

# **Student Misconduct Procedure**



## Student Misconduct Procedure

Date approved: 15 September 2020  
Approved by: AMT  
Responsible Manager (s): Director for Students/Heads of Curriculum  
Executive Lead: Vice Principal HE and Student Enhancement

Applicable to Students: Yes  
Accessible to Students: Yes  
Accessible to general public:  
(including clients) Yes

### Consultation

Consultation undertaken with:		Date:
• SMT	No	
• AMT	Yes	15.09.20
• CMT	Yes	15.09.20
• Students	Yes	11.09.20
• Employee representatives ( <i>HR policies</i> )	NA *	
• Other	NA *	

\* *please delete as appropriate*

**Procedure review frequency:** normally every two years

## **Contents**

1. Application and scope of the procedure
2. Procedure statement
3. Accountability
4. Student involvement
5. Linked policies
6. Linked procedures
7. Equality Impact Assessment

## **1. Application and scope of procedure**

This procedure applies to all students who study at Blackpool and the Fylde College (B&FC).

The overarching principal of this procedure is to ensure that B&FC provides a safe, secure and supportive learning environment that fully prepares students for sustainable employment.

This procedure is an operational document for use in matters concerning misconduct and should be used in conjunction with policy and procedures relating to the promotion of positive student behaviour, the Partners for Success framework and the Student Code of Conduct.

It does not apply to allegations of academic malpractice and misconduct which fall under the remit of the Higher Education Taught Awards Regulations B3 ([www.blackpool.ac.uk/he-regulations](http://www.blackpool.ac.uk/he-regulations))

## **2. Procedure statement**

All students have a responsibility to behave in an appropriate employment focused manner. Mutual respect, politeness, sensitivity, responsibility and adherence to Health & Safety guidelines and regulations are reflected in all aspects of College life. This includes online behaviours either in or out of the workspace.

All employees have a responsibility to report instances of inappropriate behaviour, and / or breaches to the student Code of Conduct or breaches of Health and Safety guidelines and regulations directly to the curriculum area, or where this is not possible, directly to the Director for Students. It is an expectation that all employees will promote positive student behaviours and attitudes.

## **3. Accountability**

### **Stage 1: Informal discussion**

In the first instance a report of inappropriate behaviour (may be verbal at this stage) should be made to the curriculum, directed to the Progress Tutor (PT) and / or Senior Tutor (ST). The details of the report should be fully recorded on the Individual Learning Plan (ILP) by the PT/ ST Progress with clear improvement targets identified. The PT / ST Progress should ensure that the student is engaged in the discussion regarding allegations of inappropriate behaviour and agree positive improvement targets.

In class or online behaviour, including general attendance, should be appropriately managed by the tutor concerned and misconduct should only be escalated where repeated breaches are evident and recorded on the ILP.

## **Stage 2: Warning**

The purpose of the stage 2 is to seek a positive resolution without escalation to stage 3 and to formulate a plan of action to support progression and achievement.

Normally escalation to stage 2 results from the targets set at stage 1 not being met or recurrences of the identified inappropriate behaviour. However inappropriate behaviour can be escalated directly to stage 2 at the discretion of the PT / ST Progress. The alleged behaviour must be recorded on the ILP and referred to the Head of Curriculum (HOC) for an investigative meeting.

The PT / ST Progress should meet with the student in advance of the investigative meeting (minimum 3 working days before the meeting with the HOC) and make them aware of the allegations and reasons for the escalation.

The HOC (or designated manager) should conduct an interview (usually within 5 working days from the allegation) with the student to determine the circumstances surrounding the allegations. If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as have learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external stakeholders where appropriate must be informed of the allegations and invited to this meeting.

In the case of Apprentices the employer should be informed and invited to attend.

Details of this meeting should be recorded on the ILP and any improvement / action plans clearly signposted.

All written and verbal communications at stage 2 are conducted by the curriculum area.

## **Stage 3: Misconduct meeting**

The purpose of this stage 3 misconduct meeting is to formulate a plan of action to support progression and achievement.

