



Truro and Penwith College Student Disciplinary Procedure

1. DISCIPLINARY PROCEDURE

We set high standards from the outset in order to help students establish excellent regular attendance and positive behaviours from the start. This includes all staff supporting behaviour management by regularly clarifying and reinforcing learning and social behaviours in line with the ethos of Truro and Penwith College. Positive recognition of good conduct or progress reinforces an appreciation of excellent behaviour. Early intervention by all staff is needed where there is poor behaviour or approach to learning and/or unexplained absence.

All paid or approved staff have statutory authority to discipline students whose behaviour is unacceptable, who break College rules or who fail to follow the reasonable instructions of a member of staff (section 91 of the Education and Inspections Act 2006). This policy supports the legitimate and equitable means applied to manage behaviour at Truro and Penwith College and during College related activities.

It is anticipated that many students will receive an occasional sanction during their time with us. As students mature and become more self-disciplined the majority of student/staff contact will be positive and enthusiastic. With consistent reinforcement from all staff, students should quickly become accustomed to operating within the boundaries of our Student Code of Conduct.

Poor Student behaviour generally falls into two categories: Misconduct or Gross Misconduct.

2.a) MISCONDUCT

The following are examples of misconduct which may result in disciplinary action being taken against students

- Breach of the Students' Code of Conduct as set out in College materials, and at Appendix 1.
- Damage to, or theft of, the property of others
- Smoking, or using a vaping device on or around the College campus
- Noisy, disruptive, or unruly behaviour.
- The use of unacceptable language, aggressive or abusive gestures on or around campus.
- Uninvited interruption to any College class or activity.
- Intimidation or general harassment of another person directly, by electronic means or via a third party

- Behaving in a manner in public when on recognised college activity or time, which brings the College into disrepute

2.b) GROSS MISCONDUCT

Any particularly serious cases of **Misconduct** may be treated by the College as **Gross Misconduct** and escalate directly to the second stage of the Disciplinary Procedure. In addition, examples may include:

- Possession or being under the influence of any behaviour changing substance, including, but not limited to, controlled drugs, alcohol, aerosol or substance vapour or the intentional excessive intake of caffeine or high energy drinks with prescribed medication.
- Deliberate damage to, or violence towards, property of the college or another person.
- Persistent harassment or bullying of any nature.
- Sexual harassment and unwanted or repeated physical attention.
- Discriminatory behaviour or language which is homophobic, racist, sexist or by any other means offensive to others.
- Examination malpractice or plagiarism
- Accessing or possession of indecent or inappropriate images, information, or materials
- Theft or deliberate vandalism.
- The possession of an illegal weapon or item intended to cause physical harm

Where any person is reasonably believed to be acting illegally, the College may inform the police and require the person to leave the premises immediately. They may be suspended pending an investigation and any police guidance.

In other instances of Gross Misconduct, it may be also necessary or prudent to suspend one or more students involved. This is to allow investigation of the circumstances, recovery from substance misuse or when physical violence has occurred to allow a cool-off period or treatment.

SUSPENSION PENDING A DISCIPLINARY INTERVIEW

There may be circumstances during after an incident where suspension from College pending the holding of a formal disciplinary meeting may be appropriate. The decision to suspend **can only be made by a member of SMT or PTL designated by a member of the senior team** for the area the student is in.

Suspension should only be imposed after careful consideration, and it should be made clear to the student that it does not imply any assumption of guilt and that it is not considered a disciplinary act in and of itself. The suspending manager should check student's personal circumstances before the suspension to ensure adequate support. This should include home support, additional learning needs, safeguarding situation, ability to travel home and access to the home environment when they arrive. If public transport is not

available or appropriate, taxi transfers may be arranged. Students under the influence of alcohol or any substance may not travel by taxi unless accompanied by a member of staff. The PTL or tutor should ring home and explain why the suspension has occurred and indicate the next steps.

Any necessary period of suspension pending a disciplinary meeting should be kept as brief as possible. Whilst allowing sufficient time for parent/carers to arrange to attend. A student who is suspended from College shall, throughout the period of suspension, continue to be entitled to contact staff via email and access on-line resources for the sole purpose of continuing their studies or accessing Student Support services. They may also be authorised to attend any external examinations or assessments. Bursary payments will continue until the Disciplinary Procedure is concluded.

