



# Higher Education Student Behaviour Policy and Procedures

<b>Owner</b>	HE Office
<b>Version Number</b>	1.0
<b>Effective Date</b>	April 2024
<b>Date to Be Reviewed</b>	July 2028

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## GENERAL PRINCIPLES

### 1. Introduction

- 1.1. Middlesbrough College aims to provide an environment where there are no barriers to student success and progression. If a student's behaviour prevents others from feeling safe, secure, respected and able to learn effectively, this may result in disciplinary action.
- 1.2. As a community of individuals with different values, beliefs and aspirations, students at Middlesbrough College have a responsibility to ensure their behaviour does not negatively impact on others, and that they act in a way that does not bring themselves or the college into disrepute.
- 1.3. This policy sets out the College's position on acceptable behaviours in the College community. The purpose of this policy is to detail the procedures to be followed if a student is in breach of the College's behaviour standards, values or health and safety regulations
- 1.4. The College expects high standards of behaviour from its students and any breach of the expected standards will be considered misconduct.
- 1.5. It is not possible to define every form of behaviour which will result in disciplinary action, nor has an attempt been made to do so. It is also not possible to define every type of action that may be taken in each circumstance. Each case will be judged by the College in the light of the circumstances and evidence available.
- 1.6. The examples given in this document are designed to give an indication of the actions, which may result in disciplinary proceedings being followed. Omissions in terms of examples are not in themselves grounds for appeal.
- 1.7. This document is available to students, so it is assumed that they are aware of all the details of the Student Disciplinary Procedures.

### 2. Scope

- 2.1. This policy applies to all enrolled students. It covers misconduct alleged to have occurred on the College's premises or any other activity carried out as part of a student's course, for example, work related activities, educational visits and the use of ICT including e-safety, which may occur on or off the College's premises. Alleged misconduct that occurs outside of the College premises is also covered within this policy where the incident poses a threat to another student or member of the public and / or could adversely impact on the reputation of the College.
- 2.2. This procedure sits alongside, and does not replace or overrule, other policies or regulations that are in place which relate to student behaviour including those relating to academic misconduct. Through the procedures set out below Middlesbrough College will determine which policies or regulation will be considered in each individual circumstance. In some circumstances, more than one set of policies or regulations may be considered appropriate to apply.

- 2.3. Disciplinary actions would not normally be disclosed to anyone outside of Middlesbrough College. However, for those students in work placement settings a decision will be made by the Assistant Principle, Director of HE and Safeguarding Team as to whether this caveat should be disregarded. The students will be made aware if this needs to happen.
- 2.4. Any individual undertaking any decision-making function in line with this policy must only do so if they are able to fulfil these responsibilities impartially and without bias.
- 2.5. Any student subject to the disciplinary procedures outlined in this policy will be presumed innocent of any allegation against them until proven otherwise. Any consequence will be proportionate to the misconduct identified.

### **3. Misconduct Procedure.**

#### **3.1. Informal Stage**

Where appropriate, the College expects that behaviours amounting to minor misconduct will be managed informally, through a face-to-face discussion with the student. A Programme Leader or Curriculum Team Leader will verbally discuss the concerns with the student and provide advice and guidance to the student in an attempt to improve their behaviours. Informal action should not be recorded as disciplinary action on the student's record.

#### **3.2. Formal Disciplinary Policy**

- Stage 1 (Verbal Warning)
- Stage 2 (Written Warning)
- Stage 3 (Final Written Warning)
- Stage 4 (Formal Disciplinary Hearing)

Where the matter is deemed to be Gross Misconduct, the procedure is followed from Stage 4.

Key documents within the Student Disciplinary Procedure:

- Appendix 1 First Act of Misconduct (Stage 1)
- Appendix 2 Written Warning (Stage 2)
- Appendix 3 Final Written Warning (Stage 3)
- Appendix 4 Student SD4 / Suspension Form
- Appendix 5 Exclusion from Middlesbrough College and Surrounding Areas
- Appendix 6 Student Disciplinary Outcome

#### **3.3. Disciplinary Actions**

In all cases, the action agreed should be recorded and all disciplinary paperwork should be uploaded to the student's record.

