



DISCIPLINARY POLICY - STUDENTS

Process Area	Curriculum
Reference Number	CUR/002
Directorate	Curriculum

Issue No	Date	Details	Author	Approved
004	June 2012	To reflect changes to <ul style="list-style-type: none"> ○ disciplinary sanctions ○ manager roles in administering the policy and procedure 	BD	SMT
005	Dec 2012	Revisions to provide further clarity on individual roles	BD	SMT
006	Jan 2013	Section 15 added Student with Statement of Special Education Need	BD	SMT
007	Sep 2013	Changes made to right of an accompaniment at investigation (section 10)	BD	SMT
008	July 2014	Changes made to duration of warnings and inclusion of the term Gross Misconduct	BD	SMT
009	Oct 2014	To reflect : <ul style="list-style-type: none"> ○ Inclusion of definition of Gross Misconduct in Definitions. ○ 'Permanent Exclusion' amended to 'Exclusion' 	BD	GB ED Committee
010	May 2015	To reflect changes from Student Code of Practice to Charter and job role titles and new Disciplinary forms.	BD	GB ED Committee
011	May 2018	Minor changes to section 3,9,17,18,19,21	KK	GB ED Committee
012	Jan 2020	Changes to reflect introduction of Traineeships and new curriculum structures	BD	GB ED Committee
013	Aug 2020	Changes to reflect Covid -19 guidance	BD	GB ED Committee
014	Feb 2022	Changes in line with Articles of Government Parts II & VIII, GDPR compliance and process streamlining	BD	GB ED Committee

If requested, the College will make the policy available in alternative formats to accommodate visual impairments. The policy can also be downloaded from the College website and made available in alternative languages upon request.

1. POLICY STATEMENT

The Southern Regional College's Disciplinary Policy provides a framework for maintaining good order at the College thus allowing all students to study and learn in a safe and secure environment. The College Student Charter sets out College expectations of students together with rules and regulations that they must adhere to and should be read in conjunction with this policy.

The Disciplinary Policy aims to;

- help and encourage students to achieve and maintain acceptable standards of conduct and performance on their course of study;
- ensure that fair, consistent and reasonable action is taken when acceptable standards of conduct and performance are not maintained; and
- ensure consistent and fair treatment for all in relation to disciplinary action taken in response to unacceptable conduct and poor performance.

A breach of discipline occurs following an 'act of misconduct.' Misconduct is defined as improper interference with the proper functioning or activities of the College or those who study or work in or visit the College. This includes any breach of College rules and regulations as defined in the SRC College Rules for Students.

This policy also applies to matters relating to **academic performance**, which are covered by the academic regulations governing each programme of study, and to matters of conduct of students in assessment work and examinations, which are addressed in the College Policy on Assessment Malpractice.

2. SCOPE

Unless otherwise stated this policy applies to all students who are enrolled on courses delivered by or on behalf of the Southern Regional College. This includes students registered under the new Traineeship system.

A separate disciplinary procedure exists for trainees enrolled under Training for Success in accordance with the Operational Guidelines set down by the Department for the Economy (DfE).

When addressing disciplinary matters relating to students enrolled as part of the Schools' Partnership Programme, the College will seek to involve representatives of the School and ensure that all disciplinary sanctions are communicated to the School Principal or representative.

