



MORLEY COLLEGE LONDON

STUDENT DISCIPLINARY POLICY

POLICY OWNER: Deputy Principal & Deputy CEO
FINAL APPROVAL BY: Governing Body/Policy Committee
Policy Category: Student
Approved by Policy Committee: October 2020
Approved by Governing Body (if applicable): 19 July 2021
Review Date: 31 July 2025

1. Introduction, Purpose and Scope of Policy

This Policy and appended procedure apply to all students of Morley College London. The purpose of the Policy is to:

- Promote and maintain high standards of personal conduct amongst all students.
- Ensure consistent and fair treatment for all students in relation to disciplinary action taken in response to breaches of the Morley Student Code of Conduct and issues in respect of standard of work and absence. The Morley Student Code of Conduct is included in the College Student Handbook and is available on the College website, or in hard copy from the College.
- Provide a cross-College procedure for staff to follow when implementing the Policy.

The Disciplinary Policy relates to any behaviour that is contrary to the maintenance of good order, discipline or safety within any areas of the College's business, for example use of offensive or abusive language, damage to College property etc. (see Appendix 1). It also relates to standards of work, plagiarism, cheating, attendance and behaviour which may have a detrimental effect on other students' experience at the College.

The formal procedure should not be implemented in circumstances where minor problems or breaches of the code of conduct can be best resolved by a discussion with the individual/s. A record of such conversations should be kept in the event that the case develops further. However, it is in the interest of fairness and effectiveness that this policy is carefully followed, and no disciplinary action should be taken until any case has been fully investigated.

Written records must be maintained at all stages of the procedure and students informed of this. Where a student is under the age of 18, copies of all correspondence from the College will be sent to their parents/guardians. Where a student is studying via a training provider or employer, all copies of correspondence from the College will be sent to the training provider or employer.

2. Equality and Diversity Analysis Screening

In accordance with the College's Equality and Diversity Policy, the development of this policy complies with the Equality Act 2010 in ensuring due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations (in line with the Equality and Diversity Policy). An equality analysis will be completed if there is a risk that the policy may affect different groups protected from discrimination. Consultation will be carried out with staff and students. If an equality analysis is required, the Equality and Diversity Co-ordinator (Head of Quality and Standards) will advise on completion and the analysis is to be included as an appendix to the policy.

3. Applicability: This Policy applies to all students attending Morley College London.

4. Definitions

N/A

5. Statutory and regulatory requirements

N/A

6. Policy Objectives

This Policy aims to ensure that:

- All students at Morley College London understand the disciplinary action which will be taken if appropriate behaviour is not displayed.
- All students undergoing disciplinary action are, and feel, fairly treated.
- All staff are aware of the processes to follow should they encounter inappropriate student behaviour.

7. Policy statement

The Policy provides the steps to be taken to ensure fair and consistent approach to student misconduct. The Policy applies to all students of Morley College London.

8. Implementation of Policy

8.1 With the exception of the time allowed for lodging an appeal, time periods stated in this Policy and procedure are for guidance purposes and may be varied by the College in exceptional circumstances.

8.2 Whenever the formal stages of the disciplinary policy are invoked, the student will be provided with a copy of this document.

8.3 Disciplinary action may be taken against students for repeated breaches of the College's Code of Conduct or whose behaviour is considered to constitute gross misconduct. In such circumstances, a member of the Senior Leadership Team (SLT) has the power to temporarily suspend a student pending an investigation. Where appropriate, the power to temporarily suspend a student can be delegated to another College manager.

8.4 Any behaviour involving violence or the threat of violence, deliberate damage to property, putting the health and safety of others in danger, disruptive behaviour, bullying, harassment, intimidation, dishonesty (including cheating and theft) or any illegal activity is likely to be treated as gross misconduct. Appendix 1 contains examples of behaviour which may be considered as gross misconduct.

8.5 Gross misconduct will normally be dealt with under Stage 3 – with SLT involvement (see Appendix 2). In cases of gross misconduct, the College reserves the right to suspend the student pending the outcome of the Stage 3 hearing, without prejudice. Under these circumstances, the student is not permitted to enter any Morley College London Centre or premises other than by invitation e.g. to attend an examination or investigation hearing.

8.6 Where students are seriously misbehaving and causing disruption to the learning of others, they may be required to leave the classroom, College premises, or virtual learning environment (if sessions are being delivered remotely), immediately. This action by a tutor or other member of staff dealing with the incident does not constitute suspension or expulsion and will not prejudice the subsequent handling of the case, which will be dealt with under Stage 3 of the disciplinary procedure.

