

CC CLEVELAND COLLEGE OF
AD **ART & DESIGN**

TITLE:	FE Student Disciplinary Procedure		
VERSION:	1.0		
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CONSULTATION TAKEN PLACE WITH:	Student Services Manager FE Academic Committee members	DATE:	May 2017
APPROVED BY:	FE Academic Committee	DATE:	May 2017
DATE TO BE REVIEWED:	May 2019		

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1. Scope

- 1.1. CCAD is committed to operating a fair, consistent and non-discriminatory disciplinary procedure in relation to all its students. The College also recognises its obligations to students with a disability under the Equality Act 2010 and will comply with these obligations in the operation of this Student Disciplinary Procedure.
- 1.2. The behaviour described in section 2 and 3 of this procedure shall constitute a breach of this Student Disciplinary Procedure if it took place on CCAD property or premises or elsewhere if the student was involved with a College activity, was representing CCAD, was present at that place by virtue of his/her status as a student of CCAD, or if the behaviour affected other members of the College community or members of the general public in a way which may damage the standing and/or reputation of Cleveland College of Art and Design.
- 1.3. Exclusion or non-progression as a result of unsatisfactory levels of academic achievement, whatever the reason, is not covered by this Student Disciplinary Procedure. Likewise, academic misconduct is covered by the FE Academic Misconduct Policy, and is not covered by this Student Disciplinary Procedure.
- 1.4. For students under the age of 18 years old parents will be kept informed at all stages of the disciplinary proceedings.

2. Minor Misconduct

- 2.1. The following list gives typical examples of minor misconduct; it is indicative, and is not intended to be exhaustive.

Examples may include:

- poor punctuality
- poor attendance
- persistent failure to meet submission deadlines
- failure to participate in group activities
- minor damage to CCAD property, or negligence in its care
- disregarding instructions from members of CCAD staff
- showing a lack of respect to any members of the CCAD community, including contractors and visitors

- incidents of disturbance in the local community liable to bring CCAD into disrepute (NOTE: this may be classed as major misconduct depending on the severity of the disturbance).
- 2.2. Any allegation(s) of minor misconduct should be drawn to the attention of the Course Leader. The allegation(s) should be made in writing, and should clearly state the alleged misconduct (including dates and times). If the Course Leader has identified the misconduct, he/she should note this in writing. The Course Leader will then determine whether or not further action should be taken.
- 2.3. The options to the Course Leader are:
- To find that there is no case to answer, and that the case is dismissed
 - To give a verbal or written warning
 - To consider that this is a matter of misconduct which may warrant a penalty more serious than a warning, and refer the matter to the Head of Further Education
- 2.4. The Course Leader should document the outcome on the students ILP.

3. Serious Misconduct

- 3.1. Examples may include:
- breach of CCAD's equalities policies, including unlawful discrimination
 - harassment
 - breach of the Health and Safety Policy
 - theft
 - damage to property
 - physical violence
 - substance abuse
 - threatening behaviour
 - disruptive behaviour and unwillingness to co-operate with reasonable instructions from staff
 - smoking within CCAD buildings
 - a repeated instance of minor misconduct
 - failure to abide by the outcomes of a previous misconduct process (whether minor or serious)
 - any behaviour (on or off campus) liable to bring Cleveland College of Art and Design into disrepute
- 3.2. Any allegation(s) of serious misconduct should be brought to the attention of the Head of Further Education. The allegation(s) should be made in writing, and should clearly state the alleged misconduct (including dates and times). If the

Head of Further Education has identified the misconduct, he/she should note this in writing. The Head of Further Education will then determine whether or not the allegation(s) properly falls under the criteria for serious misconduct. If he / she considers that it does not, he / she will refer the matter back to the Course Leader for consideration through the procedure for minor misconduct.

- 3.3. If the allegation(s) does/do fall under the criteria for serious misconduct, the Head of Further Education will:
 - Meet with the student to determine the facts and if they are disputed
 - Determine if a written warning is sufficient, or
 - Decide if further investigation is required, and determine if the student should be suspended
 - Following investigation decide if a warning is sufficient or decide if a Student Disciplinary Panel should be convened
 - If a disciplinary panel is required, the case should be referred to the Vice Principal
- 3.4. The Vice Principal will:
 - Review the allegations to satisfy him/herself that the case should be heard under the procedures for serious misconduct
 - Review the strength of the evidence in support of these allegations and, if appropriate, appoint another member of CCAD staff, at middle manager level or above, to Chair and carryout the procedure for a disciplinary panel.

