

STUDENT DISCIPLINARY 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.
- 1.2 It is appropriate in any educational institution to set appropriate standards of performance and behaviour, and to operate rules which promote order and fairness and allow the development of students' abilities and skills. Such rules should be readily understood by both the students and staff.
- 1.3 Blackburn College and the University Centre at 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 can operate when dealing with issues of student discipline. It aims to ensure that the College deals fairly, promptly, transparently and equitably with students who are believed to have committed a breach of College discipline. The Student Guide provides details of the College's expectations of students including the '3 R's' approach.
- 1.5 A student who departs from the required standards of behaviour or academic performance renders him/herself liable to disciplinary action, suspension or expulsion in sufficiently serious cases. However, in the case of students who have difficulty in meeting acceptable standards of academic performance, normal good practice requires that support for the individual will be provided.

2. SCOPE

- 2.1 The procedure applies to all students enrolled on a programme of study or participating in a related activity at Blackburn College.

3. **PRINCIPLES**

- 3.1 Wherever disciplinary action under the procedures is undertaken, all stages of the procedures should be completed as speedily as possible, whilst allowing time for an investigation where necessary.

4. **DEFINITIONS**

- 4.1 **College Related Activity:** Activities undertaken by enrolled students studying full time or part time on an academic or vocational course/programme (including leisure/hobby courses) or extra-curricular activity (e.g. attending conference, field trips) on or off College premises. This also relates to students travelling to and from the College on public transport.
- 4.1. **A Breach of Discipline:** Any behaviour that contravenes the Higher Education and Further Education Student Disciplinary Codes.
- 4.2. **Minor Misconduct:** Includes persistent disruptive behaviour, behaviour that causes a disturbance or nuisance to others, behaviour which impacts on lower level health and safety.
- 4.3. **Serious Misconduct:** Includes failure to comply with College Policy and Procedures, non-compliance with outcomes imposed from minor misconduct
- 4.4. **Gross Misconduct:** Behaviour which may lead to exclusion from the College including behaviour that brings the College into disrepute
- 4.5. **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. **EXCLUSIONS FROM THE PROCEDURE**

- 5.1 Excluded from this procedure are actions taken in response to minor breaches of discipline where less formal arrangements exist. Informal warnings are also excluded from this procedure, though it might be appropriate for an academic and/or performance or behavioural plan to be implemented. All such warnings,

discussions and actions will be noted on the student record and failure to respond to these informal warnings could lead to disciplinary action following the procedures of this document.

- 5.2. This procedure does not apply to school pupils attending courses within the College. If a student breaches the Student Disciplinary Code and is still enrolled as a pupil at a secondary school, the matter should be referred to the student's school via the Head of Studies (or Head of School in the University Centre) or Assistant Principal (or The Executive Dean of Higher Education in the University Centre) for further action.
- 5.3. Whenever disciplinary action is taken under these procedures, all stages are to be completed as speedily as possible and within the limits of strict confidentiality. The process should allow, where necessary, adequate time to carry out any relevant investigation.

6. THE PROCESS

- 6.1 NB: Students may enter the process at any stage depending on the severity of misconduct.

Stage 1 – Informal Recorded Action:

- 6.2 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 inappropriate/unacceptable.
 - Provide the Personal Tutor with a record of the discussion
- 6.3 If the student's behaviour does not improve, a meeting will be arranged between the student, their Personal Tutor, and the Personal Development and Tutorial Manager (for FE students), or Head of School and Head of HE Student Experience (for HE students). 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.
- 6.4 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 6.2 of this procedure.

Stage 2 – Formal Verbal Warning:

- 6.5 Any member of staff can issue a formal verbal warning to a student. Immediately following the warning:
- Inform the Personal Tutor of the issue so that it can be discussed at 1:1 progress meetings
 - If behaviour fails to improve then the student is subject to Stage 3 of the procedure
 - A record of a verbal warning will be kept on the students file and, where appropriate, parents/carers will receive written notification (FE).

Stage 3 – Written Disciplinary Warning:

- 6.6 Stage 3 will be activated following an alleged single serious incident or failing to comply with the decision/s of previous warning/s issued at Stage 2.
- 6.7 A formal meeting will take place within 5 working days of the reported incident or poor behaviour. The meeting will be chaired by the Personal Development and Tutorial Manager (FE) or Head of School (HE), and attended by the student and their Personal Tutor. Parents/carers may be invited to attend the review, if appropriate. Higher Education students may request Student Union representation. Where appropriate, parents/carers will receive a written outcome of the meeting.
- 6.8 Following the meeting a written warning will be issued by the Chair of the meeting and noted on the student's record. A student contract will be issued where appropriate, stipulating conditions for performance 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.

Stage 4 – Formal Investigation:

- 6.9 Following continuing or persistent poor behaviour, or alleged gross misconduct, a thorough disciplinary investigation will be conducted by the Assistant Principal (FE) or The Executive Dean of Higher Education, or their nominated representative. 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.

