



**Coleg Gŵyr Abertawe**  
**Gower College Swansea**

## **Student Disciplinary Procedure**

<b>Issue</b>	<b>March 2022</b>
<b>Review Date</b>	<b>September 2024</b>
<b>Originator</b>	<b>Nikki Neale Director of Quality and Curriculum</b>
<b>Location of Policy</b>	<b>BIZ-Sharepoint/Intranet/Policies &amp; Procedures/Learner Services &amp; Support</b>
<b>Policy Approved By:</b>	<b>College Management Team – 10 March 2022</b>

## **1. Introduction**

- 1.1 The purpose of this procedure is to provide guidance to learners and staff on the procedure to be followed in the event of a breach of the Learner Charter.
- 1.2 The College has the right and authority to discipline learners and to suspend or exclude **any** learner.
- 1.3 The College will contact the Police when required.
- 1.4 Where illness/disability may prevent a learner from complying fully with the Learner Charter, special consideration will be made.
- 1.5 If the learner is under 18 at the commencement of their course, and has given the necessary contact permission at enrolment, 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 will consider individual circumstances before deciding on the use of the Student Disciplinary Procedure or the Fitness to Study Policy.

## **2. Learners on 14-16 Programmes**

- 2.1 Learners 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 learner be believed to have been involved in an act of Gross Misconduct then the Schools 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, the Schools Manager or the Learning Area Manager (LAM) and a representative from the school and/or relevant external organisations.

## **3. Part Time Learners and Work Based Learners**

- 3.1 If you are a part time learner or an apprentice on an apprenticeship programme and do not have a personal tutor, any disciplinary matter will be handled by the relevant Learning Area Manager/Tutor Assessor/Head of GCS Training/Head of WBL.

## **4. Informal Process**

- 4.1 As a given, staff should support and work with all learners in respecting and adhering to the Learner Charter, while they are a member of the College community. Before any disciplinary process starts there is an expectation that informal discussions have taken place with learners before it is deemed necessary to begin the disciplinary stages.

## 5. Examples of breaches of the Learner Charter

### 5.1 The College views the following as examples of **misconduct**:

- 5.1.1 Continued non-submission of coursework;
- 5.1.2 Failure to wear appropriate clothing or bring essential equipment to class;
- 5.1.3 Failure to have and display your Learner ID Card with you;
- 5.1.4 Cheating or plagiarism in academic coursework or in examinations;
- 5.1.5 Threats to health and safety, such as misusing fire extinguishers and fire alarms;
- 5.1.6 Smoking/vaping outside of designated areas;
- 5.1.7 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;
- 5.1.8 Breach of the provisions of any of the College's policies including rules and regulations relating to external assessment;
- 5.1.9 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;
- 5.1.10 Failure to respect the rights of others to freedom of belief and freedom of speech;
- 5.1.11 Failing to respond to a reasonable instruction relating to discipline, issued with the authority of the head of the institution;
- 5.1.12 Use of mobile phones (including videos) in learning areas unless used for study purposes e.g. directed to use one by the lecturer as part of the learning process or for research in the Learning Resource Centre (learning activities as directed by the College and staying safe in college as directed by the College)
- 5.1.13 Behaviour that causes disruption to the work of others.

### 5.2 The following offences are examples of **Gross Misconduct**:

- 5.2.1 Any conduct that constitutes a criminal offence.
- 5.2.2 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.
- 5.2.3 Possession of or use of weapons.
- 5.2.4 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.
- 5.2.5 Fraud, deceit, deception or dishonesty in relation to the College or its staff, learners or visitors.
- 5.2.6 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.
- 5.2.7 Drug, alcohol or solvent possession (or under the influence of) in College, on College transport or on College activities. A learner or apprentice enrolled at the College may be stopped and searched for any prohibited items where there are reasonable grounds for suspicion that a person is in possession of such an item.
- 5.2.8 Driving without due care and attention on College premises and to and from College.
- 5.2.9 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.

- 5.2.10 Filming or taking images of staff and/or learners without consent, including the sharing of images or videos with others, i.e. via social media.
- 5.2.11 Bringing the institution into disrepute, e.g. by being found guilty of committing a criminal offence or damaging property outside the institution.

- 5.3 These examples in paragraphs 4.1 and 4.2 are not an exhaustive list.
- 5.4 For the avoidance of doubt, any breaches of the Learner Attendance Policy will be dealt with in accordance with the disciplinary procedure in the Learner Attendance Policy.

## **6. Investigation**

- 6.1 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 Learner Charter or may otherwise be a disciplinary matter.
- 6.2 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.
- 6.3 If a matter is being investigated by the Police, the College will be obliged to await the outcome of any police investigation before undertaking its own investigation.
- 6.4 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.
- 6.5 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.

