



## Student Disciplinary Policy

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Owner	Executive Director for Curriculum & Quality
Author	Director of Student Support

## **Part A - Policy**

### **1. Policy Statement**

- 1.1. The College is an environment where we want to prepare all our students for the world of work. All students are expected to observe the College Code of Conduct and conform to a high standard of discipline, general behaviour and the normally accepted rules which apply to society as a whole.
- 1.2. If, after having been made aware of the responsibilities at Induction, students disregard these expectations, then disciplinary procedures will be instigated. However, it is the College policy to first explore the reasons for any misconduct and to provide opportunities for students to improve their behaviour. For some students, this may result in the provision of additional or other support or reference to other policies and procedures as appropriate.

### **2. Purpose and Objectives**

2.1. The purpose of this policy is to ensure that all students are able to complete their course successfully without disruption caused by their own or others' misconduct. The policy is designed to be used with students in the event of a serious misdemeanour or as soon as a pattern of poor behaviour becomes apparent in order to help them to improve their behaviour and/or performance.

2.2. The objectives of this Policy are to ensure that:

- A high standard of discipline and behaviour are observed by students through all aspects of their time at the College.
- The College remains a friendly, welcoming and purposeful environment where everyone is treated with respect and students are prepared well for the world of work.
- All managers, staff and students understand the disciplinary policy and are conversant with the detailed procedures should they be involved in its use.
- When necessary, disciplinary procedures are instigated that are consistent, effective and fair.

### **3. Implementation**

3.1. Most matters concerning student discipline are of a minor nature and should be dealt with by the lecturer/tutor in the course of their normal duties, with any issues resolved prior to commencing any disciplinary action. Occasionally, breaches of discipline may occur which are more serious and result in formal procedures being enacted.

3.2. It is essential that accurate records of telephone calls, discussions, actions taken, etc with students are recorded on the College's ProMonitor system within the 'learner comments' section. If disciplinary action is taken, the notes will form a valuable part of the substantiating evidence. All correspondence should be typed

and processed by the curriculum department's administrator, who will ensure that the documents are uploaded onto ProMonitor.

#### **4. Principles of the Disciplinary Procedure**

- 4.1. The Progress and Performance Tutor / Lecturer should ensure that the concerns have been discussed with the student and that there has been no significant progress made.
- 4.2. 1:1 meetings should be arranged to give both the tutor and the student the opportunity to discuss any support needs, such as learning support, study skills support, welfare/financial support, etc.
- 4.3. The College ProMonitor system should be used to record all conversations / actions that have taken place or been agreed.
- 4.4. Any investigation will be dealt with fairly, impartially and confidentially.
- 4.5. The student, along with their parent, guardian or carer (if student is under the age of 18), will be informed of the complaint/concern and will be given the opportunity to give explanations before any decision is made.
- 4.6. No student will be suspended or asked to leave College for a first breach of College discipline, except in cases of gross misconduct.
- 4.7. Students with Additional Learning Needs will need an approach that recognises their specific needs. Staff must seek advice and guidance from the Assistant Principal of Student Support Services to ensure that any special considerations are taken into account. This will not negate the same expectations around behaviour and conduct.
- 4.8. The student will have the right of appeal against any disciplinary action and imposed sanction. The procedure may be implemented at any of the stages that follow if the student's behaviour or level of performance warrants it.

#### **5. The Four Stages of the Disciplinary Procedure**

- 5.1. It is envisaged that most students will be put initially onto Stage 1 of this procedure. More serious matters can lead to a student being put straight onto Stage 2, Stage 3 or Stage 4 (in cases of gross misconduct, for example). At Stages 1 and 2, if there is no improvement within the agreed timescale, a student can be moved up to the next stage as appropriate.
- 5.2. Each Stage of the procedure centres on a meeting between the student and relevant member of staff. Meetings will be conducted fairly and openly, allowing both the student and staff to state their case. If a student fails to attend, or leaves the meeting, the meeting will still proceed in their absence. Appropriate documentation will be referred to (eg attendance data, student incident form, witness statements, etc). At Stages 1, 2 and 3, a formal letter detailing the agreed action to be taken with the student will be sent to the student and/or parents, guardian or carer (if student is under 18 years of age). In the case of students being over the age of 18, the letter will be adapted and sent directly to the student.

