

Student Disciplinary Policy

Including Student Behaviour Charter

September 2024

Document Control

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1.1	01.11.16	Nick Hudson	Small amendments following feedback. For sign-off.
1.2	18.02.19	Polly Bramhall	Addition of Appeals process (section 12), including details with regards to students' right to complain to the OIA upon completion of Appeals process.
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Associated Documents

Policy
Safeguarding Policies (England, Scotland, Wales) Student Behaviour Charter Academic Impropriety Policy Attendance Policy Complaints Policy

Legislation and Government Guidance
Education Act (no. 2) 1986 Prevent Duty: HE Counter Terrorism and Security Act 2015 Guide to the General Data Protection Regulation 2018 Equality Act 2010 Keeping Children Safe in Education 2024

Approved

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1. Introduction and Purpose

Study Group is committed to fostering a culture of respect, where positive behaviour is encouraged and supported. Students are expected to behave appropriately and safely within this culture and be guided by the *Student Behaviour Charter* (Appendix 1) which is provided to all students at the commencement of their study.

This policy covers all non-academic behaviour at all Study Group Centres in the UK; online while studying through the Digital Learning Hub; in student accommodations (private, university or Study Group facilitated) and where appropriate in the wider community. It also applies to students who are registered with a Centre but studying remotely for reasons beyond their control. Students are expected to represent themselves and Study Group positively and any incident/s where students have failed to uphold this responsibility are managed through this *Student Disciplinary Policy*.

This policy should be read alongside the *Safeguarding Policy*.

2. Scope

For the purposes of the policy, any reference to 'Centre' includes study Centres and the Digital Learning Programme.

This policy applies to all students studying face-to-face or on blended and digital learning programmes.

The policy is implemented for all student behaviour that does not comply with the culture of Study Group, and the expectations of the *Student Behaviour Charter*.

This policy also applies to all permanent, sessional, agency and supply staff who are responsible for managing non-academic student behaviour.

This policy does not apply to those incidents requiring academic sanction which is dealt with in the Centre via the Centre's *Academic Misconduct Policy*.

This policy does not apply to attendance related issues which are dealt with in the *Attendance Policy*.

3. Policy Aims

This policy supports the Centre to manage non-academic student behaviour or misconduct in a fair and consistent way through disciplinary procedures as appropriate. As such the policy aims are to ensure:

- Positive student behaviour is encouraged in all aspects of life;
- Student misconduct is identified and managed fairly by all staff;
- Students and staff are aware of the protocols for investigating possible cases of behavioural misconduct;
- Staff are equipped to deal with disruptive and/or aggressive behaviour;
- Staff are aware of the procedures for managing student behaviour and misconduct;
- Students are enabled to state their case in response to any allegation of non-academic behavioural misconduct;
- Vulnerable students are supported appropriately throughout;

- There is accurate recording and reporting of disciplinary procedures and outcomes.

4. Roles and Responsibilities

Study Group adopts a collaborative approach to behaviour management therefore both staff and students are responsible for maintaining positive behaviours during the academic year.

4.1. All Students

Students are responsible for ensuring:

- They are aware of the positive behaviours expected of them as detailed in the *Student Behaviour Charter*;
- They report the poor behaviour of their peers to staff, as appropriate;
- They always act appropriately in the classroom, in the Centre, in their accommodations, online in the virtual learning environment and, where appropriate, in the wider community;
- They engage with the disciplinary processes, as appropriate.

4.2. All Staff

All staff members are responsible for ensuring that:

- Students are aware of their responsibility to behave in a positive manner;
- Student behaviour is managed fairly and in line with this policy;
- Behaviours that go against the *Student Behaviour Charter* are challenged immediately and directly;
- Continuing poor behaviours are addressed through this policy;
- The welfare staff are engaged to support students who may be vulnerable;
- Issues related to Safeguarding are escalated to the Designated Safeguarding Lead as per the *Safeguarding Policy*;
- Issues related to the Prevent Duty are escalated to the *Local Prevent Lead* as per the *Safeguarding Policy*.