All agreed action(s) must be signed by the student. A copy of the agreed actions will be provided for the student.

The following are examples of agreed action:

- Devise a list of conditions whereby the student is able to remain at the College.
- Devise a review schedule which may include Lecturers' and contact with advocate(s) or representative(s).
- Any other action they feel to be appropriate to the circumstances

#### **4. Stage 1 – Verbal Warning (Stage 1 paperwork – Appendix 1)**

The Programme Leader will meet the student and follow the disciplinary actions outlined above. This meeting will take place within 10 days of the alleged incident. The Programme Leader will then record the disciplinary action agreed in writing. Both parties will sign the document which will be uploaded to the student's record. The Programme Leader will monitor the agreement and if the student fails to fulfil the conditions, the Programme Leader will refer to Stage 2. The discipline will be recorded on student's record and the relevant paperwork uploaded by the Faculty / Directorate Administration Team. This written agreement will expire after twelve months from the date of the incident, providing no further acts of misconduct have taken place.

#### **5. Stage 2 – Written Warning (Stage 2 paperwork – Appendix 2)**

This stage can be progressed to in the event of the following;

- Failure to meet agreed disciplinary actions.
- Second act of misconduct.

The Programme Leader informs the Faculty / Directorate Administrator and Curriculum Team Leader and Associate Director of the incident and decides on the level of warning. The Faculty / Directorate Administrator contacts the student by phone and letter and invites them to a meeting with the Curriculum Team Leader or Associate Director. This meeting will take place within 10 days of the alleged incident.

The student and Curriculum Team Leader or Associate Director meet. The incident is discussed and a Stage 2 (written warning) is issued. An action plan for the student is produced which is signed by both the student and Curriculum Team Leader/Associate Director. Completed documents are uploaded to the student's record. Continued incidents would cause a Stage 3 Final Warning to be issued.

#### **6. Stage 3 – Final Written Warning (Stage 3 paperwork – Appendix 3)**

This stage can be progressed to in the event of the following;

- Failure to meet agreed disciplinary actions.
- Serious act of misconduct
- Third act of misconduct.

The student will be contacted by phone and letter, to invite them into College to resolve the situation with the Assistant Principal (or nominee). This meeting will take place within 10 days of the alleged incident. During the meeting the disciplinary action(s) will be agreed with the student. This will be recorded in writing, signed by the student and the Assistant Principal (or nominee) and uploaded to the student's record by the Faculty Administrator. The discipline will be recorded on the student's record for a period of 12 months from the date of incident.

A copy of the agreed action(s) will be provided for the student. If agreed actions are not adhered to, the student will automatically proceed to Stage 4 of the Student Disciplinary Procedure.

## **7. Stage 4 – Formal Disciplinary Hearing (Appendix 4).**

7.1. If the student fails to meet the agreed conditions from Stage 3 or in the case of Gross Misconduct, the Assistant Principal can suspend a student from College pending a thorough investigation. In all cases of suspension, the Assistant Principal will complete the Student SD4 / Suspension Form, (Appendix 4) and send through to the Vice Principal – Students and Communications.

The student will be informed by the Vice Principal, in writing, of the reasons for the temporary suspension for a period of up to 10 working days to allow a thorough investigation to take place and to establish a date for a formal Disciplinary Hearing. The Assistant Principal will ensure that the evidence for each stage of the Student Disciplinary Procedure is clearly documented so that a case can be prepared

