

# Misconduct Disciplinary Procedures

September 2023



# 1. Misconduct Procedures

These procedures apply to all those who are studying or using the facilities at West Thames College and deal with all aspects of misconduct in the classroom and around the campus.

## Levels of Misconduct

This disciplinary procedure has two levels of misconduct, indicating the seriousness of the alleged offence and the type of action the college will take if proven.

### Level 1: Low Level Misconduct

Misconduct is when a student behaves in an abusive, disruptive or inconsiderate manner.

Examples:

- Inappropriate language towards another student, member of staff or visitor.
- Refusing to show student ID on request.
- Failing to obey a reasonable instruction given by a member of staff.
- Smoking or vaping in a no smoking or vaping area.
- Noisy behaviour or causing a disturbance.
- Persistent and inappropriate behaviour which makes learning difficult for others.

### Level 2: Serious Misconduct

Serious misconduct is when a student behaves in an intimidating, offensive, reckless, illegal or dangerous manner, or when a student brings the college into disrepute.

Examples:

- A physical fight.
- Threatening or bullying another student, member of staff or visitor (including online bullying).
- Abusive language to another student, group of students, member of staff or visitor.
- An altercation between students of an aggressive nature, that disrupts learning.

- Harassment of a member of staff, student or visitor on the grounds of race, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation.
- Incitement to racial hatred, wearing of racist insignia or the distribution of racist literature.
- Being drunk or disorderly on college premises.
- Involvement in illegal activity such as taking, selling or being in possession of illegal drugs, being in possession of an offensive weapon, or being involved in the theft of personal or college property.
- Causing damage to college or personal property, software or data and/or interfering with health and safety equipment.
- Any behaviour that brings the college into disrepute.

The above reasons are not exhaustive. There may also be some overlap with persistent level 1 incidents that result in stage 2 misconduct.

Where there is reason to believe that a criminal offence may have been committed, the college will refer the matter to the police.

The college may suspend a student or take action under its own disciplinary procedures pending the outcome of police enquiries.

## **Level 1: Low Level Misconduct**

### **Stage 1: Action – Verbal Warning**

If a student's conduct does not meet acceptable standards, it will result in an instant formal verbal warning being given to that student.

A verbal warning will be issued to the student by the member of staff who witnessed the offence.

### **Stage 2: Action – Written Warning**

A written warning will be issued to the student by the SLA when they are informed of a student committing a second or subsequent act of misconduct.

This will be recorded on ProMonitor and the SLA, CQTM and Director will be alerted.

In both of the above instances, when issuing a verbal or written warning, where necessary, the member of staff dealing with the incident, is permitted to ask the student/s to leave campus for the remainder of the day and to return to College, the next day of their timetabled lessons.

On their return they may be required to meet with the Director/CQTM prior to returning to lesson.

## **Level 2: Serious Misconduct**

### **Stage 1: Action – Temporary Suspension**

If an incident or allegation indicates that there is a case to answer, procedures for Level 2 – Serious misconduct will be followed.

All students involved directly in an act or incident considered serious misconduct by the college will be suspended on a temporary basis.

A temporary suspension is issued to enable the college to undertake an investigation of the incident.

A temporary suspension does not pre-suppose that a sanction will be issued to any or all students involved in an act or incident.

The suspension form will be completed on ProMonitor. The CA, SLA, CQTM, and Director will be alerted.

The period of suspension will continue until the student is invited to attend a disciplinary hearing. This will usually take place within 10 days of the incident occurring, where possible.

A suspended student may only enter the college premises to attend their misconduct disciplinary hearing.

### **Stage 2: Investigation and Disciplinary Hearing**

The investigation of any serious misconduct is normally conducted by the Student Security Manager or designated manager.

A record of the incident together with any relevant witness statements and supporting evidence, will be provided to the Director, chairing the disciplinary hearing.

Information relating to the disciplinary hearing are considered confidential documents for College use only and will not be shared.

## 2. Procedure for the Misconduct Disciplinary Hearing

1. The student will be informed in writing of the date, time, venue for the hearing and nature of the alleged misconduct, before the hearing is due to commence.

2. The student has the right to submit written documentation regarding the case.

3. The student has the right to be accompanied to the meeting. In the case of students under 19 years (on the previous 1 September), we will strongly recommend that students come to the hearing with a parent, guardian or other responsible adult. In the case of those aged 19 and over, we would also strongly recommend an adult attending where the adult is deemed to be vulnerable.

4. The chair will outline details of the allegations which have led to the disciplinary action. The student and their representative will have the opportunity to respond to the allegations made.

5. Having reviewed all the evidence from the case, the disciplinary panel will reach its decision.

The 5 possible sanctions are:

- No further warning.
- Written warning.
- Final written warning.
- Suspended exclusion.
- Recommendation for Permanent exclusion.

6. The student will be informed of the panel's decision in writing.

A copy of this letter will also be sent to the parent/guardian of students under the age of 19 on the previous 1 September.

7. In cases where a student does not attend the hearing, the panel reserves the right to:

- issue a final written warning or exclude the student
- impose no disciplinary sanction.

8. If the recommendation to exclude the student from attending the college is confirmed, the student is not permitted to attend the college.

### **IMPORTANT NOTE:**

*All timescales mentioned in these procedures may be extended by West Thames College where there is a reasonable case, for example public holidays, college holidays and difficulties in identifying, and/or communicating with, the student concerned.*

### 3. Appealing the Outcome of a Misconduct Hearing

A student has the right to appeal against the following outcomes made at a hearing:

- Final written warning.
- Suspended exclusion.
- Recommendation for Permanent exclusion.

The student has 10 working days in which to appeal against the decision from the date of the letter informing them of the decision. If the student decides not to appeal against the decision within the time limit, the sanction will be implemented without further proceedings.

The grounds for the appeal are limited to the severity of the decision, because the correct process was not followed by the panel or because new evidence has come to light. If there is new evidence, this must be submitted within 10 working days, as part of the appeal.

The appeal should be made in writing and addressed to the Vice Principal Curriculum & Quality and sent via **Nicki.Allen@west-thames.ac.uk** (Executive Assistant to Principal).

It should give reasons for the appeal, including any mitigating circumstances.

The appeal will be considered by the Vice Principal Curriculum & Quality Executive