4.3. Centre Director

The Centre Director is responsible for ensuring that:

- Students are made aware of their responsibility for positive behaviour during induction and thereafter;
- Staff are aware of their responsibility for managing behaviour;
- Disciplinary procedures are followed fairly and proportionately;
- Students have an opportunity to disclose welfare and health issues that could impact on their behaviour;
- Risk assessments are completed when continuing poor behaviour could put other students or staff at risk;
- Appeals processes are available, where appropriate;
- Records are taken and stored in line with the *Data Retention Policy*;
- Significant incidents of poor behaviour are escalated as per the *Safeguarding Escalation Policy*.

5. Behaviour Management

All students are made aware of the positive non-academic behaviours expected of them

whilst studying and will be issued a *Student Behaviour Charter* as part of their induction. They will also be made aware that all incidents involving behaviours that go against the *Student Behaviour Charter* will result in disciplinary action and could, if considered gross misconduct, result in the termination of studies.

Study Group acknowledges that student behaviour can vary, with some offences being described as misconduct and more serious behaviours being considered gross misconduct. For this policy to be applied fairly and consistently across all Centres, examples are given as follows:

5.1. Behavioural Misconduct

This list is not exhaustive but will give an indication of behaviour infraction considered as behavioural misconduct:

- Failing to act in line with the *Student Behaviour Charter*;
- Rude behaviour directed to staff and/or students;
- Bullying including cyberbullying or harassing students and/or staff (first offense) that is not deemed as a hate crime;
- Minor criminal behaviour e.g. minor driving offences;
- Anti-social behaviour that damages the reputation of the Centre or Study Group;
- Smoking or vaping in the Centre and/or outside of designated areas;
- Possession of drug paraphernalia;
- Vandalism and/or deliberate minor damage to Study Group property e.g. graffiti;
- Making continued unsubstantiated frivolous complaints.

5.2. Gross Misconduct

The following are examples of behaviour that is considered gross misconduct (not exhaustive):

- Violent, or aggressive, or intimidating behaviour directed towards students and/or staff;
- Bullying including cyberbullying or harassment that targets a protected characteristic as per the *Equality Act 2010*;
- Sexual harassment or sexually motivated bullying that impact on any other student or member of staff;
- Sharing sexualized or inappropriate content to other students and/or staff via the internet;
- Inappropriate use of another student's image/photo via a screenshot, copying or downloaded;
- Serious criminal behaviour e.g. assault, sexual assault, rape, fraud, bribery, arson, possession of an offensive weapon in public area or shared student spaces;
- Significant damage to a Centre or accommodations;
- Possession and/or supply or production of Class A or B drugs;
- Malicious complaints that damage the reputation of staff and/or students;
- Any act that puts other students and/or staff at risk e.g. safeguarding, Health & Safety (H&S), fire safety and use of technology.

5.3. Criminal Behaviour

It should be noted that the responsibility to investigate criminal behaviour sits with the Police and not the Centre, however if there are reasonable grounds to believe that a criminal offence has been committed regardless of the actions of the police, then disciplinary process will be initiated. In serious cases, especially those involving sexual misconduct; drug dealing or attacks on staff or students, this will result in immediate suspension and possible termination.

For those students studying exclusively online via the Digital Learning Hub, reported criminal behaviour could have a detrimental impact on their ability to progress to face-to-face study at their chosen university.

5.4. Disclosures of Criminal Convictions

All students must disclose any criminal convictions as part of the application process. All disclosures of criminal convictions are reviewed by the Criminal Convictions Panel which makes the final decision related to any course offer. The final decision is based on the following factors:

- The course subject and the likelihood of progression to a university course;
- The severity of the criminal act (as judged against equivalent law where they are or proposing to study);
- The length of time since the criminal conviction occurred and whether it is 'spent' or not;
- A statement made by the student detailing the background and any extenuating circumstances;
- The likelihood that the offence will be repeated whilst studying with Study Group;
- The potential risk to other students or staff.

