KMS 017a
Disciplinary Code of Conduct

Appendices
KMS 017b Formal Written Warning Template
KMS 017c Admissions Alert Form
KMS 017d Behaviour Report

This policy is to be read in conjunction with
KMS258 Residential Accommodation Misconduct and Eviction Procedure
Sanctions Poster – What happens if you break the College Rules? (Course Handbook)

1. GUIDANCE re DISCIPLINARY CODE OF CONDUCT

1.1 Our code of conduct is endorsed by the Student Council and the Governing Body.

1.2 This document sets out our code of conduct. It also sets out the procedure to be followed when our code of conduct is breached.

1.3 Breach of our code of conduct may lead to disciplinary action being taken against a student and could result in a student being suspended or excluded from the College.

1.4 Our code applies to all students of the College, whether full-time or part-time, whether or not their course is validated by, or associated with, another institution; and applies at all times during the year, whether or not during College terms.

1.5 Poor behaviour can often be an indication of academic or personal difficulties and a student may need additional support. In such cases, the disciplinary and support processes can run alongside each other especially with the involvement of Student Welfare or Learning Support teams.

2. The Responsibilities of Students

Students must:

2.1 Work hard and achieve their best possible standards.

2.2 Treat all members of the College community with respect.

2.3 Treat all College property and the property of other students, visitors and staff with respect.

2.4 Observe the College Equality and Anti-Bullying and Harassment policies.

2.5 Observe all health and safety requirements and help maintain a clean and tidy environment.

2.6 Meet the requirements of the College's Student Learning Agreement which students sign at the commencement of their course.

2.7 Comply with the Codes of Conduct – Student, College Transport, Campus Parking and Vehicle Use.

2.8 Comply with the ICT Acceptable Use Policy.

2.9 Comply with any reasonable request made by any member of College staff.

2.10 Ensure they act as a good ambassador for the College at all times, to include demonstrating British Values in their conduct on and off campus.

(British Values – Democracy; The Rule of Law; Individual Liberty; Respect & Tolerance)

3. Student Misconduct

The vast majority of students are prepared to meet their responsibilities but occasionally a small minority behave in ways which are unacceptable to the College community.

The following are examples of misconduct which may result in disciplinary action being taken against a student; this list is indicative and not exhaustive:

3.1 Any breach of any of the student's obligations set out above.

3.2 Any failure to follow the reasonable instructions of a member of staff.

3.3 Any smoking or vaping except in designated areas.

3.4 Any bullying, harassment, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person, to include drawing others into extremism.

3.5 Deliberately, or by negligence, causing damage to any College building, equipment, books or furnishings or any property of others.

3.6 Any behaviour which has an adverse effect on the work of the College including damaging or defacing buildings or equipment.

3.7 Any behaviour which is directly or indirectly discriminatory, for example racially or sexually offensive or which is offensive to students or visitors with learning or physical disabilities or impediments.

3.8 Any criminal or other dishonest act, including possession or supply of illegal substances.

3.9 Any dangerous or inconsiderate driving, including speeding, on College Premises.

3.10 Any behaviour which could bring the College into disrepute.

4. Gross Misconduct

Particularly serious cases of misconduct may be treated by the College as gross misconduct.

For example, any misconduct involving violence or threatening violence, serious and/ or deliberate damage to property, deliberately endangering the health or safety of others, extremist or terrorist activity or any criminal activities affecting the College or other students (or which could bring the College into disrepute).

It is emphasised that this is not an exhaustive list of the types of cases which the College may treat as gross misconduct.

Alleged gross misconduct can result in immediate suspension and expulsion if proven to the satisfaction of the Principal.

5. Use of Restorative Justice Principles within the Disciplinary Procedure

Restorative Justice is being used by many schools and colleges as part of the disciplinary procedure. The aim is to help those involved understand the harm that they have done and make reparation for that harm. It allows the victim to have a voice in the process.

Large scale Restorative Justice Conferences can be led by the Police and can be used, for example, where there has been damage to property or serious bullying. Restorative Justice Principles can be employed by Student Welfare staff to resolve minor incidents.

