



STUDENT DISCIPLINARY PROCEDURES

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1. INTRODUCTION

Where students breach College regulations, the College reserves the right to invoke the disciplinary procedure. Students who are deemed to bring the College into disrepute outside College buildings will be regarded as being in breach of College Regulations. This procedure does not relate to trainees on government funded training programmes who are subject to the Disciplinary Procedures approved by the Department.

The purpose of this procedure is to provide a fair, equitable and consistent arrangement for the handling of situations where disciplinary action against a student is considered necessary. The formal procedure will not be invoked for offences of a minor nature until the informal procedure has been completed.

The College will provide this policy in alternative formats on request where reasonably practicable, e.g., Braille, Large Print, Computer Disk, Audio formats, etc., and/or alternative language. The College is committed to promoting equality of opportunity and good relations in accordance with Section 75 of the Northern Ireland Act 1998. This policy should be interpreted in a manner consistent with the aforementioned legislation.

2. PRINCIPLES

The procedure is based on the following principles:

- 2.1 Complaints of student misconduct should, wherever possible, be dealt with informally by consultation between the student(s) and the appropriate staff concerned. The formal procedure should only be invoked where informal action has failed or the misconduct is of a serious nature to warrant direct access to the formal route.
- 2.2 The primary purpose of the disciplinary procedure is to help the student rather than impose sanctions.
- 2.3 The procedure should work as quickly as possible, consistent with a thorough investigation of the circumstances of the case. Students will be given an opportunity to explain their conduct before disciplinary action is invoked.
- 2.4 Students will be informed of, and provided with a copy of the disciplinary procedure when the formal procedure is invoked.
- 2.5 Students will have the right of appeal against dismissal.
- 2.6 In the interest of public funds, other students, the staff or the good name of the College, the Principal may, without notice, expel a student for gross misconduct or other serious cause. In the case of an offence of general and habitual misconduct, the Principal may suspend a student pending further consideration as to the possibility of the student's expulsion. The Principal shall advise the Chairperson of the Governing Body as soon as possible of any case of immediate expulsion or suspension; and the Governing Body shall be so advised at the first available opportunity.

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- 2.7 Any student suspended or expelled shall be entitled to receive from the Principal written notification of the suspension or expulsion, setting out the grounds on which the decision has been taken.
- 2.8 Any student suspended or expelled shall be entitled to appeal to the Governing Body, including a right to make oral representations, for which purposes the student can, if he/she wishes, be accompanied by a Students' Union representative, a Parent/Guardian if the student is under 18, or a fellow student or Managing Agent.
- 2.9 Students who are dismissed under the procedure outlined above are excluded from all North West Regional College programmes and sites during the specified period of dismissal. Where students do not adhere to these conditions, and are found to be on College premises during their dismissal, they will have an additional period of dismissal of one full year added to the dates at which they may apply to return to the College. Students who have been dismissed from the College must apply in writing to the Principal before they can be considered for re-enrolment to any College course. Such applications should state that they have been dismissed, the date of dismissal, plus the learning programme on which they wish to enrol.

3. INFORMAL PROCEDURE - OFFENCES OF A MINOR NATURE

- 3.1 Such offences include any behaviour, including a breach of College regulations, which adversely affects the academic and social well-being of the College community.
- 3.2 Minor offences should be dealt with in the first instance by means of an informal meeting between the tutor/staff member and the student concerned.
- 3.3 The object of such a meeting will be to discuss the issues involved and seek ways of improving the situation by giving the student reasonable assistance by way of advice and guidelines to achieve the desired standard of conduct.
- 3.4 If such discussion fails to resolve the matter, the formal procedure will be invoked.

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4. FORMAL DISCIPLINARY PROCEDURE

The main objectives of the procedure are to ensure that disciplinary action is reasonable and consistent and that students are given the opportunity to improve their conduct.

4.1 STAGE 1

STAGE 1 - ISSUING OF A VERBAL WARNING		
1	Procedure	<p>Interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or managing agent.</p> <p>Provide the student with a copy of the Disciplinary Procedures.</p>
2	Sanction	Issue a Verbal Warning, if appropriate.
3	Issued by	Course Lecturer*
4	Follow-up	<p>(a) Notes and Notification of Verbal Warning to be held on student file.</p> <p>(b) Copies of the Notification of Verbal Warning given to:</p> <ul style="list-style-type: none"> • The student • Personal Tutor/Course Coordinator where relevant • Parent/Guardian of Students under 18 • Head of School • Managing Agent, e.g. School Principal or Employer, if appropriate.
5	Currency of Warning	This warning is valid for 6 months from the date of issue. Thereafter the warning will be considered spent.
6	Note	Inform the student that if it is found that he/she has already received a verbal warning from another member of staff and if this warning is still current, that the warning may be raised to the next stage in the disciplinary process. The student will be informed of any change within 5 working days.

* If the student is accompanied then the Course Lecturer should be accompanied by another member of staff.

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4.2 STAGE 2

STAGE 2 - INVOKED IN THE CASE OF A SERIOUS OFFENCE OR REPETITION OF STAGE 1		
1	Procedure	<p>Investigation conducted by the Head of School and disciplinary interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or managing agent.</p> <p>Provide the student with a copy of the Disciplinary Procedures if he/she has not previously received a copy.</p>
2	Sanction	Issue a First Written Warning/Verbal Warning, if appropriate.
3	Issued by	Head of School with overall responsibility for the course.*
4	Follow-up	<p>(a) Notes and copy of Written Warning to be held on student file.</p> <p>(b) Copies of the Written Warning given to:</p> <ul style="list-style-type: none"> • The student • Personal Tutor/Course Co-ordinator where relevant • Parent/Guardian of Students under 18 or, where applicable • Managing Agent, e.g. School Principal or Employer.
5	Currency of Warning	Details of the warning will be retained on the student's personal record for a nine month period or the duration of the course whichever is shorter. Thereafter the warning will be considered spent.

