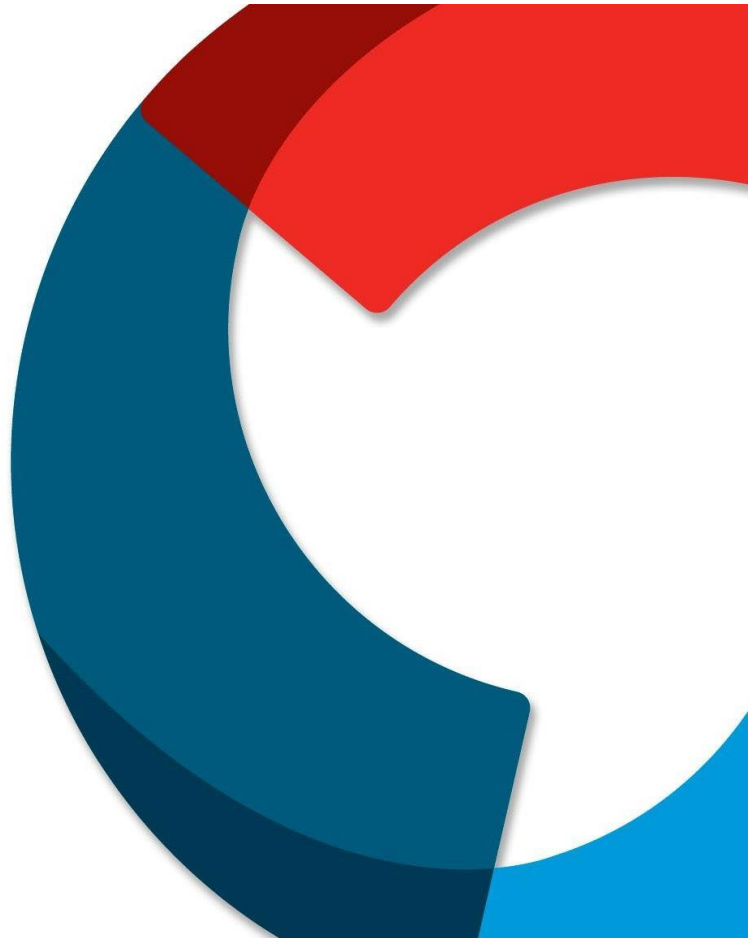


Student Disciplinary Policy (Including Student Behaviour Charter)



Document Control

Document Name		Student Disciplinary Policy (Including the Student Behaviour Charter)	
Version	Date	Update by	Details
1.0	01/09/2016	Nick Hudson	New version for 2016/17 academic year
1.1	01/11/2016	Nick Hudson	Small amendments following feedback. For sign-off.
1.2	18/02/2019	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.
1.3	06.06.19	Sandy Connors	Policy reviewed against the OfS Prevent Duty requirements. Amendments made. Cross referenced against academic disciplinary policies
1.4	01.09.19	Sandy Connors	Annual Review. Aligned to Student Behaviour Charter.
1.5	29.06.20	Sandy Connors	Annual Review. Aligned to KCSIE 2020.
1.5	10.07.20	Sandy Connors	Consulted with core group. No comments.
1.6	28.06.21	Sandy Connors	Annual Review. Section on Criminal Convictions added.
1.6	07.07.21	Sandy Connors	Circulated for consultation. Aligned to Bellerbys ISI PFE. Aligned to KCSIE 2021

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Associated Documents

Policy
<p>ISC Safeguarding Policies (England, Scotland, Wales, Ireland and Netherlands)</p> <p>Student Behaviour Charter</p> <p>Equality & Diversity Policy</p> <p>Academic Impropriety Policy</p> <p>Attendance Policy</p> <p>Complaints Policy</p>

Legislation and Government guidance
<p><i>Education Act (no. 2)1986</i></p> <p><i>Prevent Duty: HE</i></p> <p><i>Counter Terrorism and Security Act 2015</i></p> <p><i>Guide to the General Data Protection Regulation 2018</i></p> <p><i>Equality Act 2010</i></p> <p><i>Keeping Children Safe in Education 2021</i></p>

Approved

Proprietor	Signature and date
<p>Mark Cunnington</p> <p>Chief Operating Officer, UK & EU</p>	 <p>27 July, 2021</p>

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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 study centres in the UK and EU; in student accommodations (private, university or Study Group facilitated) and more broadly 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* and the *Study Group Equality and Diversity Policy*.