It should be noted that disciplinary action will be taken against any student who does not disclose a previous or new criminal conviction while studying on a course. This may result in the termination of studies depending on the severity of the conviction.

Please refer to the *Criminal Conviction Procedure* for more information.

6. Disciplinary Process

Study Group adopts a staged approach to behaviour management and as such every staff member is expected to address one-off minor offences directly and at the time that they occur.

For more serious or repeated behaviour offences the following steps should be taken:

6.1. Reporting Behavioural Misconduct

All incidents of poor behaviour should be logged locally as per local procedure. If an incident cannot be managed directly with the students at the time of it occurring then the misconduct should be raised to a line manager and/or Personal Tutor as per local procedure. If there is a safeguarding concern, this should be reported to the DSL as per the *Safeguarding Policy*.

It should be noted that a disclosure or concern will not stop the disciplinary process from proceeding but may be taken into consideration when the outcome of the disciplinary is decided.

6.2. Suspension

All incidents where it is suspected that gross misconduct and/or criminal offences have taken place will result in student suspension. The suspension will commence immediately, and the student will be notified as soon as possible. This includes any act that puts other students and/or staff at risk e.g. safeguarding, H&S, fire safety and use of technology.

The suspension enables an investigation to be completed quickly and independently. It must not be used as a punitive measure. Depending on the incident and the circumstances involved it may be necessary to temporarily suspend access to classes, however access to learning will be restored at the earliest possible time and the student assisted throughout the suspension period by either a Personal Tutor or a member of the Welfare team.

All suspensions will discontinue as soon as the investigation outcome is known and/or sanction is applied. However, there are some circumstances in which a suspension may continue, including where:

- There is an on-going police investigation into a serious criminal offence; or
- The student fails to engage in the disciplinary process and/or is disruptive to the Centre; or
- The student poses a danger to other students and/or staff within the Centre, on their course of study or in student accommodation.

All long-term suspensions will be reviewed by the Centre Director every 5 working days. If a suspension continues for 4 working weeks or more, the Centre Director will consider the student's ability to continue with the course and, in some cases, this may result in the deferral of their studies. Where a student has been placed on bail for more than four weeks and unable to attend Centre activities, the decision to mandatorily defer studies will be taken at the point bail has been issued.

Please note that students will be expected to maintain contact with the Centre throughout the suspension and support will be provided. Further information is available in the *Attendance Policy* and *Student Whereabouts Policy*.

6.3. Investigation

In cases of suspected behavioural misconduct, an independent investigation will be carried out to establish whether there is substantive evidence that the misconduct has (or has not) been committed.

In cases where criminal offences are suspected of being committed, the investigation will focus on evidence that provides a reasonable belief that a criminal offence has or has not occurred. It is not the responsibility of the Centre to complete a police investigation nor does the misconduct need to be proven in a court of law before disciplinary action takes place.

The investigation will be initiated by the staff member allocated to the the case. This will usually be a senior manager for gross misconduct. The DSL would not usually be involved in investigations unless harassment or sexual misconduct are alleged. The investigation will be undertaken by a staff member who has not been involved in the incident. During the investigations, all students involved will:

- Be treated with respect, listened to, and involved in decision making where possible;
- Have a named member of staff to support them during the investigation;
- Where appropriate, be kept informed of next steps and if any extension to timeframes is required and why;
- Be informed of their rights to confidentiality and told when and why this may not be possible.

The investigation will be fully documented, and a report submitted to the Centre Director for possible further action. Unless there are exceptional circumstances, all internal investigations will be completed within 5 working days of the initial behavioural misconduct being reported.

The investigation may include searches of accommodation or the student as per the *Safeguarding Policy*.

