

STUDENT DISCIPLINARY POLICY

POLICY STATEMENT:

The purpose of this policy is to support a culture that contributes to students enjoying college and achieving in their studies. The policy provides a consistent approach to matters of discipline and behaviour as well as clear guidelines for staff and students when dealing with student disciplinary matters.

The term **EKC Group**, includes all activities and venues where programmes are delivered under the auspices of the Corporation, known as EKC Group.

EKC Group (the Group) provides an inclusive learning environment. Its learning environment is based on the ideals of mutual respect and co-operation. This provides the basis for the **required standards of behaviour**; the orderly conduct of both students and employees who have a positive approach to the College community in which they work and study to the best of their abilities

The student disciplinary policy aims to:

- Establish the boundaries of acceptable behaviour
- Clarify reporting procedures for employees
- Clarify instances of gross misconduct
- Provide a consistent and fair approach when dealing with student disciplinary matters
- Enable students to complete their course successfully
- Protect and safeguard staff, students and stakeholders
- Provide early intervention strategies and identify support for students who are at risk of jeopardising their own and others' success
- Identify and offer appropriate support for students via an agreed action plan on Pro-monitor
- Safeguard the property of others
- Enable the Group to exclude students whose behaviour is consistently unacceptable and/or which is negatively affecting the ability of other students to learn
- Identify issues that lead to a disciplinary situation, to record, review and monitor cases and ensure lessons are learned and improvements are made
- Protect the reputation of the College

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APPLICATION OF THE POLICY:

The policy applies in cases where a student is failing to meet the required standards. However, the policy should be interpreted paying due regard to any **special circumstances** (see below), which may be relevant.

It applies to:

- all students whether full-time or part-time
- all students whether attending a site or learning online
- all apprentices while attending a college
- to students at all times during the year.
- students' behaviour and conduct outside the Group's premises on college activities.
- students under the age of 16 (not Junior College students, please refer to the separate Junior College Disciplinary Policy).

The Policy will be used:

- Where there are breaches in the Group's policies and codes.
- Whenever and wherever the student's behaviour could bring the Group into disrepute. (i.e. on the Group's premises, study visits, residential courses, work placements and when travelling to and from any of the aforesaid)
- Where it appears that a student may have behaved inappropriately, to ensure that the matter is properly investigated, and that action is taken to ensure that a safe environment is maintained.

Staff Guidelines:

All staff are required to challenge unacceptable behaviour whenever it is taking place.

- During teaching sessions, the lecturer/supervisor/LSP will have immediate authority for student discipline.
- All staff have immediate authority to take appropriate course of action to maintain discipline in the common areas.
- All breaches of Student Agreed Standards of Behaviour must be reported by the member of staff as soon as reasonably possible to the student's Mentor so that they can take the appropriate action.
- Students are required to keep on their person evidence and ensure it is visible, that they are an enrolled student at all times whilst on the Group's premises (or whilst engaged in any activity associated with their programme whether on or off the Group's premises). If the member of staff does not know the student, he/she must request to see the student's ID or ask the student to identify themselves. The member of staff should note the student's name, course programme, and name of their Mentor.
- The student should be reminded that refusal to supply this information will be considered to be a serious breach under this Policy. Where there is no evidence of the 'student' being enrolled on a programme for the current academic year, the

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member of staff should ask the person to leave the Group's premises.

- Parents/carers of students under the age of 18 at the start of their course will be informed of disciplinary matters. Once a student becomes 18 they can request that their parent/carer is not informed.

Special Circumstances:

Due regard must be paid to the following student's circumstances/status:

1. The student in difficulty

It should be remembered that inappropriate behaviour or conduct may occur as a result of the student experiencing personal difficulties, which the student may or may not have disclosed. Any student who behaves inappropriately should be treated with respect at all times; a supportive environment which encourages students to disclose information about difficulties that they may be having should be provided so that appropriate action can be taken.

Examples of difficulties include:

- Homelessness
- Being in care or leaving care
- Alcohol abuse, drug abuse or self-harm
- Mental health difficulties
- Learning difficulties
- Pregnancy
- Caring responsibilities
- Health issues
- Domestic violence and abuse
- Personal relationship difficulties
- Bullying and/or harassment
- An undisclosed or undiagnosed learning difficulty or disability e.g. dyslexia, dyscalculia, ADHD etc.

Early warning signs for students who may be experiencing difficulties are:

- Being persistently late for lessons
- Poor attendance
- Failure to complete coursework/assignments
- Failure to engage in lessons, appearing withdrawn or being disruptive
- Appearing to be under the influence of drugs/drink
- Suspected or actual evidence of physical, mental or emotional abuse

2.0 Pre -16 students (not Junior College students)

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If a 14-16 student involved in an incident is from a partner school on a school links programme, where the guidelines below refer to Heads, this should be interpreted as the Head of Department who will liaise with the school or academy and their disciplinary procedure will be implemented.

Junior College students are covered by a separate disciplinary procedure.

