

Student Disciplinary (Misconduct) Procedure and Code of Conduct

Purpose

At Bedford College we are committed to providing a learning environment in which you can fulfil your potential and participate freely in college activities.

Principles

This student disciplinary procedure 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 is investigated on its own merits, and decisions are normally 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.

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

Higher Education Students – Academic Offences

If you are on a higher education course (HNC, HND or Foundation Degree) and you commit an academic offence such as plagiarism or cheating, the issue will be dealt with through this procedure.

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. You can find more information on their websites at www.beds.ac.uk/student-experience2/academic-information/academic-discipline-policy or <http://www.northampton.ac.uk/new-students/student-handbooks-and-regulations>

Equality and Diversity Statement

Bedford College 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 will 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 at Annex A explains how we expect you to behave whilst on college premises or taking part in college activities. We also reserve the right to investigate incidents which occur off-site if they are between two (or more) students, or student(s) and staff.

The Code of Conduct lists the college's general expectations in terms of:

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

If you do not follow the Code of Conduct, disciplinary action may be taken.

Academic performance

If you fail to meet the required standards of academic performance, such as poor attendance, or failure to meet deadlines or expected standards, this will be dealt with through the separate 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 you to study at college or be on college premises.

If proven, it would normally result in your exclusion from the college.

While it is not possible to compile a comprehensive list of offences which can be termed gross misconduct, examples 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. If an incident is serious and of a criminal nature, we may defer disciplinary action pending the outcome of criminal proceedings. In exceptional circumstances we may also take the decision to suspend you until the outcome of the proceedings is known.

Disciplinary Procedure (see overview at Annex C)

The following procedure will be used if you breach the Code of Conduct:

Informal stage

For non-serious or minor or first instances of misconduct, your personal tutor or other member of staff may deal with the incident by means of an informal verbal warning. In such instances you will be advised:

- of the college's 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

Investigation

A thorough investigation into the alleged misconduct will 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 will be recorded in writing.

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

Outcome and action

The following outcomes of the disciplinary investigation are possible:

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

Where there is a case to answer, disciplinary action will be taken within the following **disciplinary framework**. The College does not use sanctions as a form of restorative justice, eg litter picking.

Disciplinary Framework

1. Recorded oral warning

In cases too serious for informal action, or where misconduct persists despite an informal warning, you may be given a recorded oral warning.

In such instances the member of staff will:

- Issue a copy of these Student Disciplinary (Misconduct) Procedures and Code of Conduct
- Hold a disciplinary interview with you
- Inform your parent (or person with parental responsibility) if you are under 19 at the start of your course, unless you have previously withdrawn consent for us to do so
- If appropriate, issue you with an oral warning, recorded on a disciplinary record form and signed by you
- Retain a copy of the form on your file for 12 months
- Give you a copy of the form
- Send a copy of the form to Student Services
- Advise you that, if any further misconduct of any kind occurs, you will be disciplined further.

2. First written warning

If further misconduct occurs or if your behaviour does not improve after a recorded oral warning, a first written warning may be given. Alternatively if the misconduct is deemed more serious, we may proceed directly to the first written warning stage.

In such instances the Assistant Director or Executive Director will:

- Issue a copy of these Student Disciplinary Procedures and Code of Conduct
- Hold a disciplinary interview with you
- If you are under 19 at the start of your course, inform your parent (or person with parental responsibility) of the interview
- Confirm the outcome in writing within 5 working days of the disciplinary interview, sending a copy to your parent (or person with parental responsibility) if you are under 19 at the start of your course, unless you have previously withdrawn consent for us to do so
- Record the action taken
- Retain a copy of the record on your file for 12 months
- Send a copy of the record to Student Services.

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, you may be given an immediate final written warning.

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

Additionally you will be informed that further misconduct or failure to meet the conduct of behaviour and standards expected will result in your exclusion from college.

Details of recorded oral warnings and written warnings will remain on your file for 12 months from the date of the warning being issued. Failure to attend a disciplinary interview may result in a decision being made in your absence.

4. Exclusion from College

If your misconduct persists despite the final written warning, or in instances of gross misconduct (see Annex B), you will be excluded from college.

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

If you are excluded from college you will receive a letter stating the reason for your exclusion and the conditions placed on your future return to college. If you breach the terms of the exclusion, for example by being on college premises without valid reason, your period of exclusion may be extended.

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 you to remain on site, suspension may need to be considered while the case is being investigated.

In such cases you will be informed of the reason for your suspension. This will be confirmed in writing, with a copy to your parent (or person with parental responsibility) if you are under 19 at the start of your course, unless you have previously withdrawn consent for us to do so.

The suspension is not a punishment but is to allow us to investigate the alleged misconduct fully. If two or more students are involved in the alleged offence and if suspension is considered, then normally all students will be suspended.

The period of suspension will be kept to a minimum, but will be no longer than four weeks (unless we are awaiting the outcome of criminal proceedings).

Appeals

Under the disciplinary framework, appeals are permitted at all stages except recorded oral warning. You must submit your appeal in writing, within 10 working days of receipt of the warning/exclusion letter. The letter will state to whom the appeal should be made.

The manager conducting the appeal will conduct an appeal interview with you and notify you of the decision in writing within 5 working days.

Records of disciplinary action

Details of written warnings, exclusions, suspensions and appeals will be notified in writing to the Director of Student Services and held on a central register. Your tutor will also keep a record on your file for 12 months from the date of the disciplinary action.

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.

Overview of Disciplinary Procedure

Notes