It will state the cause for concern, the support which the College will offer to the student and the action expected from the student.

### **5.3. Stage 1 – First Written Warning from the Study Programme Co-ordinator / Curriculum Manager**

If a student's behaviour or performance does not meet acceptable standards, his/her Study Programme Co-ordinator and/or Curriculum Manager will arrange to meet with the student to discuss the action required for improvement and any support needed. The student will be given a formal warning by the Study Programme Co-ordinator or Curriculum Manager. The student will be informed of the improvement required and the timescales to improve by. This will be confirmed in writing curriculum department Office, and the letter will be sent to student and/or parents, guardian and/or carer (if under the age of 18) or employer. It will warn that the next Stage (Stage 2) will be invoked if there is no satisfactory improvement.

Possible reasons for a Stage 1 Disciplinary could include the following minor misconduct:

- Poor attendance
- Poor punctuality
- Poor work rate
- Repeated failure to submit work
- Minor academic misconduct
- Disruption of learning
- Use of offensive language

*Note: it is not intended that students will be issued with multiple Stage 1 warnings for different matters of minor misconduct. Such matters will affect the student's ability to achieve and will contribute to the overall performance of the student. Therefore, if a student has been issued with a Stage 1 Warning previously during their time at the College, any further issue will automatically escalate to a Stage 2.*

### **5.4. Stage 2 – Second Written Warning from Head of Department**

If there is a more serious cause for concern or if a student fails to respond positively to the Stage 1 warning from the Study Programme Co-ordinator or Curriculum Manager, a second formal warning will be given to the student by the Head of Department. The Head of Department will arrange a meeting with the student who will be advised of the improvement required and the timescales to improve by. This will be confirmed in writing by the curriculum department office, and the letter will be sent to the student or their parent, guardian or carer (if under the age of 18) or employer. It will warn that the next Stage (Stage 3) will be invoked if there is no satisfactory improvement within the given timescale.

Possible reasons for a Stage 2 Disciplinary could include the following misconduct:

- No improvement despite Action Plan at Stage 1
- Breach of Health and Safety Policy and legislation
- Verbal abuse of students or staff, direct or indirect
- Academic misconduct

- Serious or repeated disruption to learning
- Non-compliance with a reasonable request from staff
- Conduct that damages the reputation of the College

### **5.5. Stage 3 – Final Written Warning from the Curriculum Director**

A final written warning will be given by the Curriculum Director when either:

- Level 2 has been invoked and there is no improvement within the given timescales; or
- The breach of College discipline is serious enough to warrant only one written warning, but not serious enough to require the student to leave the College.

The Curriculum Director will meet with the student and in the case of 16-18 year olds, parents, guardian and/or carer will be invited to the disciplinary meeting. The Curriculum Director will give details of the concerns/allegations and will make it clear that the student will be asked to leave College if there is no immediate satisfactory improvement. This will be confirmed in writing by the curriculum department office and the letter will be sent to the student or their parent, guardian or carer.

Possible reasons for a Stage 3 Disciplinary could include the following serious misconduct:

- No improvement despite Action at Stage 2
- Vandalism
- Threatening behaviour
- Alcohol or drugs related incident
- Accessing inappropriate material on to IT network
- Serious breach of Health and Safety policy and legislation
- Serious academic misconduct
- Serious misconduct that damages the reputation of the College

### **5.6. Stage 4 – Possible exit from College – Executive Director**

If the behaviour or performance is still unsatisfactory and the student still fails to reach the agreed standards, he/she will be asked to leave the College. Only a member of the College Executive Team may take this action. The student and his/her parents, guardian or carer (in the case of 16-18 year olds) or employer will be invited to a disciplinary hearing and the outcome confirmed in writing. The student has the right of appeal to the Principal of the College.

