



**TyneCoastCollege**

# **Student Discipline, Positive Behaviour, Policy and Procedures Tyne Coast College**

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- We will consider any request for this policy to be made available in an alternative format or language. Please note that the College may charge for this. Please contact: Head of Marketing.
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- All our policies are subject to equality impact assessments\*. We are always keen to hear from anyone who wishes to contribute to these impact assessments. Please contact: Student Services/Gateway.

\*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on the ground of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

<b>Approved by:</b>	<b>Version:</b>	<b>Issue Date:</b>	<b>Review Date:</b>	<b>Contact Person:</b>
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Equal Opportunities: Impact Assessed

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**POLICY NUMBER 62**

## **Scope**

This Policy and Procedures applies to all students of the College (full time, part time, apprentices or higher education) wherever they are as part of their course (college, associated premises including HE accommodation, work placement, residential, educational visit etc.

This document also sets out the procedures (Academic Matters and Misconduct) to be followed where the Code of Conduct is breached by a student.

The Code of Conduct reflects the College's values; particularly those of respect, fairness and equality.

Breaches of the Code of Conduct may lead to disciplinary action being taken against the student. Repeated breaches or a single gross breach may result in the student being suspended for a period of time or excluded from the College.

## **The Code of Conduct**

The Code of Conduct works within the requirement of the Disability Discrimination Act, Part IV. Where students have a disability, including mental health issues or behavioural difficulties, reasonable adjustments will be made to ensure they are not discriminated against. Assessment will be made of the extent and reasonableness of the adjustments in any relevant disciplinary case.

The following legislation is applicable to this Policy:

- Disability Discrimination Act 2005
- Data Protection Act 1998
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations (Amendment) Act 2000
- Special Educational Needs and Disability Discrimination Act 2001
- Equality Act 2010

# Student Disciplinary and Positive Behaviour Procedures

## Introduction

Tyne Coast College encourages all students to achieve and maintain appropriate standards of conduct. The purpose of this Policy and associated procedure is to motivate students to behave appropriately and protect students' learning opportunities from disruption caused by others or their own misconduct. The College aims to be a supportive learning environment for all students and one which is safe and free from bullying, harassment or offensive behaviour. This procedure is designed to ensure that all students receive every possible assistance and support in order to continue and achieve their course.

Students are advised of what is expected of them through the Code of Conduct and should seek help from their Performance and Progression Coach or Lecturer (PPC) if they are in any doubt about its application.

**Parent(s)/Carer(s)** – if students are under 18 or under 21 if they have learning difficulties or disabilities, and sponsoring employers will be informed if this procedure reaches Stage 1 or beyond and will be invited to accompany the student to meetings/hearings.

Students have the right to appeal against a decision at Stage 2 or 3 of this Disciplinary Procedure in accordance with Appendix 2.

### **Informal Stage (Verbal Reprimand): Cause for Concern C4C (excluding attendance see separate Attendance Policy)**

- This stage is used to informally address academic or behavioural issues which are giving Cause for Concern (C4C).
- There is no set time for instigation of disciplinary action, but a professional judgement will be made according to reasonable opportunities the student has been given to improve.
- This stage is dealt with by the student's Performance and Progression Coach (PPC) or Course/Programme Leader (where student has no PPC).
- Staff log concerns as ProMonitor notes.
- Three or more staff notes will be a trigger for PPC (or Course/Programme Leader if no PPC) to action discussing the issues.
- The PPC will review notes made by lecturers on ProMonitor to gain an overall assessment of the C4C.
- An informal meeting will be held with the student to discuss the C4C and improvements and targets will be agreed, to be monitored by curriculum staff in conjunction with PPC.
- Records will be logged on ProMonitor.

## **Formal Discipline Process (see Appendix 2)**

### **Stage 1 Verbal Warning**

- This stage is used to formally address academic or behavioural misconduct which has not been resolved through the informal Pre-Stage OR to address misconduct judged to be serious enough to begin formal stages of discipline (Appendix 1).
- If the Cause for Concern is concerning attendance only, the attendance monitoring procedure must be followed prior to formal process being implemented.
- The College may issue a verbal warning without an investigation taking place.
- A verbal warning can be requested by any member of staff BUT the decision must be overseen by course/programme leader.

