



MORLEY COLLEGE

STUDENT DISCIPLINARY CODE

11 May 2010

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1 Scope and Purpose

- 1.1 This document sets out the code of conduct to which students are expected to adhere while attending the College. It also sets out the procedure which should be followed where the code of conduct is breached. This code is valid from the 1st November 2007.
- 1.2 This code has been drawn up to safeguard the College's activities and to ensure that as far as possible students' time in the College is not disrupted. It will be used when a student's behaviour is regarded as unacceptable to a degree which makes informal measures inappropriate. In reaching a judgment the College will seek:
- a) to establish whether incident/s took place;
 - b) to consider whether the incident/s represent behaviour unacceptable to the College;
 - c) to determine what measures should be taken against a student who has behaved unacceptably.
- 1.3 This Code applies to all students of the College.
- 1.4 This Code does not apply to matters relating primarily to academic performance, which are the subject of a separate procedure.
- 1.5 This Code is not intended to limit students' rights to freedom of speech or legitimate protest.
- 1.6 Students against whom the College initiates any of the procedures of this Code may seek advice and guidance from the Student Executive Committee.

2 Obligations of Students

- 2.1 Students must
- Abide by the Student Charter and the Learning Agreement they sign when they register for classes;
 - Familiarise themselves with the College's health and safety and other regulations and comply with those regulations;
 - Respect the property of the College, staff, students and visitors;
 - Carry their enrolment card with them while on the College premises.

3 Definition of Misconduct

3.1 The following are examples of misconduct which may result in disciplinary action being taken against students:

- Any breach of the obligations set out above.
- Any breach of the College's Equal Opportunities policy
- Any breach of the College's harassment and bullying policy.
- Any failure to follow the reasonable instructions of a member of staff;
- Any breach of regulations governing the use of College premises, e.g. the anti-smoking regulation, and any failure to follow posted rules governing the use of the College's classrooms, its library and the Ursula Hyde Learning Centre.
- Any intentional disruption of an activity on the College premises.
- Any behaviour intended to harm or having the effect of harming the name and reputation of the College.
- Any action which is regarded by professional bodies overseeing particular programmes and courses of study as unacceptable to that body.
- Any illegal act committed within or outside the College which may have an adverse effect on the work of the College or any governor, member of staff or other students.
- Deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or the property of other students.
- Any use of offensive or threatening language towards staff or other students.

4. Definition of Gross Misconduct

4.1 Any particularly serious cases of misconduct may be treated by the College as gross misconduct. For example: any misconduct involving violence or a serious threat of violence, deliberate damage to property, endangering the health or safety of others, or any criminal activities affecting the College or other students or which could be harmful to name and reputation of the College. Similarly the making of any vexatious or malicious complaint against the College, its staff or students, or the harassment and bullying of the same. This is not an exhaustive definition.

5 Procedure in the Case of Petty Misconduct

5.1 Cases of petty misconduct may be treated informally by staff .

5.2 Repeated petty misconduct will be treated as a case of misconduct.

6 Procedure in the Case of Misconduct or Repeated Petty Misconduct

6.1 When misconduct or repeated petty misconduct is reported, a Head of School will meet with the student and, if the Head of School is satisfied that such misconduct has occurred, will give a written warning to desist to the student. The warning will state the reasons for disciplinary action being taken and the consequences of further misconduct. The warning should be copied to the appropriate Curriculum Area Manager who should keep a record of it.

6.2 Repeated misconduct after a written warning will be treated as a case of Gross Misconduct.

7 Procedure in the Case of Gross Misconduct or Repeated Misconduct after a Written Warning

7.1 Where the student is alleged to have committed gross misconduct or where misconduct continues after a formal written warning has been given, the student will be called to a disciplinary interview conducted by a panel. The panel will be chaired by the Deputy Principal or his/her nominee (hereafter "the Deputy Principal") and include another member of staff and either a representative of the Student Executive Committee or the Class Representatives Association. If the student is alleged to have committed gross misconduct, the Deputy Principal or a Head of School may choose to suspend the student pending the interview. The panel shall not include anyone previously involved in the incident/s of alleged misconduct.

7.2 The student will be given at least five days written notice of the interview, such notice stating:

- the nature of the misconduct alleged and a summary of the evidence;
- the student's entitlement to be accompanied (detailed below);
- confirmation of the time and place of the interview and the names of the members of staff and the SEC/CRA participating in the interview;
- that it may be recommended the student is given a written warning, which may include specific conditions for their future participation in College activities or suspension from the College for a specified period or permanent exclusion from all or part of the College.

7.3 The student will be entitled to be accompanied at the interview by a friend or relative, but not by a legal or other professional adviser, and will be entitled to state his or her case, including any mitigating factors, before any decision is taken.

7.4 At the interview the Deputy Principal will outline the charge of misconduct. The student will be given the opportunity to respond.

