

## 1. Stages in the Procedure

Please note that any inappropriate behaviour which has taken place on line or through mobile technology is subject to the same procedures as for any other type of inappropriate / unacceptable behaviour.

### 1.1 Caution (Stage 1)

This is the first stage in the procedure. It is not expected that tutors will issue cautions for minor classroom management issues but that they will be issued where for example, a previous informal discussion with a student about arriving late has not impacted on behaviour. Curriculum Leaders Programme Managers will need to exercise judgement and it is required that the Course Team establishes a common and consistent approach to frequently encountered behaviours. The following ranges of offences are given as examples. This list is not exhaustive.

- Lateness and non-attendance (as measured against Guildford College Group standard guidelines)
- Persistent failure to complete work or late submission of work
- Disruptive behaviour in classrooms or towards any member of the Guildford College Group staff, and in public areas of the Guildford College Group
- Refusal to carry out reasonable requests, both in and outside the classroom or learning / training environment
- Minor example of offensive or abusive language
- Presenting at class with inappropriate dress and equipment
- Minor breaches of Health and Safety requirements
- Minor failure to comply with Guildford College Group requirements, regulations or procedures
- Bully other students, staff, visitors in and out of the Guildford College Group, to include bullying online, verbally, or through texting

Every effort should be made by the tutor to explore possible reasons for the presenting behaviour and a referral to the Wellbeing Team made to identify extenuating circumstances before issuing a caution. Providing the student is able to engage with the team then appropriate support can be provided for the student.

The Caution should be given by the supervising tutor in the case of curriculum based offences and be given to the student in a meeting and recorded on ProMonitor. If this is not possible, due to student absence, the student must be informed in writing of the issue of the Caution. If the Curriculum Leader/Programme Manager are not directly involved, they must be informed within 24 hours of the Caution.

- Students may only be issued with a **maximum of three cautions** in any one academic year
- After three cautions (even on unrelated matters) it is expected that the next warning should be at **Formal Warning level**

The standard forms must be used to record this and subsequent stages in the procedure. The form must be completed in full and the level and duration of the disciplinary stage clearly identified. A statement of expected behaviour (Behavioural Contract) should be included in discussions at this stage. An agreed review period should also be identified, recorded and clearly communicated to the student. A record of that Caution should be filed by the tutor and a copy given to the Head of Learning & Standards.

If a student commits a relevant offence inside the Guildford College Group, but outside the curriculum area, then the Caution may be given by the Associate Principal of Estates & College Services, or other delegated staff, who keeps a record and sends a copy to the relevant Curriculum Leader/Programme Manager. Heads of Learning & Standards will be kept informed wherever possible.

A record of the Caution may be sent by the Curriculum Leader/programme Manager to the student's parents or employer where appropriate and in-line with the requirements of the Data Protection Act. A Caution will normally have a three month duration but may be extended to six months at the tutor's discretion. The record will stay on the student's record (as expired) after that date.

The student may appeal against the issue of the Caution. The procedure is explained in Section 3.

## 1.2 **Formal Warning (Stage 2)**

Typical behaviour meriting a formal warning includes:

- Disruptive/obstructive behaviour in public areas
- Repetition of behaviour which has merited a caution
- Breaches of Learning Centre security, including computer security
- Cheating or plagiarism (Examination Board procedures must be followed if this is detected)
- Harassment/physical threats to fellow students, members of the public or staff
- Intentional breaches in health and safety rules or procedures
- Foul and abusive language towards others
- Persistent poor attendance or punctuality
- Bully other students, staff, visitors in and out of college, to include bullying online, verbally, or through texting
- This list is not exhaustive

In the case of continuing offences, or a more serious offence, a formal warning should be given by the Head of Learning & Standards (in the case of class-based offences) or an AP (in the case of cross-College offences). If a sanction such as a short suspension is applied, this must be carried out by the Head of Learning & Standards. Staff may agree an informal "cooling-off" suspension to allow a time for reflection of the situation or to prevent an incident escalating. This should be restricted to 24 hours to avoid disruption to learning. Curriculum Leaders should be consulted wherever possible. Disciplinary arrangements for 14-16 pupils should follow the procedures agreed with their school – contact the Schools Liaison Officer for guidance.

