

## **Document Reference: Code of Behaviour and Disciplinary Policy and Procedure for Higher Education Students**

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## Introduction

The City of Liverpool College is committed to providing a learning environment that is conducive to the academic and social well-being of all Higher Education students. Students are required to abide by the standards of behaviour expected by the College as detailed below. The College will not tolerate behaviour which may adversely affect the good standing of the College, its students, staff and the wider community.

## Aim

This document presents the policy and procedures that form the Code of Behaviour and Disciplinary Procedure for Higher Education Students (Code). The Code defines conduct that is considered to constitute an offence. It also defines penalties, authorities, rights to appeal, and procedural details concerning allegations of misconduct, investigations, disciplinary hearings and appeals.

## Associated documents

The Code of Behaviour and Disciplinary Procedure for Higher Education Students should not be read in isolation. It is one of a group of student policy documents containing rules and regulations that apply to all students registered with the College to study on a Higher Education programme. The [HE Academic Impropriety Procedure](#), [Appeals against Assessment Decisions](#) and [Complaints](#) Policy complement this code and together these form the complete set of guidance and regulatory documents.

## Policy Statement

The City of Liverpool College is committed to equality of opportunity and access for all. We oppose all forms of unfair and unlawful behaviour on the grounds of age, disability, religion or belief, gender reassignment, race, sex, sexual orientation, pregnancy and maternity status in line with the Equality Act 2010. The College intends to support all students to achieve and to be well prepared to progress to the next level of learning or into employment.

This policy applies to all Higher Education students studying at the City of Liverpool College.

This Code of Behaviour and Disciplinary Procedure for Higher Education Students has been produced by staff and student representatives to describe the standards of work and behaviour that we expect. The Code of Conduct is distributed to students during induction and is available on the VLE.

Individual courses may have additional expectations, for example those linked to professional practice. These are set out clearly in the Programme Handbook or in other written instructions from College staff, such as those relating to work placement.

The emphasis is on supporting students to understand why they are expected to follow the Code. In most cases, the Disciplinary Procedure will be followed stage by stage. In some cases it may be necessary to move to higher stages straight away due to the severity of the behaviour.

Where appropriate, students who receive a disciplinary warning may be referred to pastoral support services such as counselling, achievement coaching, finance etc. Every effort will be made to support students to address behaviour in order to avoid escalation and ensure that they achieve.

## **Operating Principles**

The City of Liverpool College is committed to fair and equitable Student Disciplinary Procedures; to ensure a full and fair assessment of the particular circumstances of the case and avoiding unnecessary delay.

The College ensures that the Student Disciplinary Procedures:

- ✓ are timely and efficient, to facilitate a speedy resolution;
- ✓ are fair, impartial and transparent to all parties;
- ✓ are conducted in a professional manner; and
- ✓ meet the principles of natural justice.

Information disclosed during the Student Disciplinary Procedures is confidential to all parties. Breaches of confidentiality may amount to gross misconduct, which may lead to disciplinary action being taken.

## **Student Code of Behaviour**

Students are expected to conduct themselves in a manner which demonstrates respect for the College, its staff, fellow students, property and equipment, and the wider community.

The Student Code of Behaviour applies to all students where alleged misconduct occurs, whether on campus or off campus - for instance: on field trips and placements.

Breaches of the Student Code of Behaviour may result in disciplinary proceedings.

**Appendix 1 outlines** the Student Code of Behaviour.

## **Discipline Offences**

The list below is not exhaustive and examples of such offences are outlined in Appendix 1. The decision about whether the offence is serious will rest with the College, following consideration of the full circumstances of each case.

Discipline Offences include failing to comply with the code of Behaviour (Appendix 1) or conducting other discipline offences towards people, property, and health and safety, or the College.

### **Discipline Offences: People**

- ✓ Physical Misconduct
- ✓ Sexual Misconduct
- ✓ Abusive, Threatening or Offensive Behaviour (including Bullying and Harassment and Anti-Social Behaviour).