3. DEFINITIONS

College	The College is defined as any College sponsored event including events organised through the Students' Union, or anywhere Southern Regional College provides education and training or business support activity.
Student Charter	A statement outlining the College commitment to students and the students' responsibilities whilst registered as a student of the College.
SRC College Rules for Students	A statement summarising the rules and regulations that all students will be expected to abide by when enrolled as a student of the College.
Disciplinary Investigation	The stage of the disciplinary process where a member of staff (investigating authority) is charged with carrying out an impartial investigation to establish the facts and to determine whether the matter should be handled informally or formally (referred to the formal disciplinary process). The extent and detail of the investigation will be determined by the investigator alone but must be sufficient to enable them to gather appropriate evidence and to determine if a participant should face any subsequent charge.
Disciplinary Hearing	The stage of the disciplinary process where a hearing is held to determine if a disciplinary sanction should be issued to a participant. The person charged with hearing the disciplinary case is referred to as the disciplinary authority. The disciplinary and investigatory authorities must be different members of staff.
Investigatory Authority	The member of staff appointed to investigate and report on an alleged disciplinary matter.
Disciplinary Authority	The member of staff appointed to hear a disciplinary case.
Time Limited Exclusion	Removal from all courses and activities of the College for a period of up to four weeks.
Precautionary Suspension	The College may suspend a student at or during a disciplinary investigation. This step will be taken when it is deemed necessary to remove an individual in order to facilitate a comprehensive investigation or when it is believed that the safety of others within the College may be threatened.
Exclusion	Any Student excluded through the disciplinary procedure is no longer enrolled at the College and is excluded from all premises, courses and activities within any campus or out centre.
Companion	May be a fellow student, student representative or parent/guardian (not a legal or other professional adviser)
Student	Defined as a person who is registered with the College for a programme of learning.
Senior Manager	In the context of this Policy a senior manager is defined as any member of the College Senior Management Team (SMT)
Misconduct	Refer to Appendix 2 page 21 for definitions of misconduct/gross misconduct

4. GENERAL PRINCIPLES

- 4.1 All matters relating to the application of the Student Disciplinary Policy and its procedures will be confidential.
- 4.2 The College recognises that in most instances minor indiscipline can and will be dealt with informally and promptly by the appropriate member of College staff, e.g. personal tutor, lecturer, course co-ordinator etc., without recourse to the formal disciplinary stage. In such instances the student may be issued with a verbal warning, which will remain active for up to six months. A note of such an active warning will be given to the Head of Faculty or Curriculum Area Manager and kept on the student file.
- 4.3 The principles of natural justice underpin the Disciplinary Policy and its procedures. Should formal procedures be warranted, the student will be informed of the nature of the allegation(s) against him or her and be provided with a copy of the Disciplinary Policy and its procedure. The student will be given the opportunity to state his or her case before any decision to move to formal procedures is made.
- 4.4 No student will be permanently excluded from the College for a first breach of indiscipline except in the case of gross misconduct.
- 4.5 No formal disciplinary sanction will be imposed without a disciplinary hearing. A student will have the right of appeal against any written disciplinary sanction (stage 1 or higher) imposed.
- 4.6 At a disciplinary hearing or appeal the student may be accompanied by a companion. A companion is as defined in Section 3 above.
- 4.7 There are a number of disciplinary sanctions that the disciplinary authority may choose to impose. These sanctions are normally applied incrementally. However, in cases where the offences are defined as 'gross misconduct,' the disciplinary authority may decide to impose a more serious sanction at the final written warning stage or at a further stage.
- 4.8 Students will be notified in writing of any disciplinary sanction; a copy of this letter will be placed on the student file. When such warnings reach their time limits, the letter notifying the student of the disciplinary sanction will be removed from the student file and destroyed, subject to the student's conduct having been satisfactory throughout the period.
- 4.9 The Covid-19 global pandemic places increased responsibility on students to adhere to the measures put in place by the College to protect both students and staff. It is incumbent on students to follow the Covid-19 guidelines at all times. Any student who blatantly ignores the College's Covid-19 guidelines will be subject to disciplinary action where the matter will be considered under gross misconduct.

5. PRECAUTIONARY SUSPENSION

- 5.1 A precautionary suspension is not a disciplinary sanction.
- 5.2 In cases of alleged *gross* misconduct or because of some other good or urgent cause it is inappropriate for the student to remain at the College, the Chief Executive or delegated authority (normally a Senior Management Team member) may suspend a student on receipt of the allegation(s) pending a full investigation, or if the nature of the initial allegation(s) is/are amended during the course of the investigation.
- 5.3 The precautionary suspension should not be for any period longer than is necessary to complete a disciplinary process.