- 7.5 Copies of any materials to be drawn on in the interview, will be provided to the student at least five days beforehand. The student will have the right to question any witnesses appearing in person and to question any evidence presented in the form of a written statement.
- 7.6 If the student disputes material facts relating to the alleged misconduct, s/he will be allowed to submit relevant evidence. The Deputy Principal may also arrange for witnesses to be available in person or where in the view of the Deputy Principal this is not practicable, for written statements to be taken.
- 7.7 After the interview is concluded, the Deputy Principal will make a disciplinary recommendation to the Principal.
- 7.8 Within five days of the interview, the Deputy Principal will notify the student in writing of the recommendation that is being made to the Principal. The notification will state the findings of fact on which the recommendation is being made and, should disciplinary action have been recommended, detail the student's right of appeal (see 8 below).
- 7.9 If the recommendation is for formal suspension or exclusion the student will be suspended pending the Principal's consideration of the Deputy Principal's recommendation.
- 7.10 If there is no appeal against the recommendation within the time allowed, the Principal may implement the recommendation or, if the Principal sees fit, any lesser sanction without any further proceedings and within 21 days of the date of the recommendation.
- 7.11 The disciplinary action will be confirmed in writing to the student within two days of the Principal's final determination.

8 Appeal Against Recommendation

- 8.1 The student will have a right of appeal to the Principal against any recommendation for formal suspension or exclusion. Notice of appeal must be lodged with the Clerk to the Governing Body within 10 days of the date of the recommendation for exclusion or suspension and must give the grounds and brief particulars of the appeal. The recommendation will not be considered by the Principal until the expiry of the period for lodging the appeal. Appeals can only be made if the student believes that the procedures set out in this Code have not been followed, or if new evidence is available which has not been previously considered.
- 8.2 If a notice of appeal is lodged within the time allowed, an appeal interview with the Principal will be arranged to take place within 21 days of the notice of appeal being lodged. The student will be given at least 5 days notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative but not by a legal or other professional adviser unless the College is making use of the same, in which case the student must be given at least 21 days notice of the appeal interview. Any documents considered at the disciplinary interview will be available for the purposes of the appeal, together with the notes of the interview. Witnesses will not be asked to re-attend, however, unless in relation to new evidence which has come to light since the disciplinary interview.

- 8.3 At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.
- 8.4 The Deputy Principal will be asked to respond to the appeal and explain the reasons for the recommendation of suspension or exclusion.
- 8.5 The Principal may ask questions of the student and the Deputy Principal and will then consider whether to allow or dismiss the appeal.
- 8.6 If the appeal is allowed, the Principal may decide that disciplinary action lesser than that recommended by the Deputy Principal should be taken, including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.
- 8.7 If the appeal is dismissed, then disciplinary action will be taken in accordance with 7.6. The Principal may not, as a consequence of the appeal, impose any greater sanction against the student than that recommended by the Deputy Principal.
- 8.8 Within 5 days of the appeal interview, the final decision by the Principal will be confirmed in writing to the student.

9 Conduct of Interviews

- 9.1 Disciplinary and appeal interviews under this Code will be conducted fairly and formally by the member of staff concerned. Another member of staff will be present to take notes.
- 9.2 The member of staff conducting the interview may give instructions in relation to the conduct of the interview, including as to the length of time which any part of the interview should take. Such instructions must be fair, particularly in allowing the student to question the evidence and state his or her case.
- 9.3 The member of staff conducting the interview may exclude from the proceedings any person, including the student, who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. If the student does not attend the interview, proceedings may continue nevertheless and a determination be made.
- 9.4 In any case where a previous warning is, or has been, taken into account in reaching a decision, the student will be entitled to question whether that previous warning was warranted.

10 Suspension Pending the Disciplinary Interview

- 10.1 A student may be suspended from the College immediately by a Curriculum Area Manager or Head of School, pending a disciplinary interview, where either has reason to believe that the student has committed an act of gross misconduct.
- 10.2 Any such suspension will be confirmed in writing within 2 days and the student will be invited to attend a disciplinary interview for gross misconduct.

11 Criminal Offences

- 11.1 Where any 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 continue disciplinary proceedings under this code or suspend the student pending the outcome of any legal proceedings. The College reserves the right to recommence disciplinary procedures once legal proceedings are concluded and irrespective of their outcome.

12 Time Periods

- 12.1 With the exception of the time allowed for lodging an appeal, time periods stated in this Code are for guidance and may, in exceptional circumstance, be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.
- 12.2 Periods of days in this Code are calendar days rather than working days. Documents sent by first class post will be assumed to have arrived within 48 hours of posting.

13 Students Under 18 / Sponsored Students

- 13.1 If a student under 18 years of age is the subject of proceedings under this Code, wherever practicable a parent or guardian will be invited to attend any disciplinary or appeal interview in addition to any friend or student representative, 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 formal written warning or expelled or suspended from the College, a parent or guardian will be informed in writing wherever practicable.
- 13.2 If a student who is being sponsored at the College by an employer is given a formal written warning or excluded or suspended the employer will be informed wherever practicable.

14 Variations and Amendments to This Code

- 14.1 In some cases it may be desirable that variations should be made to procedural aspects of this Code. 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 members of staff other than those indicated, if those indicated have been closely involved in the matter to be considered.
- 14.2 This Code will be reviewed annually and may be amended by resolution of the Governing Body from time to time.

15 Anti-Victimisation Clause

- 15.1 No student against whom an allegation of misconduct has been found to be false, or who has properly abided by the sanctions taken against him or her when the allegations have been found to be correct, shall be treated less favourably by any member of staff.

Appendix

**Student Disciplinary Code of Conduct:
Operational Flow Chart**

