

STUDENT DISCIPLINARY PROCEDURES

Author/Responsibility	Document Version	Date Reviewed	Next Review Due
Gillian Moss	V4	December 2021	September 2023

TABLE OF CONTENTS

1. INTRODUCTION	2
2. PRINCIPLES	2
3. INFORMAL PROCEDURE - OFFENCES OF A MINOR NATURE	3
4. FORMAL DISCIPLINARY PROCEDURE	4
4.1 STAGE 1	4
4.2 STAGE 2	5
4.3 STAGE 3	6
4.4 STAGE 4	7
4.5 APPEALS PROCEDURE	9
5. SERIOUS MISBEHAVIOUR REQUIRING IMMEDIATE ACTION	9
6. APPENDIX 1 - OFFENCES OF A MOST SERIOUS NATURE Gross Misconduct	10
7. ADDENDUM	10

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

1. INTRODUCTION

Where students breach College regulations, the College reserves the right to invoke the disciplinary procedure. Students who are deemed to bring the College into disrepute outside College buildings will be regarded as being in breach of College Regulations. This procedure does not relate to trainees on government funded training programmes who are subject to the Disciplinary Procedures approved by the Department.

The purpose of this procedure is to provide a fair, equitable and consistent arrangement for the handling of situations where disciplinary action against a student is considered necessary. The formal procedure will not be invoked for offences of a minor nature until the informal procedure has been completed.

The College will provide this policy in alternative formats on request where reasonably practicable, e.g., Braille, Large Print, Computer Disk, Audio formats, etc., and/or alternative language. The College is committed to promoting equality of opportunity and good relations in accordance with Section 75 of the Northern Ireland Act 1998. This policy should be interpreted in a manner consistent with the aforementioned legislation.

2. PRINCIPLES

The procedure is based on the following principles:

- 2.1 Complaints of student misconduct should, wherever possible, be dealt with informally by consultation between the student(s) and the appropriate staff concerned. The formal procedure should only be invoked where informal action has failed or the misconduct is of a serious nature to warrant direct access to the formal route.
- 2.2 The primary purpose of the disciplinary procedure is to help the student rather than impose sanctions.
- 2.3 The procedure should work as quickly as possible, consistent with a thorough investigation of the circumstances of the case. Students will be given an opportunity to explain their conduct before disciplinary action is invoked.
- 2.4 Students will be informed of, and provided with a copy of the disciplinary procedure when the formal procedure is invoked.
- 2.5 Students will have the right of appeal against expulsion.
- 2.6 In the interest of public funds, other students, the staff, or the good name of the College, the **Head of Curriculum and Operations (HoCO)** may, without notice, expel a student for gross misconduct or other serious cause. In the case of an offence of general and habitual misconduct, the **HoCO** may suspend a student pending further consideration as to the possibility of the student's expulsion.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

- 2.7 Any student suspended or expelled shall be entitled to receive from the Head of Curriculum and Operations written notification of the suspension or expulsion, setting out the grounds on which the decision has been taken.
- 2.8 Any student expelled shall be entitled to appeal to the Principal, including a right to make oral representations, for which purposes the student can, if he/she wishes, be accompanied by a Students' Union representative, a Parent/Guardian if the student is under 18, or a fellow student or Safeguarding Lead.
- 2.9 Students who are expelled under the procedure outlined above are excluded from all North West Regional College programmes and sites during the specified period of expulsion. Where students do not adhere to these conditions and are found to be on college premises during their expulsion, they will have an additional period of one full year added to the dates at which they may apply to return to the College. Students who have been expelled from the College must apply in writing to the Principal before they can be considered for re-enrolment to any College course. Such applications should state that they have been expelled, the date of expulsion, plus the learning programme on which they wish to enrol.

3. INFORMAL PROCEDURE - OFFENCES OF A MINOR NATURE

- 3.1 Such offences include any behaviour, including a breach of College regulations¹, which adversely affects the academic and social well-being of the College community.
- 3.2 Minor offences should be dealt with in the first instance by means of an informal meeting between the personal tutor/staff member and the student concerned.
- 3.3 The object of such a meeting will be to discuss the issues involved and seek ways of improving the situation by giving the student reasonable assistance by way of advice and guidelines to achieve the desired standard of conduct.
- 3.4 If such discussion fails to resolve the matter, the formal procedure will be invoked.

