



POSITIVE BEHAVIOUR FRAMEWORK

Student Disciplinary Policy and Procedures

1.0 Purpose

These Policy and Procedures guide student behaviour to ensure the best learning opportunities for all, through adherence to the Student Code of Conduct.

2.0 Policy Statement

Jewel & Esk College will take disciplinary action against any student on the grounds of unacceptable behaviour. This includes any action that is illegal, threatens the security or health and safety of others, or detracts from learning and the learning environment

3.0 Scope

- 3.1 The Student Disciplinary Policy and Procedures (the policy) apply to all enrolled students at Jewel & Esk College, except school pupils who attend the College under specific contractual arrangements with their school.
- 3.2 This policy should be read in conjunction with the College Equality, Diversity and Inclusion Policy and Procedures and its Disability, Race and Gender Equality Schemes.

4.0 Responsibilities

- 4.1 The Principal is the final arbiter in the interpretation of this policy.
- 4.2 The Depute Principal is responsible for the implementation and development of this policy.
- 4.3 All members of staff and students are responsible for the effective operation of this policy.
- 4.4 Any member of staff (or designated contractor) can instigate disciplinary action.
- 4.5 Heads of Faculty, Learning Managers and Curriculum Leaders will usually manage disciplinary action against students.
- 4.6 The Student Services Section is responsible for the provision of advice to students on the interpretation and operation of the Policy and Procedures.
- 4.7 The Learning Manager for Additional Support Needs is responsible for the provision of appropriate support for students where behaviour is attributable to additional support needs.
- 4.8 All students are responsible for adhering to the Code of Conduct.

5.0 Breaches of the Student Code of Conduct

- 5.1 All members of College staff can formally report (book) a student for a breach of the Code of Conduct, (Appendix 1).
- 5.2 The first report (booking) counts as a level one warning of this policy, following which a disciplinary report, (Appendix 2), will be sent to the Faculty Assistant of the Faculty in which the student is enrolled. The Faculty Assistant will place the report on file and send a copy to the College Principal. A letter will be sent to the student from the College Principal, (Appendix 3).
- 5.3 Where the student's behaviour is or may be attributable to Additional Support Needs and/or the student is registered as receiving Extended Learning Support, then the issue may also be referred to the Learning Manager for Additional Support Needs.
- 5.4 A second report (booking) may count as a level two warning, following which a disciplinary report will be sent to the Faculty Assistant of the Faculty in which the student is enrolled. The Faculty Assistant will place the report on file and send a copy to the Head of Faculty and College Principal. A letter will be sent to the student from the College Principal, advising them that they are now subject to disciplinary action, (Appendix 4).
- 5.5 The Principal reserves the right to make an intervention to reinforce acceptable behaviour patterns or to escalate the College response.
- 5.6 When a second report has been recorded, a member of staff of the Faculty in which the student is enrolled will interview the student, and a letter of warning at the appropriate level may be issued to the student by the Head of Faculty, (Appendices 5 and 6).
- 5.7 Any subsequent reports (bookings) will be placed in the student's disciplinary file and a copy sent to the Head of Faculty for action under Section 6 of this policy on serious and/or repeated breaches of discipline.
- 5.8 Smoking outwith the areas designated for smoking under the College Smoking Policy may trigger a formal written warning under section 6.10 of this policy.
- 5.9 Students have the right to discuss the reasons for a booking with their course tutor.
- 5.10 Students have the right to appeal against any College decision under the Student Appeals Policy and Procedures.

6.0 Serious and/or Repeated Breaches of Discipline

Following an alleged serious or repeated breach of the Code of Conduct or College policies any of the following procedures may be followed as appropriate.

- 6.1 All members of College staff have the right to informally suspend a student for a 24 hour period pending a disciplinary interview with the relevant manager. The student should be escorted from the premises.
- 6.2 A disciplinary interview with the student may be held by a Head of Faculty or a Learning Manager.

