

# Student Disciplinary Policy and Procedure

## (incorporating the Code of Conduct)

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# INTRODUCTION

Responsible student behaviour is important for everybody who lives and works on College campus, in the village of Writtle or in the town of Chelmsford. Anti-social or criminal behaviour can adversely affect other people, be they other students, staff or local residents. It creates a great deal of work to address, and can create worry and distress for victims, many of whom are reluctant to raise it for fear of reprisal.

## Scope

This policy and procedure covers all students enrolled at Writtle Higher Education Institution including those enrolled and studying Higher Education (HE) and Further Education (FE) courses and programmes. It also encapsulates students engaged on short courses provided by the College.

## Student Discipline

The behaviour of the vast majority of our students is exemplary - they are responsible and considerate. To deal with those who are not, the College has a disciplinary system the purpose of which is to protect the College and wider community and to deter those who interfere with its work and activities. Students agree to abide by the College rules at the time they register and they apply not just on campus but within the village and the town of Chelmsford as well. Parents, residents, the press, staff and students all expect us to maintain a safe, orderly and peaceful environment - we take this very seriously.

## HE Student Charter

Higher Education students are also expected to fully commit to conditions and standards set out in the [Student Charter for HE students](#) which can be found on the [CASTLe page](#) on the [College website](#).

## FE Student Commitment

FE students sign the [Learner Commitment](#) which can be found in the [FE Student Handbook](#) on the College VLE ([Moodle](#))

## Purpose

This procedure is designed to ensure:

- students are aware of the expectations of the College
- fairness in the process
- that students are encouraged to meet acceptable standards of conduct whilst studying at the College, whilst on College premises and also when they are out and about in the local community so as not to bring the College into disrepute
- consistent and fair treatment for all regardless of age, ethnic origin, and gender, disability, sexual orientation, religion or belief

- all facts are established and, where necessary, matters fully investigated *before* disciplinary action is taken

The vast majority of disciplinary offences at the College are committed by students who are under the influence of alcohol. The disciplinary system makes no allowance whatsoever for this and in many cases it will be seen as an aggravating factor. Those incapacitated by drinking are more likely to become victims of violent or sexual assault, and they put their personal health and safety at risk, as well as others. Students who are under the age of 18 are strictly forbidden to be in possession of or under the influence of alcohol.

Staff, students, visitors or general members of the public are encouraged to report at the earliest opportunity any alleged breaches of the student code of conduct.

Once reported, the College's staff (at an appropriate level depending on the nature of the offence) will take steps to investigate the alleged breach.

This policy outlines the process for dealing with allegations of inappropriate student behaviour. It is designed to ensure fair and equal treatment of students.

## Principles

If there is an allegation that a student has breached or broken the Code of Conduct (defined in the next section), this Disciplinary Procedure will apply. The procedure applies to students enrolled as Higher Education or Further Education students of the College. Each case will be investigated on its own merits.

Students under the age of 18 will normally be accompanied to a disciplinary interview or meeting by a parent or person with parental responsibility as they will be contacted by the College. Students over the age of 18 are entitled to be accompanied at a meeting by a Student Union representative or a chosen friend (who is not themselves involved) at any disciplinary interview or meeting. Any student aged under 18 whose parent or person with parental responsibility has confirmed to the College that they refuse to accompany may also avail themselves of the latter arrangements.

The rights of all students will be maintained and respected.

Under this procedure, the College has the authority to discipline students and to suspend or exclude any student for just cause, or to ban or exclude any student from campus, specific halls or specific buildings even where the misconduct takes place outside of the teaching and learning environment.

The definition of misconduct is outlined in the Code of Conduct and relates to behaviour that:

- Contravenes College regulations, or
- Damages the College or its reputation, and/or
- Constitutes a criminal offence

The Disciplinary Procedure seeks to ensure that in all decisions regarding student discipline, students are afforded a fair hearing and that penalties are appropriate. In the event that gross misconduct or criminal behaviour is committed, a student can be suspended temporarily or excluded from College permanently.

This procedure does not apply to HE academic-related offences, there is a separate policy covering academic offences which can be found on the [CASTLe Website - Academic Regulations & Procedures](#). Further Education student [FE Academic Regulations](#) policy can be found on the VLE ([Moodle](#)).

# CODE OF CONDUCT

The Code of Conduct explains how students are expected to behave whilst on College premises or where students are taking part in College-related activities. The College also reserves the right to investigate incidents which occur off-site if they are between two (or more) students, or student(s) and staff. Certain forms of wrong-doing, for example where a criminal act or a conviction occurs, may result in a suspension or exclusion even where the incident is not college-related.

