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1 Introduction and Context

- 1.1 The Student Disciplinary Procedures exist to provide a framework for the regulation of the behaviour of all RACC students.
- 1.2 The College is committed to providing a learning environment and atmosphere which is conducive to participation in enjoyable and successful learning and to the social well-being of the College community. Behaviour which adversely affects these aims is discouraged and will always be challenged when it arises.
- 1.3 The College, as a community, has obligations relating to the care of, and responsibility for, all its members, including students and staff
- 1.4 The College has a duty to protect its reputation as an educational provider of excellence
- 1.5 Complaints of misconduct should, if the situation permits, be dealt with informally between relevant staff and students. Formal action should only be invoked where informal action has failed, is considered inappropriate or where the matter is so serious that it needs to be escalated immediately.

2 Scope and Purpose

- 2.1 The Student Disciplinary Procedures are designed to ensure that students are given a fair hearing.
- 2.2 Disciplinary procedures are intended to ensure a speedy and efficient resolution of issues and to minimise any adverse impact on the individuals concerned. However, sufficient time will be allowed for conducting the necessary investigations into any individual case and establishing the facts of the matter.
- 2.3 Students are expected to familiarise themselves with the Student Handbook, the College's Equality and Diversity and Health and Safety Policies, and in particular, with the Student Code of Conduct as set out in section 3.
- 2.4 Teaching staff should draw attention to these policies and procedures during the student induction process.
- 2.5 Under the College's Articles of Government, the Principal is responsible for maintaining student discipline and suspending or expelling students on disciplinary grounds or expelling students for academic reasons.

3 Student Code of Conduct

- 3.1 The College Student Code of Conduct is designed to ensure that students contribute to a safe and successful learning environment by defining the behaviour and conduct expected from students.
- 3.2 All students must:
 - Show regard for the well-being and safety of other students, staff, community groups and visitors
 - Treat everyone with respect, regardless of culture, race, nationality, religion, gender, age, marital status, sexual orientation, disability or social class. The College will not tolerate any discrimination, harassment or bullying

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- Show respect for the premises and property of the College, staff and other students
- Comply with the College’s rules relating to the use of the College IT systems
- Get the best from courses by attending regularly and punctually, by handing work in on time and informing the College of absences
- Comply with copyright guidelines and not use the work of others without proper acknowledgement
- Switch off mobile phones, personal communication devices and personal stereos in classrooms and all working areas
- Follow the College’s policies relating to smoking, alcohol and illegal drugs
- Meet financial commitments promptly and in full
- Provide feedback information as required and use the College’s procedures if they wish to make a complaint
- Leave the College premises in good time at the end of the College day
- Follow the rules and regulations of the College
- Act in a manner that does not bring the College into disrepute

3.3 *By enrolling or seeking to enrol on a College course, the student agrees to comply with this Code of Conduct. Failure to comply may lead to the disciplinary actions set out in this document.*

4 Operating Principles

4.1 Delegation of Authority

The Principal shall normally delegate responsibility for disciplinary matters to the appropriate senior or middle manager depending on the severity of the case. That manager may also be required to chair any disciplinary hearing.

4.2 Governing Body role

The Quality & Curriculum committee of the Governing Body shall be responsible for monitoring the College’s arrangements for student discipline.

4.3 Levels of Disciplinary Action – action would normally, but not exclusively, arise from alleged breaches of the Student Code of Conduct

There are three levels of disciplinary response in the College’s procedures:

- **Stage 1** is for petty or minor misconduct or for the first stage of an academic performance warning. Examples of such minor misconduct include: failure to submit work on time, poor attendance aggressive or rude behaviour to staff or other students; minor breaches of Health and Safety rules; minor damage to College property; repeated, low level disruption in classes; disrespect to students or staff ; interference with other another student’s work.
- **Stage 2** is for serious misconduct or repeated misconduct or failure to meet appropriate academic standards when warnings have been given at Stage 1. Examples of such serious misconduct include: threatening behaviour or threats of violence to another student or member of staff; bullying; significant damage to College property; cheating in exams or plagiarism in course work; failure to attend classes after repeated warnings.
- **Stage 3** is for gross misconduct or further misconduct or failure to meet academic standards when a 2nd stage written warning has already been given. Examples of gross misconduct include: actual violence to another student or member of staff; criminal damage to College property or to the property of another student; racial or sexual abuse.

Note: the examples given under each stage are indicative and without limitation.