8.7 At all stages in the disciplinary process the College will endeavor to ensure that the student understands the complaint against them, the findings reached at any stage of the procedure

and any disciplinary sanctions imposed or other actions taken as a result of the disciplinary process.

8.8 For Investigatory Hearings, the students will be entitled to be accompanied by a friend, student representative or relative or, in case of students who are under 18, by an adult of their choice, who might also speak on their behalf. At the interview the student or their representative will be entitled to state their case (including any mitigating factors) before a decision is taken.

8.9 Students have a right at all stages to see information kept on file. If they believe it is incorrect and can evidence this, they can request its removal. All such requests shall be referred to a senior member of staff with no involvement in the investigation. Internal reports prepared as part of the disciplinary process are not available to external agencies, unless specifically requested by the police.

8.10 Where students have additional communication needs, they are entitled to request reasonable extensions to the time limits stated in the Student Disciplinary Procedure.

8.11 Students who are assessed as not responsible/partly responsible for their own behaviour may be enrolled with suitable support plans, as vulnerable persons. If they exhibit “challenging behaviour” and there is an incident, the support plan should be reviewed and adjusted where possible to reduce the risk to an acceptable level. If they cannot be effectively supported, their programme may be adjusted or they may not be able to continue with their course.

8.12 Where there is reason to believe that a student may have committed illegal activities, acts of extremism or radicalism, or acts of violence against staff or students whilst on College premises or engaged in College-related activities (e.g., work experience, educational visits etc.) the College may refer the matter to the police or other relevant authority, and will normally suspend disciplinary proceedings against the student, pending the outcome of external enquiries.

Following this, the College reserves the right to recommence disciplinary proceedings. This decision is not bound by the results of any external proceedings against the student but may take them into account.

8.13 Where students fail to make academic progress or participation in learning is poor, wherever possible these matters should be dealt with at tutorial level and relevant support put in place via Student Progress Advisors, according to the College’s Attendance Policy. Lack of academic progress or poor attendance per se does not constitute a disciplinary matter, unless this has an adverse effect on other students.

8.14 Students who attempt to cheat in examinations or controlled assessments or who knowingly plagiarise the work of others will be subject to disciplinary action according to the College’s Assessment Policy.

8.15 The disciplinary procedure must be recorded using the relevant templates - these are available on the College intranet.

Practical implementation of the policy is set out in Appendix 2.

9. Communication and training

This Policy will be communicated to all staff to whom it applies through the College's internal committee structures and will be made available to all via the College intranet and College website.

10. Monitoring and Reporting

The Disciplinary Policy will be reviewed every four years by the College's Policy Committee and submitted to the Governing Body for approval. The Senior Leadership Team will monitor the implementation of the policy and the Quality & Standards Team will keep records of any disciplinary case, its progress and outcomes.

APPENDIX 1: Examples of behaviours which may be characterised as misconduct, or gross misconduct, depending on the degree of seriousness (the list is not exhaustive)

- Failure to follow Health and Safety regulations
- Conduct which prevents, obstructs or disrupts learning, teaching or the business of Morley College London
- Failure to follow the reasonable instructions of a staff member
- Smoking in a non-smoking area
- Disorderly behaviour or the use of offensive or abusive language
- Causing damage to buildings, equipment, resources or furnishings
- Interference with software belonging to our used by the College or misuse of computer facilities
- Drunkenness or use of illegal drugs
- Behaviour or language which is likely to cause insult based on: race, sex, disability, age, class or sexual orientation
- Posting damaging or offensive messages or attacking staff or students on social networking or media sites.
- Violence or threat of violence
- Behaviour or use of language on or off Morley College London premises that damages, or may damage, its reputation.
- Any illegal act on or off Morley College London premises that damages, or may damage, its reputation
- Any serious breach of the Morley College London IT Acceptable Use Policy.

APPENDIX 2: Student disciplinary procedure

The procedures described below reflect Morley College London's commitment to ensuring that its disciplinary processes are conducted in a manner consistent with the principles of fairness and natural justice.

Stage 1: Verbal Warning (Programme Manager/Subject Leader)

For breaches of the Code of Conduct, a Head of School/Curriculum may delegate responsibility to an appropriate manager to conduct a Stage 1 Hearing with a student:

- 1) The manager will speak to any relevant witnesses and establish what happened.
- 2) The manager will invite the student to a 1:1 meeting, giving at least 24 hours' notice.
- 3) The manager will provide the students with a copy of this document.
- 4) The manager will discuss the incident/s with the student during the meeting. If they believe a warning is appropriate, they should issue it verbally, stating very clearly what aspect of the student's behaviour is unacceptable and what action the student is expected to take to resolve this. The student should also be reminded of the Student Code of Conduct and warned verbally that any repeat of the misconduct may result in further action.
- 6) A note of the warning must be made by the manager and placed on the student's file via eTrackr.