7.2. Gross misconduct may include the following, this is not an exhaustive list

- The use of violence or the threat of violence towards any member of the College Community.
- Being in possession of an offensive weapon.
- Bullying or harassment of a member of the College community through any medium and as defined in the Equality Act 2010.
- Conduct of a sexual nature e.g. sexual harassment and sexual violence.
- Conduct which puts at risk the health and safety of the student in question, that of other students and/or staff.
- Theft or wilful, substantial damage of College property including property belonging to a member of the College community.
- Gross Misconduct as described in the IT Acceptable Use Policy.
- Fraudulent claims in relation to finance paperwork.
- Carrying or misuse of a substance including alcohol, drugs, solvents, prescription drugs not prescribed for the user or other illegal / legal damaging substances, in / on and around the College. This can result in a referral for external agency support.
- Supply of drugs in and around the College premises.
- Any behaviour that could bring the College into disrepute.

7.3. Notification of the time, date and location of the Disciplinary Hearing will be communicated to the student by the Chair of the Disciplinary Panel within ten working days of the alleged incident. Copies of all paperwork and case notes, including any student responses to the allegations, will be collated and sent to all parties a minimum of five working days prior to the agreed Disciplinary Hearing taking place.

7.4. There is a right of appeal at Stage 4 of the Student Disciplinary Procedure as detailed in Section 19.

7.5. If the matter is deemed to cause a serious threat to students or staff within the College, then the Principal, in conjunction with the Designated Safeguarding Lead, reserves the right to immediately exclude the student without cause for a panel hearing or appeal. If this action is taken, the police will be informed of the incident and the person will be issued with an exclusion notice. This will prevent the person from coming within stated College boundaries. Entering these boundaries will be deemed as an act of trespass. (Appendix 5)

- 7.6. In the event a student is excluded or subject to disciplinary procedures there will be no entitlement to reimbursement of fees from Middlesbrough College, other than any entitlement that the student has under law.

## **8. Formal Disciplinary Hearing Procedures**

- 8.1. The Vice Principal for Students and Communications will chair the Disciplinary Panel. If unavailable, a member of the College Management Team (CMT) (other than the Principal / Chief Executive) or the Safeguarding Team Lead will chair the panel.
- 8.2. The Disciplinary Panel will consist of the Chair and a manager from the student's Faculty e.g. Associate Director, Assistant Principal or nominated deputy. The Disciplinary Panel must have two members to hear the Disciplinary.
- 8.3. The student has the right to be accompanied by an advocate or representative. One person only is permitted. This limit excludes any third party required to support with a specific need.

## **9. Disciplinary Hearing Process**

1. The Chair of the Disciplinary Panel will outline the formal procedures and ensure the student understands fully what will happen during the hearing.
  2. The Assistant Principal/Director of Programme (or representative) will present the evidence, calling witnesses where appropriate.
  3. The student and advocate/representative will then be given the opportunity to formally respond to the case where specifically requested to do so by the Chair of the Disciplinary Panel.
  4. All Disciplinary Panel members will be given the opportunity to ask questions or seek clarification.
  5. Witnesses may be called by either party to support evidence.
  6. The student and their advocate or representative will then be asked to leave the meeting while the case is considered.
  7. A written record of the Disciplinary Hearing must be kept.
  8. Following the meeting, the student will be notified of the decision in writing and the right of appeal within 5 working days by the Chair of the Disciplinary Panel.
  9. If the student fails to attend the Disciplinary Hearing, the Disciplinary Panel can choose to continue and come to a decision in the student's absence. The student will be informed by letter of the decision made by the Chair of the Disciplinary Panel and given information about procedures for lodging an appeal.
- 9.1. At any point, the Disciplinary Panel may wish to suspend the Disciplinary Hearing and invite the student to attend the Disciplinary Hearing at a future date - this will be at a mutually convenient date, time and location and be agreed within five working days of the adjournment.
- 9.2. The Disciplinary Panel must be reconvened with its original members.

