



## SOAR VALLEY MUSIC CENTRE POLICY DOCUMENT

### STUDENT CODE OF DISCIPLINE

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#### ***1. General Policy Aims***

This document sets out the code of conduct to which students are expected to adhere. It also sets out the procedure to be followed where the code of conduct is breached.

Breach of the code of conduct may lead to disciplinary action being taken against a student and repeated breaches or a single very serious breach may result in a student being suspended or withdrawn from their course. The College may consider alternative or additional disciplinary action such as the requirement to pay for damage to property caused by the student or the withdrawal of privileges, such as library or computer facilities.

The code applies to all students of the College, whether full-time or part-time, whether or not their course is validated by, or associated with, any other institution; and applies at all times during the year, whether or not during College terms.

This Code does not apply to matters relating primarily to academic performance, which are the subject of a separate procedure.

#### ***2. Obligations of Students***

Students must:

- Use College facilities and behave in a way which respects the needs and aspirations of others to learn, work and live within the community of the College;
- Act at all times with due regard for their own safety and that of others;
- Respect the accommodation, equipment and property of the College, and that of its staff, other students and visitors;
- Support staff and other students in the maintenance of a clean and tidy environment throughout the College;
- Meet the requirements of the College's Student Agreement which students will be given and asked to sign at the commencement of their course.

### **3. Misconduct**

The following are examples of misconduct which may result in disciplinary action being taken against students and are not intended to be an exhaustive list of the types of behaviour which the College may treat as misconduct:

- Any breach of the students' obligations set out above (including any breach of health and safety or all and any other regulations, rules or policies or guidelines of the College);
- Any failure to follow the reasonable instructions of a member of staff;
- Any smoking in areas where it is forbidden;
- Use of illegal drugs;
- Misuse of other substances;
- Any bullying, intimidation, taunting, verbal abuse or the use of any violence towards any person;
- Deliberately or by negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
- Any behaviour which has an adverse effect on the work of the College, including damaging or interfering with buildings or equipment;
- Any behaviour which is racially or sexually offensive or which is offensive to those with learning and/or physical disabilities or impediments;
- Any criminal or other dishonest acts;
- Any behaviour which could bring the College into disrepute;
- Any unauthorised interference with software or data belonging to or used by the College;
- Persistent lateness for or absence from classes;
- Plagiarism or persistent failure to hand work set by the tutor in within the given deadlines;
- Disrupting any classes or any other College activity, whether or not involving staff or other students;
- Such other behaviour as the College reasonably believes to be misconduct.

### **4. Behaviour Outside College**

Students' behaviour outside College on college "business" for example trips and journeys, away school sports fixtures or a work experience placement is still subject to the Student Code of Discipline (Behaviour Policy). Bad behaviour in these circumstances will be dealt with as if it had taken place in college. For behaviour outside college but not on college business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the college or on a journey to and from college is poor and meets the college criteria for disciplinary action then the college management may decide to take action.

## **5. Gross Misconduct**

Particularly serious cases of misconduct may be treated by the College as gross misconduct. For example:

- Deliberate damage to property,
- Endangering the health and safety of others,
- Any serious action which could bring the college into disrepute,
- Any criminal activities (for which the college reserves the right to consider police involvement) including, but not exclusive to:
  - Serious actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Carrying an offensive weapon \*.
  - Arson.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.”

It is emphasised that this is not an exhaustive list of the types of cases which the College may treat as gross misconduct.

## **6. General Principles relating to the Disciplinary Procedure**

### **6.1. Conduct of Interviews**

Disciplinary and appeal interviews under this Code will be conducted fairly and firmly by the member of staff conducting the interview, who will be accompanied by another member of staff to take notes.

The member of staff conducting the interview may give instructions in relation to the conduct of the interview, including (without limitation) as to the length of time which any part of the interview should take. Such instructions must be fair, particularly in allowing the student to question the evidence and state his or her case.