Every effort should be made by the tutor to explore possible reasons for the presenting behaviour and a referral to the Wellbeing Team made to identify extenuating circumstances before issuing a formal warning. Providing the student is able to engage with the team then appropriate support can be provided for the student.

The same procedures for issuing the Formal Warning apply as laid out for the Caution. This should be recorded on the appropriate form. All Formal Warnings should be supported by a Behavioural Contract which details expected changes in behaviour and includes a review period. A Formal Warning has a duration of 12 months.

All warnings will remain on the student's record after the end date (as expired).

Documentary evidence of the offence must be kept in the event of any subsequent exclusion procedures.

The student may appeal against the issue of the Formal Warning. The procedure is explained in Section 4.

### **1.3 Final Warning (Stage 3)**

This is a Final Formal Warning, which carries with it the indication that any subsequent breach of the College's requirements will result in a Disciplinary Hearing for Withdrawal or Exclusion. The Final Warning should be issued by the Head of Learning & Standards in a formal meeting attended by the Colleges Services Manager or an Associate Principal, the student and any other tutor involved.

The Final Warning should clearly indicate the nature of behavioural change that is required and/or any specific conditions or actions which would automatically trigger a Disciplinary Hearing.

Every effort should be made by the tutor to explore possible reasons for the presenting behaviour and a referral to the Wellbeing Team made to identify extenuating circumstances before issuing a final warning. Providing the student is able to engage with the team then appropriate support can be provided for the student.

There is no obligation for staff to apply each stage of the Procedure in turn. For example, a series of Cautions for relatively minor issues may be followed by a Final Warning if there is no sign of behavioural change. Alternatively a single significant incident may justify an immediate Final Warning without going through any Caution stage.

The purpose of the Final Warning is to clearly indicate that this is the last opportunity for the student to modify behaviour before the most severe disciplinary sanctions are used.

## **2. Process**

### **2.1 Withdrawal and Exclusions**

Withdrawal is normally for a failure to meet the academic requirements of the programme. Exclusions are usually reserved for dealing with either a single extreme behavioural incident or a pattern of persistent behavioural problems that have resulted in a series of escalating warnings.

The decision to Withdraw should be taken in a formal hearing chaired by the Associate Principal attended by the Head of Learning & Standards, tutor, student, parent/carer or supporter (if required) and any other staff involved.

If the decision may be Exclusion then the panel should be made up the Colleges Services Manager or an Associate Principal and Head of Learning & Standards, attended by the student, parent/carer or supporter (if required) and any other tutor involved.

## 2.2 Withdrawals

Students can be withdrawn from a programme or an individual course for a range of reasons including the following:

- Consistent failure to complete assignment work or meet deadlines
- Standards of work which consistently fail to meet the required criteria
- Persistent poor attendance and punctuality\*
- Persistent disruptive behaviour in learning settings
- Persistent breaches in Health and Safety practices
- Breach of Behavioural Contract
- Possession of illegal drugs or alcohol

*\* Part-time students attending less than 10 hrs per week are not subject to withdrawal hearings for non-attendance. For Part-time and Adult Education students: **Three weeks** unauthorised non-attendance will be considered a withdrawal and a formal notification will be issued. (See 2.4)*

Every effort must be made by the academic area to engage the help of the Wellbeing Team prior to withdrawing a student and to identify any extenuating or safeguarding circumstances.

## 2.3 Exclusions

Procedures for exclusion will normally be initiated when students have either continued with a range of behaviour which has incurred previous warnings or are reasonably suspected of having committed a serious offence.

Offences which may lead directly to exclusion include:

- Vandalism
- Theft or conspiracy to commit theft
- Violence on or off College premises
- Abuse and harassment of staff, students or the public
- Intoxication through drugs or alcohol
- Plagiarism
- Repetition of behaviours which have led to the issuing of written warnings and behavioural contracts.
- Serious breaches in health and safety practices

## 2.4 Withdrawal/Exclusion arrangements

Students should normally be issued with appropriate warnings before any withdrawal/exclusion procedure is initiated. Normally the student will have received a Final Warning to indicate that any further breaches of regulations would result in a withdrawal or exclusion.

Tutors are normally expected to use the staged warnings, using the existing Disciplinary Form (Caution, Formal Warning, Final Warning), to document the process of informing the student of their breach of their Learning Agreement, and to give the student opportunities to improve their behaviours. These warnings may need to be issued in the absence of the student and sent by post.