Possible reasons for a Stage 4 Disciplinary could include the following gross misconduct:

- Serious vandalism
- Use or possession of items that can be used as weapons
- Assault and any form of bullying or harassment
- Serious alcohol or drugs related incident
- Wilful negligence leading to loss or damage to property

- Conduct that places the student concerned, other students or staff in danger or causes injury to the student concerned, other students or staff
- Serious misconduct that seriously damages the reputation of the College
- No improvement despite action at Stage 3

## **6. Suspension**

- 6.1. In cases of suspected/alleged gross misconduct, a student may be suspended pending an investigation and a Stage 4 meeting. Suspension may only be carried out on the authority of a Curriculum Director. The Executive Assistant to the Executive Director for Curriculum and Quality must be immediately informed of any suspensions.
- 6.2. A written account of the reasons for suspension and formal confirmation of the suspension will be sent to the student, and the parent/guardian/carer if under the age of 18. A Stage 4 hearing will be held within 10 working days.

## **7. Appeals**

- 7.1. The appeal must be submitted in writing to the Principal of the College within 14 days of the exclusion letter. Appeals against expulsion may normally be made for one of the following reasons:
- That the judgement is incorrect or flawed
  - That the sanction imposed is unduly harsh
  - That new evidence has become available which may change the initial judgement
- 7.2. The Principal has the right to amend the sanction initially imposed at the disciplinary meeting. In some cases, this may result in an increased penalty.

## **8. Quality and Monitoring**

- 8.1. Monitoring of Stages 2, 3 and 4 disciplinary records will take place by Heads of Department and Curriculum Director to ensure that students are receiving equitable treatment under the procedures.
- 8.2. An annual report will be made to the College Executive Team and to the Board of Governors, providing information regarding numbers, action and outcomes of the application of the disciplinary procedure.

## **Part 2 - Procedures relating to the Conduct of Students at MidKent College**

### **Procedures for a Stage 1 – First Written Warning from Study Programme Co-ordinator / Deputy Head of Department**

1. A first written warning would normally follow a repetition of a breach of conduct for which conduct discussions have already been given, or for an incident of a more serious nature which is deemed by staff to warrant a more serious sanction.
2. The Study Programme Co-ordinator or Deputy Head of Department will arrange to meet with the student, where a discussion will be held on any action needed to correct the situation and the timescales needed to improve by. The student will also be warned that if there is no satisfactory improvement, then the next Stage of the disciplinary policy will be invoked.
3. The discussion, along with agreed actions and timescales will be confirmed in writing, which will be sent by the relevant department administrator. If the student is under the age of 18, a copy of the letter will be sent to parents, guardians or carer or employer. Copies of the letter will be uploaded to ProMonitor.
4. It is the responsibility of the Study Programme Co-ordinator and/or Deputy Head of Department to ensure they monitor the progress of the student, and all details of discussions are recorded under 'Learner Comments' in ProMonitor within 24 hours.

### **Procedures for a Stage 2 – Second Written Warning from Head of Department**

1. A second written warning will be issued if the student has not responded positively to a Stage 1 warning, or if a more serious cause of concern has occurred.
2. The Head of Department will arrange to meet with the student, who will be advised of the improvement required and the timescales needed to improve.
3. The discussion, along with agreed actions and timescales will be confirmed in writing, which will be sent by the relevant department administrator. If the student is under the age of 18, a copy of the letter will be sent to parents, guardians or carer or employer. Copies of the letter will be uploaded to ProMonitor.
4. The student will be warned that the Stage 3 of the disciplinary process will be invoked if there is no satisfactory improvement within the given timescale.
5. It is the responsibility of the Head of Department to ensure they monitor the progress of the student, and all details of discussions are recorded under 'Learner Comments' in ProMonitor within 24 hours.