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

- 7.1 Please see the flowchart in Appendix 1 (Misconduct).
- 7.2 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.
- 7.3 **Stage 1:** This stage is used to address minor breaches of the Learner Charter. The College shall be entitled to issue you with written warning. This will stay on your record for 6 weeks.
- 7.4 This stage is carried out by either the Personal Tutor/Assessor/Curriculum Leader/Co-ordinator or a nominated member of staff.
- 7.5 **Stage 2:** This stage is used to address further breaches of the Learner Charter within the 6 weeks or failure to improve after a written warning. The College shall be entitled to issue you with either a further written warning, or a final written warning as appropriate. This will stay on your record for the remainder of the academic year.

- 7.6 This stage is carried out by the PLP Lead Tutor for A Level or Curriculum Leaders/Commercial Coordinators for Vocational/Work Based Learning programmes.
- 7.7 For **Stage 1 and Stage 2** staff may apply any or any combination of the following actions in an effort to resolve the misconduct:
- 7.7.1 A written warning (Stage 1) a written final warning (stage 2) and a written contract may be issued.
  - 7.7.2 You will have the opportunity to meet with a member of the support team within Gower College Swansea/GCS Training who will provide support and advocacy (where necessary translation services will be provided).
  - 7.7.3 You will be advised of your right to be accompanied at the disciplinary meeting by a companion
  - 7.7.4 You may be put on report for a specified period with review dates.
  - 7.7.5 A list of conditions may be devised whereby you are allowed to remain at the College.
  - 7.7.6 Parents/carers/guardians may be contacted where permission has been given by the learner 6.7.7 You may be referred to Learner Services for guidance and/or counselling.
- 7.8 The actions agreed will be recorded and kept on your personal file.
- 7.9 **Stage 3:** This stage is used following a further breach of the Learner Charter and will result in exclusion from the College.
- 7.10 This stage is carried out by the Learning Area Manager or Faculty Dean / relevant manager (Advance to FE/Schools) / Head of GCS Training or Head of Work Based Learning.

## **8. Procedure for Gross Misconduct**

- 8.1 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.
- 8.2 In the event of a disciplinary hearing taking place the College will:
- 8.2.1 give you a minimum of two working term-time days advance notice of the hearing;
  - 8.2.2 give you written details of the nature of the alleged misconduct;
  - 8.2.3 tell you the purpose of the hearing and that it will be held under the Colleges' Disciplinary Procedure;
  - 8.2.4 offer you the opportunity to meet with a member of the support team within Gower College Swansea/GCS Training who will provide support and advocacy (where necessary translation services will be provided);
  - 8.2.5 explain your right to be accompanied at the hearing by a companion.
- 8.3 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.

## 9. Role of Companion

- 9.1 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 this is not possible, you need to inform the College the day before the hearing and the College will provide an advocate to support you during the meeting. In the case of Learners under the age of 16 a parent or guardian must be present. If the College believes that your choice of companion 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.
- 9.2 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.

## 10. The Disciplinary hearing

- 10.1 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.
- 10.2 The **Disciplinary Panel** will aim to meet within 10 working term-time days of the suspension/referral.
- 10.3 The Disciplinary Panel will comprise two people selected from the College’s management team or governors. The Disciplinary Panel will be chaired by a **Senior Curriculum Manager/Head of Work Based Learning**.
- 10.4 The College will give you advance notice if it intends to call relevant witnesses.
- 10.5 You must also give the College advance notice if you intend to call any relevant witnesses.
- 10.6 The person appointed to undertake the investigation will present the case to the Panel with a breakdown of the learner’s academic record at the College including absence record and any cause for concerns recorded.
- 10.7 At the hearing you will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses. The witnesses must be agreed by the college.

- 10.8 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.
- 10.9 The outcome of the disciplinary hearing may be provided on the day but where additional information is required, the outcome will be communicated as soon as possible.
- 10.10 As soon as possible after the conclusion of the disciplinary proceedings, the College will write to you 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.
- 10.11 The Chair will advise the relevant manager of all exclusions in order that support services can be advised, where appropriate.
- 10.12 The Disciplinary Panel may find that:
  - 10.12.1 You are not in breach of the College's Learner Charter and you will be allowed to return immediately.
  - 10.12.2 You have breached the College's Learner Charter and will be issued with a written final warning with conditions.
  - 10.12.3 You have breached the College's Learner Charter, are issued with a written final warning with conditions and are given an extended suspension with or without conditions.
  - 10.12.4 You have breached the College's Learner Charter 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 Learner 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.

## **11. Fitness to Study**

- 11.1 Where there are concerns regarding a Learners or apprentices health or wellbeing a disciplinary hearing may not be the appropriate course of action to consider any breaches of the College's Learner Charter. When this is the case the Fitness to Study Policy will be instigated.

