



## **KMS 017a**

# **Disciplinary Code of Conduct**

### **Appendices**

- KMS 017b**     **Formal Written Warning Template**  
**KMS 017d**     **Behaviour Report**

**This policy is to be read in conjunction with**  
**Sanctions Poster – What happens if you break the College Rules? (Course Handbook)**



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|----------------|------------------|----------------------------|------------------|
| Created By:    | Deputy Principal | Review Date:               | September 2023   |
| Approved By:   | SMT              | Responsibility for Review: | Deputy Principal |
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## **GUIDANCE re DISCIPLINARY CODE OF CONDUCT**

Our code of conduct is endorsed by KMC:SV and The Corporation (Governing Body).

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

Our code applies to all students and apprentices 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.

The College recognises that poor behaviour can often be an indication of academic or personal difficulties and as such, a student / apprentice may need additional support. Where this is identified, the disciplinary and support processes can run alongside each other especially with the involvement of Student Welfare or Learning Support teams.

### **Variations and Amendments to this Code**

In some cases it may be desirable that variations should be made to procedural aspects of this Code. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness.

Without 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.

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

## **The Responsibilities of Students**

The College expects students to:

- Work hard and achieve their best possible standards
- Treat all members of the College community with respect
- Treat all College property and the property of other students, visitors and staff with respect
- Observe the College Equality and Anti-Bullying and Harassment policies
- Observe all health and safety requirements and help maintain a clean and tidy environment
- Meet the requirements of the College's Student Learning Agreement, which students sign at the commencement of their course
- Comply with the Codes of Conduct – Student, College Transport, Campus Parking and Vehicle Use
- Comply with the ICT Acceptable Use Policy
- Comply with any reasonable request made by any member of College staff
- 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)

## **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:

- Any breach of any of the student's obligations set out above
- Any failure to follow the reasonable instructions of a member of staff
- Any smoking or vaping (the campus and estate are smoke-free zones)
- 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 (whether in person or online)
- Deliberately, or by negligence, causing damage to any College building, equipment, books or furnishings or any property of others
- Any behaviour which has an adverse effect on the work of the College including damaging or defacing buildings or equipment
- 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
- Any criminal or other dishonest act, including possession or supply of illegal substances
- Any dangerous or inconsiderate driving, including speeding, on College premises
- Any behaviour which could bring the College into disrepute

## **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.

## **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; a member of the College's Senior Management Team will provide further guidance if required
- It can be used at any level of disciplinary and at any stage prior to appeal as appropriate

## **Recording Behaviour Incidents - Staff Portal / My KMC**

The Staff Portal should be used to record all activity associated with the Disciplinary Code. Behavioural disciplinary incidents must be reported on the Behaviour Incident Report form. Students will be able to view their record via My KMC.

## **DISCIPLINARY STAGES**

### **Stage 1 - Verbal Warning**

Most cases of minor misconduct can 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 decision will be recorded on the student's Staff Portal / My KMC record.

Where a student is subject to a Risk Assessment, and does not meet the actions designed to help them, the College reserves the right to bypass the requirement for a verbal warning and Stage 1 Written Warning, and move directly to issuing a Stage 2 Formal Written Warning issued by their Head of Department.

### **Stage 2 - Written Warning by Course Manager**

A Written Warning issued by the Course Manager must include the reasons for the warning and the consequences of further misconduct.

A Written Warning should be given after talking to the student, where practicable, asking the student for an explanation of the conduct complained of and taking into account any explanation given.

The Written Warning will also include an Action Plan designed to help the student improve and with agreed timelines for implementation.

This decision will be recorded on the student's Staff Portal / My KMC record.

### **Stage 3 - Formal Written Warning by Head of Department**

Where the conduct alleged is of a more serious nature, or where similar conduct has been repeated after receiving a Stage 2 Written Warning, it may be necessary for the student to attend a disciplinary meeting with their Head of Department.

The meeting invitation will include

- Confirmation of the time and place of the interview
- The nature of the conduct complained of and a summary of the evidence for the complaint from the teacher concerned

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.

After hearing the student's case, the Head of Department may decide to issue a Stage 3 Formal Written Warning, or may decide that no disciplinary action is appropriate.

The student will be notified in writing of the decision, and if a Formal Written Warning

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is issued, it will also include an Action Plan designed to help the student improve together with agreed timelines for implementation.

Any Stage 3 Formal Written Warning will give clear reasons for the decision and will state that any further repeated or similar misconduct by the student may result in the student's formal suspension or expulsion from the College.

This decision will be recorded on the student's Staff Portal / My KMC record.

### **Gross Misconduct; or Further Misconduct after a Stage 3 Formal Written Warning**

- **Suspension Pending Interview**

A student may be suspended from the College with immediate effect, pending an investigation and a disciplinary hearing meeting, by the Deputy Principal, the Assistant Principal Student Experience & Progression or in their absence by any other member of staff nominated by the Principal, where there is sufficient reason to believe that the student has committed an act of gross misconduct.

The period of suspension is a 'neutral act' and undertaken to provide the College with a suitable period of time to carry out an investigation.

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

Where a disciplinary hearing meeting is adjourned, pending further investigation following the disclosure of new evidence, any student who has been suspended under this provision may be required to remain on suspension until the hearing is reconvened.

Where a student has been entered for external examinations that take place during their period of suspension, subject to agreement by the Deputy Principal or Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal), a decision regarding attending the examination will be confirmed to the student, together with conditions of attendance.