¹ Or those imposed by the Public Health Authority or Government during a crisis or pandemic

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

4. FORMAL DISCIPLINARY PROCEDURE

The main objectives of the procedure are to ensure that disciplinary action is reasonable and consistent and that students are given the opportunity to improve their conduct.

4.1 STAGE 1

STAGE 1 – Breach of College Regulations		
1	Procedure	<p>Interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or safeguarding lead.</p> <p>Provide the student with a copy of the Disciplinary Procedures.</p>
2	Sanction	Issue a Verbal Warning if appropriate
3	Issued by	Course Co-ordinator
4	Follow-up	<p>(a) Notes and Notification of Verbal Warning to be held on student file.</p> <p>(b) Copies of the Notification of Verbal Warning given to:</p> <ul style="list-style-type: none"> • The student • Personal Tutor • Curriculum Manager • Parent/Guardian of Students under 18 • Deputy Head of Department • Employer, if appropriate.
5	Currency of Warning	This warning is valid for 6 months from the date of issue. Thereafter the warning will be considered spent.
6	Note	Inform the student that if it is found that they have already received a previous verbal warning and if this warning is still current, that the sanction may be raised to the next stage in the disciplinary process. The student will be informed of any change within 5 working days.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

4.2 STAGE 2

STAGE 2 - INVOKED IN THE CASE OF A SERIOUS OFFENCE OR REPETITION OF STAGE 1		
1	Procedure	<p>Investigation conducted by the Curriculum Manager of Course and disciplinary interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or safeguarding lead.</p> <p>Provide the student with a copy of the Disciplinary Procedures if they have not previously received a copy.</p>
2	Sanction	Issue a First Written Warning or Verbal Warning, as appropriate.
3	Issued by	Deputy Head of Department
4	Follow-up	<p>(a) Notes and copy of Written Warning/ Verbal warning to be held on student file.</p> <p>(b) Copies of the Written Warning/ Verbal Warning given to:</p> <ul style="list-style-type: none"> ○ The student ○ Personal Tutor/ Course Co-ordinator ○ Curriculum Manager ○ Parent/Guardian of Students under 18 ○ Head of Department <p>Employer, if appropriate.</p>
5	Currency of Warning	Details of the warning will be retained on the student's personal record for a nine month period or the duration of the course whichever is shorter. Thereafter the warning will be considered spent.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

4.3 STAGE 3

STAGE 3 – INVOKED IN THE CASE OF A VERY SERIOUS OFFENCE OR REPETITION OF STAGE 2		
1	Procedure	<p>Investigation conducted by the Deputy Head of Department and Head of Learner Services. Disciplinary interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or safeguarding lead</p> <p>Provide the student with a copy of the Disciplinary Procedures if they have not previously received a copy.</p>
2	Formal Notice	The investigating officer will give the student 5 working day's notice of the disciplinary interview.
3	Issued by	Head of Department
4	Sanction	Issue a Final Written Warning/Written Warning as appropriate.
5	Follow-up	<p>(a) Notes and copy of the Notification of Final Written Warning/ Written Warning to be held on student file.</p> <p>(b) Copies of the Warning given to:</p> <ul style="list-style-type: none"> • The student • Personal Tutor/Course Co-ordinator • Curriculum Manager • Deputy Head of Department with responsibility for the course • Parent/Guardian of Students under 18 • Head of Curriculum & Operations <p>(c) Student may be offered guidance and counselling, if appropriate.</p>
6	Currency of Warning	Details of the Warning will be retained on the student's personal record for a twelve-month period or the duration of the course whichever is shorter. Thereafter the warning will be considered spent.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