6. DISCIPLINARY SANCTIONS

6.1 This section outlines the disciplinary stages and sanctions for dealing with breaches of discipline.

The stage at which disciplinary procedures are invoked will be appropriate to the perceived seriousness of the offence.

The Disciplinary Stages are summarised as follows:-

Stage	Period
1. First Written Warning*	Duration of the programme of study or a minimum of one year from the date of the sanction.
2. Final Written Warning*	Duration of the programme of study or a minimum of one year from the date of the sanction.
Time Limited Exclusion from the College*	Excluded for up to four weeks
3. Exclusion from the College*	Minimum period - exclusion for remainder of the current academic year.

Table 1

*In exceptional circumstances the time periods specified above may be varied by the Disciplinary Authority– the student must be notified in writing of any such variation at or following the disciplinary hearing.

In addition to the disciplinary sanction the College may also seek financial restitution when costs have been incurred as a result of the actions of the student.e.g. vandalism . The student will be required to meet these costs in full.

Any information regarding Assessment Malpractice offences by learners who have completed one course of study will be held on the learner's file until the end of that course and may inform the admission decision for another course at the college.

Further information on what is deemed misconduct is provided in Appendix 1.

6.2 First Written Warning

A first written warning will be given to the student if, after a disciplinary hearing, it is found that:

- i. The student has committed an offence of misconduct which warrants entry to the disciplinary procedures at the first written warning stage; or
- ii. The student has failed to demonstrate the level of commitment and effort required for successful completion of the course; or
- iii. Despite, having been given a verbal warning as the result of previous conduct or poor performance, the student has committed a further offence or has shown no improvement.

A copy of the written warning will be retained within the student's personal record for the duration of their programme of study. The student will be asked to countersign the copy attached to his/her records. Refusal to do so will not negate the disciplinary action. Likewise, refusal to attend a disciplinary interview will not prevent this procedure from being invoked.

6.3 Final Written Warning

A final written warning will be given to the student if, after a disciplinary hearing, it is found that:

- i. Despite having been given, a first written warning as the result of misconduct or continued poor performance, the student has committed a further offence of misconduct; or
- ii. Despite having been given, a first written warning as the result of a lack of commitment to the course of study, the student has failed to demonstrate achievement of previously agreed improvement targets; or
- iii. The student's misconduct, although not considered to be serious enough to justify exclusion, is sufficiently serious to warrant a final written warning.

A copy of a final written warning will be retained within the student's personal record for the duration of their programme of study. The student will be asked to countersign the copy attached to his/her records. Refusal to do so will not negate the disciplinary action. Likewise, refusal to attend a disciplinary interview will not prevent this procedure from continuing.

6.4 Time Limited Exclusion

In addition to first/final written warnings, the student may be excluded from the College for a period of up to four weeks. Such a sanction may be utilised in combination with a first/final written warning as an alternative to exclusion.

6.5 Performance Improvement Contract

When a written warning is issued to a student on the basis of conduct or poor performance including; attendance, punctuality, assignment submission and commitment to the course, the student will be required to agree to and sign up to a Performance Improvement Contract.

A Performance Improvement Contract will be developed by the Disciplinary Authority in conjunction with the relevant curriculum lead and the student to reflect a set of agreed milestones. Such milestones may include conduct improvement, adherence to agreed deadlines for submission of assignment work, attendance at college, punctuality and commitment to the course of study. The period over which milestones and targets are set will normally span the academic year but may be extended for a further academic year at the discretion of the Disciplinary Authority or their nominee.

Failure to agree and adhere to the Performance Improvement Contract will be used in any further disciplinary process and may result in removal of the student from the course of study.

6.6 Exclusion from the College

The Disciplinary Authority may give notice to a student of ' exclusion from the College, if after a full investigation and disciplinary hearing, it is found that a student has committed:

- i. A further act of misconduct despite having been given a final written warning; or
- ii. An act of gross misconduct that in the view of the College, fundamentally undermines the relationship between the student and the College.