- 6.3 If the disciplinary interview enables the convenor to decide on the disciplinary approach then the student will be informed of the outcome by letter (Appendix 5 or 6).
- 6.4 A member of the Senior Executive Team, a Head of Faculty, a Learning Manager, or a Curriculum Leader may formally suspend a student at the time of breach. In this event the student will be escorted from College property and can only return when invited.
- 6.5 After or instead of a disciplinary interview, a Head of Faculty or Learning Manager may appoint an investigating officer to prepare a report of the alleged breach of the Code of Conduct.
- 6.6 A student may be suspended by a member of the Senior Executive Team, a Head of Faculty, a Learning Manager or a Curriculum Leader pending the outcome of an investigation into alleged misconduct or pending a disciplinary hearing (Appendix 7).
- 6.7 Where a student is suspended the College will continue to provide the financial support (bursary, EMA, childcare) until the investigation and/or disciplinary hearing is complete. It, however, expects that a suspension from College would last a maximum of four weeks.
- 6.8 The student will be notified by letter (Appendix 8) if a disciplinary hearing is to be convened and will be directed to Student Services for advice.
- 6.9 Prior to the disciplinary hearing the student will receive a report on the investigation along with the notification of a disciplinary hearing.
- 6.10 The student may choose to be accompanied and supported by a representative or friend at a disciplinary hearing. However, all dialogue or correspondence prior to the hearing will be carried out directly with the student.
- 6.11 If the offence is substantiated then one of the following disciplinary actions will result: Level One - A Disciplinary Report Form and copy of the letter will be placed in the file (Appendices 3, 4 and 5).
- 6.11.1 Level Two Formal Final Written Warning (Appendix 6)
- When a significant serious or repeated breach of discipline has occurred then a formal final written warning is issued.
- 6.11.2 Level Three Formal Written Dismissal (Appendix 9)
- When an extremely serious breach of discipline has occurred, or there is a history of serious indiscipline then the student can be dismissed from the College.
- 6.12 In the case of serious breaches of the Code of Conduct (section 7.0) the College reserves the right to summarily dismiss a student from the College.
- 6.13 The College reserves the right to refuse progression or re-admission to a student in receipt of a formal final warning. In the event of such a student attending, the formal, final warning will remain in force for the next session.
- 6.14 A student dismissed from the College will not be considered for re-admission for **three** academic sessions following the session in which the dismissal occurred.

- 6.15 A student who is summarily dismissed will only be re-admitted by specific permission of the Principal.
- 6.16 Breaches of the following policies and procedures will invoke the Student Disciplinary Policy and Procedures:
 - 6.13.1 Student Code of Conduct
 - 6.13.2 Student Attendance, Participation and Achievement Policy
 - 6.13.3 Information and Communications Technology Policy
 - 6.13.4 Deceit as defined in the Assessment Policy
 - 6.13.5 Health and Safety Policy
 - 6.13.6 Equality, Diversity and Inclusion Policy
 - 6.13.7 Smoking Policy

7.0 Guidance on Interpretation of Significant and Serious Offences

- 7.1 It is expected that staff will use a range of coping strategies to encourage and explain acceptable standards of behaviour to students. Explanations should emphasise the importance of the Code of Conduct and strategies could usefully involve conversation with the student's Class Tutor or Curriculum Leader, or Student Services.
- 7.2 The level of disciplinary action taken will reflect the circumstances and severity of the offence, together with any student history of indiscipline.
- 7.3 There is a range of disciplinary offences that can be graded from significant, through serious to extremely serious. However, the disciplinary action taken will consider all relevant factors.
- 7.4 Significant offences would include disruptive or discourteous behaviour likely to cause offence, hinder learning or diminish the learning environment.
- 7.5 Significant offences also cover attendance below the 90% level and higher than 79%.
- 7.6 Serious offences that may merit a final formal written warning include violations of the Smoking, Health and Social Care (Scotland) Act 2005 and breaches of the College Smoking Policy, specifically smoking within College buildings or vehicles.
- 7.7 Serious offences also cover attendance that falls below 80% which is the point when automatic dismissal is considered. A student whose financial support is withdrawn because of non-attendance will be deemed to have been automatically dismissed by the College.
- 7.8 Serious offences would also include disobedience in class, behaviour which obstructs the learning of others, persistent lateness, lack of application to studies, breaches of Health & Safety regulations, behaviour that a lecturer considers inappropriate in the classroom e.g. use of mobile phones and chatrooms. This list is indicative and not exhaustive.
- 7.9 Extremely serious offences would include illegal, dangerous, threatening, discriminatory or deceitful behaviour. Examples would include bullying, harassing, violent or discriminatory behaviour, misuse of drink, vandalism, theft, dishonesty, disregard of instructions from staff, and behaviour that endangers others. This list is indicative and not exhaustive.

- 7.10 The College has a zero tolerance of abusive language or threatening behaviour to members of staff which is considered an extremely serious offence. Such behaviour will lead to suspension and disciplinary action and may lead to summary dismissal.
- 7.11 The use or sale of illegal drugs on College property or its immediate environs is a summary dismissal offence.
- 7.12 The College Quality & Qualifications Manager will monitor consistency in interpretation of the severity of offences through scrutiny of communications and disciplinary reports as necessary.
- 7.13 The Principal and Depute Principal are available to provide staff with general advice on interpretation and strategy.