## All Writtle College Students:

- ✓ **Must** Respect the rights of others to a quiet, clean and orderly environment.
- ✓ **Must** Respect the property of other people and that of the College and its premises.
- ✓ **Must** Abide by reasonable instructions issued by a member of the College's staff in the normal course of College business.
- ✓ **Must** Abide by the College's Vehicle Regulations. This includes adhering to parking and speed restrictions, registering a vehicle with the Property department, and operating a vehicle lawfully and with full consideration for others. The [College Vehicle & Parking Regulations](#) can be found on the College's intranet "[MyWi](#)".
- ✓ **Must** Abide by the College's Information Technology/ [IS Usage Policy](#) can also be found on the College's intranet "MyWi"
- ✓ **Must** Carry their ID card at all times whilst on College premises and show it on request to a member of staff.
- ✓ **Must** Assist with enquiries, attend a meeting or a hearing when requested to do so.

## What Writtle Students **MUST Not do**:

- ✗ **Students under the age of 18 Must not** consume alcohol, nor must they be in possession of alcohol whilst on College premises. Any student who is a resident and who is under the age of 18 must not consume, attempt to or buy alcohol whilst off site during a period of College residency (including days taken off or non- teaching time such as bank holidays).
- ✗ **Must not** Discriminate against others in any shape or form. Students are expected to fully comply with the law on discrimination and with the College's [Single Equality Scheme](#). By way of examples (not exhaustive) bullying, racial or sexual harassment will not be tolerated.
- ✗ **Must not** Behave in ways that put their own or other people's health, safety or welfare at risk and must observe all directions and regulations in respect of Health and Safety.
- ✗ **Must not** Cheat in examinations or in course work. Students undertaking Higher Education study should refer to the [HE Academic Offences policy](#) and for Further Education the FE Malpractice Policy; both of which can be found on Moodle.
- ✗ **Must not** Bring use or be in possession of illegal or \*controlled substances (drugs) on College premises. The College strictly operates a zero tolerance to illegal drugs. (NB \*Medicinal drugs that are on the [Home Office's Controlled Drugs List](#) which are

prescribed by a Medical Practitioner must be previously and voluntarily disclosed by a student to a Course Manager or Tutor or to a member of Learner Services).

- × **Must not** Smoke within College buildings or in the grounds except in clearly signed designated areas, where receptacles supplied should be used for extinguishing all smoking materials.
- × **Must not** Bring the reputation of the College into disrepute through anti-social behaviour either on or off College premises.
- × **Must not** Use mobile phones at all in any form (including text and silent mode) during any sort of teaching and learning activity. Students are expected to turn mobile phones **off** and phones **must remain off** until teaching and learning has finished.
- × **Must not** Display or circulate material which could cause offence or distress to others.
- × **Must not** Use foul or abusive language.
- × **Must not** Display violent, indecent, threatening or offensive behaviour towards staff, other students or visitors to the College.
- × **Must not** Carry any offensive weapons or any objects which may be reasonably deemed as offensive by the College.
- × **Must not** Make derogatory, obscene, distressing, malicious, or indecent remarks about the College, its staff or students in any form including email, letter, phone, text message or on Social Networking sites (for example, Facebook).
- × **Must not** Breach halls and accommodation regulations through misconduct outside of teaching and learning activities; for example, in halls of residence and on campus.
- × **Must not** Impersonate other students or use their ID card to gain access to buildings, facilities or services.

Behaviour that contravenes the Code of Conduct will be dealt with through this Student Disciplinary Procedure.

## THE DISCIPLINARY PROCEDURE

The disciplinary procedure will be invoked where there are indications that the Code of Conduct has been breached. This policy applies to both resident and non-resident students and covers all:

- Buildings on any of the College campuses or on any part of the estate owned by Writtle College
- Halls of residence
- Social and sporting activities
- Activities in the Bar and Recreation Centre
- Activities both on and off campus where an incident involves dangerous or antisocial behaviour which may bring the College into disrepute

College rules and related guidance can also be found in the following documents (or follow the hyperlink provided):

- Student Handbooks: [HE Student Handbook](#) is published on the CASTLe page on the College's website and the [FE Student Information & Handbook](#) is to be found on the College VLE Moodle
- Regulations for Resident Students can be found in [The Residents' Booklet](#) located on the College website
- [Accommodation: Regulations for Students in Residence](#) can be found on Moodle
- Campus [Vehicle & Parking Regulations](#) apply to students whilst at College and can be found on My Wi
- The Writtle College [Health & Safety Policy](#) can be found on My Wi and on Moodle
- The [IS Usage Policy](#) can be found on My Wi
- The [HE Academic Offences Policy](#) can be found on the CASTLe page on the College's website
- [FE Academic Regulations](#) can be found in the FE Student Handbook on Moodle
- [FE Assessment & Malpractice Policy](#) can be found in the FE Student Handbook on Moodle

## Disciplinary Stages, Possible Outcomes and Authority Levels

### Suspension

For the purposes of this policy the term suspension should not be confused with the term exclusion.