### **Discipline Offences: Property and Health & Safety**

- ✓ Damage to Property
- ✓ Unauthorised Taking or Use of Property
- ✓ Causing a Health or Safety Concern.

### **Discipline Offences: College**

- ✓ Operational Obstruction
- ✓ Reputational Damage.

## Student Disciplinary Procedure

The steps (levels) within the Student Disciplinary Procedure are as follows:

**Informal Stage:** includes Conflict Management/Intervention Meetings conducted by Personal Tutor or Programme Leader.

### Formal stages:

- Stage 1 Investigating officer: Programme Leader
- Stage 2 Investigating officer: Head of School/ Head of Higher Education
- Stage 3 Investigating officer: Assistant Principal

In most cases, a member of staff identifying consistent underperformance, non-compliance with the academic processes and policies or escalating poor behaviour, will be involved in the subsequent disciplinary meeting.

Intervention meetings and conflict management instructions are not formally part of the disciplinary procedure, but meetings and subsequent actions set on ProMonitor may be designed to mitigate the risk of a disciplinary stage being required.

Disciplinary stages may be missed, depending on the severity of behaviour. Students can be suspended at any stage and the level of sanction issued will be decided following an investigation.

The College reserves the right to withdraw students who have not attended a course or subject on which they are enrolled for 4 continuous weeks, without attendance and without being in communication with the programme team/programme leader, or agreeing the absence with the tutor concerned.

A one-page summary of the procedure, the Student Conduct Procedure Overview, is available on the next page.

The Student Disciplinary Procedures will be invoked following an allegation of a Discipline Offence, to the Head of HE via record on ProMonitor, copied to the HE Senior Administrator (<mailto:HE@liv-coll.ac.uk>).

Allegations should be made in writing with full details of the incidents and should include any evidence available. Students can also utilise the Student [Complaints Form](#) to report complaints about another student.

## Student Disciplinary Procedure Overview

Steps in the procedure:

1. Disciplinary issue reported and recorded on ProMonitor
2. Head of School/HE informed
3. Investigating officer and panel confirmed by the Head of School/HE
4. Disciplinary hearing scheduled
5. Student invited to disciplinary hearing
6. Disciplinary hearing conducted
7. Minutes of the disciplinary hearing recorded and available to student and panel.
8. Penalty agreed and issued to student in writing
9. Appeals opportunity
10. Final decision

The following table outlines examples of conduct and proposed stage of disciplinary procedure with the list of possible penalties.

	<b>Examples of conduct</b>	<b>Investigating (intervening) officer conducting a disciplinary hearing</b>	<b>Possible penalties</b>
<b>Informal Stage</b>	Poor performance, failure to comply with academic processes and policies, minor behavioural issues	Course tutor/ programme leader	<ul style="list-style-type: none"> <li>✓ Written agreement (ProMonitor)</li> <li>✓ Written apology</li> </ul>
<b>Stage 1</b>	Minor misconduct	Programme Leader	<ul style="list-style-type: none"> <li>✓ Formal Warning</li> <li>✓ Written agreement</li> <li>✓ Written Apology</li> </ul>
<b>Stage 2</b>	Major misconduct or repeated minor misconduct	Head of School/ Head of Higher Education	<ul style="list-style-type: none"> <li>✓ Formal Warning</li> <li>✓ Written agreement</li> <li>✓ Written Apology</li> </ul>
<b>Stage 3</b>	Gross misconduct or repeated major misconduct	Assistant or Vice/ Principal/ Principal	<ul style="list-style-type: none"> <li>✓ Formal Warning</li> <li>✓ Suspension</li> <li>✓ Dismissal</li> </ul>

### Dismissal

Responsibility: Assistant Principal

When to Issue: Following a disciplinary hearing the AP will consider all of the evidence presented by both staff and students (and their representatives) plus any witness statements submitted.