The member of staff conducting the interview may exclude from the proceedings any person (including the student or the student’s friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. If the student does not attend any interview, disciplinary action may nevertheless proceed.

Members of staff conducting interviews will not have had prior involvement in any previous stage of the disciplinary process relating to the complaint.

### **6.2. Right to be accompanied**

The student will be entitled to be accompanied by a friend, student representative or relative. This right does not extend to accompaniment by a legal or other professional adviser unless the College otherwise agrees, having been given reasonable notice before the day of the hearing. A legal or other professional adviser will be allowed if the College intends to have an external adviser present. This provision relating to accompaniment by a legal or professional adviser will not apply to first stage interviews where such representation is generally considered not to be appropriate.

### **6.3. Time Periods**

With the exception of the time allowed for lodging an appeal, time periods stated in this Code are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.

Periods of days in this Code are working days rather than calendar days. Documents sent by first class post are deemed to be received within 48 hours of posting.

### **6.4. Criminal Offences**

Where any member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries into any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

Any disciplinary action relating to alleged criminal offences will be based on the College's findings after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure the College is not bound by the results of any criminal proceedings against students.

### **6.5. Students Under 18/Sponsored Students**

If a student under 18 years of age is the subject of proceedings under this Code, wherever practicable a parent or guardian will be invited to attend any disciplinary or appeal interviews (in addition to any friend or student representative), unless, in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a student under the age of 18 is given a formal written warning or expelled or suspended from the College, a parent or guardian will be informed in writing wherever practicable.

If a student who is being sponsored at the College by an employer is given a formal written warning or expelled or suspended the employer will be informed wherever practicable.

### **6.6. Confidentiality**

Subject to informing parents and sponsors under clause 5.5, all proceedings and related documents shall be confidential and used only for the purposes of the disciplinary procedure.

## **7. Variations and Amendments to this Code**

In some cases it may be desirable that variations should be made to procedural aspects of this Code. The College may take such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitations, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

This Code may be amended by resolution of the Corporation from time to time.

## **8. The Disciplinary Procedure**

### **8.1. Informal Warnings**

Cases of petty misconduct may be resolved informally by staff

### **8.2. Formal Oral Warnings**

Where the misconduct is repeated or is considered to warrant more formal treatment, the Course Leader or his/her nominee may give a formal oral warning to the student concerned, including the reasons for the warning and the consequences of further misconduct. A formal oral warning should be given only after talking to the student, asking the student for an explanation of the conduct complained of and taking into account any explanation given. The warning will not be in writing, but will be reported to the Director who will arrange for a copy to be kept on the student's personal file.

### **8.3. First Stage Interview**

Where the conduct complained of is of a more serious nature or where similar conduct has been repeated after one or more formal oral warnings, the student will be invited to attend a first stage disciplinary interview with the Director or other manager with at least 5 days' written notice, stating:

- (i) The nature of the conduct complained of and a summary of the evidence for the complaint;
- (ii) The student's entitlement to accompaniment (detailed above at clause 5.2); and
- (iii) Confirmation of the time and place of the interview

The Student will be entitled to state his or her case (including any mitigating factors) before any decision is taken.

After hearing the student's case, the Director or other manager may decide to issue a formal written warning, or may decide that no disciplinary sanction would be appropriate.

Practical measures to avoid recurrence may also be implemented.

The student will be notified in writing of the decision within 5 days of the interview.

### **8.4. Formal Written Warning**

Any formal written warning will be issued within 5 days of the interview. It will give brief reasons for the decision and will state that any repeated or similar misconduct by the student may result in the student's formal suspension or withdrawal from the course.

The warning will be retained on the student's file for the remainder of the student's time at the College.

### **8.5. Second Stage Interview**

Subject to an investigation of a College manager, a stage two interview will be conducted (without the need to convene a first stage interview) where it is alleged that the student has committed an act of gross misconduct or where further misconduct is complained of after a formal written warning has been given to the student.