4.4 STAGE 4

STAGE 4 - Invoked following a case of gross misconduct or repetition of an offence at Stage 3 - Examples of gross misconduct are given in Appendix 1		
1	Procedure	<p>Deputy Or Head of Department & Head of Client Services conducts investigation. However, if DHOD has previously involved they will report the misconduct to the Head of Department who carry out the investigation. Investigation report should contain recommendations for conditions if appropriate.</p> <p>The Head of Curriculum & Operations will be the disciplinary authority and will conduct the interview at which the student is given the opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or safeguarding lead.</p> <p>Provide the student with a copy of the Disciplinary Procedures if they have not previously received a copy.</p>
2	Formal Notice	The investigating officer will give the student 5 working days' notice of the disciplinary interview in writing.
3	Discipline authority	Head of Curriculum & Operations
4	Sanction	<ul style="list-style-type: none"> • Expulsion or • Final Written Warning- with conditions appropriate to nature of offence and or programme.
5	Follow-up 1-Final Written Warning	<p>Notes and copy of the Notification of Final Written Warning and conditions if appropriate to be held on student file.</p> <p>Copies of the Warning given to:</p> <ul style="list-style-type: none"> • The student • Personal Tutor/Course Co-ordinator • Curriculum Manager • Deputy Head of Department • Head of Department • Parent/Guardian of Students under 18 • Principal <p>Student may be offered guidance and counselling, if appropriate.</p>

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

	2- Expulsion	<p>The Principal is to be advised if Head of Curriculum & Operations recommends expulsion.</p> <p>The student & parent/ guardian if under 18, will receive written notification of expulsion from Head of Curriculum office.</p> <p>The student will also receive a copy of the appeals process.</p>
6	Period of Expulsion	<p>Expulsion from the college may be permanent and is a minimum of 12 months.</p> <p>The earliest that the student can request to enrol is the start of the following academic year and this must be done in writing to the Principal, stating why they were expelled and the date of expulsion.</p>

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

4.5 APPEALS PROCEDURE

1	Purpose	To consider appeal by a student against expulsion.
2	Procedures	Before expulsion from the College is affected, the student will be given the opportunity to appeal to a Disciplinary Appeals Panel, made up of the Principal and Head of Quality. An appeal must be made in writing to the Principal within 10 working days from the receipt of the notice of expulsion, clearly stating the grounds for appeal. Interview will be arranged within 5 working days of receipt of the appeal.
3	Panel	Disciplinary Appeals Panel, made up of the Principal and Head of Quality.
4	Student Support	Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian if the student is under 18, or a fellow student or safeguarding lead.
5	Follow Up	The student and or parent or guardian if under 18 will be informed of the outcome of the appeal within 10 working days.

5. SERIOUS MISBEHAVIOUR REQUIRING IMMEDIATE ACTION

In serious cases, such as alleged physical assault and disruptive and dangerous behaviour, it may not be possible to follow the above procedure, and immediate action may have to be taken to remove the student from the premises². The tutor should seek assistance of a senior member of staff (Principal or a person acting on his behalf) to consider if suspension is appropriate. If a decision is made to suspend the student temporarily then the parent/ guardian/ employer/ will be notified before the student is returned to their home, place of work, or training organisation.

Tutors with disciplinary problems on courses, serviced for another provider, will refer the matter to the management of the premises and will report the incident as soon as possible to their Deputy Head of Department.

² Dangerous behaviour would include that considered to breach a collective duty of care to the college community during a crisis or pandemic.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

6. APPENDIX 1 - OFFENCES OF A VERY SERIOUS NATURE/ GROSS MISCONDUCT

Offences include:

- 6.1 Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on College premises or whilst engaged in any College activity.
- 6.2 Action which causes injury or impairs safety on College premises.
- 6.3 Theft or damage to College property, or the property of other members of the College community, caused intentionally or recklessly.
- 6.4 Criminal offences where these offences involve other members of the College or directly affect the interests of the College.
- 6.5 Misuse or unauthorised use of College premises or items or property, including computer misuse.
- 6.6 Failure to comply with a previously imposed penalty under this disciplinary code.
- 6.7 Malpractice in coursework or examinations.
- 6.8 Behaviour, either on College property or within the wider community, which brings, or may bring, the College into disrepute.
- 6.9 Misuse, possession or distribution of illegal substances.
- 6.10 Violations of the College's Harassment Policy (although such violations will be dealt with, in the first instance, under the College's Student Harassment Policy).
- 6.11 Obtaining funds by means of misrepresentation or false information.
- 6.12 Dangerous behavior in violation of college, PHA or government guidelines during a pandemic.