### **Procedures for a Stage 3 – Final Written Warning from the Curriculum Assistant Principal**

1. The issuing of a Final Written Warning results from more severe cases of misbehaviour, or where students have failed to respond positively to previous warnings or sanctions.
2. The Assistant Principal will convene a meeting with the student where details of the concerns and/or allegations will be discussed, and it will be made clear that the student will be asked to leave College if there is no immediate satisfactory improvement.
3. The discussion, along with agreed actions and timescales will be confirmed in writing, which will be sent by the relevant department administrator. If the student is under the age of 18, a copy of the letter will be sent to parents, guardians, carer or employer. Copies of the letter will be uploaded to ProMonitor.

### **Procedures for Stage 4 – Possible Exit from College**

1. This stage deals with incidents of serious misconduct, or where students have failed to respond positively to previous warnings and sanctions. If the alleged offence is being investigated by a statutory authority, ie the Police, the process for this section will not apply until the investigations are completed.
2. A Curriculum Assistant Principal or designated Senior Manager may give permission for the student to be suspended immediately pending consideration of the case. Any such suspension will not exceed 20 days. The Assistant Principal or Senior Manager has the right to extend these time limits outside of normal term time.
3. The Curriculum Assistant Principal or designated Senior Manager will report any suspension promptly to the relevant Curriculum Department Administrator, and they will inform the students' parent, guardian or carer (if the student is under the age of 18 at the time of the incident) and to the student's employer, if appropriate. A copy of the Disciplinary Policy must accompany the letter to the student/parents or employer. A copy of the letter of suspension should be sent to the Study Programme Co-ordinator, Head of Department and Security, for their information.
4. A second serious incident of a student receiving a final written warning, or an incident of serious misconduct, will initiate an immediate investigation of the circumstances. The investigation may involve taking signed and dated statements from the student and all the witnesses involved.
5. Following the suspension, the appropriate Assistant Principal Curriculum (presenting officer) will compile papers with support from their Department Administrator. These will be sent by recorded delivery to the student and, if under 18, to the parent, guardian or carer, with notification of the date, time, venue of the meeting at least five days' prior.
6. It is the responsibility of the College to inform the employer, if a student is an apprentice, in writing of the meeting, but it is the responsibility of the student to seek appropriate time off work to attend.

7. The student will also be informed that he has the right to appear and address the meeting, and to be accompanied by a parent, guardian or carer.

### **Procedure at a Disciplinary Hearing**

1. The proceedings will be strictly confidential. The proceedings of the meeting will be recorded in the form of minutes by an Executive Assistant, and they will include full details of the decision.
2. At the meeting, a member of the College Executive Team or delegated Senior Manager, will have the written statement of the case and the notes of the investigation.
3. The Presenting Officer (Curriculum Assistant Principal or designated senior manager) will read the report of the alleged offence and refer to the notes of the investigation as appropriate. The student will be asked if they agree with the report.
4. The Executive Director or designated Senior Manager may put questions to the Presenting Officer, the student and witnesses.
5. The Executive Director or designated Senior Manager will make their decision after the student and, if applicable, their parent, guardian, carer or friend have withdrawn. The Executive Director or designated Senior Manager will be empowered, in accordance with the Articles of the Government, to take a decision which may include a decision to exclude a student.
6. The Executive Director or designated Senior Manager's decision will be communicated to the student via the relevant Curriculum Assistant Principal by telephone. In addition, it will also be communicated to the student in writing by recorded delivery. This letter will be created and sent by the Executive Assistant, with copies sent to parents, guardian or carers, if under the age of 18 or employer.
7. The student will be notified of his right of appeal against the decision by writing to the Principal within 14 days of the date of the exclusion letter. The student must state the grounds for appeal. They will be given 10 days' notice of any meeting with the Principal to hear the appeal. The student has a right to appear before the Principal accompanied by a parent, guardian, carer or friend, if they wish. The friend may not be a solicitor or any other legally qualified person unless the Principal has consented in advance of the appeal meeting.