## **12. Appeals**

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

## **13. Related Documents**

- 13.1 Appeals Procedure
- 13.2 Learner Attendance Policy
- 13.3 Learner Charter
- 13.4 Fitness to Study Policy
- 13.5 Bullying and Harassment Policy
- 13.6 Drugs and Alcohol Policy

- 13.7 IT Acceptable Use Policy
- 13.8 Stop and Search a Student or Apprentice Policy

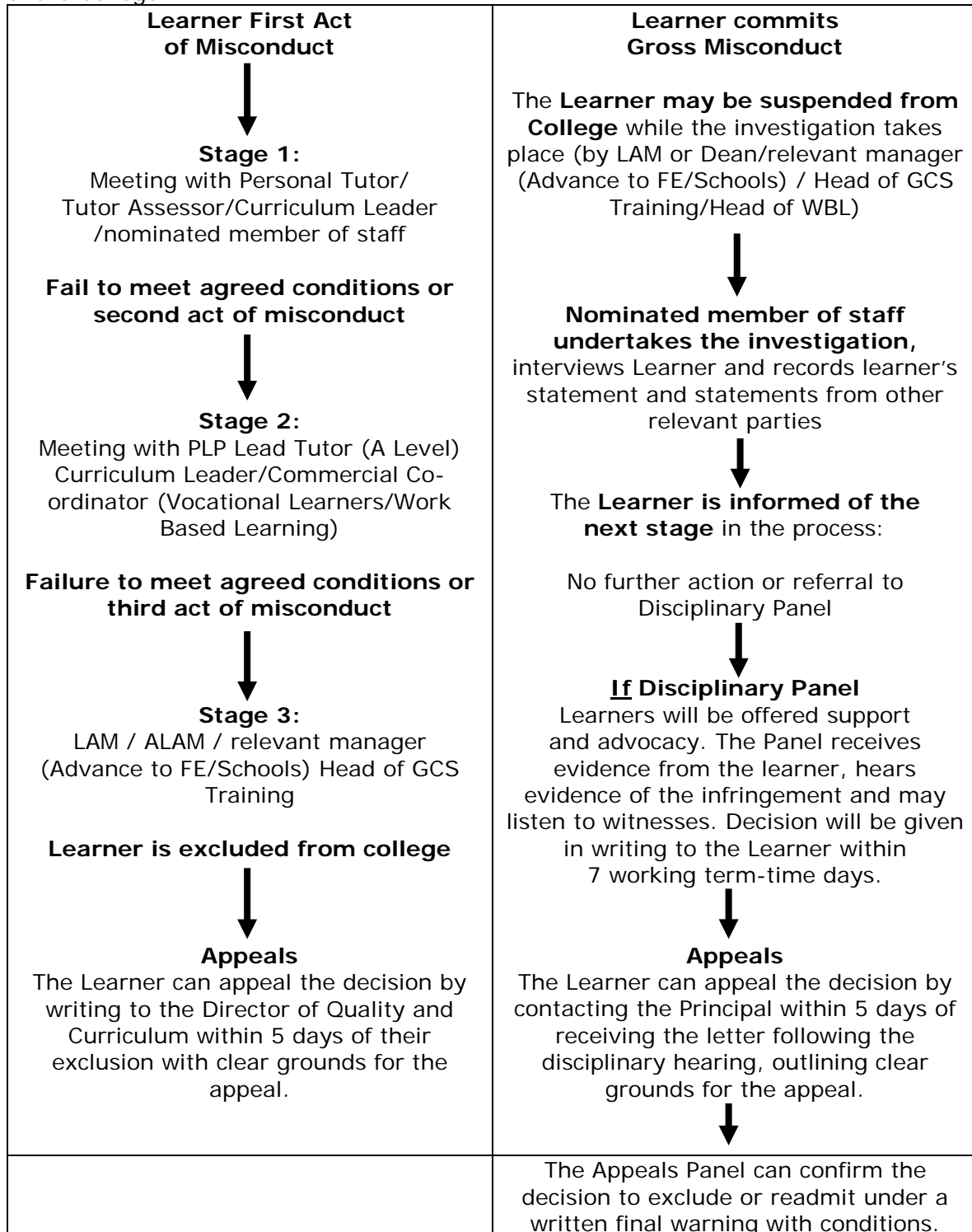
#### **14. The Welsh Language**

- 14.1 Gower College Swansea is committed to the promotion of the Welsh language and will endeavour to address and support the needs of Welsh speakers in accordance with the College's Welsh Language Scheme.
- 14.2 Mae Coleg Gwyr Abertawe yn ymrwymedig i hyrwyddo'r iaith Gymraeg a bydd yn ymdrechu i ddelio ag anghenion siaradwyr Cymraeg â'u cefnogi yn unol â Chynllun Iaith Gymraeg Y Coleg.
- 14.3 If you are a Welsh speaker and wish to have your disciplinary hearing (for gross misconduct) or appeal meeting held through the medium of Welsh please let us know within two days of your suspension (for disciplinary hearing) or in your letter of appeal. It is likely that this will be achieved through the use of simultaneous Welsh translation.



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A Learner 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 Learners and apprentices on and off campus**

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