How to Issue: The Assistant Principal (or nominated manager in AP's absence) will conduct a Dismissal by:

- clarifying with the student that the outcome of the disciplinary hearing is dismissal
- confirming the reason for and terms of the dismissal in writing (Appendix 3) e.g. whether dismissal applies to one course/ centre/ work placement and the length of time the dismissal is valid for. Sending this letter to the student. If a student is sponsored by an employer a copy of the letter will also be sent to the employer.
- recording the meeting outcome on Pro Monitor- ILP
- informing the student of their right to appeal (see page 6)

## Next Steps

Brief details of the case will be retained by the College for 5 years after the suspension date.

The College will not allow the student to re-enrol until the period of the dismissal has passed.

The College reserves the right to take the reason for the dismissal into consideration when deciding, after the period of dismissal has passed, whether the person meets the requirements of the College's Admissions Policy.

## Appeals

Where students have been issued with a Stage 3 (including dismissed from College), they have the right to appeal in writing to an identified Assistant Principal/the Vice Principal within 10 working days. Students will be informed of who to address their appeal to as this will be a different member of staff than the Head of School or Assistant Principal who conducted the stage 3 disciplinary hearing. The student will then be invited in for an appeals hearing (Appendix 5) where the action taken will be reviewed and a final decision taken.

There are three grounds for appeal:

- 1) the procedures set out in this document have not been followed or
- 2) the student has new evidence about the case or
- 3) the student believes the decision reached is unfair or unreasonable.

The appeal will be considered by the Assistant Principal/ Vice Principal who will decide the next course of action. If they decide an appeal hearing is required the student will be able to state her/his case and can bring another person along (e.g. parent/carer). Legal representation is not allowed.

At the appeal for dismissal the terms of dismissal will be reviewed. When the hearing is complete, and after considering all the evidence, the person leading the hearing will state his/her decision. The panel may decide:

- to lift the stage 3/dismissal or
- to vary the terms of the stage 3/dismissal, for example by replacing the student's stage 3/dismissal with a warning or
- to confirm the stage 3/dismissal.

The decision of the College panel appointed to hear the appeal will be given to the student in writing within five working days of the appeal hearing and will be final and binding.

## Appendix 1: Code of Behaviour

The College aims to provide a safe and supportive environment where everyone can study and work to the best of their ability. Enrolment onto a course means you have joined the College community and are expected to behave accordingly. You have agreed to this by signing the enrolment form.

### We expect you to:

- Follow instructions given by a member of College staff or someone acting for the College (such as a work placement supervisor)
- Notify your tutor of absence. We will assume you have left if you have been absent without explanation for 4 term time weeks.
- Keep to the Acceptable Use Policy when using College computers (available under 'Information' on the Student Intranet)
- Let your personal tutor know straight away if you have difficulties with your work
- Give your name and ID number to any member of staff who asks for it
- Notify your local centre office if you are absent
- Achieve the standard of work required of you
- Treat other students and staff with respect
- Hand all assignments in on time
- Attend all classes and tutorials
- Be punctual.

### We will not accept:

- Unacceptable behaviour in or around College buildings. Examples of unacceptable behaviour include insulting others, bullying, verbal abuse or rudeness, using language which offends others, fighting or other violent, threatening or dangerous behaviour.
- Action which could be seen as harassment of a fellow student or member of staff (for definition of harassment, see the Equality section in the Student Handbook).
- Abuse, threats or rudeness to a member of staff. These may be verbal or sent electronically, for example through Facebook
- The use of illegal drugs or alcohol in or near College buildings
- Damage deliberately caused to College property or seriously attempted damage to College property
- Theft, attempted theft or unauthorised possession of any items belonging to the College or to any student, member of staff or employer
- Breaking the rules of an awarding body such as copying someone else's work
- Repeated problems with the quality of work produced or of handing it in on time, affecting your own or other students' chances of gaining accreditation. This may be because of delays in producing work which affects a group project
- Disruptive behaviour in classes, LRCs or other college spaces or not following a direct instruction from a member of staff

**Sign below to acknowledge that you agree to the terms of the code of conduct.**

Signature: ..... Date: .....