3. DISCIPLINARY SANCTIONS

At all stages of the Disciplinary Procedure, the student will be given ample opportunity to give their explanation of events and any other mitigating information.

Following consideration of all known information, the disciplinary interviewer will conclude, on the balance of probability, what has occurred and apply an appropriate sanction. The outcome will be given verbally, confirmed in writing where appropriate and recorded on tracking.

Sanctions must have very clear objectives:

1. To formally indicate to students that they have done, or are doing, something which is unacceptable
2. To provide clear guidance on what is needed and expected to improve their standards or behaviour
3. To form a link to the more serious stages of the Disciplinary Procedure if the behaviour escalates, is repeated or becomes more serious

At all stages it is prudent to remember that any sanction applied is based on first-hand information or clear evidence, not hearsay or supposition. The judgment made is generally on 'the balance of probability' of the incident occurring. Only rarely does the information give a certain outcome of 'beyond reasonable doubt' unless the student accepts responsibility.

STAGE 1a – resulting in a VERBAL WARNING

Most instances of misconduct, poor attendance or academic underperformance will be identified and dealt with quickly and informally by an appropriate member of the College staff. Any member of staff may see a student privately and immediately and issue a **Verbal Warning** for a misdemeanour.

The **Verbal Warning** will be recorded on **Student Tracking** it will state succinctly what happened and what improvement is required.

STAGE 1b – resulting in an OFFICIAL WARNING

Where the misconduct is repeated, or considered to warrant more formal treatment, the student may be referred for a meeting with a **Course or Subject Leader, DTL or PTL** to explain their behaviour.

Parents/carers must be invited by letter, email, or phone call to attend, and be given the opportunity to offer any mitigating information. Sufficient notice will be agreed with or given to parent/carers to allow them time to arrange to attend or join remotely.

The student perspective will be considered before any warning is given. An **Official Warning** will be issued and recorded on **Student Tracking**. The Official Warning will include the reasons for the warning and the consequences of further misconduct. There will be clear conditions set for improved performance or conduct. The emphasis should be on establishing practical measures to avoid recurrence. Parent/carers will be informed of the outcome if not attending the meeting.

STAGE 2a – Resulting in a FORMAL WRITTEN WARNING

Where the misconduct is of a more serious nature or where similar conduct has been repeated after one or more **Verbal or Official Warnings**, the student may be referred to attend a **Formal Disciplinary Interview** with a member of the Senior Management Team, most usually the **Director of Operations or Director of Penwith College**.

The parent/carers of students aged under 18 will be notified in writing, five days in advance of the interview and invited to attend. The letter will detail the specific reason for the interview and any previous actions taken or sanctions given for similar conduct. The letter may be recorded for confirmation of receipt and may be copied as a PDF by email if requested.

The senior member of staff who conducts the interview shall be accompanied by a PTL or DTL who will make notes of the discussion and outcome. The outcome will be conferred verbally at the interview and confirmed in writing within ten working days. The letter will explain the **Right of Appeal**.

STAGE 2b – Resulting in a FINAL WRITTEN WARNING or EXCLUSION

Where any incident involves serious physical assault of any nature, possession of a weapon which indicates potential to cause physical harm, illegal or indecent images or possession of any quantity of an unknown substance which indicates intention to supply, the student will be immediately **Suspended** pending a **Formal Disciplinary Interview** with a member of the Senior Management Team, most usually the **Director of Operations or Director of Penwith College**. Suspension may also result from being under the influence of a substance, if safe to do so.

The student (and the parent/carers of an under 18-year-old) will be given five working days' notice of the interview. The notice will state the nature of the misconduct and the student's entitlement to accompaniment by a member of the family or designated carer/support worker. **The letter will state the fact**

that the interview may result in the recommendation that he/she be permanently excluded from Truro and Penwith College.

The decision to Exclude is a rare outcome generally reserved for circumstances where the ongoing behaviour is a danger to others and sufficient assurance that it will not be repeated cannot be obtained.