- 9.2.1. Decisions open to the Disciplinary Panel are as follows:

To exclude the student, the Disciplinary Panel may consider:

- The offence to be of such severity that the student is excluded from the College with no leave to return.
- The offence merits exclusion from the College at that time but with leave to reapply to the College after a particular period of time as determined by the Disciplinary Panel. In this case, the student would not be interviewed until the application is approved by Assistant Principal / Director of Programme.
- The exclusion would include terms that would enable the student to continue their studies from home or in college, away from any other students involved in the incident, with support from tutors.

To recommend the readmission of the student:

- With certain criteria attached to the re-admission. An example contract is shown in Appendix 7. Failure to adhere to conditions will result in a further SD4 panel.

9.3. There is a right of appeal at Stage 4 of the Student Disciplinary Procedure, as detailed in Section 19.

9.4. The chair of the panel must complete the Student Disciplinary SD4 outcome form (Appendix 7) to be sent to the Principal/Chief Executive and Executive Assistant for authorisation prior to sending the outcome letter to the student.

9.5. In the event of inappropriate behaviour during the disciplinary hearing by the student or their representative, the chair of the panel may suspend the disciplinary hearing and hold the hearing in their absence.

## **10. Fair Treatment**

10.1. No student involved in any stage of a disciplinary whether proven or otherwise, will be treated less favourably by any member of staff. All staff involved in handling any stage of a disciplinary have a duty to ensure that no decision they make regarding assessment of academic work, or the way a student is treated, is influenced by a disciplinary action. If evidence to the contrary is found, the member of staff may be subject to action under the College's Staff Disciplinary Procedure.

10.2. Where a student or staff member believes that a disciplinary is likely to affect the relationship between them, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will consideration be given to a request for alternative working arrangements whilst the disciplinary is being investigated.

## **11. Confidentiality**

11.1. Information provided by students under this policy will be handled in confidence and released only to those members of staff who need it for the purposes of investigating and responding to the disciplinary. No third party will receive any data other than is necessary in order to obtain the information required. Breach of confidentiality may result in formal disciplinary action being taken through the College's Student or Staff Disciplinary Procedures.



- 11.2. Any outcomes of a Meeting/Hearing must be confidential until formal notification is sent to the parties involved.

## **12. Timescales**

- 12.1. Procedures shall normally be completed within the timescales cited in this policy. There may be circumstances where the timescales cannot be met. When this happens, the College must keep all parties updated on progress. The College also expects students and internal departments to meet the timescales when communicating with the College unless there are exceptional circumstances beyond the reasonable control of the student or College. In such circumstances, the student or College department should contact the disciplinary organiser to discuss the feasibility of a new date.
- 12.2. Reference to timescales in this policy relates to calendar days excluding closure periods of the College and statutory bank holidays.
- 12.3. For the purpose of this policy, written communication with a student can be in paper or electronic format, for example email.

## **13. Attendance at Meetings or Hearings**

- 13.1. Students and the relevant member of staff are expected to attend all relevant Meetings/Hearings convened under this policy.
- 13.2. If a student or member of staff does not attend a Meeting/Hearing without providing a good reason for their non-attendance in advance, the Meeting/Hearing may proceed in their absence.
- 13.3. If, for good reason, a student or member of staff is unable to attend a Meeting/Hearing, then they may request that the Meeting/Hearing is postponed until a later date, or request that a third party attend the Meeting/Hearing on their behalf. The decision on whether either course of action is approved is made by the Chair.
- 13.4. A student or member of staff also has the right to be accompanied to a Meeting/Hearing by a friend. The 'friend' is entitled to speak or act on the student's/member of staff's behalf.
- 13.5. If a student, or member of staff is accompanied at any Meeting/Hearing by a friend, it is the student/staff member's responsibility to provide all relevant notices, communications, and documents to their friend.
- 13.6. The student, or member of staff, must provide the name of the representative to the Chair of the Meeting/Hearing prior to any Meeting/Hearing.

## **14. Behaviour at Meetings/Hearings**

All participants are expected to behave in an orderly and non-confrontational manner during any Meetings/Hearings. The Programme Leader/Curriculum Team Leader (CTL) at the Early Resolution Stage, or Chair of the Disciplinary Panel, may adjourn proceedings if, in their opinion, progress of the Meeting/Hearing is being hampered.