6.10 Possible Outcomes:

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

Suspension Procedure:

- 6.11 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.
- 6.12 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 not a punishment, but is 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 will be no longer than four weeks (unless awaiting notification of the outcome of criminal proceedings).
- 6.13 The student will receive a written notification of the reason/s for the suspension with details of the Disciplinary Process. A copy will be sent, under separate cover, to parents/carers for students under 18.

Stage 4 - Disciplinary Hearing

- 6.14 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/guardian and/or employer 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.
- 6.15 The hearing will be chaired by an Assistant Principal (FE) or The Executive Dean of Higher Education or nominated representative from outside the study area. The hearing will take place within 7 working days of the formal investigation being concluded. The student will be informed in writing of the allegation and action being taken.

- 6.16 The Chair will convene a meeting to include the Head of Safeguarding and Pastoral Support. 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.
- 6.17 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

Disciplinary Hearing Outcomes

- 6.18 Details of the outcome, including agreed courses of action, will be formally noted on the student's record. Where information is of a confidential nature, the record will simply state 'Disciplinary Hearing' and further details held by the pastoral team.

6.19 Possible Outcomes

- no case to answer
 - student offered a positive behaviour contract/planned interventions and sanctions
 - transfer to alternative learning programme
 - fixed term exclusion
 - permanent exclusion
- 6.20 If the appropriate course of action is to exclude the student from the College, the student will be informed of their right of appeal.

Positive Behaviour Contract:

- 6.21 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.

Transfer to Alternative Learning Programme

- 6.22 If the outcome of the hearing is to allow the student to continue at College, but be transferred to an alternative programme of study then referral will be conditional on the student accessing information, advice and guidance services, and subject to successful interview and initial assessment. Where appropriate the Head of Safeguarding and Pastoral Support and Additional Learning Support Manager will be involved.
- 6.23 The student may also be bound by a positive behaviour contract and sanctions for breach of this contract will be made explicit in writing.

Fixed Term Exclusion:

- 6.24 For students who receive a fixed term of exclusion, the relevant Head of Studies (FE), or Head of School (HE), 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.
- 6.25 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.

Permanent Exclusion:

- 6.26 If the student is permanently excluded they will be removed from existing studies and will not be able to re-enrol at College. Where appropriate the student will be directed to external agencies.

7 APPEALS

- 7.1 Under the disciplinary framework a student can submit an appeal to the Vice Principal Curriculum and Quality. The appeal must be submitted in writing within 10 working days of receipt of the outcome letter. The Vice Principal will 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.
- 7.2 In the event of the Vice Principal Curriculum and Quality being involved in earlier stages of the procedure, the Appeal would be heard by another member of the Executive.

8 CRIMINAL PROCEEDINGS

- 8.1 The College reserves the right to report criminal or 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.

9 SAFEGUARDING

- 9.1 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.

10 SEARCHING AND CONFISCATION

- 10.1 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.
- 10.2 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 field trip).
 - Searches are undertaken or authorised by the Principal, either to ensure the safeguarding of the College community or to deal with a specific incident.
 - 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 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.

10.3 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.
- 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.
- 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.
- 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 will 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.

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

10.5 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 drugs
- Stolen items
- Fireworks
- Pornographic images
- Articles that have been or could be used to commit an offence or cause harm

- 10.6 Weapons and knives and extreme or child pornography will always be handed over to the police.

11 REGULATING STUDENT'S OFFSITE CONDUCT

11.1 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, will be disciplined by the College. This also applies to students whose behaviour or actions breach the College Positive 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.

11.2 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 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.

12 COMPLAINTS

12.1 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.

13 MONITORING AND REVIEWING

- 13.1 The policy will be monitored and reviewed annually by the Assistant Principals and Heads of Studies (FE) and The Executive Dean of Higher Education and Heads of School (HE).
- 13.2 The effectiveness of the policy will be measured through:
- Analysis of stakeholder feedback
 - Module and course evaluations/reviews
 - Analysis of complaints and disciplinary trends

14 RELATED POLICIES/ PROCEDURES

- Safeguarding and Anti-Bullying Policy and Procedure
- Academic Misconduct Policy
- Tutorial Policy
- Complaints Policy
- Special Educational Needs and Disabilities (SEND) Policy
- UCBC Academic Regulations, Chapter 8

15 MANAGEMENT RESPONSIBILITY

- 15.1 This forms part of the suite of Quality Policies owned by the Vice Principal - Curriculum and Quality.
- 15.2 The Assistant Principal – Further Education Quality is responsible for ensuring that the policy and procedures are effectively implemented and monitored in Further Education.
- 15.3 The Academic Registrar is responsible for ensuring the policy and procedures are effectively implemented and monitored in Higher Education.
- 15.4 The Assistant Principals and Heads of Studies (FE) and The Executive Dean of Higher Education and Heads of School (HE) are responsible for implementing of the policy and procedure with support from the Head of Safeguarding and Pastoral Support, the Personal Development and Tutorial Managers (FE) and Head of HE Student Experience.

16 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 policy has no adverse impact on any of the above protected groups.

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