

## **STUDENT BEHAVIOUR PROCEDURE**

### **1. PURPOSE**

- 1.1 The purpose of this procedure is to ensure that all students who may be subject to disciplinary procedures are dealt with in a fair and equitable manner. The procedure aims to outline:
- The standards of conduct expected from all students
  - The role of all staff in managing behaviour
  - Behaviour which is unacceptable or inappropriate
  - Disciplinary action and appeals procedures
- 1.2 It is appropriate to set standards and expectations of behaviour and to operate rules which promote order and fairness to support the development of students' abilities and skills. Such rules should be readily understood by both the students and staff.
- 1.3 Blackburn College expect students to behave considerately at all times, respect the rights of other students, staff and members of the public on and off campus.
- 1.4 This procedure provides a clear framework in which staff will operate when dealing with issues of student behaviour. It aims to ensure that the College deals fairly and promptly. 'The Pledge' provides details of the College's expectations of students including the '3 Rs' approach.

To promote a culture of positive behaviours, Blackburn College staff and students are expected to demonstrate the 'three **R**s':

Respect  
Responsibility  
Ready to Learn

### **Respect**

Show Respect:

- For knowledge and learning.
- For yourself, towards staff and other students.
- For the opinions, feelings and abilities of other students and staff.
- For the diversity of students.
- For the College and its property and facilities.
- By discouraging bullying or harassment of others.

## **Responsibility**

Demonstrate a passion for learning by:

- Making a positive contribution in class, in the workplace and on other college activities.
- Showing commitment to learning.
- Displaying a "Will Do" attitude.
- Handing work in on time.
- Attending all classes, including, where appropriate, English, maths and other lessons or activities that enhance employability or personal effectiveness.
- Engaging with the Student Support and Experience Team to improve performance.
- Taking the initiative to improve or maintain the College and its grounds or help College staff without being asked e.g. By taking your litter with you, reporting breakages of equipment, assisting staff in preparing for classes.
- Taking the lead in college work, projects, tutorials etc., and encouraging others to join in.
- Stepping forward when others step back.

## **Ready to Learn**

Be a student role model by:

- Preparing for learning and bringing in the correct course work and equipment.
- Being on time (every time) and motivated to learn.
- Taking part in college groups and enrichment activities.
- Acting as an 'ambassador' for the College.
- Being involved in volunteering and/or charity work and find work experience opportunities.
- Being proactive during individual tutorials in discussing ability, progress and setting realistic but challenging individual targets.
- Managing time well to meet deadlines, appointments and targets.
- Responding positively to feedback on how to improve the quality of work or behaviour at College.
- Thinking about the future and how your studies will support this.
- Taking responsibility for yourself and making the most of opportunities to improve English and Maths skills, to make yourself 'work-ready'.

1.5 Any student who departs from the required standards of behaviour render themselves liable to disciplinary action, suspension or expulsion in serious cases.

## 2. SCOPE

2.1 The procedure applies to all students enrolled at Blackburn College.

## 3. PRINCIPLES

3.1 Wherever disciplinary action is undertaken, all stages of the procedure should be completed in an appropriate timeframe, allowing time for any investigation where necessary.

## 4. DEFINITIONS

'The Pledge' is a guide to the standards of behaviour that is expected of all students who are engaged in College activities – wherever those activities take, including within the local community and off-campus.

4.1. **Minor Misconduct:** Includes persistent disruptive or abusive behaviour, behaviour that causes a disturbance or nuisance to others and behaviour which impacts on lower level health and safety.

4.2. **Serious Misconduct:** Serious Misconduct: Includes failure to comply with the College Policy and Procedures and non-compliance with outcomes imposed from minor misconduct.

4.3. **Gross Misconduct:** Behaviour which may lead to exclusion from the College including behaviour that brings the College into disrepute.

4.4. **Academic Misconduct:** Behaviour or intention to use unfair means in any test, examination or coursework, or to assist another student to make use of such unfair means, or engaging in plagiarism. Refer to the College Academic Misconduct Policy in relation to academic misconduct disciplinary procedures and outcomes.

