

Student Disciplinary Procedure

2022-2024

(Student Version)



Document Control Information

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The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives.

1. Introduction

The Glasgow Kelvin College Code of Learner Behaviour provide clarity of expected levels of behaviour of all College learners when undertaking all elements of College activities. This Student Disciplinary Policy and Procedure outlines how behavioural sanctions may be applied should learner behaviour fall below that expected within the Code of Learner Behaviour.

This policy, and supporting procedure, have been developed to ensure a consistent process across all campuses; to support staff in the maintenance of good classroom conduct; and to provide a fair and transparent system for dealing with any situation that may arise in the classroom or on campus.

2. Student Disciplinary Procedure

Staff have a responsibility to treat learners with courtesy and respect at all times and exercise a duty of care to all learners on behalf of the College. Where possible and appropriate, we will seek to resolve behaviour issues through an informal reprimand. This is delegated to all College staff and an informal reprimand will not normally be recorded.

In the event that a learner makes a more serious breach of the Code of Learner Behaviour, formal steps will be considered to address this. This would most likely be for more serious infringements, such as behaviour which threatens the health and safety of other students or staff. The following sections outline the potential stages of this formal process.

3. Guidance on Conducting a Hearing

A learner who is to be the subject of a behavioural sanction has the right to a hearing before the application of that sanction. This excludes a precautionary suspension when the hearing will be the next College day. The opportunity for the learner to be heard should be informal and organised in a nonintimidating manner. The hearing should be convened as soon as possible with the individual invited to the hearing by means of a recorded delivery letter.

The letter should indicate:

- the date, time and place of the hearing;
 - the behavioural matter to be discussed;
 - the right of the individual to be accompanied by a friend, colleague or member of the College Student Association Executive Committee.

The hearing:

- The hearing will begin by an appropriate manager conducting the hearing introducing everybody present. At least two members of college staff will be present to oversee the hearing.
 - The purpose of the hearing will be explained by the manager conducting the hearing and the behavioural matter to be discussed will be explained.
 - The member of College staff making the allegation will be asked to explain the reason why the learner's behaviour was unacceptable.
 - If the learner fails to appear at the hearing, appropriate documentation should be submitted before the stipulated time of the hearing. Without this, the hearing may proceed and a decision
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may be made in the learner's absence.

- The learner will be given an opportunity to explain their behaviour. Normally the individual accompanying the learner will be given an opportunity to address the hearing but will not be able to speak on behalf of the learner. However in some circumstances there might be grounds for such support. These should normally be agreed with the manager conducting the hearing a minimum of one College day prior to the hearing. Grounds which might convince a manager to accept such a position could, for example, include a specific communication difficulty or medical condition.

The manager conducting the hearing:

- may ask questions of either party but cross questioning will not be allowed
- will draw it to a close by asking each party for final comments
- will conclude it by informing the learner that they will be informed in writing of the outcome within five College days
 - will make a decision on the facts of the case and write to the learner with the outcome. If appropriate the learner should be informed of their right of appeal. This will normally be conveyed by recorded delivery letter within five College days.

3.1 Formal Sanctions

Based on the evidence considered at the hearing, the following behavioural sanctions may be implemented:

- A) **Formally reprimanded in writing.** This is delegated to Curriculum Manager, Senior Curriculum Manager, or Director of Curriculum.
- B) **Temporarily suspended from attendance at the College or College activities.** This is delegated to the Senior Curriculum Manager or Director of Curriculum.

For a full-time learner this may be for up to ten days on which they would normally have attended classes and for a learner attending on any other mode of attendance for up to a maximum of the next twenty occasions on which they would have normally attended.

Youth Access staff have the power to impose a temporary suspension of a learner's activities with the College for a persistent breach of the Code of Learner Behaviour for a period of up to two weeks. The suspension will apply immediately but must be reviewed by a Senior Curriculum Manager or Director of Faculty within forty-eight hours.

In exceptional circumstances where it may be necessary to protect the individual, the physical and other safety of other learners, or the learning environment of other learners a precautionary temporary suspension may be applied.

- C) **Exclusion from the College.** This would only be considered in relation to serious breaches of the Learner Behaviour Code and is delegated to Director of Faculty. The exclusion may be for the remainder of an academic year or for a period of up to three years.

At all stages, the learner will be informed in writing and a record maintained by the Head of

Faculty of the outcome of any formal behavioural sanction. The College staff involved will make a record relating to all formal behavioural sanctions. All documents retained by the college administration staff, with a note of the sanction made within the learner's Unit-e record. No other records relating to these matters will be kept by members of College staff.

In exceptional circumstances where it is necessary to protect the individual, the health and safety of other learners, or the learning environment of other learners, a precautionary temporary suspension may be applied. This type of suspension is to be used as a precautionary measure and a hearing normally arranged within five college days – delegated as appropriate to either the: Senior CLD worker, Curriculum Manager, Senior Curriculum Manager, Head of Faculty, Director of Curriculum, Vice Principal, or Principal. In such circumstances a hearing convened to consider the matter which gave rise to such action will normally take place within 5 College days. The precautionary suspension will apply until the hearing.