Suspension can be used as a precursor to disciplinary action during the investigative phase. It can also be used where it is considered it would be detrimental for a student to remain where the health, safety and welfare of themselves or others is compromised. Particular attention will be paid to students resident on campus. The College will make no unreasonable demands in this regard but resident students may need to make urgent and alternative accommodation arrangements in the event they are suspended, and the College will not be liable for costs.

A period of suspension does not automatically presume guilt. A suspension should only be imposed where it is considered absolutely necessary, for example to enable an investigation to proceed unheeded where facts or evidence need to be gathered or where there is a safety consideration either for the student concerned or for others. Conditions may be attached to the period of suspension and if these are not adhered to, it is most likely to carry consequences for the student concerned if breached.

Only a Head of School or Faculty or a member of the Senior Management Team has the authority to approve a suspension. A period of suspension must be time-limited and should be for no more than 4 weeks at the outset whilst an investigation takes place. The period must be kept under review by the person who approved the suspension. It can be extended but should be lifted once it is clear whether disciplinary action is to be taken or not. A longer period may be imposed if the matter is being investigated as a criminal offence by the Police or Enforcing Authority (such as the Health and Safety Executive).

The student concerned must be kept informed and should be provided with a named contact at the College. The named contact should either be a person from the SU Executive, their Tutor or Course Manager.

## Disciplinary Stages

There are four stages plus an appeal stage. Students may request an appeal to be heard against sanctions handed down at stages 2, 3 and 4 only.

Disciplinary Warnings and Cause for Concerns are all recorded centrally by a member of the Registry team on Unit E Columbus so that staff can see whether any previous or current warnings have been issued and who issued it (but not the detail). This enables staff who are considering action to check whether any attempt has been made to correct previous misconduct and whether the previous warning/cause for concern should be taken into consideration.

Where action is taken, records are stored by student name, including all correspondence entered into and is retained by Registry for a period of 6 years after the student has left.

Where a student is involved in more than one incident during their time at the College, all records are stored together in one file under the student's name.

### Stage 1 Informal

Offences involving minor breaches will be dealt with informally that is, usually minor misconduct or first incidents. An example of this is where behaviour has fallen short of expectation which has caused only some small inconvenience to others.

Lecturers, tutors or other staff members who give a verbal warning to a student for unacceptable behaviour should complete the **CAUSE FOR CONCERN / ORAL WARNING FORM** at Appendix A and should take steps to ensure that the warning is recorded by a member of the Registry team on Unit E Columbus.

Incidents resulting in the attendance of a Warden and where a verbal warning is given, a record the warning will be kept also on Unit E Columbus. These will need to be entered by a member of the Registry.

Where a Bar or Campus Ban is given at stage 1, a record will be kept on Unit E Columbus. It too will be recorded by a member of the Registry team.

For any warning given at stage 1, the student will be provided with a copy of the disciplinary procedure as a reminder of the standards of behaviour expected. Although informal, a student may be requested to attend a guidance interview to discuss the matter and targets may be set to bring about improvement which will be monitored by College staff.

Unlike written warnings, verbal warnings are not time limited; verbal warnings are however noted on student records in the event that further misconduct is committed. Verbal warnings can then be relied on to evidence that attempts have been made previously to correct behaviour.

### Stage 2 Formal

Where the procedure is invoked at a formal stage there will be disciplinary meeting.

At a stage 2 meeting the student will have an opportunity to explain their version of events to a panel comprising at least two people, one of whom must have the authority to decide what the appropriate penalty may be (see the later section "Table of Authority" table 1).

Stage 2 meetings can be convened by a Senior or Deputy Warden, a Lecturer or a person more senior. There will be one other person on the panel who must be a staff member operating at a managerial level.

**Only where the student is under 18** – the college will inform the student's parents (or person with parental responsibility) in advance of the meeting so that they have the opportunity to accompany their son/daughter/young person being cared for, to the meeting.

A letter will be issued requesting the student attends at a formal disciplinary meeting. The letter will set out in brief but in sufficient detail for the student to understand the allegation to which they must respond. The letter should:

- communicate the date/time/place of the meeting
- set out with sufficient detail, the allegation to which the student must respond
- include with it any statements or papers which the panel will receive and on which they will rely to arrive at their decision
- include a copy of the Student Disciplinary Procedure containing the Code of Conduct
- set out that the student may bring a representative to support them

The role of the representative is to enable the student to understand but must not answer questions put to them by a panel member. The representative can support and help to clarify. The only people who can be representatives are one of the following:

- A member of the Student Union Executive committee
- A fellow student ( i.e. a friend)
- Parents or the person/s with parental responsibility. NB This can be in addition to one of the above if the student is under the age of 18

The failure by a student to attend a formal disciplinary meeting may result in a decision being taken in that student's absence.