Tutors may move directly to a Final Warning for severe breaches of the learning agreement. Some offences are severe enough to move directly to a Hearing without going through intermediate stages.

Tutors should complete a Disciplinary Offence form and mark it "Application for Withdrawal" in the appropriate check box. The tutor should then make arrangements to set up a Hearing.

## **2.5 Withdrawing a student who is not attending**

In the case of persistent attendance problems students may be withdrawn by letter following a breach of a Final Warning. The letter should be sent by the Head of Learning & Standards (The Student has the right of Appeal to an Appeal Hearing). A copy of the withdrawal letter must be sent to MIS to add to the Individual Learner Record.

## **2.6 Suspension**

Students who are suspected of a serious offence may be suspended from College pending the Hearing. During the period of suspension an investigation will be carried out into the alleged offence. During the suspension period the student may only attend College for a specific meeting arranged by the member of staff in charge of the investigation.

The following are authorised to suspend students;

- Any member of the Senior Leadership Team
- Any Head of Learning & Standards and Colleges Services Manager

This suspension may be delivered or communicated by any delegated member of staff.

- Suspension should not exceed 10 college days
- A student will be given written notification of any suspension and the reason for it
- Exceptionally, a suspension may need to extend beyond the 10 days. In such cases, the investigating officer has the authority to extend the period of suspension pending a disciplinary hearing or completion of the investigation.
- In circumstances where the Police are investigating a case, the student may remain suspended from the course and the college pending the completion of the Police investigation. Depending on the case and its implications, the investigating officer will decide whether the College should carry on with the formal procedures or await the outcome of the Police investigation before proceeding.
- A student, supported, if desired, by a friend who is a member of the College or a representative of the Students' Union, will have the right to make oral or written representations to the investigating officer after a period of four weeks as to why the suspension should be revoked.

## **3. Exclusion Hearing**

The formal Hearing will be chaired by the Colleges Services Manager or an Associate Principal with the appropriate Head of Learning & Standards in attendance. Students will receive at least 24 hours notice. In that hearing, attended by the student, parent/carer or supporter, the evidence for withdrawal or exclusion should be presented by the Head of Learning & Standards and the student given the opportunity to present his/her case.

- Before the hearing, any witnesses to be called and relevant documents will be notified to the Chair in advance. It is the Chair's decision as to their use in the hearing.
- The panel will hear the case for exclusion from the authorised member of staff
- The panel will have the opportunity to ask questions of that member of staff
- The student, with agreed assistance from his/her friend or representative, will have the opportunity to present his/her case against exclusion including any mitigating circumstances
- The panel will have the opportunity to ask questions of that student
- Both sides will have the opportunity to summarise their case
- The panel will then withdraw to make its decision. It can recall either side to seek any points of clarification.
- In making its decision the panel will work to the criterion of reasonable probability rather than the weight of the evidence required in a legal court (beyond a reasonable doubt).
- The panel will normally recall the sides in order to inform them of their decision, which will be confirmed in writing within 5 working days.

N.B. In the case of a student genuinely struggling with the level of a course, agreed transfer arrangements should be applied. The panel may choose to refer students to appropriate advice and guidance services. This particularly applies during the first six weeks of the programme.

### **3.1 Status of Withdrawn Students**

Students who are withdrawn from a programme of study may only re-apply for a further course at the start of the next session, i.e. in September. This does not prevent tutors from supporting a transfer to a more suitable programme early in the academic year. Students who have been withdrawn in any previous year should be asked to undertake a Guidance Interview before being allowed to enrol on a course. These students will be flagged on UnitE.

Any access to College support will be agreed by the Colleges Services Manager or an Associate Principal. After that time, they will only be allowed back on to College premises for a previously agreed appointment with College staff.

Once a student has been suspended they will be asked to surrender their ID card. Should the student be excluded they will then have their access to the college ITC system removed. It is the responsibility of the academic area to notify ITC that a student has been excluded from the college and to deny access to the college systems.

The student may appeal against the Withdrawal. The procedure is explained in Section 4.

### **3.2 Exclusion Terms**

Any decision to exclude will normally carry a maximum time limit of two years. In exceptional circumstances, the Principal (or designate) may permanently exclude a student from the College.

- 3.3** Please note: If a student is found to have maliciously activated the fire alarm, they will be excluded and any fines incurred will be passed on to the student.