### **8.6. Suspension Pending Interview**

In cases where it is alleged that gross misconduct has occurred, a student may be suspended from the College immediately by The Director or senior post holder pending a disciplinary interview.

Any such suspension will be confirmed in writing and posted to the student within 2 days of its occurrence and the student will be invited to a second stage interview with a senior post-holder or The Director, such interview to take place within 14 days of the suspension.

Where a second stage interview is adjourned for any reason, any student who had been suspended under this provision will remain on suspension until the interview is reconvened.

### **8.7. Further or Gross Misconduct**

Where it is alleged that gross misconduct has occurred or where further misconduct is complained of where a formal written warning has previously been given, a College manager will investigate the matter to determine whether there is sufficient information to conduct a second stage interview. Where that College manager decides that there is insufficient information to warrant the second stage interview, the student shall be notified accordingly and where that student has been suspended pending such interview, the suspension shall be lifted.

Where following the investigation, the College manager decides that there is sufficient information to proceed to the second stage interview, the student will be given at least 5 days written notice of the second stage interview. The notice will state:

- (i) The nature of the conduct complained of and a summary of the evidence for complaint;
- (ii) The student's entitlement to accompaniment (detailed above in clause 5.2);
- (iii) Confirmation of the time and place of the interview; and
- (iv) That, because of the nature of the misconduct alleged or because a formal written warning has already been given, it may be recommended that the student may be withdrawn or formally suspended from the College as a result;
- (v) That senior post-holder or Director may arrange for witnesses to be available in person for the interview or where in the view of the senior post-holder or Director that is not practicable for written statement to be taken by another member of staff;
- (vi) Any documents (including witness statements) on which the College and/or the student intend to rely should be provided to the other party within [5] days of the second stage interview.

### **8.8. Procedure for Second Stage Interview**

The second stage interview, will be conducted by a senior post-holder or The Director, and will take the student through the allegations which have led to the complaint of misconduct. The student will be given the opportunity to state his or her case (including mitigating factors) and asked to state whether the alleged facts are disputed and, if so, which facts. If material facts are disputed the student will be asked to identify any sources of evidence supporting his or her case and where witnesses have attended in person, to examine or cross-examine those witnesses.

### **8.9. Notification of Decision to Exclude/Suspend**

Within 5 days of the end of the second stage interview, the student will be given written notification of the decision of the senior postholder or The Director in relation to the case, stating the main findings of fact on which the decision has been made.

The decision may be that the student should be permanently expelled or formally suspended for a fixed period, that a lesser disciplinary sanction should be taken or that no disciplinary action should be taken. The student will also be given details in writing of the right of appeal.

### **8.10. Appeal Against Decision**

The student will have a right of appeal to The Director or panel of Trustees against the decision of the senior post-holder or The Director to exclude the student permanently or to suspend the student formally. Notice of appeal must be lodged with the Clerk to the Corporation within 10 days of the date of the notice of exclusion or suspension and must give the grounds and brief particulars of the appeal.

An appeal interview with the student will be arranged to take place within 10 days of the notice of appeal being lodged. The student will be given at least 5 days' notice of the time and place of the appeal interview. The student's right to be accompanied is detailed above in clause 4.2 Any documents considered at the second stage interview will be available for the purposes of the appeal, together with notes of the second stage interview.

At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.

The senior post-holder who made the decision to exclude or suspend will respond to the appeal and explain the reasons for the decision.

The Director/panel may ask questions of the student and the senior post-holder and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the second stage interview.

If the appeal is allowed, The Director/Panel may decide that on disciplinary action less than that taken by the senior post-holder or Director, including a shorter period of suspension.

If the appeal is dismissed, the decision of the senior post-holder/Director or panel will stand.

Within 5 days of the appeal interview, the final decision of the Director/Panel will be confirmed in writing to the student.