3.0 Vulnerable Students

If a student is considered vulnerable i.e. on the Vulnerable Risk Register, the Safeguarding team must be notified, if action is taken under this Policy. Examples of students in this group include:

- Care leavers
- Those in the youth offending system
- Teenage mums and dads
- Carers
- Looked - after children

In line with Kent County Council Policy, the Group will only use exclusion as a last resort and always within the legal guidelines, in an aim to reduce the rate of excluded looked-after children in Kent.

4.0 Students with Education, Health and Care Plans (EHCPs)

Where students with EHCPs have the disciplinary procedure invoked, the Group will take every measure to ensure that reasonable adjustments are made to support and retain the student on their programme of study. The curriculum team must alert the Head of Additional Learning Support when a student with an EHCP is subject to the disciplinary procedure so that the student's progress can be monitored.

Where all reasonable adjustment measures have been exhausted or in cases where a student's behaviour is escalating to a point which warrants a decision to exclude, the Head of ALS will work with the appropriate local authority to ensure that procedures to facilitate a change of placement are followed. Where a student with an EHCP is excluded, the curriculum team must ensure that arrangements are in place to support the student until the change of placement is finalised and the student is officially 'off roll'. For further information, please refer to the Procedure for Placing and Supporting Students with EHCPs.

1.0 DISCIPLINARY PROCEDURE

Recorded Verbal Warnings:

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All staff are expected to address student behaviour and conduct which does not conform to our expectations and agreed standards of behaviour. Teaching and support staff can inform the Mentor of any disciplinary issues via the student' electronic record on ProMonitor. The reader is referred to the detailed disciplinary procedure in the appendix of this document for further details.

Before reaching the Formal Disciplinary stage, it would normally be expected that the Mentor would have attempted to resolve issues. Such instances will be recorded as verbal warnings on the respective student's learner comments on the electronic record. Unacceptable standards of conduct and behaviour for which a recorded verbal warning could be issued include:

- Disruptive behaviour, (talking when a member of staff is talking or when a fellow student is speaking in class, distracting others, flicking paper, inappropriate use of mobile phones in class etc.)
- Unduly noisy or unruly behaviour, (shouting across the class or workshop, speaking unnecessarily loudly, constant banter and interrupting staff and others in their work)
- Smoking in non-smoking areas,
- Failure to comply with an instruction from a member of staff.
- Behaviour which could lead to damage of the Group's property
- Behaviour which could lead to breaches of health and safety rules
- Repeated poor attendance and punctuality
- The missing of course work deadlines
- Refusal to display ID badge

Subject to Action Plan:

The outcome of a verbal warning may be to place the student on an action plan for an appropriate period of time and all teachers will complete a monitoring form on Pro-monitor to record the student's progress against the agreed strategies.

Lecturers & Mentors should use their professional discretion and judgement in deciding the number of occasions in which a student's behaviour should be addressed through recorded verbal warnings; this may be dependent on the age and vulnerability of the student. If a student addresses their behaviour by the agreed target dates, then the student is acknowledged for the effort made.

If there has been no improvement and when all strategies have been exhausted a meeting of relevant staff lead by the Head/Programme Director with the Mentor will be called to agree the next step for the student, this could result in:-

Stage 1 of the Formal Disciplinary process being instigated.

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However, a student may be moved straight to Stage 1 of the Formal Disciplinary procedure, without having followed the recorded verbal warning route, if they break any of the Group's expectations or breaches listed in the Formal Disciplinary Procedure.

2.0 FORMAL DISCIPLINARY PROCEDURE

No disciplinary action will be taken against a student until the circumstances of the unacceptable behaviour giving rise to disciplinary action have been fully investigated. All stages of the disciplinary procedure will be recorded on the electronic student record.

The disciplinary procedure consists of three stages:

Stage 1 – Formal Written Warning –breach

Stage 2 – Final Written Warning - Serious breach

Stage 3 – Exclusion Hearing – Gross misconduct

Process:

- At every stage in the procedure the student will be advised of the nature of the complaint against them and will be given the opportunity to state his/her case **before** any decision is made.
- Every student will be allowed the right of the exchange of documents outlining the case. The student can be accompanied at any formal stage of the procedure by a parent/guardian, friend or member of the Students' Union.
- Notification of financial benefactors: Any individual, employer or other agency known to be financially supporting or sponsoring the student's studies will be notified apart from in exceptional circumstances in writing of any formal disciplinary action taken against that student under the Disciplinary Policy and of the outcome of any subsequent appeal made.

Breaches of Student Agreed Standards of Behaviour:

These may be a breach, serious or gross. Examples of each type of breach are given below for guidance. This list is not exhaustive and **professional judgements** will need to be made about the severity of each breach. A breach or serious breach may be sufficiently serious, that it could result **in the instigation of a suspension**. However, the College Principal, Deputy or Assistant Principal may decide to suspend a student whilst the circumstances of the incident concerned are being investigated. Suspension does not imply the student has done something wrong; it is to allow for an impartial investigation to be carried out.