Where appropriate the College may inform the learner's parent (if they are under the age of 18), employer or other sponsoring agency (if they pay the learner's fees) of action taken and the reasons for that action.

In circumstances where there is a breach of the law, the College will normally be required to inform the police in addition to any sanctions it applies. In addition, the College may institute proceedings, which would seek to require learners (or their legal guardian) to pay for any damage wilfully and deliberately caused to its property.

3.2 Right of Appeal

Learners will have the right of appeal against any formal behavioural sanction applied against them. The appeal will normally be heard by the next senior manager within twenty-one days but this may be varied in appropriate circumstance. Unless there are extenuating circumstances, it will be normal for the sanction to be applied awaiting the outcome of the appeal hearing.

The procedure which relates to an appeal made against formal behavioural sanctions is outlined below:

- 3.2.1 An appeal must be made formally in writing by post or email to the Director of Corporate Services within five College days of the learner being informed of the original decision. (Email: lisaclark@glasgowkelvin.ac.uk)
 - 3.2.2 An appeal hearing will be convened by the Principal as soon as possible but not later than twenty-one days from the learner's formal request for an appeal.
 - 3.2.3 An appeal panel will consist of two senior College managers who have not been involved in the case. This would normally be a Head of Faculty, Director of Curriculum, or a Vice Principal. There may be other observers at the Principal's discretion. Should the appeal be related to a permanent exclusion, the appeal panel will consist of the Vice Principal and Principal, or a member of the Board if the Vice Principal or Principal is not available to attend.
 - 3.2.4 The learner shall be invited to attend by letter informing them of the date, time and place of the hearing and the behavioural matter to be considered.
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- 3.2.5 If the learner fails to appear at the hearing, appropriate documentation should be submitted before the stipulated time of the hearing. Without this, the hearing may proceed and a decision may be made in the learner's absence.
- 3.2.6 The learner may be accompanied by one friend, colleague, parent, member of the College Student Association Executive Committee or representative of the National Union of Students and both the learner and the accompanying person will have the right to be heard.
- 3.2.7 Should the learner wish to be accompanied by another adviser the Principal should be notified by letter five College days prior to the hearing. The Principal may, in such a case, decide to have appropriate additional representation.
- 3.2.8 Both the College and the learner may call witnesses and produce written evidence. It is the responsibility of the learner to arrange the attendance of any witnesses they wish to call in support of their case.

The appeal Panel shall have the right to:

- 3.2.9 set aside any decision to apply a behavioural sanction against a learner;
- 3.2.10 confirm or decrease a period of temporary suspension from the College or College activities;
- 3.2.11 confirm a permanent exclusion from the College and College activities; or
- 3.2.12 substitute a period of temporary suspension for a permanent exclusion from the College and College activities.

The decision of the appeal Panel will be final and its decision will be communicated to the learner in writing by recorded delivery. There shall be no further right of appeal within the College.

3.3 Learners Attending School or Otherwise in the Care of a Local Authority

All decisions relating to learners of school age, attending local secondary schools or otherwise in the care of a local authority, are notified to the appropriate head of service. This will be the Director of Education or the Director of Social Work respectively.

It is the responsibility of Directors of Faculty to bring any concern of this nature to the immediate attention of the Vice Principal who will notify the appropriate head of service. This notification will normally be sent by recorded delivery within five College days.

It is particularly important that where the College makes a decision to exclude a school age learner from any College activity during school hours that the learner is returned to their school or care setting. Appropriate arrangements will be made to escort such learners to their school or care setting.

The College reserves the right in specific circumstances to terminate a school age learner's placement with the College. This will be communicated in advance to either the Director of

Education or the Director of Social Work. Copies of correspondence will also normally be sent to the learner's school or care setting.

3.4 EVIP Learners and Transitions Learners

EVIP and Transitions to Learning and Work learners are among some of the most disadvantaged and furthest away from a positive learner journey. These learners require a more flexible approach to discipline to help develop their behaviour more positively and ensure they remain in education as far as is practicable under the acceptable behaviour policies. Behaviour and sanctions should be managed by lecturers/CLD workers, then Senior CLD Workers, CM and SCM respectively. Some support may be needed from external agencies and these should be signposted for staff dealing with these young learners.

4. Learning and Teaching Committee

Members of the Learning and Teaching Committee will be informed of all permanent exclusions and the reasons for such action. Normally papers related to such decisions considered at the Learning and Teaching Committee will not be lodged, for reasons of confidentiality, in the public domain. Similarly, minutes of any decision discussed will not identify the individuals concerned.

Files relating to such decisions will be available on a confidential basis, from the Director of Faculty, to members other than those with a potential conflict of interest (notably learner and staff representatives).

5. Review

This Student Disciplinary Procedure will be reviewed every two years.