



STUDENT DISCIPLINARY CODE

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| Person Responsible | Head of HE |
| Review Date | Under Review |

HEREFORD COLLEGE OF ARTS
STUDENT DISCIPLINARY CODE

1 Scope and Purpose

- 1.1 This document sets out the code of conduct to which students are expected to follow on accepting a place at the College and being provided with educational and other services and facilities. It also sets out the procedure which should be followed where the code of conduct is breached.
- 1.2 Breach of code of conduct may lead to disciplinary action being taken against a student and repeated breaches or a single very serious breach may result in a student being suspended or expelled from the College.
- 1.3 This Code applies to all students of the College, whether 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 primarily to academic performance, which are the subject of separate procedures.

2 Responsibilities of Students

Students must: -

- 2.1 Generally behave in a way which respects the needs and aspirations of others to learn, teach and live within the community of the College.
- 2.2 familiarise themselves with the College's health and safety and other regulations, comply with those regulations and act at all times with due regard for their own safety and that of others;
- 2.3 respect the property of the College, and of its staff, other students and visitors;
- 2.4 support staff and other students in the maintenance of a clean and tidy environment throughout the College;

- 2.5 attend teaching sessions (and other events which they are scheduled to attend) regularly and punctually;
- 2.6 inform the appropriate member of staff as soon as possible if for any reason they are unable to attend a lecture or other scheduled event;

3 Misconduct

The following are **examples** of misconduct which may result in disciplinary action being taken against students: -

- 3.1 any breach of any of the student's obligations set out above (including any breach of health and safety regulations of the College);
- 3.2 any failure to follow the reasonable instructions of a member of staff;
- 3.3 any smoking in non-smoking areas;
- 3.4 any cheating, plagiarism or copying of the work of other students;
- 3.5 any unduly noisy or 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 students;
- 3.7 deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- 3.8 any unauthorised interference with software or data belonging to or used by the College; or inappropriate use of the internet and social networking sites.
- 3.9 any theft of property or any other dishonest acts;
- 3.10 any drunkenness or suspicion of drunkenness, the use, possession of any illegal drug or alcohol on College premises or on any activity associated with the College;

- 3.11 any bullying (including cyber-bullying), intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person;
- 3.12 any behaviour which is racially or sexually offensive or offensive to those of a particular sexual orientation or religion;
- 3.13 any behaviour or action which is offensive to those with learning and/or physical disabilities or difficulties;
- 3.14 any behaviour or action which could bring the College into disrepute;
- 3.15 any illegal act which may have an adverse effect on the work of the College or on other students.

4 Gross Misconduct

Any particularly serious case 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 or safety of others, abusive or offensive behaviour or any criminal activity affecting the College or action against other students or which could bring the College into disrepute is 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.

5 Official Warning

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 student concerned, including the reason for the warning and the consequences of further misconduct. An official warning should be given, where practicable, after talking to the student, asking the student for an explanation of the conduct complained of and taking into account any explanation given. The warning will not be in writing, but should be reported to the appropriate Course Leader who should keep a written record of it.

6 First Stage Interview

- 6.1 Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more official warnings, the student will be invited to attend a first stage

disciplinary interview with the appropriate Course Leader. The student will be given at least 5 working days' written notice stating:

- (i) the nature of the conduct complained of and a summary of the evidence for the complaint (including copies of any relevant documents);
- (ii) the student's entitlement to accompaniment (detailed below); and
- (iii) confirmation of the time and place of the interview.

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

6.2 The student will be entitled to be accompanied by a friend, student 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 (including any mitigating factors) before any decision is taken.

6.3 After hearing the student's case, the member of staff conducting the interview may decide to issue a formal written warning or an official warning, or may decide that no disciplinary sanction would be appropriate. Practical measures to avoid recurrence may also be implemented. The student will be notified in writing of the decision within 5 working days of the interview.

7 Formal Written Warning

Any formal written warning will be issued within 5 working days of the interview. It will give brief reasons for the decision and will state that any repeated or similar misconduct by the student may result in the student's formal suspension or expulsion from the College.

8 Suspension Pending Interview

8.1 Any student may be suspended from College immediately by the Principal, Head of HE or Head of FE pending a disciplinary interview where that member of staff has reason to believe that the student has committed an act of gross misconduct. Any such suspension will be confirmed in writing within 3 working days of its occurrence and the student will be invited to a second stage interview with the Head

of HE or nominated senior member of staff, such interview to take place within 5 working days of the suspension.

- 8.2 Where a second stage interview is adjourned pending further investigation, any student who has been suspended under this provision will remain on suspension until the interview is reconvened.

9 Further or Gross Misconduct

- 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 student, the student will be invited to attend a second stage disciplinary interview with the Head of HE or nominated senior member of staff.
- 9.2 The student will be given at least 5 working days' written notice of the interview and will be entitled to be accompanied by a friend, student 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. A legal or other professional adviser will be allowed if the College intends to have an external adviser present. The notice will state: -
- (i) the nature of the conduct complained of and a summary of the evidence of the complaint (including copies of any relevant documents);
 - (ii) the student's entitlement to accompaniment (detailed above);
 - (iii) confirmation of the time and place of the interview; and
 - (iv) that, because of the nature of the misconduct alleged or because of a formal written warning has already been given, it may be recommended that s/he may be expelled or formally suspended from the College as a result.
- 9.3 The member of staff conducting the interview will not have had prior involvement in any previous stage of the disciplinary process relating to the complaint.