6.4. Behavioural Misconduct

Cases of behavioural misconduct will be resolved in Centre without a disciplinary hearing.

Where there are multiple incidents of behavioural misconduct, this will be considered gross misconduct and will result in a disciplinary hearing.

Please refer to *Section 7: Sanctions* for further information.

6.5. Disciplinary Hearing

All instances of gross misconduct and/or criminal offences will result in a disciplinary hearing. A student would be given 3 working days' notice of a disciplinary meeting as well as sufficient information to understand why the hearing is taking place. Where there is a significant risk to others, the hearing can be held immediately. Where a student is unable to attend the hearing, the hearing will take place in their absence. The student may bring a friend to the meeting for support, legal representation is not permitted. The hearing may take place online.

The disciplinary hearing will be chaired by the Centre Director or delegate where a conflict of interest is identified. This should be another member of the Centre's senior leadership team, though not the DSL. A note taker will also be present to provide a record of the meeting.

The purpose of the hearing is to:

- Ensure the investigation has been completed fully and fairly;
- Review the evidence objectively;
- Hear the student's account;
- Request further investigation if required;
- Decide on the outcome and possible sanction.

6.6. Outcomes

Following a hearing, the chair will decide whether:

- a. Gross misconduct has been found, in which case a higher-level sanction will apply
- b. Behavioral misconduct has been found, in which case a proportionate sanction will apply
- c. There is insufficient evidence of misconduct at this time, in which case any suspension will cease but the case will be reopened should further evidence be shared
- d. No misconduct has been found.

Where a student is reinstated following a period of suspension, the Centre is responsible for ensuring that the student is supported so that any impact on their studies and progression is minimised.

7. Disciplinary Sanctions

If, following a disciplinary process, it is decided that either gross misconduct or behavioural

misconduct has been found, a sanction should be applied, this will be determined by the severity of the behaviour.

7.1. Verbal Warning

To manage low level behavioural issues, a verbal warning can be issued by nominated members of staff for behavioural misconduct or incidents and these should be recorded as per local procedures. Nominated staff may differ from Centre to Centre but typically include Personal Tutors, student experience staff and managers. All verbal warnings must be logged on the Student Information System.

In the event a student is under 18 years old, a member of the welfare team should be informed. The decision to report a verbal warning to the parent and/or agent will be made in liaison with the welfare member of staff.

A student may receive multiple verbal warnings however if a trend in behaviour is identified, or the same misconduct is repeated more than once, then consideration should be given to escalating the sanction to a written warning or a disciplinary hearing.

7.2. Written Warning

If verbal warnings are not effective, the behaviour is of a more serious nature (but not considered gross misconduct), the student's behaviour is repeated, or a trend of behaviour is identified, then a written warning should be issued. If this occurs within the student accommodation the Centre Director (or their designated deputy) should be informed. All written warnings must be recorded as per local procedures.

In the event a student is under 18 years old, a member of the welfare team should be informed. Parents or legal guardians will be informed of any misconduct that requires a written warning unless it is not in the best interests of the student's welfare. In these cases, a referral should be made to the Designated Safeguarding Lead as per the *Safeguarding Policy and Information Sharing Principles*.

7.3. Final Written Warning

Where the behaviour is of a more serious nature and a written warning is not deemed appropriate (but not considered serious enough to result in a termination of studies), or if there is a failure to amend behaviour after receiving a written warning, a final written warning may be issued. In the event a student is under 18 years old, a member of the welfare team should be informed. Parents or legal guardians will be informed of any misconduct that requires a final written warning unless it is not in the best interests of the student's welfare. In these cases, a referral should be made to the Designated Safeguarding Lead as per the *Safeguarding Policy and Information Sharing Principles*.

7.4. Termination of Course

If an incident is considered sufficiently serious as to constitute being gross behavioural misconduct, the disciplinary hearing will consider all sanction options available, including termination of the student's studies (i.e. permanent exclusion from the Centre). The student will be informed of any decision to terminate their studies in writing and within 3 working

days of the disciplinary hearing unless there is a significant safeguarding risk to others and their study plan is terminated immediately, at which time they are expected to comply with the instruction and visa requirements.