8.0 Student Support

- 8.1 The Student Services Section will ensure appropriate support for students who fall under this policy.
- 8.2 A wide range of support services including personal support, advice, mediation and learning support is available to all students to assist them to modify their behaviour.
- 8.3 If a student is deemed to require extra support this should be provided. Examples include:
- Learning Support
 - A member of staff with expertise in dealing with students with learning difficulties
 - If the student is disabled and if appropriate, a member of staff with expertise in dealing with the particular disability.
- 8.4 Where appropriate, the Learning Manager for Additional Support Needs will identify appropriate staff to take appropriate action regarding the reported breach of the Code of Conduct. The aim of such intervention is to ensure parity of outcome, within the context of reasonable adjustments.

9.0 Right of Appeal

- 9.1 A student has the right of appeal against disciplinary decisions under the Student Appeals Policy and Procedure, copies of which are available from Student Services and on the College website www.jec.ac.uk
- 9.2 Appeals against level one disciplinary action will be heard only in exceptional cases.
- 9.3 It should be noted that any appeal must be made by the student themselves.
- 9.4 Student Services Section are available to give impartial advice regarding appeals.

10.0 Halls of Residence

Alternative disciplinary procedures are used for the College Halls of Residence, which cover all clients of these facilities.

11.0 Documentation

- 11.1 A student disciplinary file, located in the appropriate Faculty office, will be kept for each individual involved in disciplinary action.
- 11.2 Disciplinary files of students who are dismissed will be kept for three academic sessions following the session in which the dismissal occurred. These files will be retained by the Depute Principal's Office.
- 11.3 Disciplinary files of students who are disciplined at levels one and two will be destroyed within 6 months of confirmation that the student has completed their studies and left the College.
- 11.4 The College Quality & Qualifications Manager will monitor disciplinary actions and procedures for effectiveness and consistency.
- 11.5 Standard College documentation has been prepared as templates for consistent communication and action and appear as Appendices to this policy.

12.0 Evaluation and Review

- 12.1 The Student Disciplinary Policy and Procedure will be subject to annual internal evaluation in February of each year with any approved amendments being implemented from 1st August.
- 12.2 These Policies and Procedures have been assessed for their impact in relation to the College Equality, Diversity & Inclusion Policy and Schemes.

Student Code of Conduct

1.0 Before You Start Your Course You Should:

- Make sure that you have obtained sufficient information and advice about the level and content of your chosen course.
- Make sure that you can commit the necessary effort to ensure your best chance of success.
- Supply the College with complete and accurate information to enable you to enrol and, if eligible, apply for financial support.

2.0 What We Expect Of You:

- We expect that you show respect for the opportunity given to you.
- We expect 100% attendance and manage attendance just like work.
- We expect you to display workplace standards of behaviour and self-discipline.
- **We expect no more of our college students than we do of ourselves as employees of the college.**

3.0 As A Student You Should:

- Attend 100% of your course in the same way you would attend your workplace.
- Take time to read the College policies, summaries of which are found in the Student Diary.
- Behave in a way that would be entirely acceptable in the workplace.
- Treat all staff and other students with courtesy and respect.
- Be aware that absenteeism, authorised or unauthorised will seriously affect your ability to achieve your qualification.
- Make sure that you attend on time and keep staff fully informed if you are absent.
- Restrict eating or drinking to appropriate designated areas.
- Those under 18 years of age are not permitted to smoke anywhere on College property, those over 18 can comply with the College Smoking Policy by only smoking in designated areas.
- Not use personal music players and internet chat rooms in a classroom whilst under instruction.
- Switch mobile phones off in classrooms and workshops.
- Avoid language or actions that may cause offence such as swearing and behaving disruptively or in a discriminatory manner.
- Wear appropriate dress that is safe, fit for purpose and does not cause offence.
- Respect College facilities, property and its environment, avoiding damage, inconsiderate disposal of litter, or disposal of gum, careless driving or parking, and disturbing neighbouring residents.
- Make sure that you are not involved in any actions constituting major disciplinary offences such as theft, violence, malicious damage, deception, intimidation or misuse of drink.
- Not use or sell illegal drugs on College premises or its environs. This is a summary dismissal offence.
- Actively participate in class groups and in all learning opportunities in order that you get the greatest advantage out of your time at College.
- Put in as much extra effort as is required for you to make good progress.

- Keep track of your own progress and if you have concerns or difficulties contact your Class Tutor or Student Services as soon as possible.
- Pay particular attention to assessment instructions. It is critically important in educational institutions that you are assessed entirely on your own work. Any use of the work of others is a very serious breach of discipline.
- Keep the College informed of changes to personal details for example, change of address, change of surname etc.

Don't let problems and issues get you down, contact your Class Tutor or Student Services, all staff are there to help and have wide experience of students in similar circumstances to you.

4.0 On Completing Your Course You Should:

- Check that all your results have been recorded and that you have received all appropriate certificates within the timescale notified by staff.
- Use your new skills and knowledge to take a fresh look at your opportunities.
- Develop yourself further through contributing to society and the economy and building on your self-reliance and capabilities.