If the decision is to issue a Stage 1 Warning, practical measures to avoid recurrence must be identified and agreed by both the student and manager and incorporated into the Warning. The Warning will be removed from the student's file and disregarded for further disciplinary purposes after 6 or 12 months (depending on the severity of the conduct) subject to the student's conduct having been satisfactory throughout that period.

There is no right of appeal against a Stage 1 Warning.

Stage 2: Written Warning (Head of School/Curriculum)

Where the conduct is of a more serious nature, there is evidence of repeated misconduct or where there has been no improvement in the behaviour which warranted the Stage 1 Warning, the student will be invited to attend a Stage 2 disciplinary interview with the Head of School/Curriculum.

At least 3 days' written notice will be given (using template Stage 2 Written Warning Interview), and the notice will state:

- The nature of the conduct complained of and a summary of the evidence for the complaint
- A copy of this document
- Confirmation of the time and place of interview

The Head of School/Curriculum will discuss with the student the concern or complaint and, after considering any explanation given, decide whether a Stage 2 Written Warning should be issued. The Head of School/Curriculum may take into account witness statements and/or tutor statements detailing the student's general conduct and/or anything which alerts the Head of School/Curriculum to any extenuating circumstances. In the case of continued poor attendance or sustained lack of academic progress, this should be referenced in the

statement.

If a Stage 2 Written Warning is issued, practical measures to avoid recurrence should be identified and agreed by both the student and Head of School/Curriculum and incorporated into the Warning, which will be sent to the student within 5 working days from the date of the disciplinary interview (template Stage 2 Written Warning).

A copy of the Warning must be placed on the student's eTrackr file via the relevant Head of School/Curriculum and copies provided to the SLT via the Executive Assistant to the Principal and the Head of Quality and Standards. The Warning will be removed from the student's file and disregarded for disciplinary purposes after 12 months, subject to the student's conduct having been satisfactory throughout that period. In exceptional cases, such as where 12 months is not sufficient to monitor the student's conduct in relation to the Warning, this period may be extended to 18 months.

There is no right of appeal against a Stage 2 Written Warning.

Stage 3: Investigation Hearing (Centre Principal)

Where gross misconduct occurs or the misconduct is repeated after the issue of a Stage 2 Written Warning, the student will be invited to attend an Investigation Hearing, with a panel comprising:

- The relevant Centre Principal (or another CP if the relevant CP has been previously involved in the case)
- A member of the Student Council or Class Representative
- The Head of Quality and Standards or another member of the Cross-College Management Team.
- A note-taker

At least 5 days written notice will normally be given (via Stage 3 Investigation Hearing Letter template) and the notice will state:

- The nature of the conduct complained of and a summary of the evidence for the complaint. In cases of alleged bullying or harassment, arrangements will be made so that individuals feel safe to provide statements and evidence to the Panel.
- A copy of this document
- Confirmation of the time and place of the interview.

If a student is unable to attend the hearing date, this should be rescheduled within 5 days. If a student is unable to attend up to 2 times without good reason, the proceedings will go ahead without the student and a decision will be made in their absence. If a student fails to attend the Hearing and does not notify the Chair, the Hearing will proceed without them, and a decision made in their absence.

The Centre Principal will chair the Panel and is responsible for conducting their Hearing in a fair and transparent manner. During the Hearing the Chair or another Panel member will present the case against the student and may refer to witness statements or any other relevant documentation. The student has the right to call witnesses who may be questioned by the

student, their representative or any Panel member.

Before the Panel makes a decision, the Chair will ask the student whether there are any other factors or mitigating circumstances they would like to be taken into account.

The Deputy Principal will advise on process if required, but not details of the case.

After hearing the student's case, the Panel will make one of the following decisions:

- 1) no further action taken
- 2) the student will receive a Stage 3 Written Warning
- 3) the student will be suspended from the class or College for a specified period
- 4) The students will be permanently excluded from the class or College. This decision may be reviewed after a minimum of 12 months should the student wish to enroll at the College again.
- 5) further investigation required before a final decision can be made

The Chair will write to the student within 5 working days to communicate the decision and the reasons for it. The decision will have immediate effect. The letter will confirm the student's right to appeal to the Principal, stating that this must take place within 10 days of receipt of the decision letter. In the case of permanent exclusion, the letter will also state that the exclusion may be reviewed after a specific period of time and the student may be readmitted to the College subject to a satisfactory interview with the relevant Centre Principal and to certain conditions being met.