2. Scope

This policy applies to all students.

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 center's *Academic Impropriety 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.
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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*;
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- They report the poor behaviour of their peers to staff, as appropriate;
 - They act appropriately at all times in the classroom, in the Centre, in their accommodations, in the virtual learning environment and in the wider community;
 - Engaging 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 the 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. Head of Centre/Centre Director

The Head of Centre/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 issues that could impact on their behaviour;
- Risk assessments are completed where continuing poor behaviour that 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 to the Director of Safeguarding and/or the Proprietor 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 any and 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 with more serious behaviours being considered gross misconduct. In order 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 minor behaviour infraction that could be considered as minor behavioural misconduct:

- Failing to act in line with the *Student Behaviour Charter*;
- Rude, aggressive or intimidating behaviour directed to staff and/or students;
- Bullying or harassing students and/or staff (first offense);

- Minor criminal behaviour e.g. minor driving offences; offences involving police caution etc.
- Anti-social behaviour that damages the reputation of the Centre or Study Group;
- Reports of poor conduct in accommodation e.g. use of Class C drugs, alcohol intoxication, smoking in room, covering smoke alarms (first offense);
- Smoking in the Centre and/or outside of designated areas;
- Vandalism and/or deliberate minor damage to Study Group property and/or accommodation 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 behaviour directed towards students and/or staff;
- Bullying or harassment that targets a protected characteristic as per the *Equality Act 2010*;
- Sexual harassment; sexually motivated bullying or inappropriate behaviours that impact on any other student
- Serious criminal behaviour e.g. assault, sexual assault, rape, fraud, bribery, breaching immigration rules etc.;
- Significant damage to an ISC or accommodations;
- Use of Class A or B drugs and/or drug dealing, including the possession of drug paraphernalia;
- 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, H&S, fire safety;

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 action 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.

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 and relevant UK, Dutch or Irish law);
- 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 all criminal convictions that are disclosed whilst studying on a course will result in disciplinary action and depending on the severity of the conviction, may result in the termination of studies.

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 all staff members are 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.

6.2. Suspension

All incidents where it is suspected that gross misconduct and/or criminal offences have taken place will result in student suspension. This includes any act that puts other students and/or staff at risk e.g. safeguarding, H&S, fire safety.

The suspension enables an investigation to be completed quickly and independently. It must not be used as a punitive measure. To assist learning, and where possible, the student will be provided with learning materials and Personal Tutor contact throughout their suspension.

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.
- The student poses a danger to other students and/or staff within the Centre and/or their accommodation

All long term suspensions will be reviewed by the Head of Centre/Centre Director every 5 working days. In the event that a suspension continues for 4 working weeks or more, the Head of Centre/Centre Director will consider the students ability to continue with the course and, in some cases, this may result in the deferral of their studies.

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

6.3. Investigation

In cases of suspected behavioural misconduct, then 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 managing the case which will normally be a Personal Tutor for minor misconduct or by a senior manager for gross misconduct. The investigation will be undertaken by a staff member who has not been involved in the incident. The investigation will be fully documented and a report submitted to the Head of Centre/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. Referral to the Designated Safeguarding Lead

In the event a student is identified as vulnerable and/or discloses issues or concerns (including those related to mental ill-health) then this must be referred to the Designated Safeguarding Lead (DSL) in accordance with the *Safeguarding Policy* and local reporting procedures. The DSL and/or a member of the welfare team will assess and make referrals for assistance as appropriate.