Exclusion will be effective immediately.

7. DISCIPLINARY AND INVESTIGATORY AUTHORITIES

Prior to any disciplinary hearing an investigation must be conducted by a person other than the person charged with hearing the disciplinary charge.

Details of the investigatory and disciplinary authorities normally used at each stage are shown below;

Stage	Investigatory Authority	Disciplinary Authority	Appeal Authority
1. First Written Warning	Lecturer	Course Coordinator	Curriculum Area Manager (CAM)
2. Final Written Warning and time limited exclusion	Lecturer/ Course Co-ordinator	Curriculum Area Manager	An officer at management level within the College more senior to the Disciplinary Authority
3. Exclusion from the College	Course Co-ordinator/ Curriculum Area Manager (CAM)	Senior Management Team Member	An officer at management level within the College more senior to the Disciplinary Authority

The Director of Curriculum must be informed of all exclusions.

When an allegation of **gross misconduct** arises, a Head of Faculty must report this immediately to the Assistant Director. The Assistant Director must advise on the matter to determine the appropriate investigatory and disciplinary authorities.

The Chief Executive must be informed of all decisions to exclude a student at stage 3.

8. OTHER ASPECTS OF DISCIPLINARY OFFENCES

Criminal Offences

If it is believed that a student may have committed a criminal offence whilst on College property or on any College activity, then:

- a. The College will report the matter to the police. During any subsequent police enquiry or legal proceeding, the College may either continue with its internal disciplinary procedure or it may exclude the student until the outcome of external proceedings is known.
- b. The College will not be bound by the outcome of any criminal proceedings against a student and will reserve the right to continue with its internal disciplinary procedure.

The procedure for conducting disciplinary hearings is set out in Appendix 1.

9. CONSEQUENCES OF DISCIPLINARY ACTION

Students should note carefully that the consequences of suspension or dismissal from a course at the College may include loss of earnings, EMA, loss of scholarship or dismissal from work placement/employment.

10. DISCIPLINARY APPEALS

10.1 Appeals against Stage 1 and 2 Disciplinary Sanction(s)

Students may appeal a disciplinary sanction.

A student who wishes to appeal against a disciplinary sanction(s) other than exclusion, must inform the Head of Faculty in writing **within five working** days of receiving written confirmation of the disciplinary decision.

The Head of Faculty will inform the Assistant Director of Curriculum, who will assign a member of the management team to hear the appeal in accordance with Section 7 above.

Any appeal can only be considered on one of the following grounds:

- i. Procedural error(s) which has **fundamentally*** undermined the application of the Disciplinary Procedure;
- ii. Disciplinary Sanction applied is inequitable against similar cases in the College;
- iii. New evidence relating to the allegation(s) has come to light which would **fundamentally*** affect the outcome of the original disciplinary hearing.

***fundamentally** – an action or evidence which would have had a significant effect on the outcome of the original decision.

When lodging an appeal the student must state which of the above grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal. The appeal authority will have had no involvement in the previous stages of the disciplinary process.

The appeal hearing will be conducted as soon as possible after the notice to appeal has been received. The appeal hearing will be conducted in accordance with College procedures. At the appeal, the disciplinary sanction imposed will be reviewed.

The appeal authority could reject the appeal, set aside or reduce the decision of the disciplinary authority, substituting a lesser penalty, but may not increase the penalty.

The appeal authority decision will be notified to the student in writing within five working days of the appeal hearing and will be final and binding.

10.2 Appeals against Stage 3 Exclusion

A student who wishes to appeal against exclusion must inform the Chief Executive in writing within five working days of receiving written confirmation of the disciplinary decision.

Any appeal will be on one of the following grounds:

- i. Procedural error(s) which has **fundamentally*** undermined the application of the Disciplinary Procedure;
- ii. Disciplinary Sanction applied is inequitable against similar cases in the College;
- iii. New evidence relating to the allegation(s) has come to light which would **fundamentally*** affect the outcome of the original disciplinary hearing.