## 5. THE PROCESS

5.1 NB: Students may enter the process at any stage depending on the severity of misconduct – it is not necessary for and incremental approach.

### 5.2 **Stage 1 – Informal Recorded Action:**

5.2.1 **Any member of staff** can raise a concern regarding a student. To do this they must:

- Discuss their concerns with the student and explain why their behaviour is unacceptable
- Provide the Personal Tutor with a record of the discussion
- Adopt a 'Connect before you Correct Approach' – *Questioning, why a student is presenting in a certain way, prior to jumping to a disciplinary. Staff need to work on developing relationships and building a rapport with students to support positive relationships with students and therefore positive behaviours.*

Minor incidents (e.g. running down a corridor, being unnecessarily loud, littering etc.) should be dealt with by a member of staff observing this behaviour. Mention should be made of the inappropriateness of that behaviour in public places and an informal reprimand should be given.

**All College staff have a duty to support the positive behaviour of students on the College campus. Where staff can safely challenge and deal with poor behaviour, they should do so and report this to security and / or the campus duty manager (for recording on appropriate student record systems). Where it is not safe to staff to deal with the behaviour, then they should report the matter to security or the campus duty manager.**

If the student's behaviour does not improve, a meeting will be arranged between the student, their Personal Tutor and a manager from that curriculum area. Following this meeting an informal action plan will be agreed and a written record made. If there is still no improvement in behaviour, then stage two of this policy will be implemented.

5.2.2 Students themselves may also raise issues regarding the behaviour of other students (peer to peer) to any member of College staff. The member of staff will then instigate via 5.2 of this procedure.

### 5.3 **Stage 2 – Formal Verbal Warning:**

5.3.1 Any member of staff can issue a formal verbal warning to a student. Immediately following the warning, the member of staff must inform the Personal Tutor of the issue so that it can be discussed during progress review meetings.

5.3.2 If behaviour fails to improve then the student should be made subject to Stage 3 of the procedure.

5.3.3 A record of a verbal warning will be kept on the students file and, where appropriate, parents/carers will receive written notification (Further Education only).

### 5.4 **Stage 3 – Written Disciplinary Warning:**

5.4.1 Stage 3 will be commenced following an alleged single serious incident **or** failing to comply with the decision/s of previous warning/s issued at Stage 2.

5.4.2 A formal meeting will take place within 5 working days of the reported incident or unacceptable behaviour. The meeting will be chaired by the Head of School and attended by the student and their Personal Tutor. Parents/carers may be invited to attend the meeting, if appropriate. Students may request Student Union representation. Where appropriate, parents/carers will receive a written outcome of the meeting.

5.4.3 Following the meeting a written warning will be issued by the Head of School and noted on the student's record. A Behaviour Improvement Contract should be issued, stipulating conditions for conduct and behaviour and signed by the student. It must be made clear to all students

undergoing this stage of the process that continued poor behaviour could result in their permanent exclusion from College.

## 5.5 **Stage 4 – Formal Investigation:**

5.5.1 Following continuing or persistent poor behaviour, or alleged gross misconduct, a thorough disciplinary investigation will be conducted by a member of the Student Support and Experience Management Team.

Appendix A provides the procedure that must be followed when conducting Stage 4 Investigations.

NB This is likely to involve interviewing and gaining information from staff and students who were involved in or witnessed the alleged misconduct and/or those involved in any previous Stage 3 Disciplinary Meetings.

Any student accused of behaviour deemed as Gross Misconduct **may** be suspended from the College immediately pending an investigation. Suspension is not a punishment – it simply allows us to investigate any alleged incidents and make sure all of our students are safe. The seriousness of the incident and any mitigating circumstances will be considered at the disciplinary hearing and the outcome could result in verbal or written warnings and possible exclusion from College.