This list is not exhaustive. Judgement as to whether an offence of a very serious nature /gross misconduct has occurred will rest with the College with each case being decided in the light of the full circumstances pertaining.

7. ADDENDUM

Compliance with TFS Operational Guidelines (extract below)

14. DISCIPLINARY POLICY

14.1. Disciplinary Procedure

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

14.1.1. Contractors must ensure that each participant has access to clear written procedures on grievance and disciplinary matters, and is informed of those procedures at the induction. Contractors must ensure that their disciplinary procedures comply with the instructions set out in this section. This procedure must include the following terms concerning Serious and Gross Misconduct and define those terms as follows:

14.1.1.1. Serious Misconduct – conduct which initially requires disciplinary action other than suspension/expulsion (although if further misconduct takes place, it may lead to suspension/expulsion). This can include persistent lateness, unauthorised absence as well as absence due to illness, failure to partake/engage in specific learning models, failure to meet known work standards. Deliberately disobeying Health and Safety regulations, particularly around COVID-19 procedures and disrespecting staff and peers’ health and safety entitlement.

14.1.1.2. In exceptional circumstances where a contractor has a query or doubt about suspending a young person, the Contractor must contact Youth Training Delivery & Performance Branch in writing for advice before they act.

Gross Misconduct - an act of misconduct which permits a Contractor to suspend a trainee on the first occurrence if the offence is viewed as gross misconduct. In general, this includes offences such as theft, physical violence, physical, verbal and online bullying, very serious breaches of health and safety rules

14.1.2. In disciplinary matters, a participant must not be treated less favourably than an employee of the Contractor. Short-term suspension without EMA may be invoked as part of the disciplinary procedure (for example, to facilitate an investigation of disciplinary breach), when the procedure has reached the final written warning stage. It may be used only in exceptional circumstances. Suspension without EMA must not last for more than two days.

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

STAGE 1 – Breach of College Regulations



NOTIFICATION OF VERBAL WARNING

Issued to:

Issued by:

Co-ordinator name:

Date of Issue:

Course of Study:

This is a Verbal Warning about your conduct and a copy of it has been placed on your record. It is being issued to you due to:

You are advised that this warning remains valid for 6 months from the date of issue and that further misconduct during this period may result in the issue of a Written Warning.

I understand the reason for this warning and that further misconduct may result in the issue of a Written Warning.

NOTE: I understand that if it is found that I have a current Verbal Warning, this warning may be raised to the next level in the disciplinary process.

Signed : _____ (Student) Signed: _____ (Course Tutor)

Signed: _____(Co-ordinator)

Date: _____

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

**STAGE 2 - INVOKED IN THE CASE OF A SERIOUS OFFENCE
OR REPETITION OF STAGE 1**

First Written Warning

Issued to:

Issued by:
Deputy Head of Department

Date of Issue:

Course of Study:

This is a first written warning about your conduct and a copy of it has been placed on your record. It is being issued to you due to:

You are advised that this warning remains valid for the duration of your course and that further misconduct during this period may result in the issue of a Final Written Warning.

I understand the reason for this warning and that further misconduct may result in the issue of a Final Written Warning.

Signed: _____ (Student)

Parent/Guardian: _____ (If applicable)

Signed by: _____ (Deputy Head of Department)

Date: _____

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

STAGE 3 – INVOKED IN THE CASE OF A VERY SERIOUS OFFENCE OR REPETITION OF STAGE 2



Final Written Warning

Issued to:

Issued by:
Head of Department

Date of Issue:

Course of Study:

This is a Final Written Warning about your conduct and a copy of it has been placed on your record. It is being issued to you due to:

You are advised that this warning remains valid for the duration of your course and that further misconduct during this period may result in your dismissal from the College.

I understand the reason for this disciplinary action and that this is a final warning and further misconduct on my behalf may lead to dismissal.

Signed _____ (Student)

Signed _____ (Parent/Guardian, if applicable)

Signed by: _____ (Head of Department)

Date: _____

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021

Reference: CUR002	Version: V4	Status: Final
Date Agreed at LMT – TBC		14/12/2021