Stage 4: Appeal

A student who wishes to appeal against a disciplinary decision must do so within 10 working days of the date they were informed of the decision. An appeal can only be considered where new information or evidence is presented. To do so they must write to the Principal, stating their main grounds for appeal. The Principal can reach a final decision based on the evidence from the previous stages and/or new evidence or convene an Appeal Hearing.

At an Appeal Hearing, the Centre Principal who chaired the Investigatory Hearing will be asked to present and explain the reasons for the decision. The student will be invited to explain the grounds of their appeal and state their case. The Principal may ask questions of the student and Centre Principal, and will then consider whether to uphold or dismiss the appeal. Witness can be asked to be on call to answer any questions.

If the appeal is upheld, the Principal may decide lesser disciplinary action, or no disciplinary action, is to be taken. If the appeal is dismissed, the Principal will issue a statement saying they have decided to uphold the recommendation at Stage 3. The Principal's decision is final and not subject to any further appeal. It will be confirmed to the student in writing within 5 working days.

If an appeal is not upheld, or if the student is not happy with the outcome of an appeal, they may refer to the Student Complaints Policy or appeal directly to the relevant funding body (GLA or ESFA) or, for HE students, to the Office of the Independent Adjudicator for Higher Education (OIA).

Conduct of investigation and appeal hearings

Investigations and appeal hearings under this procedure will be conducted fairly. A member of staff who is not directly involved in the hearing will be available to take notes. If communication assistance is required, this will be arranged by the College, considering the need for impartiality.

The Chair of the Panel or (in the case of an appeal hearing) the Principal may:

- Give instructions in relation to the conduct of the hearing, including (without limitation) as to the length of time that any part of the hearing should take. Instructions must be fair, particularly in allowing the student to question the evidence and state their case. Witnesses may be called in to the hearing.
- Exclude from the proceedings any person (including the student or students representative or relative) who behaves unreasonably or who disregards the instructions of the Chair
- Consider and determine the outcome of any request to postpone a hearing.

If the student does not attend an investigation or appeal hearing without good cause, the hearing may still proceed in the student's absence.

In exceptional cases it may be desirable that variations should be made to procedural aspects of this code. Any such variations must be subject to informing the student concerned and subject always to the consideration of fairness.

If any person who would otherwise be conducting a hearing has previously had close personal involvement in the matter to be considered, the Chair of the Panel or (in the case of an appeal hearing) the Principal must arrange for another member of College staff to take their place.

APPENDIX 3: Templates

a) Stage 2: Written Warning invitation to interview

Dear [student]

Following [summarise incident and evidence], and in line with the College's Disciplinary Policy (enclosed), you are invited to attend a Stage 2 Disciplinary Hearing with [name of Head of School/Curriculum]. This meeting will take place on [date and time] at [location].

During the meeting, the Head of School/Curriculum will discuss the incident and the evidence above with you and decide whether a Stage 2 Written Warning will be issued. The Head of School/Curriculum may take into account witness statements and/or tutor statements detailing your general conduct and/or any extenuating circumstances.

If you have any questions regarding the meeting, please contact [Head of School/Curriculum email address].

Yours sincerely

b) Stage 2: Written Warning outcome – Warning issued

Dear [student]

Following the Stage 2 Disciplinary Hearing held with [name of Head of School/Curriculum] on [date and time], regarding [refer to incident], this letter confirms that a Stage 2 Written Warning has been issued for the following reasons:

- [State reasons for warning along with supporting evidence]

The following practical measures were agreed by you and the Head of School/Curriculum during the meeting to avoid a recurrence of the situation:

- [Stage actions agreed]

A copy of this Warning has been added to your student file and copies provided to the Senior Leadership Team and Head of Quality and Standards. The Warning will be removed from your file and disregarded for disciplinary purposes after 12 months, subject to your conduct having been satisfactory throughout that period. In exceptional cases, such as where 12 months is not sufficient to monitor your conduct in relation to the Warning, this period may be extended to 18 months.

There is no right of appeal against a Stage 2 Written Warning.