***fundamentally** – an action or evidence which would have had a significant effect on the outcome of the original decision.

When lodging an appeal the student must state which of the above grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal.

The Chief Executive may assign a member of the management team to hear the appeal in accordance with Section 7 above. The appeal will take place as soon as possible after the Chief Executive has received the notice of appeal. The hearing will be conducted in accordance with College procedures.

The decision of the appeal panel will be notified to the student in writing within five working days of the appeal hearing and will be final and binding.

10.3 Right of Accompaniment

The student may be accompanied at the formal stages of the disciplinary process by a companion as defined in section 3 above.

11. SUPPORT FOR STUDENTS WHO ARE BEING EXCLUDED FROM THE COLLEGE

The College has a number of specific support mechanisms available to all students to assist in supporting individuals including careers advice, guidance, and counselling.

The programme co-ordinator will offer to arrange guidance and counselling for any student excluded from the College, who has no employment or further training in prospect.

12. RE-ENTRY TO THE COLLEGE

A student's expected completion date will not be extended by any absences resulting from this disciplinary procedure. Students should note that the College reserves the right to refuse re-entry to any student previously excluded under this disciplinary procedure.

Any student excluded from the College will not be permitted to re-enrol on a course at a later stage without the express approval of the Chief Executive.

13. STUDENT WITH STATEMENT OF SPECIAL EDUCATION NEED

Students are not normally permitted accompaniment during the investigation stage of the formal process.

However a student who has a Statement of Special Education Need or is recognised as having a learning difficulty has the right of accompaniment during the disciplinary investigation stage. In such cases the College should ensure that one of the following members of staff accompanies the student during the interview:

- a) Learning Support Assistant or
- b) Student Safeguarding Officer, based at the campus the student is attending.

The support as set out above will also be made available in any subsequent disciplinary hearing, in addition to the right of accompaniment as set out in section 10.3

14. MISCONDUCT AND OFFICIAL WARNINGS

Records of warning issued as a result of disciplinary and appeal hearings will be held by the Head of Faculty. The Head of Faculty will have responsibility for removing and destroying all such records after the period of the sanction has passed.

Records of all exclusions will be held by the Chief Executive.

15. VARIATIONS AND AMENDMENTS

In some cases it may be desirable that variations should be made to procedural aspects of this policy. 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 different persons other than those indicated in section 7, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

16. POLICY REVIEW

The effectiveness of this Policy will be monitored annually and reviewed every three years in light of experience and best practice. This mechanism recognises that changes to legislation may prompt a review of the policy before the three years stipulated.

17. DISTRIBUTION

SharePoint
SRC Website

18. RELATED DOCUMENTS

- Disciplinary Policy- Training for Success Participant
- Student Charter
- Complaints and Compliments Policy
- Fees Policy
- Equality & Good Relations Policy
- SRC NI FE Colleges Safeguarding Care & Welfare Policy
- Health & Safety Policy
- Assessment Malpractice Policy
- SRC College Rules for Students
- Section 75 Equality Scheme
- SENDO Guidelines
- Course Handbook

19. FLOWCHART

None

Appendix 1

DISCIPLINARY PROCEDURE

1. Formal Procedure

When a report of an alleged offence is considered, the student concerned shall be interviewed by the investigatory authority.

The investigatory authority should inform the student that an investigation is being conducted that may result in a disciplinary hearing. A student does not *normally* have the right to be accompanied during an investigatory meeting unless in accordance with section 13.

On completion of the investigation the investigatory authority will either make a recommendation for the matter to be subject to a formal disciplinary hearing or that the matter is not taken any further.

The disciplinary authority will hear details of the alleged offence and provide the student with the opportunity of presenting a defence. The Disciplinary Authority shall inform the student in writing of the decision and in cases where the offence is proved, of the student's right of appeal as outlined in section 10.

If a student charged with an offence does not attend a disciplinary meeting on the date and at the time appointed, without prior satisfactory written explanation having been received, the Disciplinary Authority may deal with the matter and, if necessary, impose a sanction in the student's absence.