## **The Meeting**

At the meeting the most senior panel member should:

- Explain the purpose of the meeting
- Confirm with the student their receipt of a copy of the Disciplinary procedure and check their understanding of the Code of Conduct
- State whether any others will be in attendance to give evidence in person
- Explain that the panel intend to arrive at an outcome with minimal delay
- Put the specifics of the allegation to them, then give the student the opportunity to put forward their version of events
- Record salient points (or have pre-arranged for a note taker to be present)

NB It is recommended that the panel, where possible, take an adjournment to enable members to discuss what was said in order to arrive at a swift decision as to whether misconduct has occurred, taking into account the student's own version of events. Re-convene where possible and practicable shortly thereafter to convey the decision verbally.



## Conveying the decision

- A panel member should record any action to be taken on a Disciplinary Record form (see Appendix D), and have it signed by the student at the meeting if possible
- Copy the form, issue one to the student, retaining the other for the student's file
- Make further copies (or scan the form electronically) to the student's Course Manager, the Head of Learner Services (and only if the student concerned is resident in halls, the Senior Warden).
- Within five working days of the meeting and once the above is complete, issue the student with a confirmation and formal outcome letter; and
- only where the student is under 18, send a copy of the letter to the student's parents/ person with parental responsibility

## Stage 2 Possible Outcomes

There are three possible disciplinary sanctions at stage 2, (or alternatively it is decided that no action should be taken at all).

### 1. Cause for Concern

Where a breach of the Code is not minor, or for a second minor offence/s, the student's tutor or relevant lecturer will complete a "Cause for Concern" form (see appendix A). This will be placed on the student's file and is followed up by the personal tutor as part of the on-going review of progress whilst the student is on their course.

In such instances, a panel member will:

- Complete and read out a Cause for Concern form, have the form signed by the student at the disciplinary meeting.
- Advise the student that, if any future misconduct of any kind occurs, they could be disciplined further, the consequences of which could lead to gross misconduct and ultimately exclusion from the course and the college
- Copy the form, issue one to the student, retaining the other on the student's file
- Make further copies (or scan the form electronically ) to their Course manager, to the Head of Learner Services, and the Senior Warden (if they are resident in halls)

### 2. First written warning

A first written warning may be considered where, if after investigation it is deemed that further misconduct has occurred or where behaviour has not improved. It may (but not necessarily) be after the student has been issued a Cause for Concern form or a verbal warning,

*NB* If the misconduct is deemed serious or most serious (i.e. gross), the College can proceed directly to stage 3 first written or stage 4 final written warning stages.

Details of first written warnings will from the date of issue remain on the student's record for the entire period they remain a student.

### 3. Other Sanctions

Depending on what the offence is, the panel may consider a number of other sanctions either on their own or in addition to a Cause for Concern or First Written Warning. The sanctions will usually depend on the nature of the offence including how and when it was committed plus consideration will be given to their previous conduct and academic achievement. If the student committing misconduct at stage 2 is under 18 the outcome will be conveyed to their parents/person with parental responsibility.

Other sanctions that can be applied are:

- A bar ban (please note: the Bar or Assistant Bar Manager as licensee has the authority to issue an immediate bar ban, which can be either temporary or permanent)
- A halls of residence ban (can be either temporary or permanent)
- A full campus ban (can be either temporary or permanent)
- A partial campus ban e.g. from the recreational centre facilities
- A time-limited exclusion (applies to stage 3 only)
- A charge
- College Community Service

Further details of these other sanctions can be found in Appendix C.

Any of the above can be imposed where:

- a disciplinary panel so decides
- where student misconduct is also the subject of a police or criminal investigation; or
- the first offence is serious misconduct; or
- it is considered by the Head of HE, the Head of FE, or a senior manager including the senior Warden, that it is detrimental for a student to remain where the health, safety and welfare of themselves or others is compromised

## Stage 3 Formal

Exactly the same process for stage 2 should be followed – i.e. convene a meeting by letter, convene a panel of at least two people comprising either a Head of School or Faculty plus 1 other Manager. Convey the decision in writing to include an appeal request.

## Stage 3 Possible Outcomes

### 1. Final written warning

If it is considered that the alleged misconduct is serious, the College may proceed directly to this stage. If despite previous warnings further misconduct occurs, a “final written warning” may be warranted. This is where the panel considers that previous incidents of misbehaviour and misconduct are sufficient to issue a final warning.

If the procedure is invoked at Stage 3, a panel comprising at least two people one of whom will have the authority to decide what the appropriate penalty may be, should be convened. The steps to follow for stage 3 will be exactly the same process (see The Process) as set out above for stage 2 formal matters.