## 4. Tariff Guidelines

### 4.1 Legal guidelines for sentencing for drugs offences

	Class A	Class B	Class C
Principal drugs included*	Opium Heroin/methadone Cocaine/Crack cocaine LSD Ecstasy  Magic mushrooms (processed)** Class B drugs prepared for injection	Amphetamines Barbiturates Codeine Ritalin Cannabis resin Cannabis herb	Anabolic steroids Benzodiazepines (minor tranquillisers e.g. temazepam) GHB (gamma-hydroxy butyrate) Some stimulant, antidepressant and antiobesity medicines
Maximum penalty for possession	7 years and/or a fine	5 years and/or a fine	2 years and/or a fine
Maximum penalty for trafficking, supply or production	Life imprisonment and a fine	14 years and/or a fine	14 years and/or a fine

Any Class B drug prepared for injection counts as Class A.

\* The above table refers to some commonly available drugs; it is not a complete list of controlled drugs.

\*\* It is not illegal to possess or eat magic mushrooms in their raw state, but it is an offence to process them, dry them, store them or use them in tea.

### Cannabis and the Law

Cannabis is illegal; it is a Class B drug.

If you are caught with cannabis the police will always take action.

#### Possession:

If you are caught with even a small amount of cannabis the police will confiscate the drug and you can be arrested. What the police will do depends on the circumstances and how old you are.

Usually, you will get a cannabis warning if you are 18 and over. If you are under 18, you will get a reprimand and your parent or guardian will also be contacted. The police are more likely to arrest you if: you are blatantly smoking in public and/or have been caught with cannabis before.

If you are under 18, the second time you get caught you are likely to get a final warning and be referred to a Youth Offending Team. If you are 18 and over, the second time you get caught you are likely to get a Penalty Notice of Disorder, which is an on-the-spot fine of £80. This gets logged on the Police National Computer.

Regardless of how old you are, if you are caught with cannabis for a third time it's likely you will be arrested.

If you continue to break the law, you can end up with a criminal record which could affect your chances of getting a job. It could also affect whether you can go on holiday to some countries.

The maximum penalty for possession is five years in prison plus an unlimited fine. Source: <http://www.talktofrank.com/drugs.aspx?id=172>

### **Other Controlled Substances**

This includes ANY illegal substance whether specifically referred to in this policy or not.

Controlled substance include: Amphetamines (speed), Cocaine, Anabolic Steroids, Khat, LSD, Magic Mushrooms, Ketamine, along with any other drugs controlled under the Misuse of Drugs Act.

The law on so-called legal highs changed on 26 May 2016. That's when the '**New Psychoactive Substances Act**' came into force, making it illegal to supply any 'legal highs' for human consumption. The changes in the law mean it's now an offence to sell or even give psychoactive substances to anyone for free, even to friends.

Police will take action where they find people committing these offences. Punishments range from a prohibition notice, which is a formal warning, to 7 years in prison.

### **Dealing**

Dealing refers to the sale of drugs, supply (where no cash has exchanged hands), intent to supply. Maximum penalties depend on the class of the drug being dealt. Dealing of Class A drugs carries life imprisonment and/or fine, Class B carries a 14 year sentence and/or fine and Class C carries a 5 year sentence and/or fine.

## Indication of Grading of Offences & Process Table

A student may enter the process at any stage, depending on the seriousness of the incident. The grading of offences is provided as guidance only and is not exhaustive. Level of entry may vary depending on the severity of the offence and the circumstances surrounding the incident. This is a progressive process, which means that **each time** an offence is committed, the student may move on to the next stage. The police may be called when the law is broken.