Usually students who have a stage 3 misconduct meeting will be suspended from college pending the outcome of the meeting and any associated investigation.

Suspension is a neutral act and is designed to protect all parties. Usually, the time scale between suspension and the meeting would not exceed 10 working days. The establishment of a Stage 3 misconduct meeting should not be delayed pending the outcome of any associated safeguarding or other investigation. Students will have access to remote learning and support materials during this time away from College. If the HOC determines that the student's continued presence at College does not present a risk to themselves, other students or staff, the student may be allowed to remain at College until the misconduct meeting can take place.

Stage 3 misconduct represents the most serious escalation of alleged inappropriate behaviour. Alleged incidents of serious misconduct will be referred directly to Stage 3 without the requirement for a prior stage 1 or 2.

Examples of Gross Misconduct include but are not limited to:

- Causing damage to any College buildings, equipment, books or furnishings or resources
- Unauthorised interference with software or data belonging to or used by the College
- Theft of property or any other dishonest acts
- Being in possession or under the influence of alcohol on College premises or when taking part in any College activity
- Bullying, intimidation, taunting, verbal abuse or the threat of violence towards any member of the College community or partner organisation
- Substance abuse/ under the influence of drugs whilst on college premises or taking part in any college activity
- Illegal or criminal acts which may have an adverse effect on the work of the College or on other students (or which could bring the College into disrepute).

The Director for Students will notify the student in writing of the suspension and details of the pending misconduct. Details of the allegation and any associated materials will be forwarded by the PT/ST Progress to the Director for Students and ensure these details are accurately recorded on the ILP and clearly identified as materials relating to a stage 3 misconduct meeting. It is the responsibility of the PT/ST Progress to ensure these details are accurately recorded. These materials will be available at the stage 3 meeting and are available on request should the student wish to see them in advance (usually three days prior to the meeting).

A student is invited to be accompanied to this stage 3 misconduct meeting if they wish, this could be a supportive family member, student union representative or support worker. It is not appropriate for another B&FC student (unless an elected representative of the SU) to accompany a student to this meeting. If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as having learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external stakeholders where appropriate must be informed of the allegation/s and invited to the meeting.

In the case of Apprentices the employer should be informed and invited to attend.

*The meeting:*

The HOC or representative from the Directorate for Students may Chair the meeting and may invite another HOC as appropriate, a representative from the Directorate for Students should attend. It may be appropriate for the PT / ST Progress or members of SSW to attend the meeting, additional invites are at the discretion of the Chair and will be determined on a case by case basis. If the student or their representative, does not attend the Chair may choose to postpone the meeting for an alternative date (within 10 working days). There can be a maximum of one postponement, after which the meeting must proceed in the absence of the student or their representative whereby a decision will be made based on the documentary evidence available.

The Director for Students or HOC ( or nominated representative) will follow the meeting procedure as outlined below and ensure meeting records are accurate and appropriate.

- Welcome and introductions
- Aim of the meeting and potential outcomes
- Outline of the allegation/s, review of documentary or visualevidence
- Student response/s
- Summarise the allegation/s and student response/s
- Opportunity for third party contribution
- Student and guests may leave the meeting while the panel deliberates the outcome (this may be a short interlude)
- Decision of the panel communicated to the student with improvement actions clearly identified if appropriate. The panel may decide to defer their decision and communicate the outcome in writing.
- Thanks and close

The outcome of this meeting will be confirmed in writing within five working days of the meeting date (unless there is a recommendation to exclude, please see the detail below). All correspondence (including invites) concerning the stage 3 will be communicated by the Director for Students.

The PT/ST Progress must record the outcome and action plans, where appropriate, on the ILP.

Where sensitive, confidential (documents that may relate to Safeguarding concerns for example) or any material that may present a risk to data protection then the “Cause for Concern” heading on the ILP should provide a link to the confidential materials with the appropriate levels of access granted.

In the most extreme cases the panel may feel that a recommendation to exclude is the appropriate outcome and in the best interest of the student and College community.