### 5.5.2 Possible Outcomes:

- No case to answer - student returns to College with no sanctions.
- Student offered personal interventions (e.g. Internal or external support/counselling).
- Allegations substantiated resulting in a disciplinary hearing.

Note: The College may apply the Student Disciplinary Procedure where a student's behaviour outside of College impacts negatively on members of the College community or brings the College's reputation into disrepute.

## 5.6 **Suspension Procedure:**

Suspension is not a punishment in its own right. Suspension is not always a consequence of a stage four behaviour incident and must be carefully considered.

In cases where the alleged misconduct is serious and/or may put other staff, students or other persons at risk, suspension **may need to be considered** while the case is being investigated.

It allows time to investigate the incident and allegations before the hearing and to ensure the health and safety of all staff and students. Suspended students must abide by the terms of their suspension. Failure to comply with any conditions of suspension will be considered at the disciplinary hearing.

Suspended students will be given support by their Personal Tutor, Head of School and Pastoral Team (where appropriate) or Student Support Team to minimise the effect that suspension might have on their progress.

- 5.6.1 Suspensions can only be issued by: Head of School, Head of Student Experience or the Director of Student Support and Experience. For students with SEND or Young People in the care of the Local Authority (Children in Care) – the incidents must be alerted to the Head of Inclusion and Head of Student Experience. Parents must be also informed their young person has been suspended.

### **Recording process:**

For learners under the age of 18, parents/carers must be notified prior to the student being suspended. The student should be supervised onsite until such contact has been made and arrangements for the student to return home are put in place. The member of staff issuing a suspension must input the suspension directly onto ProMonitor, under 'meetings', making it visible to student/parent/employer.

In such cases, the student will receive written notification of the reason for the suspension with a copy being sent to parents/carers for students under 18. The suspension is a neutral act sometimes necessary to allow a fair and thorough investigation to take place. 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 should be no longer than four weeks (unless awaiting notification of the outcome of criminal proceedings).

- 5.6.2 The student will receive a written notification of the reason/s for the suspension with details of the Student Disciplinary Process. A copy will be sent, under separate cover, to parents/carers for students under 18.

## **5.7 Stage 4 - Disciplinary Hearing**

- 5.7.1 The primary purpose of the hearing is to agree the action required to address disciplinary issues, or alternatively to establish whether the student can continue at College. If the student is under 18 years of age, his/her parents/carers and/or employer should be invited to the Hearing. 19 + students or Higher Education students may also request Student Union representation. It must be made clear to all students undergoing this stage of the process that the Disciplinary Hearing could result in their permanent exclusion from College.

- 5.7.2 The hearing will be chaired by the Head of Student Experience or a nominated representative. The hearing will take place within seven working days of the formal investigation being concluded. The student will be informed in writing of the allegation and action being taken and notifying them when the Disciplinary Hearing will be held. The Disciplinary Hearing may be re-arranged on one occasion.

- 5.7.3 The Chair will convene a meeting to include the Director of Student Support and Experience. Full minutes of the meeting will be taken and should be distributed to all present, wherever

possible within 5 working days of the hearing. The outcome of Disciplinary Hearing will be communicated to relevant staff by the Chair.

5.7.4 The Hearing will take into consideration the following:

- The seriousness of the situation
- The needs of other students
- The needs of staff
- The needs of the student concerned

## 5.8 **Disciplinary Hearing Outcomes**

5.8.1 Details of the outcome, including agreed courses of action, will be formally noted on the student's record and confirmed in writing. Where information is of a confidential nature, the record will simply state 'Disciplinary Hearing' and further details held by the Pastoral Team.

### 5.8.2 Possible Outcomes

- No case to answer - student returns to College with no sanctions.
- Student offered a positive behaviour contract/planned interventions and sanctions.
- Transfer to alternative learning programme.
- Fixed term exclusion (including scrutiny panel to assess if the student can re-enrol following fixed term exclusion).
- Permanent exclusion.