## 2. Time-Limited Exclusion

If despite previous warnings, misconduct persists, students found guilty by a panel of repeated misconduct can face a time-limited exclusion from College. In such instances, the steps detailed for 'final written warnings' will be carried out and a disciplinary interview held. If exclusion is imposed, studies will cease and the student will not be allowed to return to College.

Where exclusion applies this will include exclusion from the halls of residence (if applicable). Where a student is excluded from halls of residence, they remain liable for any boarding fees as invoiced. Exclusions must be sanctioned and agreed by the relevant Head of FE or HE for the student concerned.

## 3. Other Sanctions

Other sanctions may also be applied as for stage 2 (and number 3 Possible outcomes) above.

## Stage 4 Formal

If it is considered that the alleged misconduct is the most serious/gross misconduct,) the College may proceed directly to this stage. Examples of misconduct which the college considers as gross misconduct are listed in Appendix B. NB the examples shown are not exhaustive.

Exactly the same process for stages 2 and 3 is followed – i.e. convene a meeting by letter, convene a panel. Convey the decision in writing to include an appeal request.

If the procedure is invoked at Stage 4, it requires a panel comprising three people. Where it involves an FE student, either the Head of FE or their Deputy will preside as Chair or where it involves an HE student the Head of HE will preside as Chair. At stage 4, the panel will also have on it an SMT member plus one other Independent Manager who has not been previously involved. The panel will decide what the appropriate penalty should be.

## APPEAL STAGE

### Request to be heard

Under this policy, a student can request that an appeal be heard only against decisions arrived at under the formal stages, that is at stages 2, 3 and 4. No appeals can be made to temporary bar, halls or campus bans imposed at stage 1, in other words at the informal/minor misconduct stage.

Any student can request that an appeal be heard but a student under the age of 18 must also submit a letter in support from their parent(s)/person with parental responsibility.

A request for an appeal to be heard must be submitted within five working days of receipt of the disciplinary outcome letter. The request **must** be made in writing to the Principal and must identify the grounds of appeal with the reasons. There are usually only three grounds for appeal:

- that they were not provided with a fair hearing
- that there is new evidence that was unavailable at the earlier hearing or interview that would have affected the outcome

- that the penalty imposed is disproportionate to the act of misconduct

The Principal or a deputy appointed by him/her will determine whether the grounds are sufficient to allow the appeal to be heard.

The Principal or deputy will notify the appellant in writing whether or not to allow an appeal to be heard, which they will do within five working days of receipt of the appeal letter. An appeal hearing will normally take place within another five working days if the appeal request is allowed to proceed. Exceptions will be agreed by the Principal (or their deputy) with the appellant/person with parental responsibility if the student concerned is under 18.

## Appeal Hearing

Where an appeal is allowed to proceed, an Appeals Panel will be formed comprising the Principal (or a person delegated by him/her) plus an independent person operating at a senior level within the institution and a student representative.

NB Only exceptionally and where the Principal has been involved in the case prior, will a member of the Governing Body be appointed to take the Principal's place in the Appeal process.

In the event that the original decision arrived at was suspension, the remainder of the suspension period not served may be held over as pending by the Chair of the Appeal panel and the student allowed to return until the appeal outcome is reached. If the finding and the penalty is subsequently upheld, the remainder of the suspension will be served following the appeal hearing outcome.

The appeal hearing will normally be conducted within 10 working days of the receipt of the appeal where possible. The panel will be chaired by a senior management team member not previously involved in the case.

The Appeal Panel will take evidence from the student and review the findings of earlier disciplinary meetings. The student may be accompanied by a friend or representative other than the student representative on the panel and may request the attendance of other parties

The Appeals Panel will determine one of 3 outcomes:

- that both the finding of guilt and the penalty imposed be upheld
- that the finding of guilt is confirmed but that the penalty is re-determined
- that the finding of guilt is overruled

There can be no further internal appeal against the decision of the Appeals Panel.



Once the internal procedures are exhausted, an HE student should be provided with a Completion of Procedures Letter as per Appendix E, should the student concerned wish to complain. If they do, they should contact the [Office of the Independent Adjudicator](#) - . This independent body was set up to review and deal with student complaints against Higher Education Institutions in England and Wales.

If an FE student remains unsatisfied, students aged 16-18 have the right to complain to the Education Funding Agency (formerly "YPLA") - For further details see [The Education Funding Agency](#) website. Those aged 19 or over have the right to complain to the Skills Funding Agency ("SFA") - For further details, please see [Skills Funding Agency - Complaints](#).

## TABLE OF AUTHORITY

The following table is a summary of the four stages, the possible outcomes and who has authority at each stage.