First letter from College Principal

Dear

Breach of Student Code of Conduct

I was disappointed to learn that you have been reported for breaching the Student Code of Conduct. This letter constitutes a Level One Warning under the College's Student Disciplinary Policy and the incident will be recorded in a disciplinary file in your name.

At Jewel & Esk College we insist that all students behave in a way and at a standard that would be acceptable in the workplace. These standards are not difficult to meet however, on this occasion, you have fallen short of our expectations.

Should you be reported on a second occasion the College will require you to attend an interview, to discuss your behaviour and to inform you of the disciplinary action to be taken.

I expect you to reflect on your actions and make every effort to improve your behaviour that you and other students can enjoy and benefit from their studies.

Yours sincerely

Peter Malcolm
Acting Principal and Chief Executive

Second Letter from College Principal

Dear

Repeated Breach of Student Code of Conduct

I am disappointed that my previous letter to you concerning your behaviour has not prompted the required improvement in standards.

I have asked the Head of Faculty to arrange a disciplinary interview as described in the Student Disciplinary Policy and Procedures.

Your actions are putting your continuation on your course of study in jeopardy and threaten your opportunity to gain qualifications and skills. Your behaviour would be unacceptable in most workplaces and it is important for you to address these issues if you are to succeed in your chosen career.

I will not be writing to you again as you now fall under the Student Disciplinary Procedures.

Yours sincerely

Peter Malcolm
Acting Principal and Chief Executive

Dear

**Breach of College Discipline
Confirmation of Level Two Disciplinary Action
Formal Written Warning**

This is to confirm the findings of the disciplinary hearing / disciplinary interview **(insert as appropriate)** held on **(insert date)**.

The panel has decided that you are responsible for the following serious **(or repeated)** breach of discipline:

(State in detail the nature of the breach of discipline).

If you wish to appeal against this decision you should do so within **five working days** of receipt of this letter. A copy of the College Appeals policy is enclosed.

You should state clearly the grounds upon which you wish to appeal. Advice is available from Student Services.

Yours sincerely

Head of Faculty or Learning Manager or Curriculum Leader

Dear

**Breach of College Discipline
Confirmation of Level Two Disciplinary Action
Formal Final Written Warning**

This is to confirm the findings of the disciplinary hearing / disciplinary interview **(insert as appropriate)** held on **(insert date)**.

The panel has decided that you are responsible for the following serious **(or repeated)** breach of discipline:

(State in detail the nature of the breach of discipline).

The College reserves the right to refuse progression or re-admission to a student in receipt of a formal final written warning. In the event of such a student attending, the formal final written warning will remain in force for the next session.

If you wish to appeal against this decision you should do so within **five working days** of receipt of this letter. A copy of the College Appeals policy is enclosed.

You should state clearly the grounds upon which you wish to appeal. Advice is available from Student Services.

Yours sincerely

Head of Faculty or Learning Manager or Curriculum Leader

Dear

Suspension from Jewel & Esk College

This is to confirm your suspension from College with effect from (*insert date*).

(*State clearly the reason for the suspension*).

This suspension will remain in place until further notice pending the outcome of an investigation into the alleged breach of College discipline.

You should not attend College or participate in any College activities whilst this suspension is in place.

Yours sincerely

Head of Faculty or Learning Manager or Curriculum Leader

Dear

Notification of Disciplinary Hearing

Further to an investigation into alleged indiscipline you are required to attend a disciplinary hearing. **(give time, date and location of the hearing)**

The investigation has revealed evidence of the following offence. **(give summary of findings of investigation)**

A report of the investigation is attached to this letter.

You are entitled to be accompanied at the hearing by a friend or representative and should you have any questions or require advice about the procedures you should make personal contact with Student Services.

Please confirm your attendance by letter or by contacting or telephoning **(give name, location and telephone number of Faculty Assistant)**.

Yours sincerely

Chair of Disciplinary Hearing

Dear

**Breach of College Discipline
Confirmation of Level Three Disciplinary Action
Formal Written Dismissal from Jewel & Esk College**

This is to confirm the findings of the disciplinary hearing held on **(insert date)** that you are dismissed from Jewel & Esk College with effect from **(insert date)**.

The panel has decided that you are responsible for the following extremely serious (or repeated serious) offences.

(State in detail the nature of the breach of discipline).

Your dismissal extends to the Edinburgh or Midlothian Campuses and any other property owned, leased or operated by Jewel & Esk College.

Re-admittance will only be considered, on merit, after a period of three academic sessions after the current session.

If you wish to appeal to this decision you should do so within **five working days** of receipt of this letter. A copy of the College Student Appeals policy is enclosed. Advice is available from Student Services.

You should state clearly the grounds upon which you wish to appeal this decision.

Yours sincerely

Head of Faculty
Chair of Disciplinary Hearing