5.8.3 If the appropriate course of action is to exclude the student from the College, the student will be informed of their right of appeal.

## 5.9 **Behaviour Improvement Contract:**

5.9.1 If the outcome of the hearing is to allow the student to continue at College under the terms of a contract, sanctions for breach of this contract will be made explicit in writing.

## 5.10 **Fixed Term Exclusion:**

5.10.1 For students who receive a fixed term of exclusion, the relevant Head of School will ensure that, in consultation with teaching and support staff, work is provided for students using a range of mechanisms including Moodle. The objective will be to ensure continued progress, facilitate assessment, and support speedy re-integration following the exclusion period.

5.10.2 Reintegration plans will be considered for those students that return to College following a fixed period exclusion, to support them and implement actions to manage their future behaviour.

## 5.11 **Permanent Exclusion:**

5.11.1 If the student is permanently excluded they will be removed from existing studies and will not be able to re-enrol at College. This outcome will be recorded on ProMonitor and EBS. Where appropriate the student will be directed to external agencies.

## 6. **APPEALS**

6.1 Under the disciplinary framework a student can submit an appeal to the Director of Student Support and Experience. The appeal must be submitted in writing within 10 working days of receipt of the outcome letter. The Vice Principal - Curriculum and Quality will then review the record and may call the student for interview. Following conclusion of this process, the student will receive a written decision. The decision will be notified within 10 working days of receipt of the appeal.

6.2 In the event of the Director of Student Support and Experience being involved in earlier stages of the procedure, the Appeal would be heard by another member of the Executive.

## 7. **CRIMINAL PROCEEDINGS**

7.1 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, the College may decide to defer any disciplinary action until the outcome of any criminal proceedings is known. In exceptional circumstances students may be suspended until the outcome of any criminal proceedings is known.

## 8. **SAFEGUARDING**

8.1 Where student behaviour indicates safeguarding and/or protection concerns the matter will be referred to the College's Designated Safeguarding Lead for assessment and intervention. The safety and welfare of all students will take precedence over any disciplinary action and therefore the College may decide to defer any disciplinary action until the outcome of a safeguarding assessment is known.

## 9. **SEARCHING AND CONFISCATION**

9.1 Section 85B of the Further and Higher Education Act 1992 (inserted by Section 46 of the Violent Crime Reduction Act 2006), means that appropriately trained College staff have a power to search students at Blackburn College, with reasonable grounds for suspicion and without consent. For students over compulsory school age the College can also search with or without consent.

9.2 These powers are subject to the following conditions:



- They are exercised on College premises or elsewhere where the member of staff has lawful control of the student (i.e. during a trip or visit).
- Searches are undertaken or authorised by the Head of Student Experience, Director of Student Support and Experience or other member of the Executive, either to ensure the safeguarding of the College community or to deal with a specific incident. Trained security personnel will be the only people approved to search with student consent.
- The student can only be required to remove outer clothing, i.e. clothing not worn next to the skin or immediately over underwear, staff members can require the student to remove shoes, gloves, scarf or hat.
- The student may be asked to remove religious items of clothing in order to confirm identity or to support criminal investigations (where it is in the public interest).
- The person conducting the search must be of the same sex as the student and may only carry out a search in the presence of another member of staff of the same sex as the student.
- Anything found which the member of staff has reasonable grounds for suspecting is a knife, blade or what is considered by law an offensive weapon, may be seized and will be handed over to the Police as soon as reasonably practical.
- The person exercising the power may in doing so use such force as is reasonable in the circumstances. Where the staff member anticipates force may be required, it may be advisable to call the Police if it is feasible to postpone the search until they arrive.

