



Gower College Swansea  
Coleg Gŵyr Abertawe

## Student Disciplinary Procedure

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### 1. Introduction

- 1.1 The purpose of this procedure is to provide guidance to students and staff on the procedure to be followed in the event of a breach of the Code of Conduct.
- 1.2 The College has the right and authority to discipline students and to suspend or exclude any student.
- 1.3 The College will contact the Police when required.
- 1.4 Where illness/disability may prevent a student from complying fully with the Code of Conduct, special consideration will be made.
- 1.5 If the student is under 18 at the commencement of their course, the parents / guardians may be informed in writing at Stages 2 and 3 (see paragraph 6 of this procedure) unless this is deemed inappropriate by College Management.
- 1.6 In interpreting this Student Disciplinary Procedure the decision of the College is final.
- 1.7 The College may amend this Student Disciplinary Procedure at any time or depart from it depending on the circumstances of the case.

### 2. Students on 14-16 Programmes

- 2.1 Students on 14-16 programmes are subject to the disciplinary procedures developed by the area, a copy of which can be obtained from the relevant Manager or Dean. However, should a student be believed to have been involved in an act of Gross Misconduct then the 14-16 Manager or the Dean responsible for the area can use the process outlined for Stage 3 (Gross Misconduct).
- 2.2 In this instance the Disciplinary Panel will include the Chair of the Panel and the 14-16 Manager, a senior representative from the Faculty (Dean, Learning Area Manager or Faculty Tutor) and a representative from the school and/or relevant external organisations.

### 3. Part Time Students

- 3.1 If you are a part time student and do not have a tutor any disciplinary matter will be handled by the relevant senior manager within the Faculty.

### 4. Examples of breaches of the Code of Conduct

- 4.1 The College views the following as examples of **misconduct**:
  - 4.1.1 Continued non submission of coursework;
  - 4.1.2 Failure to wear appropriate clothing or bring essential equipment to class;
  - 4.1.3 Failure to have your Student ID Card with you;
  - 4.1.4 Cheating or plagiarism in academic coursework or in examinations;
  - 4.1.5 Threats to health and safety, such as misusing fire extinguishers and fire alarms;
  - 4.1.6 Smoking on College premises or outside designated areas;

- 4.1.7 Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College or the duties or activities of any learner, visitor or member of staff of the College;
  - 4.1.8 Breach of the provisions of any of the College's policies including rules and regulations relating to external assessment;
  - 4.1.9 Failure to disclose personal details to a member of staff of the College or keep details up to date in circumstances in which it is reasonable to request the information or where funding or fees may be affected;
  - 4.1.10 Failure to respect the rights of others to freedom of belief and freedom of speech;
  - 4.1.11 Failing to respond to a reasonable instruction relating to discipline, issued with the authority of the head of the institution;
  - 4.1.12 Use of mobile phones in any way (including videos) in learning areas.
- 4.2 The following offences are examples of **Gross Misconduct**:
- 4.2.1 Any conduct that constitutes a criminal offence.
  - 4.2.2 Action likely to cause injury or impair safety on College premises including transport to and from College including violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language.
  - 4.2.3 Possession of or use of weapons.
  - 4.2.4 Antisocial behaviour including: sexual, racial or any other bullying or harassment of any learner or member of staff of the College, or any visitor to the College including making malicious and unfounded accusations against another individual.
  - 4.2.5 Fraud, deceit, deception or dishonesty in relation to the College or its staff, learners or visitors.
  - 4.2.6 Damage, theft, misappropriation or misuse of College property or College premises, or the property of the College staff, learners or visitors, including computer misuse caused intentionally or recklessly.
  - 4.2.7 Drug, alcohol or solvent possession in College, on College transport or on College activities.
  - 4.2.8 Driving without due care and attention on College premises and to and from College.
  - 4.2.9 Offences in relation to computers, for example hacking or downloading pornography or games or abusive e-mails and those outlined in the College IT Acceptable Use Policy.
  - 4.2.10 Bringing the institution into disrepute, e.g. by being found guilty of committing a criminal offence or damaging property outside the institution.
- 4.3 These examples in paragraphs 4.1 and 4.2 are not an exhaustive list.
- 4.4 For the avoidance of doubt, any breaches of the Student Attendance Policy will be dealt with in accordance with the disciplinary procedure in the Student Attendance Policy.