Where a recommendation to exclude for the remainder of the academic year is the outcome copies of the outcome decision and all accompanying documentation/evidence will be sent for review to:

- The Vice Principal Quality and Curriculum or Vice Principal Higher Education and Student Enhancement
- In the case of Higher Education the Director for Higher Education

If the recommendation to exclude is upheld then the student will normally be notified within 5 working days of the stage 3 misconduct meeting. This notification will be communicated by the Director for Students. This notification will include the right of appeal.

Any student excluded for the academic year in question may re-apply to the College for the following academic year. However, re-admission to the College will be at the

discretion of the College and will take into account the reasons for the exclusion and any change in circumstances.

#### **Stage 4: Right of Appeal**

The purpose of this stage is to allow the student to add any mitigations that were not communicated in the original stage 3 misconduct meeting or to identify procedural irregularities. The student may appeal against the decision at stage 3 and this must be lodged in writing to the Vice Principal – Quality and Curriculum or Vice Principal – Higher Education and Student Enhancement (whichever has not been involved in the stage 3 or any other element of the investigation up to this point), within 14 working days of the dispatch of the outcome letter. During this time the student will continue to be excluded until the appeal has been resolved. An appeal can only be made on the following grounds:

- i. There are mitigating circumstances or evidence which was not known to the stage 3 panel
- ii. Unfair discrimination is alleged
- iii. The procedure was not followed

The appeal will be held by the appropriate Vice Principal in collaboration with the Director of Quality and Standards who will both review the written appeal together with the original investigation minutes, the student's ILP and any other associated evidence or documentation. The student will be invited to attend the appeal hearing and can be accompanied by a parent/guardian or representative as appropriate. (If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as having learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external stakeholders where appropriate must be informed of the reasons for appeal and invited to the meeting. In the case of Apprentices the employer should be informed and invited to attend. The Vice Principal may have a minute taker at the appeal.

After consideration of the Appeal, the Vice Principal may:

- i. Approve the earlier decision
- ii. Replace the earlier decision with a more appropriate resolution

The Vice Principal will inform the student of a decision at the appeal hearing or within five working days in writing.

#### **Student Involvement**

Students were consulted in the updating of this policy through the elected Representatives of the Student Union.

#### **Linked policies**

- Safeguarding Policy (Student)
- Positive Student Behaviour Policy
- Anti-bullying and Harassment Policy

- Appropriateness for study Policy

**Linked procedures**

- Student Misconduct Procedure

## 7. Equality Impact Assessment

<b>Impact Assessment for the 4 strands of Equality, Safeguarding, Health and Safety and Sustainability</b>	
<b>Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working</b>	
<p><b>Title of Activity:</b> Student Misconduct Procedure</p> <p>Author and Date: Director for Students Sept 2020</p>	<p>New or Revision</p> <p>Expected Implementation Date: September 2020</p> <p>What is the review date? July 2022</p>
<p><b>Equality and Diversity.</b> Which of the characteristics maybe impacted upon? And, if yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>This procedure applies to all students, as specified in the procedure, with mitigations in place to provide appropriate support where needed.</p>
<p><b>Safeguarding:</b> Are there any aspects of this proposal which could cause a learner/member of staff/visitor to feel unsafe?  If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>Mitigations identified where those at risk may require additional support</p> <p><input checked="" type="checkbox"/> No</p>
<p><b>Health and Safety:</b>  Have any risks been identified?  If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p><input checked="" type="checkbox"/> No</p>
<p><b>Sustainability:</b>  Are there expected benefits or impacts on sustainability issues? If yes, how have these been considered?</p>	<p><input checked="" type="checkbox"/> No</p>
<p><b>Evidence:</b> What evidence do you have for your conclusions and expectations for these conclusions? How will this impact be monitored for all these considerations?</p>	<p>Evidence is based on research driven behaviour analysis where promoting positive behaviour supports all students in feeling safe and empowered to report issues.</p>
<p>Is this procedure of a high/medium or low risk?</p>	<p>High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input checked="" type="checkbox"/></p>