### 9.3 How these powers are applied at Blackburn College:

- If a member of the Blackburn College staff has reason to believe a student is carrying an offensive weapon, the member of staff will immediately contact the College security team to request a search. The Head of Student Experience, Director of Student Support and Experience must be alerted immediately.
- Security will arrange, as soon as reasonably practical for the student to be searched in private, in the presence of another member of staff of the same sex as the student.
- If a member of the College security team of the same sex as the student is not available and it is not practical to postpone the search, then security will arrange for two members of staff of the same sex to carry out the search. In such circumstances a member of the College management team must be one of the staff members of the same sex as the student.
- Any student found to be carrying an offensive weapon will be immediately suspended from the College and handed over to local police along with the confiscated weapon; the Designated Safeguarding Lead must be informed.
- Any student found to be carrying an offensive weapon will be subject to the student disciplinary procedure and the matter will be treated as gross misconduct.

### 9.4 All persons being searched are entitled to a formal written record of the process

### 9.5 Only College employees that have been appropriately trained and authorised have the power to search a student without the student's consent if they suspect they are in possession of 'prohibited items'. Prohibited items that can be searched for without consent include:

- Knives or weapons.
- Alcohol.

- Illegal or harmful substances.
- Stolen items.
- Fireworks.
- Pornographic images.
- Articles that have been or could be used to commit an offence or cause harm.

9.6 Weapons and knives and child pornography and any suspected drugs will always be handed over to the Police.

## **10. REGULATING STUDENTS OFFSITE CONDUCT**

10.1 Students who are caught or known to have been engaging in anti-social behaviour or taking part in activities that could bring the College into disrepute, on the way to or from College, or near the College premises, may be disciplined by the College. This also applies to students whose behaviour or actions breach the College Behaviour Policy during work experience, College trips, or extended College activities such as sports events, or any event where poor behaviour might jeopardise the chances of future student participation.

10.2 Any off-site behavioural issues could result in sanctions. The College will take into consideration:

- The severity of the misbehaviour
- The extent to which the reputation of the College has been affected
- The impact on the wider community
- The effect such an action may have on the other students
- The extent to which the behaviour has repercussions for the orderly running of the College/or might impose a threat to another student or member of staff
- Whether the misbehaviour was on the way to or from the College or the student was taking part in any College-organised or College-related activity
- If it was at a time when the student is in some other way identifiable as a student of the College or might be expected to act as an ambassador for the College

## **11. COMPLAINTS**

11.1 We encourage students, parents and carers with any complaints or concerns to follow the College Complaints Procedure. The College will do everything in its power to help resolve conflict or complaints swiftly and effectively. Full details of the College Complaints Policy and Procedures are available on the College website.

## **12. MONITORING AND REVIEWING**

12.1 The policy will be monitored and reviewed annually by the Director of Student Support and Experience and Heads of School.

12.2 The effectiveness of the policy will be measured through:

- Analysis of stakeholder feedback

- Module and course evaluations/reviews
- Analysis of complaints and disciplinary trends

**13. RELATED POLICIES/ PROCEDURES**

- Student Behaviour Policy
- Student Safeguarding Policy
- Anti-Bullying Policy and Procedure
- Equality, Diversity and Inclusion Policy
- The Pledge
- Academic Misconduct Policy
- Special Educational Needs and Disabilities (SEND) Policy FE
- Disability Policy for Higher Education Students
- Compliments and Complaints Policy

**14. MANAGEMENT RESPONSIBILITY**

14.1 Heads of School are responsible for implementing the Policy and Procedure with support from the Director of Student Support and Experience.

**15. EQUALITY IMPACT ASSESSMENT**

16.1 Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this procedure has no adverse impact on any of the above protected groups.

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## **Procedure for Conducting a Formal Disciplinary Investigation (Stage 4)**

### **1. Introduction**

This procedure forms part of the College's Student Behaviour Policy and Student Disciplinary Procedure and must be followed in order to achieve consistency and a thorough, robust and fair process.

Where a student's conduct is a cause for concern, advice on how to proceed can be sought from the Director of Student Support and Experience or the Vice Principal - Curriculum and Quality. If it is determined that the student's conduct constitutes gross misconduct, as described in the Student Behaviour Policy, then a formal investigation is launched in line with stage four of the Student Behaviour Procedure.