## Appendix 2: Suspension letter



(Date)

RE: [Student's name]

Dear [Student's name]

I am writing to inform you that [student's name] has been suspended from College pending an investigation for allegedly [insert reason]. A copy of the Code of Behaviour and Disciplinary Procedure for Higher Education Students has been given to [student's name] and a copy is also enclosed for reference purposes.

While s/he is suspended s/he must not [insert terms of suspension such as not enter College buildings, work placement]. In addition to this [student's name] must not discuss the suspension or related matters without my permission. If [student's name] does not follow these instructions s/he could possibly be dismissed without a disciplinary hearing.

You will now be required to attend a disciplinary hearing to discuss these matters with [Assistant Principal's name] on [date and time] at [College centre and room].

Please contact [Assistant Principal] on 0151 252 [extension number] if you would like to discuss this matter further.

Yours sincerely

[Assistant Principal's name]

### Appendix 3: Stage 3 letter (dismissal)



(Date)

RE: *[Student's name]*

Dear *[Student's name]*

Following the disciplinary hearing of *[insert disciplinary hearing date]*, I am writing to inform you of the outcome of the investigation. After considering all of the evidence carefully, it has now been decided that *[student's name]* should be dismissed from the College effective from *[insert date]*.

No further applications from *[student's name]* to enrol as a student will be considered before *[insert date]*.

You have the right to appeal this decision within 10 working days of the date of this letter. Appeals must be sent in writing directly to *[insert named person responsible for dealing with the appeal]* at the following address:

*[insert Assistant Principal's/Vice Principal's name and college address]*

Yours sincerely

*[Assistant Principal's name who conducted the stage 3 disciplinary hearing]*

## Appendix 4: Gross Misconduct Procedure

### Procedure to be followed at a Student Disciplinary Hearing for Gross Misconduct

1. The Assistant Principal who is leading the hearing will introduce all those present and outline the procedure to be followed.
2. The Assistant Principal will ask a staff representative to make an opening statement and outline the case for dismissal.
3. Witnesses may be called by the member of staff presenting the case for dismissal and will be questioned in this order:
  - 1) by the member of staff presenting the case
  - 2) by the student and his/her representative
  - 3) by the panel

The member of staff presenting the case may ask further questions.

4. The student or his/her representative will present their case in defence.
5. Witnesses may be called to support the student's case and will be questioned in this order:
  - 1) by the student or his/her representative
  - 2) by the member of staff presenting the case
  - 3) by the panel

The student or his/her representative may ask further questions.

Written statements will then be considered.

6. The member of staff presenting the case will make a short statement covering the main points of the case for dismissal.
7. The student or his/her representative will make a short statement covering the main points of the case against dismissal.
8. Everyone except the panel will be asked to leave the room while the panel considers the information presented.
9. The chair of the panel may ask both sides to return if some points are unclear.
10. Both sides will be called back to hear the panel's decision or will be told when and how they will be notified if the panel needs more time to consider the case.
11. The Assistant Principal leading the hearing will provide information about the student's right of appeal and the procedure to be followed.

### Procedure to be followed at an Appeal Hearing against dismissal

1. The Assistant Principal who is leading the hearing (the Chair) will make sure that members of the panel have copies of the records of the case.
2. The Chair will introduce all those present and outline the procedure to be followed.
3. The Chair will ask the student (or his/her representative) why s/he is appealing.
4. Members of the panel will ask questions to make sure they have understood all the points made by the student (or his/her representative).
5. No witnesses will be called at the Appeal. The decision of the Panel will be reached on the basis of the written record of the Disciplinary Hearing and the written evidence presented at that hearing.
6. The student (and anyone with him/her) will then leave the room while the appeals panel members discuss the points made.
7. The Chair of the appeal panel may ask the student/his/her representative back to answer more questions if some points are unclear.
8. The student will be told that s/he will get the result of the hearing in a letter, normally within 5 working days.
9. The Chair of the appeals panel may ask members of the student's course team for advice about special requirements made by certain examination boards or professional bodies.
10. The dismissal will not take effect before the appeal process has been completed.