**Table 1**

Stages	Type	How Arrived At	Possible Outcome:	Can be Taken By:
Stage 1 (Informal)	First Misconduct (Minor)	<div style="border: 1px solid black; padding: 5px; display: inline-block;">No meeting necessary</div> 	Verbal warning or Bar/Campus ban (temporary or permanent),	1 person - Any Lecturer, Any Warden, the Bar Manager, Assistant Bar Manager or any of their line managers
Stage 2 (Formal)	Further Misconduct (Not Minor/Second Minor)	Disciplinary panel meeting	Cause for Concern Form or First Written Warning and/or other sanctions	2 people- Senior/Deputy Warden or a Lecturer or above + 1 other operating at a Managerial level
Stage 3 (Formal)	Repeated Misconduct; or (Serious Misconduct)	Disciplinary panel meeting	Final Written Warning and/or time-limited exclusion and/or other sanctions	2 people - Head of School or Faculty + 1 other operating at a Managerial level
Stage 4 (Formal)	Repeated, Most Serious Misconduct; or (Gross Misconduct)	Disciplinary panel meeting	Permanent exclusion	3 people - Head of FE or their Deputy, or Head of HE + SMT member + an Independent Manager
Appeal (applies only against decisions arrived at in stages 2 to 4)		Appeal hearing	Review of the formal decision (NB it could be to a lesser or a greater penalty)	2 people - Principal or a person delegated by him/her + an Independent Manager operating at a senior level

Please note the stages set out in the table above do not have to be followed in sequence. If the allegation being investigated is considered sufficiently serious, it could be immediately considered at stage 3 or stage 4.

## Policy Review

This policy will be implemented with effect from 1<sup>st</sup> September 2012.

It will be reviewed from time to time and any changes to it will be discussed with the Student Union with a view to seeking their agreement. Ultimately the policy will be agreed by the College's Senior Management Team. It will be published on the CASTLe page on the College's website, on the VLE Moodle and it will be referenced in student handbooks.

Policy Originator Equality Impact Assessment completed	Karen Edwards 14 Mar 2012
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<b>Reviewed &amp; Agreed by:</b>	<b>Date</b>
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Senior Management Team	3 April 2012
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<b>Consulted with:</b>	<b>Date</b>
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Student Union	13 March 2012
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<b>Approved by:</b>	<b>Date</b>
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Senior Management Team	3 April 2012
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**CAUSE FOR CONCERN / ORAL WARNING FORM**

Student Name:..... Student Number: 

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Name of person completing form .....

Job Title..... Date .....

*In all instances, the student is referred to the Disciplinary Procedure (Student Code of Conduct) which can be found on Moodle.*

<b>Date and Time of Misconduct:</b>							
<b>Please tick area where misconduct occurred:</b>	Bar		Campus		Halls	Vehicle	Other(please state)
<b>Additional Information</b> (e.g. indicate if Resident Student, Hall and Room number, campus area etc.):							
<b>Details of Misconduct:</b>							
<b>Action Taken:</b>							
<b>Student informed of/given the following (please tick):</b>							
<b>Oral Warning:</b> Further misconduct could result in a sanction and/or written warning		<b>Anti-Social Behaviour Charge:</b> £25 payable in 2 weeks from the date stated above or admin fee of £25 will be added.					
<b>Referral to Senior Warden</b> due to previous breaches in the Code of Conduct.		Informed of reasons behind sanction and the possibility of a Written Warning and Confiscation of music equipment and/or ASB charge if any further breaches in Code of Conduct occur					

\_\_\_\_\_  
Staff Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**I confirm that the comments above are a fair representation of the discussion between the named persons above.**

\_\_\_\_\_  
Student Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

			<b>APPENDIX B</b>
<b>Examples of Misconduct</b>	<b><i>Stage 2 Not Minor/Second Minor</i></b>	<b><i>Stage 3 Serious Misconduct</i></b>	<b><i>Stage 4 Most Serious/Gross Misconduct</i></b>
any conduct which constitutes a criminal offence	Not applicable	- an offence which may be dealt with either at a Magistrates Court or Crown Court (either way)	- an offence which must only be dealt with at the Crown Court (indictable)
disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College	- minor in nature, not widely viewed, and with limited impact on others or learning	- either major in nature or widely viewed and with some impact on others or learning	- major in nature and widely viewed - major impact on others or learning
obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of the College, or any visitor to the College;	- minor disruption caused	- major disruption but no impact on learning	- major disruption and impact on learning
violent, indecent, disorderly, threatening, intimidating defamatory, derogatory, offensive or otherwise inappropriate behaviour or language	- single incident - either inappropriate language or behaviour - no injury suffered	- repeated - inappropriate language and behaviour - some injury caused or suffered	- repeated despite requests to desist - sexist or racist languages used - vulnerable persons (eg children present) - more serious injury caused or suffered
sexual, racial or other harassment;	- single incident	- repeated	- effectively a campaign
fraud, deception or dishonesty and especially the falsification or misuse of the College's name, logo or formal records including award certificates	- unsophisticated, single incident	- repeated; or	- sophisticated and planned - falsification of College formal records including award certificates
theft, misappropriation or misuse of College property including copyright and other intellectual property, or the property of the College's staff, students or visitors	- low value (under £10) - property recovered - minor health and safety risk caused	- middle value (£10-£50) - property partly recovered - health and safety risk caused - proven repeat offences	- high value (£50 +) - property not recovered - significant health and safety risk caused - impact on learning
misuse or unauthorised use of College premises and equipment, including the unauthorised	- minor health and safety risk caused - low value damage caused	- health and safety risk caused - middle value damage caused	- significant health and safety risk caused - high value damage caused