## **5. Investigation**

- 5.1 The College may nominate someone to promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the College's policies or the Code of Conduct or may otherwise be a disciplinary matter.
- 5.2 The accused will be informed as soon as possible as to the fact of an investigation and when it has been concluded. The duration of any investigation required will depend on the nature of the allegation and will vary from case to case.
- 5.3 If a matter is being investigated by the Police, the College will not be obliged to await the outcome of any police investigation before undertaking its own investigation.
- 5.4 Depending on the circumstances of the case, you may be invited to attend an investigatory interview prior to a disciplinary hearing. The College reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.
- 5.5 In the event of an investigation of an allegation of gross misconduct the College may suspend you until the disciplinary hearing where the College believes that this is necessary. Suspension of this kind does not imply that a decision has already been made about the allegations.

## **6. Disciplinary Procedures Stages 1, 2 and 3 (Misconduct)**

- 6.1 Please see the flowchart in Appendix 1 (Misconduct).
- 6.2 Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that you have committed an act of misconduct, you will be invited to attend a meeting.
- 6.3 **Stage 1:** This stage is used to address minor breaches of the Code of Conduct. The College shall be entitled to issue you with either a verbal or written warning as appropriate.
- 6.4 This stage is carried out by either the Personal Tutor/Mentor or a nominated member of staff.
- 6.5 **Stage 2:** This stage is used to address further breaches of the Code of Conduct or failure to improve after a verbal or written warning. The College shall be entitled to issue you with either a further verbal or written warning, or a final written warning as appropriate.
- 6.6 This stage is carried out by the Faculty Tutor/Assistant Faculty Tutor or the WBL Manager.
- 6.7 For **Stage 1 and Stage 2** staff may apply any or any combination of the following actions in an effort to resolve the misconduct:
- 6.7.1 A verbal or written warning, a written final warning (stage 2) or a written contract may be issued.
  - 6.7.2 You may be put on report for a specified period with review dates.
  - 6.7.3 A list of conditions may be devised whereby you are allowed to remain at the College.
  - 6.7.4 Parents/carers/guardians may be contacted.
  - 6.7.5 You may be referred to Student Services for guidance and/or counselling.
- 6.8 The actions agreed will be recorded and kept on your personal file. You will be requested to sign the agreed action.
- 6.9 **Stage 3:** This stage is used following a further breach of the Code of Conduct and will result in exclusion from the College.
- 6.10 This stage is carried out by the Faculty Tutor/Assistant Faculty Tutor or the WBL Manager.

## **7. Procedure for Gross Misconduct**

- 7.1 Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that you have committed an act of gross misconduct, you will be invited to attend a disciplinary hearing.
- 7.2 In the event of a disciplinary hearing taking place the College will:
- 7.2.1 give you a minimum of two working term-time days advance notice of the hearing;
  - 7.2.2 give you written details of the nature of the alleged misconduct;
  - 7.2.3 tell you the purpose of the hearing and that it will be held under the Colleges' Disciplinary Procedure;
  - 7.2.4 explain your right to be accompanied at the hearing by a companion.
- 7.3 Where you are unable to attend a disciplinary hearing for reasons beyond your control, the hearing will be adjourned to another day. The College will comply with paragraph 7.2 above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if you are unable to attend the rearranged hearing, the rearranged hearing will take place in your absence.