A complainant, or a witness, who is summoned to attend a meeting arranged by the Disciplinary Authority and who fails to attend without due cause, may, if the witness is a member of the staff of the College or is a current student, be liable to Disciplinary proceedings. The Disciplinary Authority shall determine whether the complainant, or the witness, has due cause for absence.

2. Disciplinary Process – Allegation of Misconduct

2a. When allegation(s) of misconduct arise which prompt consideration of a formal investigation, it is important that these allegation(s) are notified to the Head of Faculty as soon as possible. The Head of Faculty will determine the seriousness of the allegations and determine if the matter should be referred to the Assistant Director who in turn will liaise with the Chief Executive or, in his absence the Director of Curriculum, where exclusion may be an outcome.

2b. If the Head of Faculty believes that the matter may merit a written warning an investigation will be initiated. Refer to Section 7 for details of investigatory and disciplinary authorities.

2c. A student does not have the right to be accompanied during an investigatory meeting unless in accordance with section 13. The student must be informed of the following;

- i. that an investigation will be carried out in accordance with the College's Student Disciplinary Procedure;
- ii. the details of the allegation(s) under investigation;
- iii. that information gained during the meeting may be presented at any subsequent disciplinary hearing;

- 2d.** Following an investigation if it is determined that a disciplinary hearing should take place, the Disciplinary Authority will write to the student against whom the allegation(s) have been raised outlining:
- i. That a disciplinary hearing will be carried out in accordance with College Student Disciplinary Procedure;
 - ii. The details of the allegation(s)
 - iii. A copy of the report prepared by the Investigatory Authority if appropriate (details identifying other students may be redacted);
 - iv. His/her right to be accompanied when attending the disciplinary hearing;
 - v. The date, time and venue of the hearing.
- 2e.** A copy of the College's Disciplinary Policy must accompany the written invite to the Disciplinary Hearing.
- 2f.** If the student fails to attend the disciplinary hearing, the Disciplinary Authority will decide whether to proceed in the student's absence or to reconvene the hearing at some other time. Before such a decision is taken, attempts will be made to contact the student to ascertain the reason for his/her absence. If the Disciplinary Authority decides to proceed with the hearing in the student's absence, the representative of the student can attend the hearing to either present the student's case or simply observe the proceedings. Normally postponement of the hearing will only be considered on one occasion.
- 2g.** The confidentiality of the proceedings must be observed by all parties involved.
- 2h.** The Disciplinary Authority will appoint a note taker to record details of proceedings.
- 2i.** The proceedings will be conducted as follows:
- i. The Disciplinary Authority will make the introductions and explain the purpose of the hearing, the sequence of presentations and questioning and confirm that adjournment(s) may be requested at any time during the proceedings;
 - ii. The Disciplinary Authority will invite the student and his/her representative to present his/her case in response to the allegation(s). The student may call witness(es). Any witness(es) called must leave the room once s/he has given evidence and answered questions;
 - iii. The Disciplinary Authority may ask questions of the student and his/her witness(es);
 - iv. The student or his/her representatives will be invited to sum up their cases if they so wish;
 - v. The student and his/her representative must withdraw;
 - vi. The Disciplinary Authority should deliberate in private and determine his/her decision. The Disciplinary Authority will consider if the allegation(s) are proven on the balance of probability, if not the case should be dismissed;
 - vii. If the allegation(s) is/are proven, then the Disciplinary Authority will consider if a disciplinary sanction is reasonable (including any mitigation presented). If a disciplinary sanction is warranted the Disciplinary Authority will consider the sanctions of either a first or final written warning;
 - viii. The student will be re-called, and the Disciplinary Authority will convey his/her decision immediately or determine that the facts need to be considered at length and the decision will be outlined in writing within five working days of the hearing. The warning

will state that if the student commits a further offence of misconduct during the period specified in the warning, further action under the disciplinary procedure will be considered. The written warning will also advise the student of their right to appeal. A copy of the written warning will be placed on the student's file;

- ix. If, after an appropriate hearing, the determination that there is no evidence of misconduct, no further action will be taken and the student will be informed of this verbally and in writing.