# **Appendix**

## **Standard documentation and letters**



**MidKent College**

**STATEMENT OF CASE - FORMAL DISCIPLINARY MEETING**

**Statement of Case against:**

**Course:**

**Campus:**

[INSERT STUDENT NAME] is accused of:

Such behaviour is a serious breach of College regulations. The College's Disciplinary Policy Statement which says:

The College is an environment where we want to prepare all our students for the world of work. All students are expected to observe the various College regulations and conform to a high standard of discipline, general behaviour and the normally accepted rules which apply to society as a whole.

The possible sanctions in this case are a written warning, suspension or expulsion.

[Insert name]  
Presenting Officer

Date:

## **FIRST WRITTEN WARNING LETTER**

[INSERT DATE]

[INSERT NAME / ADDRESS]

Dear [SALUTATION]

### **First Written Warning**

This letter constitutes a first written warning following concerns raised by staff at the [Insert Campus] of MidKent College regarding [Insert Reason].

[Give explanation of what took place].

This first written warning constitutes Stage 1 of the MidKent College Student Disciplinary Procedure and will be kept on record. No further action will be taken as long as [Insert Student name] makes the improvements noted by the deadline set. Any further incidents will be dealt with in line with our 'Policy and Procedures Relating to the Conduct of Students at MidKent College'.

Yours sincerely,

**[Approved member of staff – Study Programme Co-ordinator / Deputy Head of Department]**

Copies:        [NAME], Head of Department  
                  [Name], Vice or Assistant Principal

## **SECOND WRITTEN WARNING LETTER**

[INSERT DATE]

[INSERT NAME / ADDRESS]

Dear [SALUTATION]

### **Second Written Warning**

This letter constitutes a second written warning following concerns raised by staff at the [Insert Campus] of MidKent College regarding [Insert Reason].

[Give explanation of what took place].

This second written warning constitutes Stage 2 of the MidKent College Student Disciplinary Procedure and will be kept on record. No further action will be taken as long as [Insert Student name] makes the improvements noted by the deadline set. Any further incidents will be dealt with in line with our 'Policy and Procedures Relating to the Conduct of Students at MidKent College'.

Yours sincerely,

**[Approved member of staff – Head of Department]**

Copies: [Name], Vice or Assistant Principal

## **FINAL WRITTEN WARNING LETTER**

[INSERT DATE]

[INSERT NAME / ADDRESS]

Dear [SALUTATION]

### **Final Written Warning**

Further to our recent meeting, I write to confirm that I have invoked Stage 3 – Final Written Warning of the Students' Disciplinary Procedure.

The actions and timescales for improvement were agreed as [INSERT DETAILS].

This warning will stay on file for the duration of your course. However, I must advise you that if there are any further breaches of College regulations, you can expect to face Stage 4 of the Disciplinary Procedure, which may result in you being asked to leave the College.

Yours sincerely,

**[Approved member of staff – Vice or Assistant Principal]**

Copies: [Name], Executive Director for Curriculum & Quality  
[Name], Head of Department  
[Name], Study Programme Co-ordinator  
Parents / Guardian [if appropriate]

## **SUSPENSION FROM COLLEGE LETTER**

[INSERT DATE]

[INSERT NAME / ADDRESS]

Dear [SALUTATION]

### **Suspension from College**

I am writing to inform you that you are suspended from attending College with effect from [insert date]. Your suspension will not normally exceed 20 days and, therefore, you should not return to College premises until [insert date], unless requested by either myself, as Presenting Officer, or the Executive Director for Curriculum & Quality.