4.4 Suspension

- The Principal of the College has the authority to suspend a student pending resolution of a disciplinary investigation: this authority can be delegated to a member of the Senior Management Team. ‘Suspension’ means a temporary withdrawal of the student’s right to attend the College pending an investigation.

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- Suspension is not a disciplinary sanction: it will be invoked only where it is considered appropriate to do so, while an investigation takes place.
- An order of suspension or exclusion may in certain circumstances require the student to have no contact of any kind with a named person or persons.
- Subject to the safety and welfare of other staff and students, arrangements may be made to minimise the disruption of the student's programme of study, for example, to allow them to complete assignments or sit examinations.

4.5 Exclusion

- The Principal of the College has the authority to exclude a student from the College, and will normally delegate this authority to a member of the Executive Team, so that she is not compromised in hearing any later appeal. 'Exclusion' means a total and permanent withdrawal of a student's right to attend the College.
- Exclusion is a disciplinary sanction.

4.6 Notification to student of intended disciplinary action due to misconduct

Any student who is the subject of a Disciplinary Procedure at Stage 1, 2 or 3 shall be entitled to:

- A clear written statement of the alleged misconduct.
- Five working days' notice of any hearing.
- Notification of the stage of the procedures under which the investigation is being held, and a copy of the full Procedures. The possible outcomes of the hearing should also be stated.
- Be advised of their right to make formal representations of their case. This may involve the student making a statement directly to the investigating member of staff or writing the statement themselves.
- Be advised of their right to be accompanied at the hearing by another College student in the case of a student or by a parent/carer in the case of a student under the age of 18 (but not by a legal representative in either case).

4.7 Composition and conduct of Disciplinary Hearings panels

Note It is not necessary to convene a formal disciplinary panel if the case is being conducted at Stage 1. In such a case the relevant Learning Manager and Curriculum Leader meet with the student and a written record is made of the outcome of the meeting.

- Disciplinary hearings will normally be chaired by a senior manager with delegated authority, as designated by the Principal.
- For a Stage 2 or Stage 3 hearing, the chair of the hearing will not have had previous involvement in the disciplinary process with the particular student.
- The case against the student will be presented by a relevant member of the College staff who has conducted the investigation into the case.
- The student will be given the opportunity to present his/her case.
- Witnesses, who can be cross-examined, may be called by either the student or the College management.
- A member of College staff should attend to take notes of the meeting and the recommended outcomes.

4.8 Students under 18/sponsored students

- If a student under 18 years is the subject of proceedings under this procedure, a parent or guardian will be asked to attend any disciplinary or appeal interviews, 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 second stage written warning or excluded or suspended from the College, a parent or guardian will be informed in writing.
- If a student who is being sponsored by an employer is given a second stage written warning, excluded or suspended the employer will be informed wherever practicable.

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4.9 Applying Procedure to withdraw students from a course on academic grounds

- If a student has failed to meet the academic standards required by a Stage 3 disciplinary hearing, then the appropriate Learning Director has the authority to remove the student from the course, and shall inform the student in writing of that decision, together with the reasons for it.
- The Learning Director shall discuss with the student any options which the College can reasonably offer in terms of transfer to a more appropriate course. Should there be no agreement on a more appropriate course, then the student shall have the right to appeal to the Principal against the decision of the Learning Director.

4.10 Variations

- In some cases it may be desirable that variations should be made to these Disciplinary Procedures. 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 been closely involved the student will be offered a choice between having any appeal heard by the Principal or the Principal's nominee.

5 Outcomes

5.1 Action under Stage 1 – minor misconduct

The manager conducting the action may invoke the following outcomes:

- Dismiss the case or take no further action
- Give an informal warning
- Issue a formal oral warning which will remain on the student's record for 3 calendar years.
- For a repeated case of minor misconduct, a student may be issued with a second Stage 1 oral warning.

5.2 Action under Stage 2 – serious/repeated misconduct or failure to meet academic standards

The manager conducting the hearing may invoke the following outcomes:

- Dismiss the case or take no further action
- Issue a Stage 1 oral warning
- Issue a Stage 2 written warning within 5 working days of the hearing. The written warning will contain reasons for the decision and alert the student to the consequences of repeated or similar misconduct which include suspension or exclusion. The Stage 2 warning is kept on the student's file for 3 calendar years.

5.3 Action under Stage 3 – gross misconduct or further misconduct/ failure to meet academic standards after a Stage 2 warning has been given.