Stage	Stage 1 - Misconduct	Stage 2 - Serious Misconduct	Stage 3 - Gross Misconduct
Responsibility	Personal Tutor / Curriculum Leader	HOLS/Business Director	HOLS and AP
Examples of behaviours	<ul style="list-style-type: none"> <li>• Failure to respond positively to informal warnings or advice.</li> <li>• General rowdiness and thoughtless behaviour or inappropriate behaviours or actions that do not cause a danger, threat or offence to others</li> <li>• Failure to complete or hand in work on time</li> <li>• Poor attendance and/or punctuality</li> <li>• Use of mobile phones or personal stereos in teaching areas</li> <li>• Spitting, littering, smoking in prohibited areas or other anti-social behaviour</li> <li>• Foul or abusive language or behaviour (non-discriminatory)</li> <li>• Failure to produce student ID card</li> <li>• Breach of college parking regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Repeated misconduct</li> <li>• inappropriate behaviours or actions that cause a danger, threat or offence to others</li> <li>• Failure to complete course work or major assignments within agreed deadlines</li> <li>• Failure to disclose their identity when reasonably requested for it or giving incorrect information</li> <li>• Minor breaches of Health and Safety Regulations</li> <li>• Minor damage to college property or equipment</li> <li>• Misuse of internet or other college systems</li> </ul>	<ul style="list-style-type: none"> <li>• Previous serious misconduct</li> <li>• The copying of other student's work for assessment</li> <li>• Serious breaches of Health and Safety regulations</li> <li>• Physical abuse or threat of physical abuse</li> <li>• Harassment or discriminatory behaviour</li> <li>• Bullying or victimisation of others (including by text, e-mail, social networking sites etc.).</li> <li>• Carrying or possession of weapons</li> <li>• Driving without due care and attention on College premises</li> <li>• Criminal activity - in or out of college - including theft, violence and possession of, or under the influence of, illegal drugs</li> <li>• Unable to take part in lessons or activities due to consumption of alcohol or other substances</li> <li>• Serious misuse of internet or other college systems</li> </ul>

<b>Possible Outcome</b>	<ul style="list-style-type: none"> <li>• Verbal / Informal Warning</li> <li>• First Written Warning (Retained 6 months on student's file)</li> </ul>	<ul style="list-style-type: none"> <li>• First Written Warning (6 months – personal file)</li> <li>• Final Written Warning (2 years – personal file and central records)</li> </ul>	<ul style="list-style-type: none"> <li>• First Written Warning (Retained 6 months – personal file)</li> <li>• Final Written Warning and temporary exclusion (Retained 2 years– personal file and central records)</li> <li>• Permanent Exclusion (Retained 5 years personal file and central records)</li> </ul>
<b>Minimum notice of meeting required</b>	<b>N/A</b>	<b>3 days in writing</b>	<b>5 days in writing</b>
	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
School sponsored or link student	School sent copy outcome	School sent copy outcome	School sent copy outcome

## **5. Student Appeal Procedures**

### **Caution, Formal Warning or Behavioural Contracts**

Students who wish to appeal against the issuing of a Caution, Formal Warning or Behavioural Contract must complete a Disciplinary Appeal form. The Associate Principal of Estates and Facilities will review the circumstances and decide whether there are grounds for reviewing the Formal Warning. The student will be informed of the decision in writing.

Appeals against Final Warning will be considered by an Associate Principal not previously involved with this case, who may decide to review the evidence in a formal meeting attended by the student, parent/carer or supporter and the Head of Learning & Standards.

### **Appeal against Withdrawal or Exclusion**

In the case of any appeal against Exclusion or Withdrawal, the student will need to apply in writing to the Principal, setting out the reasons for the appeal within 10 working days of being notified of any exclusion. The appeal will need to set out reasons as to why the exclusion is unfounded or unjustified. Grounds on which an appeal will be considered are the submission of new evidence or claimed procedural irregularities.

A panel of members (2 or 3) of Senior Leadership Team convened by an Associate Principal who has not been previously involved in the case will review the exclusion panel's decision and decide whether there are grounds for an appeal hearing to be held. The student will be informed of that decision in writing within 10 days of the appeal been received by the Principal.

If the decision is that the appeal is justified due to the submission of new evidence or claimed procedural irregularities an appeal hearing will then be convened by the panel.

The procedure for the hearing is set out below:

- Only witnesses and documents identified to the Chair in advance of the hearing will be referred to during the hearing itself.
- The student or his/her representative will be invited to state the grounds of his/her appeal
- The panel will have the opportunity to ask questions of the student or his/her representative
- The member of staff imposing the sanction will then put his/her case to the panel
- The panel will have the opportunity to ask questions of that member of staff
- Both sides will have the opportunity to summarise their cases
- Both sides will withdraw from the hearing, leaving the panel to deliberate in private. The panel can recall either side to seek points of clarification
- The panel will normally recall the sides in order to inform them of their decision, which will be confirmed in writing within 10 working days.

**Flow Diagram**  
**Stages of the Disciplinary Procedure**