The reason for your suspension is that you are accused of [Insert full reason as described in the Policy/Procedure). The incident will be dealt with using the 'Policy and Procedures relating to the Conduct of Students at MidKent College', a copy of which is enclosed.

At a later date you will be required to attend a disciplinary meeting. I, or another senior member of College staff, will write to you again informing you when the disciplinary meeting will take place. You will be given at least five days' notice, in writing, of the date of the disciplinary meeting. At that time, you will receive all the relevant documents that may be referred to at the meeting – **please bring these with you.**

You are strongly encouraged to attend the meeting and you have the right to bring a 'friend'. This may not be a solicitor or other legally qualified person, without the prior agreement of the Executive Director for Curriculum & Quality.

I remind you that you may **not** enter College premises until invited to do so.

Yours sincerely,

**[Enter name]**  
**Presenting Officer**

Copies: [Name], Executive Director for Curriculum & Quality  
[Name], Vice or Assistant Principal  
[Name], Head of Department  
[Name], Study Programme Co-ordinator  
Parents / Guardian [if appropriate]

## FORMAL DISCIPLINARY MEETING LETTER

[INSERT DATE]

[INSERT NAME / ADDRESS]

### BY RECORDED DELIVERY

Dear [SALUTATION]

#### Formal Disciplinary Meeting

Further to my letter of [insert date of suspension letter], please find enclosed the following:

- A statement of the case, which sets out the alleged offences.
- The papers resulting from the investigation, which will be referred to at the meeting.
- A copy of the Policy and Procedures relating to the Conduct of Students at MidKent College.

The meeting will take place on **[Insert date, time and location]**. You should arrive at reception 15 minutes prior to the meeting.

You can be accompanied by a friend, who can represent you at the meeting. The friend may not be a solicitor or any other legally qualified individual, unless the Executive Director for Curriculum & Quality has given prior consent.

The formal disciplinary meeting will be attended by:

- [Insert name], Presenting Officer
- [Insert name], Executive Director of .....
- Any witness called by the College
- [Insert name], note taker

You are strongly advised to attend this meeting. Should you decide not to attend, the meeting will take place in your absence and the sanctions decided on the evidence presented in the enclosed papers.

I must bring to your attention that the possible outcomes, if the case is found against you are a written warning, a suspension or expulsion.

Please email [Insert name and email address] to confirm your attendance at the above meeting.

Yours sincerely,

**[Enter name]**  
**Presenting Officer**

Copies: [Name], Executive Director for Curriculum & Quality  
[Name], Vice or Assistant Principal  
[Name], Head of Department  
[Name], Study Programme Co-ordinator  
Parents / Guardian [if appropriate]

## **FORMAL DISCIPLINARY MEETING OUTCOME LETTER**

[INSERT DATE]

[INSERT NAME / ADDRESS]

### **BY RECORDED DELIVERY**

Dear [SALUTATION]

#### **Formal Disciplinary Meeting Decision**

Further to the disciplinary meeting held on [insert date], I am writing to confirm that you have been [insert decision and reason (same reason for suspension)].

You do have the right of appeal against the decision to the Principal. If you wish to appeal you must do so in writing within 14 days of the date of this letter, to the Principal, Mr Simon Cook, MidKent College, Medway Campus, Medway Road, Gillingham, Kent ME7 1FN.

You must state in your letter the reason for your appeal. This must normally be for one of the following reasons:

- You believe that the judgement against you was wrong.
- You believe that the length of suspension or exclusion was unreasonable.
- You have new evidence in connection with your case that was not discussed at the formal disciplinary meeting.

Please note that the Principal has the right to amend the sanction originally imposed. In some cases, this may result in an increase in the penalty.

Yours sincerely,

**[Enter name]**

**Job title**

Copies:[Name], Executive Director for Curriculum & Quality  
[Name], Vice or Assistant Principal  
[Name], Head of Department  
[Name], Study Programme Co-ordinator  
Parents / Guardian [if appropriate]