entitled to access
- carry any weapon or any other object with the intention or purpose of use in a threatening way
- falsify College documents
- submit materials or work for assessment which have not been made or authorised by the individual, or which have been copied from other students or sources without acknowledging or referencing those sources (plagiarism), or allow one's work to be knowingly plagiarised
- take part in any illegal activity
- behave in any way which adversely affects the reputation of the College.

Examples of Gross Misconduct

Gross misconduct is generally seen as serious misconduct where the college considers that it is not possible to continue to allow the student to study at or be on the college premises.

Such action of gross misconduct, if proven, would normally result in the student's exclusion from the college.

While it is not possible to compile a comprehensive list of offences, the following examples may be termed gross misconduct.

- Theft or unauthorised possession of any property or facilities belonging to the College or any member of staff or student
- Serious damage deliberately sustained to the property of the college, students, staff or members of the public
- Deliberate falsification of college documentation, records and course work
- Serious negligence which causes unacceptable loss, damage or injury
- Violent, dangerous or intimidatory conduct, including carrying or use of weapons
- Deliberate violation of the college's rules and procedures concerning health and safety
- Incapacity owing to the consumption of alcohol or misuse of drugs (Any prescribed medical treatment or condition will be taken into account when determining what action is appropriate)
- Serious misuse of college property or equipment, including use of photocopiers, phones, faxes and other IT equipment for personal purposes without prior agreement
- Harassment, victimisation or discrimination against another student or staff member on any grounds, including age, disability, ethnic origin, gender, sexual orientation, marital status, religion or belief
- A criminal offence which may adversely affect the college's reputation or the student's suitability to continue on the course, e.g. the supply or purchase of illegal substances
- Repeated breaches of the Code of Conduct.

Levels of Responsibility in Disciplinary Procedure

Stage	Action	Responsibility
Informal action	<ul style="list-style-type: none"> • All 	<ul style="list-style-type: none"> • Personal Tutor, Course Manager or above • Student Development Manager/Wardens
Recorded oral warning	<ul style="list-style-type: none"> • All 	<ul style="list-style-type: none"> • Course Manager or above • Student Development Manager
Written warnings	<ul style="list-style-type: none"> • Investigation • Disciplinary interview, decision and letter 	<ul style="list-style-type: none"> • Personal Tutor, Student Development Manager/Wardens, Course Manager or above • Head of Department, Deputy Head at BSF, Student Development Manager/Wardens or above
Suspension	<ul style="list-style-type: none"> • Pending investigation 	<ul style="list-style-type: none"> • Director, Head of the Bedford Sixth Form or Vice Principal for relevant programme area (or any other Director or Vice Principal in their absence)
<p>Exclusion and Exclusion from Halls of Residence</p> <p>NB Students excluded from Halls must also be issued with an appropriate level of warning if allowed to continue at college.</p>	<ul style="list-style-type: none"> • Investigation • Disciplinary interview, decision and letter 	<ul style="list-style-type: none"> • Course Manager, Deputy Head at BSF, Head of Department, Student Development Manager or above • Director, Head of The Bedford Sixth Form or Vice Principal. For Halls exclusion – Director of Landbased Services (or any other Director or Vice Principal in their absence)

<p>Appeals</p> <ul style="list-style-type: none"> • Recorded oral warning • First or final written warning • Exclusion 	<ul style="list-style-type: none"> • No appeal possible • Appeal possible • Appeal possible 	<ul style="list-style-type: none"> • Level of Manager above interviewer/decision-maker • Vice Principal with responsibility for Quality (if the exclusion was conducted by that VP, the appeal must be heard by another VP)
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Notes

Where an incident involves students from more than one academic area, the areas must work together and agree which member of staff is to lead the process. The people conducting investigation and interviews must interview all parties.

Disciplinary Interviews

The disciplinary interview is about **challenging and checking** the facts gathered during the investigation and giving the student the **opportunity to respond**. Natural justice gives students the right to a fair hearing.

Disciplinary interviews should normally be chaired by the head of department, director or vice principal (deputy head or head at The Bedford Sixth Form). The interview must be conducted in a formal manner with the aim of gaining further information about the alleged misconduct so that an informed decision can be made with regard to disciplinary action. Notes should be taken and subsequently written up as a record of the disciplinary interview. Except in cases of academic neglect, the record should then be signed by the student and the Chair as being a true record of the discussion which took place.

The Director of Student Services or his/her representative (usually a Personal Tutor) may be requested to be present at the interview. His/her role will be to advise on the disciplinary procedure, ensure fairness of treatment and to offer advice to aid decision-making. The decision-maker is the Chair.

The Chair may also request the investigator to be present.

Students have the right to be accompanied by a parent, person with parental responsibility or friend to support them in the interview. The procedure does not allow for legal representation on behalf of the student in disciplinary interviews.

Evidence gained from the disciplinary investigation should be presented in writing and be available at the interview. The Chair should have this in advance to use in preparation for the interview.

The Chair may seek further clarification of issues raised in the investigation by speaking to witnesses or other parties involved in the investigation. This clarification may take place before, during or after the disciplinary interview.

The Chair should use the following procedure to conduct the interview:

- Explain the procedure to be followed and confirm that all present understand
- Read out the complaint or allegation against the student
- Present the case against the student. This may be done by another member of staff (possibly the investigator) or by the Chair him/herself
- Ask the student if s/he has any questions
- Clarify any issues you have as Chair
- Ask the student to present his/her case
- Ask any questions you have of the student
- Ask any member of staff presenting the case against the student if s/he has any questions of the student
- Check that the student or others present have no further points of information that they wish to put forward
- Inform the student that a decision will be made after the meeting and that they will be notified in writing of the outcome, then ask him/her (and any persons accompanying him/her) to leave the room. The decision should be confirmed in writing within 5 working days of the disciplinary interview.

If a student fails to attend a disciplinary interview a second appointment should be offered. The appointment letter should explain that, if they fail to attend again, a decision will be taken in their absence.

Student Disciplinary Procedure

Additional considerations when dealing with students with learning difficulties and/or disabilities

At the Vice Principal/ Director/Head of Department/Course Manager's discretion (Deputy Head's at The Bedford Sixth Form), staff may wish to:

- Involve a student's parents/guardian/responsible adult at an earlier stage in the process, whatever the age of the student
- Have an additional discussion with the student at the informal stage, before further action is taken, and allow enough time for the student to demonstrate appropriate behaviour before moving on to the next stage
- Following an incident, monitor the situation closely for a period of up to 2 weeks
- Where students involved in an incident come from different programme areas, arrange a meeting between the relevant tutors to discuss an appropriate way forward for all parties. This may need to be overseen by an appropriate manager
- Take account of a student's learning difficulties and/or disabilities as mitigating circumstances when determining the outcome

Students should be advised that they and their parents may seek the advice of their personal tutor and/or Student Services at any stage of the process.