## **8. Role of companion**

- 8.1 You have the right to bring a friend or parent ("companion") to the disciplinary hearing. The choice of companion is a matter for you and you must notify the College of your choice prior to the hearing. If the College believes that your choice is unreasonable, the College

will ask you to choose someone else. For example, if in the College's opinion, your companion:

- 8.1.1 may have a conflict of interest or prejudice the meeting;
  - 8.1.2 is unavailable at the time of the meeting, if the original meeting date has already been re-arranged once due to the companion's non availability.
- 8.2 At any disciplinary hearing, your companion may address the Panel and respond on your behalf to any views expressed. However, the meeting is essentially a meeting between you and the College and any questions put directly to you should be answered by you and not your companion, unless you request your companion to reply on your behalf.

## **9. The disciplinary hearing**

- 9.1 A disciplinary hearing will normally be conducted by the relevant persons set out in the flowchart in Appendix 1. Any member of the College staff responsible for the investigation of the disciplinary offence(s) shall not be a member of the Panel, although such staff may present any information material to the disciplinary hearing.
- 9.2 The **Disciplinary Panel** will aim to meet within 10 working term-time days of the suspension/referral.
- 9.3 The Disciplinary Panel will comprise 3 people selected from senior staff or governors. The Disciplinary Panel will be chaired by the Principal Tutor or by a member of the senior staff in the event of the Principal Tutor being unavailable.
- 9.4 You will be invited to arrive 30 minutes prior to the start of the hearing for a full briefing.
- 9.5 The College will give you advance notice if it intends to call relevant witnesses.
- 9.6 You must also give the College advance notice if you intend to call any relevant witnesses.
- 9.7 The relevant senior member of staff will present the case to the Panel with a breakdown of the student's academic record at the College including absence record and any cause for concerns recorded.
- 9.8 At the hearing you will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses.
- 9.9 The College may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). In these circumstances the Panel should be reconvened with its original members and you will be given notice of the date of the reconvened hearing in accordance with paragraph 7.2.
- 9.10 As soon as possible after the conclusion of the disciplinary proceedings, the College will write to you and, if you are under 18 to your parents or guardian, informing you what disciplinary action, if any, is to be taken. You will be notified of your right of appeal under the College's Appeals Procedure.
- 9.11 The Chair will advise the relevant manager of all exclusions in order that support services can be advised, where appropriate.
- 9.12 The Disciplinary Panel may find that:
- 9.12.1 You are not in breach of the College's Code of Conduct and you will be allowed to return immediately.
  - 9.12.2 You have breached the College's Code of Conduct and will be issued with a written final warning with conditions.
  - 9.12.3 You have breached the College's Code of Conduct, are issued with a written final warning with conditions and are given an extended suspension with or without conditions.
  - 9.12.4 You have breached the College's Code of Conduct and are permanently excluded from the College. The Chair should then inform the MIS and IT systems in the College. The exclusion could include terms that would enable the student to

continue their studies from home with support from his/her tutors. This option can only be taken with the full support of your area of study.

## **10. Risk Assessment Panel**

10.1 Where you suffer from a particular illness which impacts on the Health and Safety of yourself, your fellow students and/or staff, and the College deems it inappropriate for you to attend the College, a disciplinary hearing may not be the appropriate course of action to consider any breaches of the College's Code of Conduct. When this is the case the following procedure will be instigated:

- 10.1.1 A full risk assessment will be carried out and supervised by the Health and Safety Officer.
- 10.1.2 The risk panel will meet within ten working term-time days of the suspension/referral to assess how any disciplinary hearing may best be undertaken.
- 10.1.3 You will be notified in writing of the procedure the College will use in these circumstances. The decision of the College shall be final