Restorative Justice is only appropriate under certain conditions –

- There needs to be a victim (this could be, for example, a member of staff who has to repair some damage or clean something up – as well as someone directly involved)
- Both victim and perpetrator need to agree to this as a solution
- It should only be offered once as an option
- There are certain circumstances where it would not be appropriate, e.g. a sexual assault
- Each case must be assessed by a member of the Student Welfare team to assess its suitability.

It can be used at any level of disciplinary and at any stage prior to appeal.

6. ProMonitor

ProMonitor should be used to record all activity associated with the Disciplinary Code. Behavioural disciplinary incidents must be reported on the KMC Incident Report form (within ProMonitor). If the student is not registered on ProMonitor keep

records in the student's file and use the Incident Report form on Moodle. Incident Report forms must be sent to the Health and Safety Team.

7. Verbal Warning

Cases of minor misconduct may be resolved informally by a teacher or the Course Manager but where the misconduct is repeated or is considered to warrant more formal treatment, the teacher or the Course Manager may give a verbal warning to the student concerned. This must be recorded on the student's record on ProMonitor.

8. Stage 1 Written Warning by Course Manager

A Written Warning by Course Manager must include the reasons for the warning and the consequences of further misconduct together with details of the right of appeal. A warning should be given, where practicable, after talking to the student, asking the student for an explanation of the conduct complained of and taking into account any explanation given.

The warning will be in writing, and a copy sent to the Academic Manager who will consider any subsequent appeal. Any appeal must be in writing to the Academic Manager within 5 working days of the verbal or written warning. The matter will be investigated and a decision made to either uphold the warning or to issue a modification or retraction.

Please note: In accordance with the Instruments and Articles of Government, the Principal has the authority to dismiss a student or cease the attendance of a student from any programme but may delegate this activity to SMT or other nominated members of staff for operational reasons.

9. Stage 2 - Formal Written Warning by Academic Manager

9.1 Where the conduct alleged is of a more serious nature or where similar conduct has been repeated after one warning the student will be invited to a disciplinary interview with the Academic Manager with at least 5 days written notice stating

- The nature of the conduct complained of and a summary of the evidence for the complaint from the teacher concerned
- The student's entitlement to be accompanied (details below 9.2) and
- Confirmation of the time and place of the interview

9.2 The student will be entitled to be accompanied by a friend, student representative or relative at the interview and will be entitled to state their case (including any mitigating factors) before any decision is taken.

9.3 After hearing the student's case, the Academic Manager may decide to issue a formal written warning, or may decide that no disciplinary action would be appropriate. Practical measures to avoid recurrence may also be implemented. The student will be notified in writing of the decision, where appropriate, an individual action plan will be agreed with the student to resolve the issue.

9.4 Any formal written warning will give clear reasons for the decision and will state that any repeated or similar misconduct by the student may result in the student's formal suspension or expulsion from the College. It will describe the remedial/corrective action required by the student. A copy of this letter will be recorded on the student's ProMonitor record.

Appeal against Formal Written Warning

9.5 The student has the right of appeal if it is considered that the decision is unfair. The appeal should be made in writing to either the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance.

9.6 Students can be referred to Student Welfare or Learning Support if they require help in writing their appeal.

Please note: In accordance with the Instruments and Articles of Government, the Principal has the authority to dismiss a student or cease the attendance of a student from any programme but may delegate this activity to SMT, or other nominated members of staff, for operational reasons.

10. Suspension Pending Interview

10.1 A student may be suspended from the College immediately by the Assistant Principal Student Experience & Progression, the Deputy Principal Learning & Performance or in their absence by the Deputy Principal Finance and Corporate Services, or any other member of staff nominated by the Principal pending a disciplinary interview where there is reason to believe that the student has committed an act of gross misconduct.

Any such suspension will be confirmed in writing and the student will be invited to a hearing with Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal.