Where a student is under 18 years old, the parents/legal guardians will be informed of the decision to terminate studies. In the case of all sponsored students, the sponsors will be informed. Where a student is over the age of 18 but there is a risk to their safety, the trusted contact may be informed as per the *Information Sharing Principles*. Further details would need the student's consent to be shared unless a public safety risk. Refer to the *Procedure for Pre-Registration and Early Exit Incidents* for details on managing the termination.

Termination of studies and Sponsorship Management System (SMS) reporting must not take place until after the window for an appeal has been closed.

8. Appeals

If a written warning, a final warning or termination of studies sanction is applied, then the student will be informed of the right to appeal and the person to who the appeal should be raised to.

For written and final written warnings, the appeal should be raised with the Centre Director. In the event the Centre Director issued the written or final written warning, then the appeal will go to another member of the Centre Leadership Team. The student will be informed of this.

For sanctions requiring the termination of the student's studies, the appeal should be raised with the Executive Deans. All appeals must be raised in writing within 5 working days of the student being informed of the sanction. The request should include reasons for the appeal. Any appeal lodged outside of the 5 working days will not be considered. Appeals will be held online.

8.1. Appeal process

The Centre Director or Executive Dean will be responsible for:

- Acknowledging the appeal and informing the student of the processes within 2 working days of receiving the appeal;
- Reviewing the disciplinary pack including the evidence objectively;
- Requesting further information as required;
- Convening a small appeals panel of independent members within 5 working days of the appeal being raised where appropriate;
- Hearing the student's reasons for appeal;
- Deciding on the outcome of the appeal and communicating this to the student.

If the original hearing's decision was that the student's course should be terminated, they are not allowed to attend whilst the appeal is being heard and decided, and the termination paperwork and SMS reporting must be paused until after the appeal decision.

The appeal may result in either the original decision being upheld, or an adjustment of the sanction levied by the disciplinary hearing. Where a student is reinstated following a

period of suspension or non-attendance, the Centre is responsible for ensuring that the student is supported so that impact on their studies and progression is minimised.

Following the appeal hearing, the decision will be communicated to the student within 3 working days. This decision will be final and there will be no further right to appeal.

8.2. Complaints

If a student wishes to make a complaint about any part of the disciplinary process, then they should refer to the *Complaints Policy*. It should be noted that a complaint being raised will not alter or pause the outcome of a disciplinary or appeal hearing.

9. Record Keeping and Monitoring

All disciplinary actions, including verbal warnings, must be recorded as per local procedures.

To ensure a fair and consistent disciplinary process, the Centre Director will be responsible for reviewing disciplinary outcomes on a termly basis and any discrepancies acted upon.

Student Behaviour Charter

Study Group students:

- Engage positively in lessons and contribute to their own learning;
- Listen to the opinions of others with respect and tolerance;
- Treat all those that they come across with respect;
- Appreciate the differences that people have to offer;
- Seek to understand and develop respect for local customs and culture;
- Dress in an appropriate way that is not offensive to others;
- Share their own opinions but understand that they may be different from those of others;
- Are vigilant of their student peers and tell staff if they are concerned;
- Act safely at all times and do not put other students at risk (especially those that are under 18 years old);
- Engage positively with the support that is offered to them;
- Use the internet safely and appropriately;
- Do not attend the Centre whilst under the influence of alcohol or drugs (including legal highs)
- Do not engage in violent or aggressive behaviour at any time;
- Do not willfully disrupt classes or events;
- Do not bring the college or university into any form of disrepute at any time;
- Do not damage the Study Group property or the belongings of others;
- Understand and abide by the law of the country and their Immigration permissions;
- Comply with all reasonable requests made by Centre staff.



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Student Experience Directorate