It is expected that the student will be provided with coursework to complete during their suspension via email or Microsoft TEAMS course group.

- **Disciplinary Hearing**

In cases where it is alleged that gross misconduct has occurred, or where further misconduct is complained of after a Formal Written Warning has been given to student by the Head of Department, the student will be invited to attend a hearing. The hearing will be chaired by the Deputy Principal, the Assistant Principal Student Experience & Progression (or by any other member of staff nominated by the Principal)

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The student will be given written notice of the hearing interview and, prior to the hearing, will be asked to provide a written statement of their version of events.

The hearing notice will state:

- the nature of the conduct complained of
- the student's entitlement to accompaniment
- confirmation of the time and place of the interview

The student will be expected to confirm their attendance and should this not be received, the College reserves the right to proceed with the hearing and hear the case in absentia.

At the hearing, the Deputy Principal, the Assistant Principal Student Experience & Progression (or by any other member of staff nominated by the Principal) may invite the Head of Department / Course 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 will be fully briefed on the process during the hearing 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 prior to the date of the hearing).

The student will be invited to state their case, including any mitigating factors, 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.

A legal or other professional adviser may be allowed at the discretion of the Deputy Principal, the Assistant Principal Student Experience & Progression (or by any other member of staff nominated by the Principal).

The hearing will briefly adjourn for the Panel to consider the outcome.

- **Recommendation after the Hearing**

If the student does not dispute the material facts relating to any one or more complaints of the further or gross misconduct, the Deputy Principal, the Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal) will bring the hearing to a close.

Taking into account any mitigating factors, a recommendation in terms of appropriate sanction(s) will occur. Sanctions can include, but are not limited to, a Stage 4 Final Written Warning, suspension for a further period of time, permanent exclusion or no further action.

If the decision is a recommendation for permanent exclusion, the student must leave the campus immediately and will not be able to return. The student will remain suspended pending any appeal to the Principal.

**Please note: In accordance with the Instruments and Articles of Government, only 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 a member of the Senior Management Team, or other nominated members of staff, for operational reasons.**

- **Notification of Decision**

The student will be verbally notified at the end of the hearing of any decision. Following the hearing, the student will also be given written notification of the decision made by the Deputy Principal, the Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal).

This decision will be recorded on the student's Staff Portal / My KMC record.

- **Appeal against the recommendation for Permanent Exclusion**

Following a disciplinary hearing, the student will have a right of appeal to the Principal against a recommendation for permanent exclusion. Notice of appeal must be lodged with the Principal's office within 10 working days of the date of the recommendation and must give the grounds and brief particulars of the appeal.

If the Principal deems there to be sufficient grounds, and if a notice of appeal is lodged within the timeframe allowed, an appeal interview with the Principal will be arranged to take place as soon as possible, but within 15 working days of the notice of appeal being lodged.

Appeals without new evidence or procedural irregularity may be dismissed by the Principal.

Where an appeal is allowed, the student will be invited to an appeal interview. 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.

Prior to the appeal interview:

- The Principal will ask the Deputy Principal or Assistant Principal to provide an overview of the reasons for a recommendation for permanent exclusion.

At the appeal interview:

- The student will be invited to explain the grounds of the appeal and to state their case
- The Principal may request attendance of the Deputy Principal, or the Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal) in order to respond to the appeal.
- The Principal may ask questions of the student and the Deputy Principal, the Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal) and will then consider whether to uphold



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the decision of permanent exclusion and dismiss the appeal; or to action a different outcome.

- Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the hearing

The final decision made by the Principal will be confirmed in writing to the student within five working days of the appeal interview; there is no further appeal open to the student.

**Please note, students can only appeal against the recommendation to be permanently excluded. There is no right of appeal for disciplinary sanctions issued in Stages 1 to 4 and the College's decision for Stages 1 – 4 is final.**

### **Immediate Exclusion**

In exceptional circumstances, and upon the express direction of the Principal, the College reserves the right to expel a student without convening a disciplinary hearing should the conduct of the student raise significant concerns. The Principal's decision is final and no further appeal is open to the student.

### **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 inquiries 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.

### **Powers to Search**

The College has the right to search its own buildings where there is suspicion of illegal substances being present; 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 and as instructed by the Principal, Deputy Principal or Assistant Principal Student Experience & Progression (or any other member of staff nominated by the Principal), search student lockers in the presence of the student if there is a concern that illegal substances are held within.

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. Any confiscated items are to be held securely in the Principal's / Deputy Principal's office awaiting disposal.

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There is no power for the College to body search an individual if there is a refusal to comply, but consideration will 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.**

### **Conduct of Interviews**

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

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 their case.

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.

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.

### **Students under 18 / Sponsored Students**

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 Stage 4 Final Written Warning, excluded or suspended from the College, a parent or guardian will be informed in writing wherever practicable.

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.

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A word cloud centered around the word "discipline". The word "discipline" is the largest and most prominent. Other words include "work", "training", "control", "motivation", "self", "behavior", "focus", "performance", "restraint", "employee", "competence", "drill", "career", "order", "improving", "instruction", "authority", "self-control", "regulation", "willpower", "teaching", "apart", "hutch", "restraint", "profession", "management", "essential", "exercise", "assessment", "strength", "code", "skill", "goal", "spirit", "improve", "success", "trust", "obedience", "obey", "self-discipline", "respect", "rule", "development", "conduct", "strategy", "willing", "direction", "confidence", "personal", "education", "saving", "problem", "improvement", "regime", "behaves", "rule", "development", "conduct", "strategy", "willing", "direction", "confidence".