10.2 Where a hearing is adjourned pending further investigation, any student who has been suspended under this provision will remain on suspension until the interview is reconvened. Should an investigation of the circumstances be required the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff

nominated by the Principal, may ask an independent College Manager to carry out an investigation.

10.3 Where a suspended student has been entered for external examinations, they may attend subject to agreement by the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal. It is expected that the student will be provided with coursework during their suspension through the Student Moodle Portal or via email.

11. Disciplinary Hearing - Further Misconduct or Gross Misconduct

11.1 In cases where it is alleged that gross misconduct has occurred or where further misconduct is complained of after a final written warning has been given to student, the student will be invited to attend a hearing with the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal.

11.2 At the hearing, the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, may invite the Course Manager and/or the Academic Manager to state the case to assist in the process of taking the student through the allegations which have led to the complaint of misconduct.

The student should be fully briefed on the process and can be accompanied by a parent, guardian, a friend or a member of the Student Welfare team (but not by a legal or other professional adviser unless the College has otherwise agreed, having been given reasonable notice before the day of the hearing).

The student will be invited to state their case (including any mitigating factors) and asked to state whether the alleged facts are disputed and if so which facts. The student will be expected to provide evidence supporting their case.

11.3 The student will be given written notice of the hearing interview. The students will be expected to confirm attendance should this not be received the college reserves the right to cancel the hearing or hear the case absentia

A legal or other professional adviser may be allowed at the discretion of the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, if the College intends to have an external adviser present.

The notice will state:

- the nature of the conduct complained of and summary of the evidence of the complaint
- the student's entitlement to accompaniment (detailed above)
- confirmation of the time and place of the interview; and
- that because of the nature of the misconduct alleged or because a formal written warning has already been given, it may be recommended that the student be expelled or formally suspended from the College as a result.

12. Recommendation after the Hearing.

If the student does not dispute the material facts relating to any one or more complaints of further or gross misconduct, the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, may bring the interview to a close and make a recommendation to the Principal in relation to those complaints, taking into account any mitigating factors.

13. Notification of Decision

13.1 Following the hearing the student will be given written notification of the decision made by the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal. The Principal will be notified of the facts relating to the case, stating the main findings on which the decision is made. A copy of this letter will be recorded on the student's ProMonitor record.

13.2 The decision may be that the student should be permanently excluded or formally suspended for a fixed period, that a lesser disciplinary sanction should be given or that no disciplinary action should be taken. If the decision is for expulsion the student will be suspended pending any appeal to the Principal.

14. Exclusion

When a student has been excluded, the Executive Assistant to the Deputy Principal Learning & Performance, must alert the Student Admissions Team using the Admissions Alert form so that a system alert may be put onto the student's record on Unit-E.

15. Appeal against the decision of the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance

15.1 The student will have a right of appeal to the Principal against any decision for permanent exclusion. Notice of appeal must be lodged with the Principal

within 10 working days of the date of the decision for exclusion and must give the grounds and brief particulars of the appeal.

15.2 If a notice of appeal is lodged within the time allowed, an appeal interview with the Principal will be arranged to take place within 10 working days of the notice of appeal being lodged if the Principal deems there to be sufficient grounds. Appeals without new evidence or procedural irregularity may be dismissed by the Principal. The student will be entitled to be accompanied by a friend or relative. Any documents considered at the hearing will be available for the purposes of the appeal, together with notes of the hearing.

15.3 At the appeal interview, the student will be invited to explain the grounds of the appeal and to state their case.

15.4 The Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, will respond to the appeal and explain the reasons for the recommendation of exclusion.

15.5 The Principal may ask questions of the student and the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the hearing.

15.6 If the appeal is allowed, the Principal may decide that disciplinary action less than dismissal should be sanctioned, including a shorter period of suspension.

15.7 If the appeal is rejected, the decision of the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, will stand.

15.8 Within five days of the appeal interview, the final decision by the Principal will be confirmed in writing to the student. There is no further appeal open to the student.

16. Criminal Offences

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.

Disciplinary proceedings may continue under this procedure or the student may remain suspended pending the outcome of police inquires and any charge(s) which may be brought against the student.