#### **Where a verbal warning is issued, the student will be informed of the following:**

- The reason for the warning.
- That it is the first stage of the College's Student Discipline (Positive Behaviour) procedure.
- The action or improvement which is required.
- If appropriate, the timescale for implementing any such action.
- The consequences for the student of not implementing required action or of further misconduct.
- When the warning will cease to have effect.
- Period for which a verbal warning is in place: 6 months
- All of these matters will be confirmed to the student in writing.

### **Stage 2 Written Warning**

The Course/Programme Leader, having liaised with the student's PPC and other lecturers will formally meet with the student (who may be accompanied by parent(s), carer(s), sponsoring employer or Student Representative to discuss the issues and reach appropriate outcome:

1. Recommendation that a Learning Contract is created for a fixed period of time (stating required improvement(s)), timescales and monitoring activity will be agreed and then confirmed in writing to the student.
2. Recommendation for re-submission of work or re-assessment under controlled conditions (the logistics will be discussed and then confirmed in writing to the student).
3. Recommendation that the student does not continue with the course

The written warning may be requested by any member of staff but MUST be overseen by Course/Programme Leader and Curriculum Leader/Deputy Head/Quality Co-ordinator who will issue a written warning if:

- The required improvement is not achieved within the timescale;
- Further misconduct takes place during the period of a verbal warning, whether or not involving a repetition of conduct which was the subject of a previous warning; or
- The seriousness of the misconduct merits it, regardless of whether it has issued any previous warnings.

All of these matters will be confirmed to the student in writing to include:

- The reason for the warning.
- That it is the final stage of the College's Student Discipline (Positive Behaviour) procedure.
- The action or improvement which is required.
- If appropriate, the timescale for implementing any such action.
- The consequences for the student of not implementing required action or of further misconduct.
- When the warning will cease to have effect, subject to satisfactory conduct.
- The right of appeal.
- Period for which a written warning is in place: 12 months.

### **Stage 3 – Suspension**

The College may suspend a student where:

- The required improvement is not achieved within the timescale stated in a written warning; or
- Further misconduct takes place during the period of a written warning, whether or not involving a repetition of conduct which was the subject of a previous warning; or
- It is reasonably believed that he/she has committed an act which warrants suspension. The types of behaviour that could result in exclusion are outlined in Appendix 1 as Gross Academic/Behavioural Misconduct.
- This stage is dealt with by the student's Head of School/Department (HOS/D). The Principal has the authority to suspend a student following full consideration of evidence presented by HOS/D. The Assistant Principals have authority to suspend a student in the absence of the principal.
- The HOS/D will call the Formal Disciplinary Hearing, writing to the student (who may be accompanied by parent(s), carer(s), sponsoring employer, Student Representative or legal/professional advisor) giving them a minimum of five working days' notice. If a student is to be accompanied by a legal/professional advisor they MUST give the College two working days' notice of this, the College retains the right to also have a legal professional advisor in these circumstances.
- The panel will consist of HOS/D, Assistant Principal and the student's Course/Programme Leader may also be invited to attend the Hearing.
- The Hearing may take place in the student's absence if they fail or decline to attend without good reason.

- The Hearing can have one of four outcomes:
  1. No case to answer and continue on the course with no conditions.
  2. To continue on the course for a trial period, monitored and reviewed by the HOS/D, or equivalent.\*
  3. To transfer to an alternative course with or without a trial period, with the addition of a verbal or written warning where the panel believe the act committed warrants this.
  4. Exclusion from the course for the remainder of the academic year. The return of a learner onto their course, or future course, will be assessed on an individual basis following exclusion.

The outcome of the Hearing will be communicated in writing to the student, their parent(s), carer(s) (if the student is under 18 or under 21 if they have learning difficulties or disabilities) their sponsoring employer within two working days. The student will be advised of their right to appeal against any decision and be provided with a copy of the Appeals Procedure.

### **Appeals**

- There is the right of appeal against a written warning or exclusion.
- There shall be no right of appeal against a verbal warning although the College Complaints Procedure applies if students feel they have been wrongly treated.
- Any student who wishes to appeal a written warning or exclusion should do so in writing, setting out the reasons for the appeal, which should be submitted within 5 working days addressed to the appropriate person (under Appeal section in Appendix 2).