* If the student is accompanied then the Head of School should be accompanied by another member of staff.

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4.3 STAGE 3

STAGE 3 – To take action on the most serious offence or to provide a final warning following continual failure to comply with College Regulations.		
1	Procedure	<p>Investigation conducted by the Head of School and/or College Network Security staff and disciplinary interview held to provide the student with an opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or managing agent.</p> <p>Provide the student with a copy of the Disciplinary Procedures if he/she has not previously received a copy.</p>
2	Formal Notice	The investigating officer will give the student 5 working day's notice of the disciplinary interview.
3	Panel members	<p>Head of Department</p> <p>Head of School – (not previously involved)</p>
4	Sanction	Issue a Final Written Warning/Written Warning/Verbal Warning, if appropriate.
5	Follow-up	<p>(a) Notes and copy of the Notification of Final Written Warning to be held on student file.</p> <p>(b) Copies of the Final Written Warning given to:</p> <ul style="list-style-type: none"> • The student • Head of School with responsibility for the course • Personal Tutor/Course Co-ordinator if relevant • Parent/Guardian of Students under 18 • Managing Agent, e.g. School Principal or Employer, if appropriate. <p>(c) Student may be offered guidance and counselling, if appropriate.</p>
6	Currency of Warning	Details of the Warning will be retained on the student's personal record for a twelve month period or the duration of the course. Thereafter the warning will be considered spent.

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4.4 STAGE 4

STAGE 4 - Invoked following a case of gross misconduct or repetition of an offence at Stage 3 - Examples of gross misconduct are given in Appendix 1		
1	Procedure	<p>Head of School conducts investigation however, if previously involved will report the misconduct to the Head of Department who will arrange for an investigation to be carried out.</p> <p>The Principal will be the disciplinary authority and will conduct the interview at which the student is given the opportunity to respond to the disciplinary charge.</p> <p>Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian, if the student is under 18, or a fellow student or managing agent.</p> <p>Provide the student with a copy of the Disciplinary Procedures if he has not previously received a copy.</p>
2	Formal Notice	The investigating officer will give the student 5 working days' notice of the disciplinary interview in writing.
3	Panel	Principal
4	Sanction	Dismissal/Final Written Warning/Written Warning.
5	Process	<p>The Principal will advise the Chairperson of the Governing Body.</p> <p>The student will receive written notification of the decision from the Principal.</p>
6	Period of Dismissal (The period of dismissal will be stipulated by the Director)	<p>Dismissal may be permanent.</p> <p>The earliest that the student can request to enrol is the start of the following academic year and this must be done in writing to the Principal, stating why they were dismissed and the date of dismissal.</p>

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4.5 APPEALS PROCEDURE

1	Purpose	To consider appeal by a student against dismissal.
2	Procedures	Before dismissal from the College is effected, the student will be given the opportunity to appeal to a Disciplinary Appeals Panel. Such an appeal must be made in writing to the Chair of the Governing Body within 10 working days from the receipt of the notice of dismissal, clearly stating the grounds for appeal. Information which is additional to that already submitted at disciplinary interview will be considered.
3	Panel	Sub-Committee of the Governing Body.
4	Student Support	Students, if they so wish, have the right to be accompanied by a Students' Union representative, a parent/guardian if the student is under 18, or a fellow student or managing agent.

5. SERIOUS MISBEHAVIOUR REQUIRING IMMEDIATE ACTION

In serious cases, such as physical assault and disruptive and dangerous behavior, it may not be possible to follow the above procedure, and immediate action may have to be taken to remove the student from the premises. The tutor should seek assistance of a senior member of staff (Principal or a person acting on his behalf). In the event of receiving such assistance, if a decision is made to suspend the student temporarily and, if appropriate, then the parent/ guardian/ employer/ managing agent will be notified before the student is returned to his/her home, place of work, training organisation.

Tutors with disciplinary problems on courses outside the College, serviced for another provider, will refer the matter to the management of the premises and will report the incident as soon as possible to their Head of School.

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6. APPENDIX 1 - OFFENCES OF A MOST SERIOUS NATURE GROSS MISCONDUCT

Offences of a major nature include:

- 6.1 Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on College premises or whilst engaged in any College activity.
- 6.2 Action which causes injury or impairs safety on College premises.
- 6.3 Theft or damage to College property, or the property of other members of the College community, caused intentionally or recklessly.
- 6.4 Criminal offences where these offences involve other members of the College or directly affect the interests of the College.
- 6.5 Misuse or unauthorised use of College premises or items or property, including computer misuse.
- 6.6 Failure to comply with a previously imposed penalty under this disciplinary code.
- 6.7 Malpractice in coursework or examinations.
- 6.8 Behaviour, either on College property or within the wider community, which brings, or may bring, the College into disrepute.
- 6.9 Misuse, possession or distribution of illegal substances.
- 6.10 Violations of the College's Harassment Policy (although such violations will be dealt with, in the first instance, under the College's Student Harassment Policy).
- 6.11 Obtaining funds by means of misrepresentation or false information.

This list is not exhaustive. Judgement as to whether an offence of a major nature has occurred will rest with the College with each case being decided in the light of the full circumstances pertaining.

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