## **15. Recording of Proceedings**

Making an audio recording of Meetings/Hearings held under this policy is prohibited subject to such reasonable adjustments as may be agreed by the College where required under the Equality Act 2010. The only other exception to this rule is to support the accurate capture of the minutes of the discussion.

## **16. Monitoring and Evaluation**

The Higher Education Office shall provide a written report to Academic Board and to the Governors relating to SD4 Disciplinary Procedures.

## **17. Expenses**

17.1. In the event that a case is upheld during the formal process, the College will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where the College is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to the Higher Education Office (HEO) and any monies will not be paid until completion of this procedure. Students are required to submit claims, in writing, to the HEO. Students who are in doubt should check in advance with the HEO, as to the acceptability of any expenses. The decision on whether to meet incidental expenses will be made by the Chair of the Academic Appeal Panel and this decision will be final.

17.2. The student or member of staff will initially be responsible for paying the costs for their friend's attendance at any Meeting/Hearing, and third-party costs will only be reimbursed subject to approval by the Chair of the Disciplinary Panel.

## **18. Police Investigations or Criminal Charges**

18.1. In the event that a student is the subject of a police investigation, or a criminal charge has been made against them, they may be suspended by the Principal/Chief Executive until the outcome of the investigation. No further action will be taken under this policy until the outcome of any police investigation is finalised. Following the outcome of any investigation the disciplinary panel will consider if further action, as outlined in this policy, should be taken.

## **19. Rights to Appeal**

19.1. There is a right of appeal at Stage 4 of the Student Disciplinary Procedure.

A Stage 4 Appeal must be lodged in writing with the Executive Assistant / Head of Administration within five working days of the exclusion and a clear statement of the grounds for appeal must be included.

The date of the Appeal Hearing will be set by the Executive Assistant / Head of Administration within ten working days of the grounds for appeal being determined and approved. This will then allow all parties sufficient time to gather required evidence to support the Appeal Hearing.

The Principal / Chief Executive will hear the appeal.

19.2. Grounds for Appeal

- That there is new evidence available that was not available at the time of

the original hearing.

- That there were procedural errors connected with the original Disciplinary Hearing.

19.3. The Executive Assistant / Head of Administration will decide if either of these grounds are applicable within five working days of the appeal being lodged.

19.4. The student has the right to bring along an advocate or representative to ensure that the proceedings are fair. The Appeals Committee will consist of the Principal / Chief Executive and two members of the College Management Team not previously involved. The Principal / Chief Executive will chair the Appeal Hearing.

19.5. The student and their advocate or representative will present their case for appeal. The case for the College will then be presented by the Vice Principal Students, with all parties in the room, if appropriate.

19.6. Witnesses can only be called if this relates to new evidence detailed in the Stage 4 Appeal Letter. Their names and written witness statements must be given to the Appeal Committee and circulated to all parties prior to the Appeal Hearing and at least five working days prior to the Appeal Hearing.

19.7. The Appeal Committee will review the case and the action recommended by the original Disciplinary Hearing. The Appeal Committee's decision will be final. The student will be informed within 5 working days of the meeting by the Principal / Chief Executive. The Appeal Committee has the power to alter or overthrow the original decision or uphold it in its entirety.

## **20. Advice and Guidance**

20.1. Students and staff can obtain advice on this policy from a number of sources. In particular, Student Services can provide students with advice, independent of the process. This advice can include assistance in submitting an application and attending Meetings/Hearings in a supporting role. Staff and students can also seek advice and support on understanding the Policy from the Higher Education Office.

20.2. The Higher Education Office can only provide advice on the operation of this policy, and staff will not be able to provide advice to students on individual disciplinarys.

## **Appendix One: Student Behaviour Documentation**

Available [here](#).

Revision History		
Version	Date	Detail