Where the student has been suspended under this provision, when the results of those inquiries into any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

17. Powers to Search

The College has the right to search its own buildings where there is suspicion of illegal substances being present, but there is no power to search the unoccupied accommodation of student without a warrant.

This right extends to lockers in temporary use by students or visitors.

A staff member in the presence of another member of staff as witness can under certain circumstances, as instructed by the Principal, Deputy Principal Learning & Performance or Assistant Principal Student Experience & Progression or any other member of staff nominated by the Principal, search student accommodation or lockers in the presence of the occupant if there is a concern that illegal substances are held within the room.

If an individual is suspected of possessing illegal substances, staff may ask the student / visitor to voluntarily produce the substances and surrender them. This must be done in the presence of a staff witness.

There is no power for the College to body search an individual if he/she refuses to comply, but consideration should be given to reporting the matter to the police.

There is no power for anyone other than a police officer to detain any person against their will for the purposes of a search.

17. Conduct of Interviews

17.1 The College will seek to conduct all disciplinary and appeal interviews under this code in accordance with the principles of natural justice.

17.2 The member of staff conducting the interview may give instruction in relation to the conduct of the interview, including (without limitation) 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.

17.3 The member of staff conducting the interview may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instruction of the member of staff with regard to the interview.

If the student does not attend any interview, disciplinary action may nevertheless proceed unless there are acceptable reasons for non-attendance.

17.4 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.

18. Time Periods

18.1 With the exception of the time allowed for lodging an appeal, time periods stated in this code are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.

18.2 Periods of days in this code are of working days rather than calendar days. Documents sent by first class post will be deemed to be received within forty-eight hours of posting.

19. Students under 18/Sponsored Students

19.1 If a student under the age of eighteen years of age is the subject of proceedings under this code, wherever practicable a parent or guardian will be invited to attend any formal disciplinary or appeal interviews subject to the consent of the student.

If a student under the age of eighteen is given a Final Written Warning, or excluded or suspended from the College, a parent or guardian will be informed in writing wherever practicable.

19.2 If a student who is being sponsored at the College by an employer is given a Final Written Warning or excluded or suspended, the employer will be informed wherever practicable.

20. Disciplinary Code for Residential Students

20.1 The College Wardens are responsible for the safety, wellbeing and care of students in residence. This duty is primarily concerned with aspects of student care and support that are beyond and outside the normal college day where the Wardens are acting 'in loco parentis' for students under 18 years of age and are providing appropriate supervision and control for these and all other resident student age groups.

20.2 In matters of student conduct and discipline, any out of hours (non-academic) issues that arise and any issues relating directly to the residential accommodation will fall to the Wardens and the Senior Residential Warden to resolve within the framework of the student disciplinary code, taking account

of any additional rules and regulations imposed through residential care requirements.

20.3 The Course Manager will need to be informed of any disciplinary action that is taken by the Senior Residential Warden and a case conference may be convened if appropriate. Information should be added to the student's ProMonitor record, and/ or MyConcern, and restricted if the information is sensitive. Good liaison and communication between Course Managers, Student Welfare Team, the Senior Residential Warden and the Wardens Team is essential.

20.4 The process in the case of a residential disciplinary will follow the same pattern as the wider disciplinary code. The main differences are that the Wardens will carry out the activities attributed to the Course Manager and the Senior Residential Warden will carry out the activities attributed to the Academic Manager. The ultimate sanction will be exclusion from residential accommodation and/ or the College.

20.5 Where a student is at the third stage of disciplinary for both residential and non-residential matters, it may be appropriate for the two processes to be combined into a single disciplinary. This will be agreed between the Assistant Principal Student Experience & Progression or the Deputy Principal Learning & Performance, or any other member of staff nominated by the Principal, and the Senior Residential Warden.

21. Variations and Amendments to this Code

21.1 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 its sees fit, subject to informing the student concerned and subject always to considerations of fairness.

Without limitations, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

21.2 This code may be amended by resolution of the Senior Management Team as appropriate.