Please refer to the *Safeguarding Policy* for more information.

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.

6.5. Minor Behavioural Misconduct

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

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

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

6.6. Disciplinary Hearing

All instances of gross misconduct and/or criminal offences will result in a disciplinary hearing. A student must be given 3 working days' notice of a disciplinary meeting as well as sufficient information to understand why the hearing is taking place. The student may bring a companion to the meeting.

The disciplinary hearing will be chaired by the Head of Centre/Centre Director unless a conflict of interest is identified in which case another member of the Centre's senior leadership team will take on this responsibility. 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

7. Disciplinary Sanctions

If, as a result of a disciplinary process, it is decided that a sanction should be applied, this will be determined by the severity of the behaviour.

In all cases relating to incidents involving gross behavioural misconduct or where there is reasonable belief that a criminal offence has been committed, a disciplinary hearing will be convened.

7.1. Verbal Warning

In order to manage low level behavioural issues, a verbal warning can be issued by nominated members of staff for minor behavioural misconduct or incidents and these should be recorded as per local procedures. Nominated staff may include Personal Tutors, service managers and/or accommodation staff. All verbal warnings must be logged.

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 conference with the welfare member of staff.

There is no limit to the number of verbal warnings that can be issued. However if a trend of behaviour is identified, or the same misconduct, is repeated consideration should be given to escalating the sanction to a written warning or a disciplinary hearing.

7.2. Written Warning

In the event that verbal warnings are not effective, the behaviour is of a more serious nature (but not considered gross behavioural misconduct), the student's behaviour is repeated, or a trend of behaviour is identified, then a written

warning should be issued by the Personal Tutor or a service manager. In the event that this occurs within the student accommodation the Head of Centre/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 and/or agents 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 ISC Safeguarding Policy.

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 be considered gross behavioural misconduct), or if there is a failure to amend behaviour after receiving a written warning, a final written warning may be issued. The final written warning will inform the student, the parents and/or agent that any reoccurrence of the incident will result in the termination of the student's course.

In order to ensure that the student has an opportunity to present their side of the story and any relevant evidence, a face to face meeting should be arranged and notes should be taken. Prior to the meeting, a proportional amount of investigatory work should be undertaken, so that the student can be presented with relevant evidence which supports the ISC's concern.

7.4. Termination of course

If an incident is considered sufficiently serious as to constitute being gross behavioural misconduct then a disciplinary hearing must take place. The appropriate sanction will be decided following the disciplinary hearing. Please refer to *section 5.2 and 5.3* for more information.

A 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 at which time they are expected to comply with the instruction and visa requirements.

If a student is under 18 years old, then the parents and/or agent will be informed of the decision to terminate studies. The parent and/or agent will be required to arrange travel to their students' home country and inform the Centre of such.

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

8. Appeals

In the event that 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 whom the appeal should be raised to.

For written and final written warnings, the appeal should be raised with the Head of Centre/Centre Director. In the event the Head of Centre/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 ISC Director in the first instance, or if unavailable then to another ISC Director from within the UK/EU network.

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.

8.1. Appeal process

The Head of Centre/Centre Director or ISC Director will be responsible for:

- Acknowledging the appeal and informing the student of the processes;
- Reviewing the disciplinary pack including the evidence objectively;
- Requesting further information as required;
- Convening an appeals panel within 5 working days of the appeal being raised;
- Hearing the students reasons for appeal;
- Deciding on the outcome of the appeal;

If the student's course has been 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, 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

In the event that 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.

In order to ensure a fair and consistent disciplinary process, the Head of Centre/Centre Director will be responsible for reviewing disciplinary outcomes on a termly basis and any discrepancies acted upon.

Appendix 1: Student Behaviour Charter

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
- 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 into any form of disrepute at any time;
- Do not damage the Study Group property or the belongings of others;
- Abide by the rules of their accommodation at all times;
- Understand and abide by the law of the country and their Immigration permissions
- Comply will all reasonable requests made by Centre staff