3. Disciplinary Hearing – Allegation of Gross Misconduct

- 3a.** When an allegation of serious or gross misconduct arises a Head of Faculty must report this immediately to the Assistant Director. The Assistant Director must advise on the persons to act as Investigatory and Disciplinary Authorities.
- 3b.** The purpose of the investigation must always be to establish whether a prima facie case exists in relation to the allegation(s) and whether a disciplinary hearing is warranted.
- 3c.** A student does not normally have the right to be accompanied during an investigatory meeting unless in accordance with section 13.
- 3d.** The Investigatory Authority will, at the conclusion of any investigatory meetings, prepare a report detailing the salient points to emerge from the investigation. If, after an appropriate investigation, the Investigatory Authority determines that a prima facie case does exist and a Disciplinary Hearing is warranted in relation to the allegation(s) made against the student, then he/she will notify the Disciplinary Authority.
- 3e.** The student, whom the allegations are against, will be notified in writing of the appointment of the Disciplinary Authority and hearing.
- 3f.** The Disciplinary Authority will give the student notice in writing of the hearing and this notification must also include the following:
 - i. The venue, date and time of the hearing;
 - ii. A copy of the report prepared by the Investigatory Authority (details identifying other students may be redacted);
 - iii. The nature of the allegation(s);
 - iv. That the hearing is of a formal disciplinary nature;
 - v. That s/he has the right to be accompanied
 - vi. That s/he has the right to call witnesses and/or present documentary evidence at the hearing.
- 3g.** If the Investigatory Authority or student proposes to call witnesses to give evidence at the hearing, their identity must be disclosed in advance to the other parties. If either side wishes to produce documents or statements at the hearing, copies must be exchanged at least three working days before the hearing. If either side produces new evidence at the hearing, it will be open to either side to request an adjournment for further investigation.

3h. The people involved in the hearing will normally be:

- i. The Disciplinary Authority who is tasked with: determining the operation of the disciplinary hearing within the parameters of this procedure; considering all the evidence and taking the appropriate action on the basis of this evidence;
- ii. A secretary to take a note of the proceedings;
- iii. The student and his/her representative;
- iv. The Investigatory Authority;
- v. Any witness pertinent to the allegation(s).

3i. If the student fails to attend the disciplinary hearing, the Disciplinary Authority must decide whether to proceed in the student's absence or to reconvene the hearing at some other time. Before such a decision is taken, attempts should be made to contact the student to ascertain the reason for his/her absence.

3j. If the Disciplinary Authority decides to proceed with the hearing in the student's absence, the representative of the student can attend the hearing to either present the student's case or simply observe the proceedings. Normally the postponement of the hearing will only be considered on one occasion.

3k. All parties will observe the confidentiality of the proceedings.

3l. The Investigatory Authority will present the salient evidence collected as part of the investigation.

3m. The proceedings will be conducted as follows:

- i. The Disciplinary Authority will make the introductions and explain the purpose of the hearing and the sequence of presentations and questioning;
- ii. The Investigatory Authority will present the evidence collected in the investigation and may call witnesses;
- iii. The student or his/her representative have the opportunity to ask questions of the Investigatory Authority and of any witnesses;
- iv. The Disciplinary Authority may ask questions of the Investigatory Authority and witnesses;
- v. Each witness must leave the room once s/he has given his/her statement and answered questions;
- vi. The student or his/her representative may put his/her case in the presence of the Investigatory Authority and may call witnesses;
- vii. The Investigatory Authority may ask questions of the student and his/her witnesses;
- viii. The Disciplinary Authority may ask questions of the student and his/her witnesses;
- ix. Both sides will have the opportunity to sum up their cases if they so wish;
- x. The student and his/her representative, and the Investigatory Authority will withdraw;
- xi. The Disciplinary Authority may agree to an adjournment at any time during the procedure;