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In exceptional circumstances where immediate action needs to be taken a Head of Department/Programme Manager can instigate a 'cooling off' period, where the student is asked to leave the campus and go home to 'cool off' and reflect on their behaviour. This period would be for a maximum time of 24hrs. After this time, the College Principal, Deputy or Assistant Principal will decide if suspension should be instigated. If the 'cooling off period' is used and the student is under 18 then parents/carers must be informed that the student is being sent home.

The Group reserves the right where it believes that there is evidence that a **criminal offence** has been committed, to refer the matter to the police. In the event of serious criminal charges being laid, the disciplinary interview may be deferred pending the outcome.

The procedure will normally be followed from **Stage 1**, with subsequent stages being invoked for repeated instances of unacceptable behaviour.

However, where a serious breach of the 'Agreed Standards of Behaviour' occurs the procedure may be instigated at the stage deemed appropriate in relation to the incident concerned.

Breach

Examples of offences that would be construed as misconduct and which may invoke stage 1 of the disciplinary procedure are as follows:

- When a student has not made the improvements required under the recorded verbal warning stage
- Persistent failure to comply with the Group's rules and regulations and Student Code of Conduct e.g. smoking outside of designated areas, not wearing ID, anti-social parking on neighbouring roads
- Minor damage to the Group's property
- Behaviour and actions that cause offence to others e.g. abusive language, gestures or actions
- Repeated poor attendance and persistence lateness (where all other strategies for addressing this have been exhausted)

Serious Breach

Some of the instances below may be sufficiently serious to take the student to gross misconduct:

- Being drunk or under the influence of drugs whilst on the Group's premises
- Possession of drug paraphernalia
- The consumption of illegal substances off site.
- Fighting or assault
- Persistent bad behaviour that may adversely affect the reputation of the Group or

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is offensive to others.

- Misuse of the Group's computers and/or networks
- Threatening behaviour

Gross Misconduct

A breach which is so serious that a member of the Senior Management Team considers immediate suspension is justified, is classified as **gross misconduct which could lead to exclusion**. This would invoke Stage 2 and/or possibly Stage 3 of the disciplinary procedure. Examples are as follows:

- Possession of illegal drugs (**automatic exclusion**)
- Serious breaches of health and safety which put self and others at serious risk of injury or harm e.g coming on site when a student knows they have tested positive for COVID-19
- Harassment or bullying of any kind e.g. on the basis of sex, disability, age, religion/belief, sexual orientation, personal appearance or circumstances, etc.
- Cyber bullying - instances of harassment or bullying that may occur outside of the Group's premises on social networking sites.
- Theft
- Violence towards people or property
- Supply or use of illegal drugs and/or unauthorised supply/use of prescription drugs
- Bringing alcohol onto the Group's premises and/or supplying it to other students
- Possession of offensive weapons/substances (**automatic exclusion**)
- Threatening behaviour e.g. intimidation, blackmail
- Fighting or assault
- Soliciting for sexual services
- Cheating in examinations or assessments, plagiarism
- Persistent bad behaviour that may adversely affect the reputation of the College
- Possessing pornographic, homophobic or racist materials on the Group's premises and using the Group's resources to distribute or access the same
- Upskirting
- Serious anti-social behaviour e.g. acts of indecency
- Deliberate damage to the Group's property
- Any other criminal activities affecting the Group, staff, students or customers.
- Hacking or breach of student use of IT policy.

Where a student is found in possession of illegal drugs or with an offensive weapon, there will be immediate exclusion. The student may still instigate their right to appeal.

Exclusion:

In the event of gross misconduct Stage 3 of the disciplinary procedure may be instigated. The result of a stage 3 meeting may be exclusion. Exclusion occurs in extreme instances of unacceptable behaviour or repetition of unacceptable behaviour following a Final Written Warning.

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Before a decision to exclude is taken, full consideration should be given as to whether a managed move to another College would be a suitable alternative.

Appeal:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting at any formal stage of the procedure. The appeal will be heard, as soon as practical, by the identified member of staff within the published procedure.

Appeal against Exclusion:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting. The appeal will be heard, as soon as practical, by a member of the Group Leadership Team (Education). This decision will be final and binding.

Documentation:

Standard letters recording the incident are held by the student's department and uploaded to the student's online record. Copies of these records must be given to the student and their parent/guardian, (if under 18) and one must be kept in the individual Student file.

Formal written warnings at Stage 2 or above will remain on the student's file for the duration of their time at the College or for a maximum period of 2 years. After 2 years these warnings will be treated as 'spent' and will not be included in any reference provided by the Group (subject to the legal responsibilities of the Group).

Associated policies and procedures

- Student Disciplinary Procedure
- Procedure for Placing and Supporting Students with EHCPs
- Equality and Diversity Policy
- Data Protection Policy
- Safeguarding and Preventing Radicalisation and Extremism Policy