possession of a key or access to College premises			- impact on learning
damage to College property, or the property of the College's staff, students or visitors, caused intentionally or recklessly	- minor health and safety risk caused - low value damage caused	- health and safety risk caused - middle value damage caused - proven repeat offences	- significant health and safety risk caused - high value damage caused - impact on learning
action likely to cause injury or impair safety on College premises, including misuse of safety equipment and infringement of safety requirements	- minor health and safety risk caused - low value damage caused	- health and safety risk caused - middle value damage caused - proven repeat offences - impact on learning	- significant health and safety risk caused - high value damage caused
breach of the provisions of any College rule, regulation, policy, procedure or code of practice including those for Information Services, Learner Services and Accommodation Services, including any breach of a student accommodation contract not otherwise covered. In particular this includes any breach of the College's IS Acceptable Use Policy and misuse of social media	- minor health and safety risk caused - minor disruption caused	- health and safety risk caused - major disruption or impact on other users/residents/learners but no impact on learning - proven repeat offences	- significant health and safety risk caused - major disruption or impact on other users/residents/learners and impact on learning
Illegal drugs (as defined in the Misuse of Drugs Act) covers possession, use and/or supply in any part of the College estate	- possession	- use and possession of class B or controlled substance	- supply of class B or A or any controlled substance - possession of quantity greater than that likely for personal use
failure to disclose personal details to a member of staff of the misconduct of other student/s	- single incident	- repeated	- obstructed an investigation into gross misconduct
failure to comply with any reasonable instruction(s) relating to discipline issues	- minor health and safety risk caused - minor disruption caused	- health and safety risk caused - major disruption to other users/residents but no impact on learning	- significant health and safety risk caused - major disruption to other users/residents and impact on

			learning
making frivolous vexatious and/or malicious allegations or complaints	<ul style="list-style-type: none"> <li>- minor in nature and not widely impacting</li> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- either major in nature or widely impacting</li> <li>- repeated</li> </ul>	<ul style="list-style-type: none"> <li>- major in nature (this includes all discriminatory elements) and widely impacting</li> <li>- repeated to the extent of a campaign</li> </ul>
<p><i>NB: This list is not exhaustive. It is intended as an aid to assist students and panels in understanding the possible outcomes and to ensure consistency of approach by decision makers.</i></p>			

### List of Other Sanctions

If the student being reprimanded is under 18, a copy of the sanction letter will also be sent to the student's parents (or person with parental responsibility).

#### a. Charges

Charges are passed on where any damage is caused to the College's property. It will be an amount to cover the full cost of any damage, including labour, materials and administration costs to repair, replace and/or renew fixtures, fittings, locks and equipment. In the event of damages to student accommodation, breaches of hall regulations and other college regulations, there is a tariff of charges that will be administered. The tariff is set out in the halls regulations which can be found on Moodle. Vehicle Regulations can be found on MyWi under the Property Department tab.

#### b. Vehicle Ban

Breaches in College vehicle regulations may be considered in consultation with the Property & Facilities department. A vehicle ban will require a student to surrender their vehicle permit; they will not be permitted to use or bring a vehicle onto any part of the College property, for the complete period of the ban.

#### c. Bar ban

This will be applied where conduct in the bar is considered anti-social or where unacceptable conduct is committed elsewhere as a result of drinking alcohol. NB Unacceptable behaviour which also results in wilful and deliberate damage to College property, or where violent, discriminatory or abusive behaviour is committed to staff or others is likely as a minimum to be considered at stage 2 Formal.

#### d. Recreation Centre ban

This will be applied where a student's conduct in the Recreation Centre is unacceptable. NB Unacceptable behaviour which results in wilful and deliberate damage to College property, or where violent, discriminatory or abusive behaviour is committed to staff or others is likely, as a minimum, to be considered at stage 2.

#### e. Short term, temporary halls or campus ban

This can apply to resident or non-resident students. Depending on the nature of the incident, a short-term temporary ban (of up to 2 weeks) from a specific hall or halls or a College campus may be imposed. Where a student's behaviour causes a nuisance to other residents and/or damage to property, a disciplinary meeting will be held usually involving the Senior Warden by following the steps as set out under stage 2 or 3 as relevant.