- xii. The Disciplinary Authority will deliberate in private and determine his/her decision;
- xiii. The Disciplinary Authority will consider if the allegation(s) is/are proven on the balance of probability, if not the case must be dismissed;
- xiv. If the allegations is/are proved, then the Disciplinary Authority will consider if a disciplinary sanction is reasonable (including any mitigation presented);
- xv. If a disciplinary sanction is warranted, the Disciplinary Authority will consider all the sanctions;
- xvi. The student and Investigatory Authority will be re-called, and the Disciplinary Authority may convey his/her decision immediately or determine that the facts need to be considered at length and the decision will be outlined in writing within five working days of the hearing.

Appendix 2

Breaches of Discipline

1. Misconduct

The following are examples of misconduct which may result in disciplinary action being taken against a student;

- Persistent breaches of any of the obligations set out in the Student Charter;
- Failure to follow the reasonable instructions of a member of staff;
- Breach of the general student regulations, including a breach of Health and Safety or other regulations of the College;
- Smoking in non-smoking areas;
- Cheating and plagiarism;
- Failure to attend a pre-arranged assessment event without sufficient reason;
- Undue noise or unruly behaviour including the use of foul or abusive language;
- Disruption of a class or other College activity, whether or not involving staff or other students.
- Mal-Attendance
 - 2 consecutive or accumulated and unjustified absences from any course component in any period of four weeks duration.
 - Unjustified lateness to class on 4 occasions in any period of four weeks duration

Unjustified absence is defined as absence without a suitable explanation and supporting evidence.

Students are advised to consult their Course Handbook for additional rules relating to; absences from class, outside appointments during course hours and assignment schedules.

The above list is neither exclusive nor exhaustive. There may be other offences considered to be of similar gravity, which would require the issue of an appropriate formal written warning.

2. Gross Misconduct

The following are **examples** of breaches of disciplinary rules, for which exclusion with notice, will normally be the most appropriate disciplinary action.

- Repeated breaches of disciplinary rules for which a verbal or written warning is still in effect.
- Drunkenness on College property or during any activity associated with the College.
- Disorderly conduct causing wilful damage to, or defacement of, College property.
- Unauthorised use or interference with computer software, hardware or data belonging to or used by the College.
- Conduct which does, or is liable to
 - bring discredit upon the College; or
 - disrupts or interferes with the normal working and good order of the College; or
 - impedes or prevents members or employees going about their lawful College business; or
 - results in substantial complaints from the general public or responsible authorities outside the College.
- Theft of property or other dishonest act from whatever source or other indictable offence or police charge of such an offence which is considered to make the student unsuitable for continued participation in the activities of the College.
- Bullying, intimidation, taunting, verbal abuse, threat of violence or use of violence towards any person on College property, through social media web sites or during any activity associated with the College including travelling to and from the College.
- A statement or behaviour which is considered offensive due to its racial, religious, gender, sexual orientation or political content or which is offensive to those with learning and/or physical disabilities or impediments.
- A deliberate breach of Health and Safety regulations, which results in placing others within the College in danger. Including a blatant disregard for Covid-19 measures introduced across campuses.
- Falsification or misuse of College records, including award parchments
- Refusal to provide identification when asked to do so by a member of the College staff in connection with access to the Learning Resource Centre, security or an alleged breach of discipline;
- Dishonest or fraudulent behaviour or act, which may bring the College into disrepute.
- Offences in connection with examinations and other forms of assessment.
- Possession of offensive weapons.
- An illegal act, which may have an adverse effect on the work of the College or any of its students.
- Use, possession or supply of non-prescribed drugs or substances, irrespective of quantity, on College property or during activity associated with the College.
- Infringing College policies including the Smoking, Harassment, Attendance, Network Acceptable Use, Plagiarism, Drugs and Substance Abuse policies.

The above list is neither exclusive nor exhaustive. There may be other offences of a similar gravity, which may result in exclusion from the College.