10 Second Stage - Initial Interview

At the second stage interview, the senior member of staff conducting the interview will be accompanied by another member of staff and will take the student through the allegations which have led to the complaint of misconduct. The student will be given the opportunity to state his or her

case (including any mitigating factors) and asked to state whether the alleged facts are disputed and, if so, which facts. If material facts are disputed the student will be asked to provide evidence supporting his or her case.

11 Recommendation after Initial Interview

If the student does not dispute the material facts relating to any one or more complaints of further or gross misconduct, the senior member of staff conducting the interview may bring the interview to a close and make a disciplinary recommendation to the Principal in relation to those complaints, taking into account any mitigating factors.

12 Further Investigation

12.1 If the student does dispute the material facts relating to any one or more complaints of further or gross misconduct, the Head of HE or nominated senior member of staff may adjourn the interview for a future date to allow relevant information to be made available within an agreed period. The Head of HE or nominated senior member of staff may request witnesses to be available in person for the reconvened interview or in his or her view where that is not practicable, for written statements to be taken by another member of staff.

12.2 Copies of any documentary evidence, together with copies of any written statements will be provided to the student at least 5 working days before the reconvened interview.

12.3 If a witness is not available to answer questions, that will be taken into account by the senior member of staff when assessing the weight to be given to conflicting evidence. Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.

13 Notification of Recommendation

13.1 Within 5 working days of the end of the second stage interview, the student will be given written notification of the recommendation of the Head of HE or nominated senior member of staff to the Principal

in relation to the case, stating the main findings of fact on which the recommendation is made.

- 13.2 The recommendation may be that the student should be permanently expelled or formally suspended for a fixed period, that a lesser disciplinary sanction should be taken or that no disciplinary action should be taken. If the recommendation is for expulsion or formal suspension the student will be suspended pending consideration of the recommendation by the Principal and given details in writing of the right of appeal.

14 Implementation

- 14.1 If there is no appeal against the recommendation within the time allowed (see below) the Principal may implement the recommendation or, if the Principal sees fit, any lesser sanction without any further proceedings within 20 working days of the date of the recommendation.

- 14.2 The Principal may ask the student to attend in person to hear the decision. The decision will, in any event, be confirmed in writing to the student within 5 working days of being taken.

15 Appeal Against Recommendation

- 15.1 The student will have a right of appeal to the Principal against my recommendation for permanent expulsion or formal suspension. Notice of appeal must be lodged with the Principal's Personal Assistant within 10 working days of the date of the recommendation for exclusion or suspension and must give the grounds and brief particulars of the appeal. The recommendation will not be considered by the Principal until the expiry of the period for lodging the appeal.
- 15.2 If a notice of appeal is lodged within the time allowed, an appeal interview with the Principal will be arranged to take place within 20 working days of the notice of appeal being lodged. The student will be given at least 10 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the date of the hearing). A legal or other professional adviser will be allowed if the College intends to have an external adviser present. Any documents considered at the second stage interview will be available for the purposes of the appeal, together with the notes of the second stage interview.

- 15.3 At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.
- 15.4 The senior member of staff who made the recommendation to exclude or suspend will be asked to respond to the appeal and explain the reasons for the recommendation
- 15.5 The Principal may ask questions of the student and the member of staff and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the second stage interview.
- 15.6 If the appeal is allowed, the Principal may decide that disciplinary action lesser than that recommended by the member of staff should be taken, including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.
- 15.7 If the appeal is dismissed, the recommendation of the member of staff will stand. The Principal may not impose any greater sanction against the student than that recommended by the senior member of staff.
- 15.8 Within 10 working days of the appeal interview, the final decision by the Principal will be confirmed in writing to the student.

16 Criminal Offences

- 16.1 Where any member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.
- 16.2 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.

17 Conduct of Interviews

- 17.1 Disciplinary and appeal interviews under this Code will be conducted fairly and firmly by the member of staff conducting the interview, who will normally be accompanied by another member of staff to take notes.
- 17.2 The member of staff conducting the interview may give instructions in relation to the conduct of the interview (without limitation) as to the length of time which any part of the interview should take. Such instructions must be fair, particularly in allowing the student to question the evidence and state his or her case.
- 17.3 The member of staff conducting the interview may exclude from the proceedings any person (including the student or the student'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 student does not attend any interview, disciplinary action may nevertheless proceed.
- 17.4 In any case where a previous warning is, or has been, taken into account in reaching a decision, the student will be entitled to question whether that previous warning was warranted.

18 Time Periods

- 18.1 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 it is not practicable to adhere to them. Written notice of any such variation will be given.
- 18.2 Periods of days in this Code are working days. Documents sent by first class post will be deemed to be received within 48 hours of posting.

19 Students Under 18/Sponsored Students

- 19.1 If a student 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 student 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 student under the age of 18 is given a formal written warning or expelled or suspended from the College, a parent or guardian will be informed in writing wherever practicable.

19.2 If a student 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 practicable.

20 Variations and Amendments to this Code

20.1 In some cases it may be desirable that variations should be made to procedural aspects of this Code. The College may make such variations as it sees fit, subject to informing the student 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 who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

20.2 This Code may be amended by resolution of the Senior Leadership Team and approval of the Academic Board from time to time.