STAGE 2b – Resulting in a PERMITTED WITHDRAWAL

In rare or exceptional circumstances, the personal background of a student may warrant a more individual response when behaviour, conduct or a single incident reaches the threshold for exclusion and the student has chosen not to voluntarily withdraw.

Permitted Withdrawal is utilised when social circumstances, learning difficulties or behavioural challenges render the continuation of the student at College a risk to themselves, staff or peers, or where the conduct is having a significant impact on the learning of others.

Such withdrawals are different to withdrawals under the Fitness to Study Policy which have significant, substantiated medical or mental health conditions underpinning the College's decision.

The Permitted Withdrawal has the same technical status as an Exclusion but avoids added negative connotations for often complex lives going forward. If a parent/carer, or external agency, refuses the option of Permitted Withdrawal, Truro and Penwith College reserve the right to Exclude the student if circumstances warrant.

APPEAL AGAINST STAGE 2 OUTCOMES

In the case of **Formal or Final Written Warning or Exclusion**, the student will have the right of appeal to the Principal. An Appeal may be made when the student believes the procedure has not been correctly applied or that the decision is disproportionate or unjust.

The Appeal must be in writing and lodged with the Principal's Secretary, Lisa Jones, within five days of the date of receipt of the letter of recommendation. It should state the grounds and particulars of the substance of the Appeal. If an Appeal is lodged within the time allowed, the Principal will review the process and consider the available evidence. If there are flaws in the process or outcome, or ambiguity in the decision reached, an interview with the Principal may be required.

The student will be given at least five days' notice of the date, place and time of any interview and of his/her right to be accompanied by a parent/carer or appropriate support worker.

In either event the decision by the Principal will be final and confirmed in writing to the student within fourteen days of the Appeal, copied to parents/carers.

COMPLAINTS

Complaints about the Disciplinary Procedure, or the way in which it was applied, should be made in accordance with the Truro and Penwith Complaints Policy, a copy of which is available from Curriculum or Senior Secretaries at Truro and Penwith College.

STUDENT CODE OF CONDUCT

As a College we will

- Value people equally regardless of age, disability, gender, race, religion, sexual orientation and transgender status, in accordance with the College's 'Equality and Diversity' policy
- Provide a safe and secure environment in which to learn
- Support you in your learning and set targets which are challenging but achievable
- Ensure that assessment of your learning is clear, regular and constructive
- Give you regular feedback on your progress with guidance on how to improve
- Provide information to your parent/carers on your attendance and achievement
- Offer opportunities to improve your health and wellbeing
- Offer advice and guidance on careers and progression opportunities
- Provide opportunities for you to give us feedback and deal with any complaints fairly and promptly

As a Student, we expect you to

- Aim for 100% attendance at all timetabled classes, academies and workshops
- Be punctual for all classes, arriving ready to participate and learn
- Make learning successful for everyone by behaving in a way that promotes a co-operative, positive and productive learning environment
- Complete work to the requirements set by your course and lecturers, meeting all required deadlines
- Respect the rights of others, actively embracing equality and diversity, and by reporting inappropriate and unsafe behaviour
- Seek help when needed and take up any support offered to you
- Wear your Student ID badge at all times on the lanyard provided
- Protect the College environment by not eating and drinking in classrooms, disposing of litter appropriately and recycling items where you are able

What we will not accept in College

- Any form of bullying, intimidation, discrimination or harassment
- Any form of physical, emotional or verbal threats to someone else, in person, via electronic communication or through a third party
- Being under the influence of illegal drugs, solvents, alcohol or any other behaviour changing substance. The supply or possession of any of these items on College grounds
- The carrying of any weapon, or item intended to be used as a weapon, whether legal or not
- Inappropriate or abusive language to any other student, member of staff or visitor to the College
- Inappropriate use of IT, viewing of indecent, illegal or inflammatory content online, cyber bullying or interference with College systems
- Behaviour which causes disruption to the learning of others
- Malpractice, plagiarism or copying the work of others and passing it as your own
- Deliberate vandalism, graffiti or defacement of College property
- Littering, spitting or depositing chewing gum around the College grounds
- Smoking or using a vaping device on or around the College campus