The manager conducting the hearing may invoke the following outcomes:

- Dismiss the case or take no further action.
- Issue a Stage 1 or Stage 2 warning depending on the severity of evidence that has been established or the degree of mitigating circumstances.
- Recommend permanent exclusion (or, if there are exceptional mitigating circumstances, suspend the student for 10 working days) pending appeal. The decision based on such a recommendation is reserved to the Senior Management Team at the discretion of the Principal.
- In all cases, notification of the outcome of the hearing will be issued to the student within five working days of the hearing.
- The student will be notified of the right of appeal. If the student chooses to exercise this right they will remain excluded or suspended until the appeal is heard.
- If the student does not exercise the right of appeal, the decision to suspend or exclude will be implemented immediately.

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6 Appeals

6.1 Against Stage 1

There is no right to appeal against a Stage 1 outcome.

6.2 Against a Stage 2 or Stage 3 outcome

- Notice of appeal must be lodged with the Principal within 10 working days of the date of the recommendation for suspension or exclusion, and must give grounds and brief particulars of the appeal.
- If the appeal is within time, the Principal will arrange an appeal hearing within 21 working days of the notice of appeal being lodged. The student will be given at least 5 working days' notice of the time and place of the panel and will be entitled to be accompanied by another College student in the case of a student or by a parent/carer in the case of a student under the age of 18 (but not by a legal representative in either case). All documents from Stage 2 will be available at the hearing.
- A Senior Manager who has had no prior involvement in the case will be appointed by the Principal to hear the appeal.
- The Senior Manager recommending the action will attend to present the management case.
- Witnesses for the student and the management may be present and can be questioned by the Senior Manager hearing the appeal and by the student or management as appropriate.
- If the Senior Manager hearing the appeal upholds the student appeal s/he can annul the disciplinary action previously decided or downgrade the disciplinary sanctions.
- If the Senior Manager hearing the appeal confirms the management decision, that decision stands.
- The final decision of the Senior Manager hearing the appeal, which is binding, will be confirmed in writing within 5 working days of the appeal panel.

6.3 Against recommended exclusion

- In such cases the Principal shall hear the appeal, which shall otherwise be conducted as set out in section 6.2

6.4 Re-admission to College courses after expulsion

Any student who has been expelled from the College following a disciplinary hearing and who wishes to re-apply, must disclose that information when applying. Failure to do so would constitute gross misconduct. The Principal reserves the right to decide whether or not to re-admit an expelled student.

7 Record keeping

Notes (not verbatim minutes) will be taken of all the relevant stages of the disciplinary process for the College record.

All documents relating to an individual student's disciplinary process will be held on file until the recommended expiry date of the action, or until such other time as set out in this procedure.

8 Criminal offences

Where a 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 instigate 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.

If the student has been suspended under this provision, the College reserves the right to recommence proceedings under this procedure when the results of those enquiries and any criminal proceedings are known.

In relation to the application of this procedure the College is not bound by the results of any criminal proceedings against students.

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9 Illness or disability

In cases where illness or disability of whatever nature is perceived to be the cause of behaviour which would normally warrant the Disciplinary Procedures to be invoked, the College will, in the first instance, investigate the matter from both an Equality and Diversity (DDA) and Health and Safety point of view. This is to establish whether the College has provided the appropriate support and monitoring processes in respect of the student. The College reserves the right to suspend or exclude a student until such time as s/he can prove s/he is fit to resume attendance at the College or until the appropriate support and monitoring processes are in place should these prove to have been absent. In such circumstances, the College will need medical proof of the student's illness, or corroborated disability status and reserves the right to continue the disciplinary process should this be deemed appropriate.

10 Notes

- If in any case it has not been possible for whatever reason to comply fully with these procedures, then provided that both parties in the case are aware of the non-compliance and are nonetheless willing for the procedure to continue, then such non-compliance shall not invalidate the decision reached.
- These Disciplinary Procedures shall from time to time be subject to review in the light of operating experience and/or changing circumstances.
- The disciplinary process, once entered into, is confidential to all parties with a need to know. It is essential that any individuals involved in the process respect the need for confidentiality. Breaches of such confidentiality may amount to gross misconduct which could of itself lead to disciplinary action being taken.
- With the exception of the time allowed for lodging an appeal, time periods stated in this procedure 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.
- Documents sent by first class post will be deemed to have been received within 48 hours of posting.
- A 'working day' is defined as a weekday, Monday to Friday, when the College is open for business and excludes English public holidays.

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