### **Related Policies and Procedures**

- Safeguarding Policy
- Student Attendance Policy
- Equality and Diversity Strategy
- Admissions Policy
- Anti-bullying Policy
- Health and Safety Policy
- Complaints Policy

## Types of Misconduct and Suggested Actions

### Pre-stage Cause for Concern/Informal Resolution:

- Punctuality;
- Attendance at College or work placement;
- Lack of application to studies;
- Failure to adhere to homework/assignment/coursework schedules;
- Smoking outside of the designated smoking areas;
- Misuse of College bus passes.

Breaches of the Code of Conduct may be Minor, Serious or Gross. *The list is not exhaustive and **professional judgement will need to be made concerning action taken appropriate to the circumstances.***

### Minor Breach = Verbal Warning

#### Behavioural:

- Disruptive behaviour inside or outside of the class.
- Offensive language or behaviour.
- Unruly behaviour inside or outside of the class.
- Unduly noisy outside of class.
- Failure to comply with a reasonable instruction from a member of staff.
- Refusal to produce College ID or identify oneself when asked by a member of staff.
- C4C that has not been resolved through informal pre-stage 1.

#### Academic:

- Plagiarism.
- Cheating in exams or formal assessments.
- Failure to complete assignments.
- C4C that has not been resolved through informal pre-stage 1.

### **Serious Breach = Written Warning**

- Smoking within College premises/vehicles.
- Taunting, verbal abuse, defamation of character in contravention to the College Anti-Bullying Policy.
- Acting in an unsafe manner.
- Failure to comply with the College's Health & Safety Policy.
- Disruption to the work or recreation of others within the College environment.
- Malicious activation of the fire alarm system.
- Fraudulent claim for funding.
- Re-occurrence of a minor breach previously dealt with by issuing a Record of Verbal warning.
- Suspicions of being under the influence of drugs or alcohol on College premises.
- Any misconduct which misuses cameras, mobile phone cameras or videos where consent to take pictures has not been obtained.

### **Gross Breach = Suspension**

- Theft of personal or College property.
- Arson.
- Violence or threats of violence.
- Incapability through alcohol, drugs or other substances (or suspicion of).
- Deliberate damage to College property.
- Accessing, downloading or sending pornographic/offensive materials via internet or mobile technology.
- Possession of a knife or other weapon, which is not justified in its use as part of the student's work or religious beliefs.
- Possession or supplying of non-prescribed drugs (including alcohol if under 18), association with dealing or handling non-prescribed drugs in College or associated premises e.g. Accommodation, work placements, Educational visits etc.
- Criminal activities affecting the College, its students, staff or visitors.
- Interference with hardware, software or data belonging to or used by the College.
- Re-occurrence of a serious breach previously dealt with by issuing a Notice of Formal Written Warning.
- Occurrences of harassment/bullying/intimidation substantiated under the College's Anti-bullying Policy, including cyber bullying.
- Likely to cause danger to self or others on College premises or on any external trip/activity.

Overview of Procedures

	ACTION	OVERSEEN BY	APPEAL
<b>INFORMAL STAGE</b>	<p><b>Verbal Reprimand / Cause for Concern</b></p> <p>Requested by any member of staff</p> <p>PPC to record on ProMonitor</p>	<p>PPC</p>	<p>NO</p>
<b>STAGE 1</b>	<p><b>Verbal Warning</b></p> <p>Requested by any member of staff</p> <p>School administrator to send letters</p> <p>School administrator to record on ProMonitor</p>	<p>Course/Programme leader</p>	<p>NO</p>
<b>STAGE 2</b>	<p><b>Written Warning</b></p> <p>Investigated by Course/Programme Leader</p> <p>School administrator to send letters</p> <p>School administrator to record on ProMonitor</p>	<p>Head of School/Department</p>	<p>Yes</p> <p>In writing to Head of School/Department</p>
<b>STAGE 3</b>	<p><b>Suspension</b></p> <p>Incident reported by staff to Head of School/Department</p> <p>School administrator to send letters</p>	<p>Principal/Assistant Principal authorises suspension</p> <p>Panel meeting of AP, HOS/D + Course/Programme leader*</p> <p>If necessary to the circumstances *</p>	<p>Yes</p> <p>In writing to the Principal</p>