## **11. Appeals**

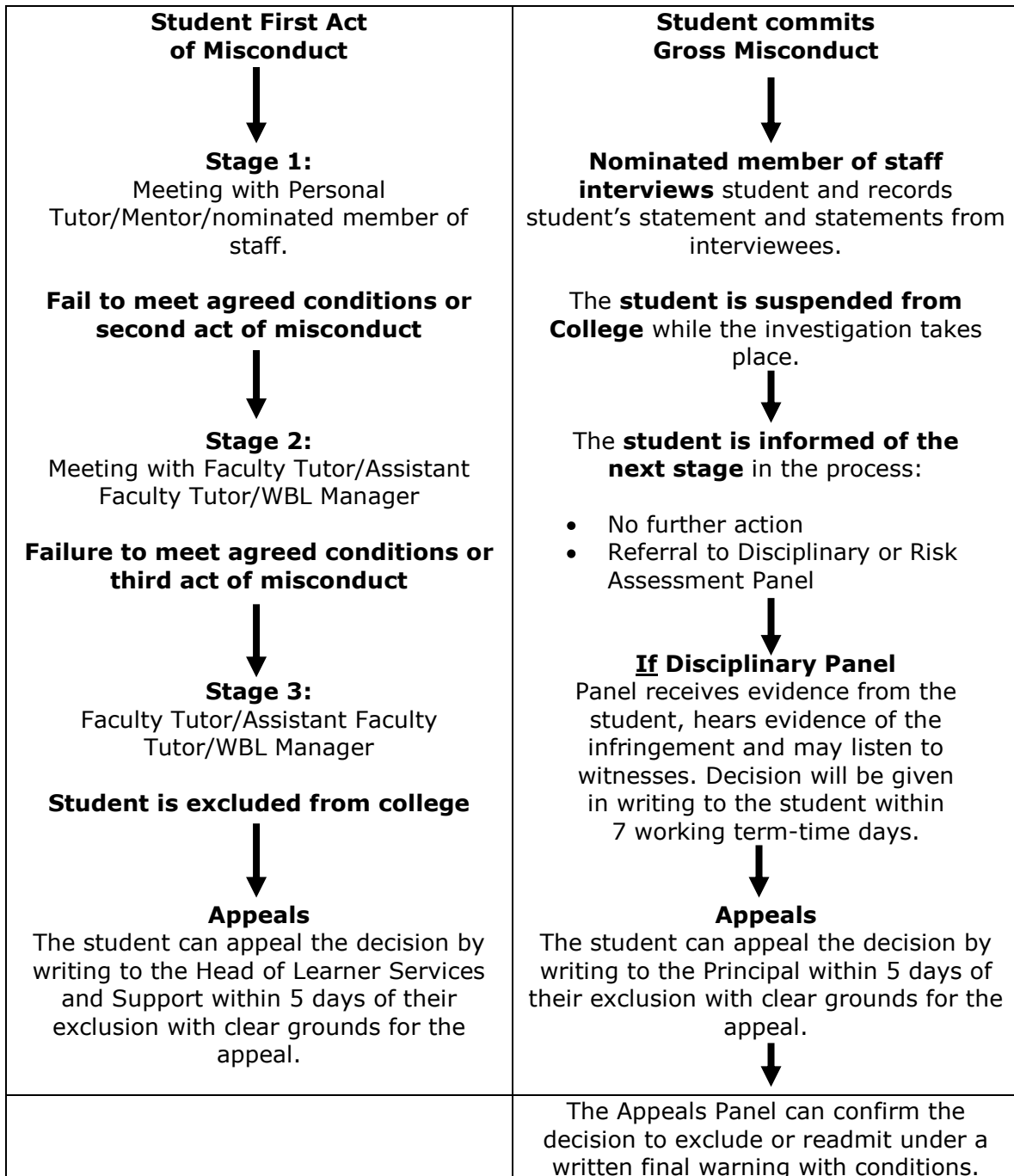
11.1 You have the right to appeal against any decision made by the Disciplinary Panel (Stage 3 - Misconduct and Gross Misconduct - of the Student Disciplinary Procedure). Please see the College's Appeals Procedure.

## **12. Related Documents**

- 12.1 Appeals Procedure
- 12.2 Student Attendance Policy
- 12.3 Student Code of Conduct

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A student may be excluded from the College if his/her behaviour is not satisfactory and after his/her case has been properly considered, according to the Disciplinary Procedures of the College.



**This procedure relates to all students on all campuses**

The College will take into account any circumstances where students with disability or illness are unable to comply fully with the rules.