A thorough disciplinary investigation will be conducted by the 'Investigating Officer'.

### **2. The Role of an Investigating Officer**

When an issue of gross misconduct is reported the Head of Student Experience will be appointed as an Investigating Officer or if previously involved a member of the Further Education/Higher Education management structure.

It is the responsibility of the Investigating Officer to obtain statements of fact relating to the complaint which has been made against a student. In the light of the evidence gained, the Investigating Officer, will prepare and present a formal report (appendix B) to the Director of Student Support and Experience or Vice Principal - Curriculum and Quality or Director of Business Development and External Engagement to enable them to determine the outcome. The possible outcomes of the investigation are:

- no case to answer.
- student offered personal interventions (e.g. internal or external support/counselling).
- allegations substantiated resulting in a disciplinary hearing.

If the allegations are substantiated the evidence must be submitted for a Disciplinary Hearing.

In conducting his/her investigation and reaching his/her determination, the Investigating Officer will maintain an impartial view of the case, based solely on the evidence gathered during the investigation. The Investigating Officer does not make any judgement regarding the likely outcome.

### **3. Procedure for Conducting a Formal Disciplinary Investigation**

On appointment, the Investigating Officer will receive from the investigating officer formal written details of the gross misconduct against the student together with any evidence provided with the complaint, including security reports and supporting CCTV footage. Together, the Investigating Officer and the Director of Student Support and Experience or the Vice Principal - Curriculum and Quality or the Director of Business Development and External Engagement will agree key lines of enquiry that will be investigated.

The Investigating Officer will write to the student to inform them that a complaint of misconduct has been received and that s/he has been appointed as the Investigating Officer and confirm the nature of the misconduct. The Investigating Officer will then obtain statements of the facts from staff, students and other witnesses as considered necessary. S/he may seek other evidence as appropriate e.g. online posts/material and may consult or meet with the student in order to assess the case.

#### **4. Interviewing Students**

A meeting will be arranged to establish matters of fact; the student is not entitled to be legally represented at the meeting. Students are not permitted to record the meeting. The Investigating Officer will be accompanied at any face-to-face meeting with the student by another member of College staff who will act in the capacity of note-taker at the meeting. Notes of the meeting will be taken and students will be given the opportunity to agree or amend the notes prior to a Disciplinary Hearing.

Following any face-to-face meeting, the Investigating Officer will provide the student with a set of the notes (non-verbatim) taken by the note-taker and will ask the student to verify whether or not s/he considers the notes to be an accurate record of the meeting. If the student requests amendments to the notes, the Investigating Officer will consider the request and either:

- a) agree to the amendments, in which case a revised version will be provided to the student for verification; or
- b) disagree to the amendments, in which case in any referral of the case, copies of both the original set of notes and the student's requested amendments will be provided in the evidence base.

#### **5. Interviewing Witnesses**

The Investigating Officer may hold face-to-face meetings with witnesses as s/he will deem appropriate. This may include witnesses put forward by the student. In this situation the student is not entitled to be present at the meeting with the witness.

In the event that a witness is not able to meet with the Investigating Officer in person, the Investigating Officer can conduct discussions with the witness by other forms of communication. A decision to postpone any face-to-face meeting with the witness until such time as the witness may reasonably be expected to be present at such a meeting should only be taken if such postponement does not unreasonably delay the conclusion of the investigation to the disadvantage of the student.

A witness is entitled to be accompanied by one other person at any face-to-face meeting with the Investigating Officer. As any such meeting will be held only to establish matters of fact, the witness is not entitled to be legally represented at the meeting but the person accompanying them may be a representative of a Trade Union or other professional organisation.

The Investigating Officer will be accompanied at any face-to-face meeting with the student by another member of College staff who will act in the capacity of note-taker at the meeting.