Conditions may be applied and may include only visiting the campus during designated teaching and study times for the stated period of the ban, the buildings and areas of the campus, which can be visited. Conditions will be specified in the ban letter.

#### f. Permanent Exclusion from Halls of Residence

This will be applied in all instances of gross misconduct or where despite previous written warnings misconduct in halls or on campus persists. It will apply in particular for wilful and deliberate destruction of College property, violent, discriminatory or abusive behaviour to staff and other students.

Where a resident student receives a ban from hall(s), either temporally or permanently, they still remain liable for their fees as detailed in the Offer Letter

**g. College Community Service**

College Community Service may be considered as an alternative penalty for example to a time-limited exclusion or (but not exclusively) where a resident student who is from abroad is found guilty of misconduct where the panel consider a time-limited exclusion creates an unacceptable housing accommodation problem.

Community Service will be unpaid and will be imposed where the panel consider it relevant. Any service imposed will be appropriately risk assessed and the student provided with the training and equipment to complete the service. Service must be completed to the satisfaction of the panel Chair. If it is not, the panel may consider a further harsher penalty.

The types of service can vary but could include:

- litter picking
- general housekeeping
- assisting college staff with routine low-risk tasks

These “other sanctions” can only be agreed by the persons stipulated in table 1 in the policy. Conditions may be placed on the students’ future return to College.

Where a student breaches the conditions of their penalty for example when a time limited exclusion is given by being on College premises without good reason, it is likely to escalate the sanction to the next level.

## Disciplinary Record Form

*This form incorporates action in relation to misconduct falling under the College's Student Disciplinary process. This is for formal disciplinary action and not informal warnings or warnings related to minor misconduct, for which Cause for Concern forms are used.*

<b><u>Name of student</u></b>			
<b><u>Date of offence</u></b>			
<b><u>Course details</u></b>	Course:	Tutor:	
<b><u>Area of Offence</u></b> (Tick as appropriate)	Bar	Vehicle	Recreation centre
	Halls of residence	Campus	Teaching & Learning environment
<b><u>Offence</u></b>  (detail)			
	<i>Disciplinary stage.</i>	<i>Tick</i>	<i>Comment/detail</i>
<b><u>Action taken</u></b>  (relate to disciplinary process or residency guidance)	First written warning		
	Final written warning		
	Temporary hall/campus ban		
	Suspension		
	Exclusion		
<b><u>Authorised signatory</u></b>  (as appropriate)	Senior Warden: .....		
	Head of Faculty/Head of School: .....		
	Head of FE/HE: : .....		
<b><u>Student signature</u></b>	.....  (print name): .....		
<b><u>Date</u></b>	(day/month/year): ..... / ..... / .....		
<b><u>Checklist</u></b>	Copy of student disciplinary policy issued		
	Inform student further misconduct = final warning/suspension/exclusion/ban		
	Issue letter of first/final warning, suspension/exclusion, or ban from halls		
	Issue copy of this form and warning letter/letter of suspension, exclusion or ban, to parents or person with parental responsibility if under 18		

On completion of this form, please photocopy and pass to all the following: Learner Services / Student file (Registry) / The Student / Course Manager / Senior Warden

Completion of Procedures Letter Template

**Please note - the format should be adjusted to meet the individual circumstances of a complaint providing that the key points below are included.**

Dear [*Name of complainant*],

Completion of Procedures Letter

This letter confirms that the internal procedures of Writtle College in relation to *your complaint / appeal etc\** regarding [*please describe*] have been completed.

The issues that you raised in your *complaint / appeal etc\** were [*details*]

The issue(s) that were considered in relation to *your complaint / appeal etc was / were\**: [*brief summary of the complaint etc*].

The final decision of Writtle College is\* [*detail*] because [*reasons*].

*The procedures / regulations applied were\**: [*details and date as supplied to the OIA's electronic Regulations Bank*].

Under the Higher Education Act 2004 the Writtle College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of *your complaint / appeal etc\** to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA within three months** of the date of this letter, that is, it must be received by the OIA **on or before** [*insert date - e.g. if the Completion of Procedures Letter is dated 7 January, this date should be 7 April*].

The OIA's leaflet, An Introduction to the OIA for Students can be downloaded from [http://www.oiahe.org.uk/media/34396/oia\\_intro\\_leaflet.pdf](http://www.oiahe.org.uk/media/34396/oia_intro_leaflet.pdf) [*please check link*] and a link to the OIA Complaint Form is available on page 8. Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.**

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the University's internal procedures.

Yours sincerely,

[Authorised signatory]

*\*delete/amend words in italics as appropriate*