Yours sincerely

c) Stage 2: Written Warning outcome – Warning not issued

Dear [student]

Following the Stage 2 Disciplinary Hearing held with [name of Head of School/Curriculum] on [date and time], regarding [refer to incident], this letter confirms that a Stage 2 Written Warning has not been issued for the following reasons:

- [State reasons for warning not being issued]

Yours sincerely

d) Stage 3: invitation to Investigation Hearing

Dear [student]

Following [summarise incident and evidence], and in line with the College's Disciplinary Policy (enclosed), you are invited to attend a Stage 3 Investigation Hearing. This Hearing will take place on [date and time] at [location]. Attending the Hearing will be the following panel members:

- [Name of Centre Principal - Chair]
- [Name of Student Council or Class Representatives' Committee member]
- [Name of CCMT member attending – usually Helen Foster, Head of Quality and Standards]
- [Name of note-taker]

If you are unable to attend the hearing, it will be rescheduled within 5 working days of the original date. If you are unable to attend up to 2 times without good reason, the Hearing will go ahead without you and a decision made in your absence. If you fail to attend the Hearing and do not notify the Chair, the Hearing will proceed without you, and a decision made in your absence.

The Centre Principal will chair the Panel and is responsible for conducting the Hearing in a fair and transparent manner. During the Hearing the Chair or another Panel member will present the case and may refer to witness statements or any other relevant documentation. You have the right to call witnesses who may be questioned by you, your representative or any Panel member.

Before the Panel makes a decision, the Chair will ask you whether there are any other factors or mitigating circumstances you would like to be taken into account.

Following the Hearing, the Panel will make one of the following decisions:

- 1) no further action taken
- 2) a Stage 3 Written Warning will be issued
- 3) suspension from the class or College for a specified period
- 4) permanent exclusion from the class or College. This decision may be reviewed after a minimum of 12 months.
- 5) further investigation required before a final decision can be made

If you have any questions regarding the meeting, please contact [Head of School/Curriculum email address].

Yours sincerely

e) Stage 3: Warning not issued

Dear [student]

Following the Stage 3 Investigation Hearing chaired by [name of Centre Principal] on [date and time], this letter confirms that no further action will be taken for the following reasons:

- [State reasons for no further action taken]

Yours sincerely

f) Stage 3: Warning issued

Dear [student]

Following the Stage 3 Investigation Hearing held with [name of Centre Principal] on [date and time], this letter confirms that a Stage 3 Written Warning has been issued for the following reasons:

- [State reasons for warning along with supporting evidence]

The following practical measures were agreed by you and the Chair during the meeting to avoid a recurrence of the situation:

- [Stage actions agreed]

A copy of this Warning has been added to your student file and copies provided to the Senior Leadership Team and Head of Quality and Standards.

If you wish to appeal against this decision, you must do so within 10 working days of the date of receipt of this letter. An appeal can only be considered where new information or evidence is presented. To do this, please write to the Principal, stating the main grounds for appeal.

Yours sincerely

g) Stage 3: Suspension

Dear [student]

Following the Stage 3 Investigation Hearing held with [name of Centre Principal] on [date and time], this letter confirms that you have been suspended [from XXXX course and/or College] for the following reasons:

- [State reasons for suspension along with supporting evidence]

The suspension covers the following period: [date to date]. At the end of the period of suspension, you will meet with [Centre Principal/Head of School or Centre] to discuss your return to [XXXX course and/or College].

A copy of this suspension notice has been added to your student file and copies provided to the Senior Leadership Team and Head of Quality and Standards.

If you wish to appeal against this decision, you must do so within 10 working days of the date of receipt of this letter. An appeal can only be considered where new information or evidence is presented. To do this, please write to the Principal, stating the main grounds for

appeal.

Yours sincerely

h) Stage 3: Exclusion

Dear [student]

Following the Stage 3 Investigation Hearing held with [name of Centre Principal] on [date and time], this letter confirms that you have been excluded [from XXXX course and/or College] for the following reasons:

- [State reasons for exclusion along with supporting evidence]

The exclusion covers the following 12-month period: [date to date].

A copy of this exclusion notice has been added to your student file and copies provided to the Senior Leadership Team and Head of Quality and Standards.

If you wish to appeal against this decision, you must do so within 10 working days of the date of receipt of this letter. An appeal can only be considered where new information or evidence is presented. To do this, please write to the Principal, stating the main grounds for appeal.

Yours sincerely

i) Stage 3: further investigation needed

Dear [student]

Following the Stage 3 Investigation Hearing held with [name of Centre Principal] on [date and time], this letter confirms that further investigation is required before a final decision can be made.

[State details of further investigation, including any meetings required]

Yours sincerely