Following any face-to-face meeting, the Investigating Officer will provide the student with a set of the notes (non-verbatim) taken by the note-taker and will ask the student to verify whether or not s/he considers the notes to be an accurate record of the meeting. If the student requests amendments to the notes, the Investigating Officer will consider the request and either:

- a) agree to the amendments, in which case a revised version will be provided to the student for verification; or
- b) disagree to the amendments, in which case in any referral of the case, copies of both the original set of notes and the student's requested amendments will be provided in the evidence base.

The Investigating Officer may hold more than one meeting with the student or with any witness, provided that they are willing to attend such meetings.

## **6. Counter Allegations**

Where a student, who is the subject of a disciplinary investigation, makes counter allegations or complaints to the Investigating Officer, the Investigating Officer will confirm with the student whether they wish for these counter claims to be considered as part of the investigation. Where the student confirms this, the Investigating Officer will inform the student that their counter claims can only be considered if the student submits them in writing and with appropriate evidence within five working days of alerting the Investigating Officer to the allegations.

If the student does not wish these counter claims to be considered, then the Investigating Officer will inform the student that this information cannot be used by the student in any defence of their case. Similarly, if the student either does not submit the counter claims in writing or within the five working day timescale, the Investigating Officer will disregard the counter claims. Any counter claims, which are found to be vexatious, malicious or false, may be included as evidence for further disciplinary action against the student.

It is the responsibility of the Investigating Officer to review any legitimate counter claim or complaint made by the student and they will decide whether or not they are able to investigate the counter claims or complaint within the disciplinary investigation, consulting with the key executive members featured above.

In the event that the counter claim or complaint is of a serious nature they should be considered as a Formal Complaint under the Student Complaints Procedure, whereby the Director of Student Support and Experience or the Director of Business Development and External Engagement would appoint an independent investigator. Under these circumstances, the disciplinary investigation will be suspended, pending the outcome of the investigation into the Formal Complaint.

## **7. Outcome of the Investigation**

The investigation should normally take place within five working days of the allegation being received. The Investigating Officer should aim to conclude the investigation within 10 working days (dependent on College holidays and student availability). Upon conclusion of the investigation, the Investigating Officer will consider the evidence gathered in total. The Investigating Officer will present the information to the executive member detailed above, in the form of a structured report for them to determine if there is sufficient evidence of misconduct to warrant the case being referred for a Disciplinary Hearing. The possible outcomes of the investigation are:

- no case to answer.
- student offered personal interventions (e.g. internal or external support/counselling).
- allegations substantiated resulting in a Disciplinary Hearing.

## **8. The Disciplinary Hearing**

The primary purpose of the hearing is to agree the action required to address disciplinary issues, thereby ensuring the student's continued progress. If the student is under 18 years of age, his/her parents/carers should be invited to the hearing. Higher Education students may also request Student Union representation. It must be made clear to all students undergoing this stage of the process that the Disciplinary Hearing could result in their permanent exclusion from College.

The Hearing will be chaired by a member of the executive team. The Hearing will normally take place within seven working days of the formal investigation being concluded. The student will be informed in writing of the allegation and action being taken.

The Chair will convene a meeting to include the relevant parties. Full minutes of the meeting will be recorded by member of the College staff and will be distributed to all present, wherever possible, within five working days of the Hearing. The outcome of disciplinary hearing will be communicated to relevant staff by the Chair.

The hearing will take into consideration the following:

- The seriousness of the situation.
- The impact on students.
- The impact on staff.
- The impact on the College reputation.

The Chair will introduce the panel and present that case to the student. The student will be given the opportunity to respond to the allegations and the evidence presented. A student is entitled to be accompanied by one other person and must not bring children or dependants to the hearing.

## **9. The Disciplinary Panel**

The panel for a hearing must consist of the Chair and the Head of Student Experience and the HoS involved. The Investigating Officer should attend in order to provide information (where appropriate) regarding the instigation process and formal report. The Investigating Officer is not a member of the panel.

## **10. The Decision**

The decision, with the panel's reasons, will be provided in writing within five working days.