4. Student Disciplinary Panel

- 4.1. The panel will in all cases comprise:
 - Chair - A Middle Manager or above who has had no previous involvement with the case
 - An independent member of CCAD staff who is not from the subject area in which the student is based and who is not the Principal or Vice Principal.
 - A senior member of staff or above who is not from the subject area in which the student is based and who is not the Principal or Vice Principal.
- 4.2. The Chair will nominate a Secretary to the Student Disciplinary Panel.
- 4.3. Notes will be taken of all meetings of the Student Disciplinary Panel.
- 4.4. The student will be given at least 5 working days' notice of the date of the meeting of the Student Disciplinary Panel. He/she will also be given the opportunity to submit written evidence in advance of the meeting.
- 4.5. The student may be accompanied at the part of the meeting of the Student Disciplinary Panel at which he/she is entitled to present his/her case by a friend or another member of the College community if he/she wishes but not by a legal

representative. The person accompanying the student has a right to address the meeting but not to answer questions on behalf of the student. Reasonable adjustments will be made for students with a disability as appropriate.

5. Outcome of the Student Disciplinary Panel

5.1. The Student Disciplinary Panel will decide on the evidence on the balance of probability whether or not the allegation(s) is/are upheld and will determine the appropriate course of action. The range of outcomes (of which one or more may be imposed for each allegation of misconduct upheld) available for serious misconduct include:

- Permanent exclusion from Cleveland College of Art and Design
- Temporary exclusion from the College for a period of time determined by the Student Disciplinary Panel
- Temporary withdrawal of access to specified services
- Formal reprimand
- Apology and restitution to third parties
- An agreed action plan
- Warning

In addition, a student will normally be required to reimburse CCAD for the cost of any damage to property as a result of his / her actions.

5.2. The Student Disciplinary Panel will send its written decision to the Vice Principal within 48 hours and the student shall be informed in writing within 5 working days of the Student Disciplinary Panel reaching its decision. At the same time, the student shall be told that he/she has the right to appeal to the Principal in accordance with section 8 of this Student Disciplinary Procedure. The written notification shall be sent to the student's term-time correspondence address unless otherwise notified by the student

6. Appeal to the Principal

6.1. If the student is dissatisfied with the decision of the Student Disciplinary Panel, he/she may appeal in writing to the Principal. The letter of appeal must be lodged with the Principal's Office within ten working days of the date of notification of the decision of the Student Disciplinary Panel.

6.2. A student may appeal on the following grounds:

- That due process was not followed, and that this had a material bearing on the outcome of the hearing; and/or
 - That the penalty imposed is inconsistent with the severity of offence; and/or
 - That new evidence has since become available which is pertinent to the case, but was not available at the time of the hearing; and/or
 - That the decision of the Student Disciplinary Panel was perverse, taking into account all the evidence presented.
- 6.3. The Principal will conduct a full review of the documentation relating to the case, including all documentation considered by the panel, and its decision. He/she will not normally meet with the parties concerned, but may request a meeting with the Chair of the panel to request clarification of any points raised by the student in his/her appeal, or to discuss the impact of any new evidence. The Principal will reach a judgment on the balance of the evidence, and will either:
- Confirm the decision of the Student Disciplinary Panel
 - Uphold the appeal, and impose a lesser penalty
 - Uphold the appeal, and dismiss the case
- 6.4. The Principal will write to the student and the Vice Principal to confirm his/her decision. This will normally be within 10 working days of receipt of the letter of appeal although, as this authority cannot be delegated, there may be occasions where a longer time period is required, and in these cases the Principal's Office will contact the relevant parties to explain the circumstances. The Principal's letter of decision will also be copied to the Head of Further Education to enable the record of decisions to be updated.
- 6.5. There is no further process of appeal within Cleveland College of Art and Design.

7. Misconduct that is also a criminal offence

- 7.1. Notwithstanding the CCAD Procedure outlined above, if there is an incident of such a serious nature that people are in danger, anyone in the vicinity of the incident should request emergency Police assistance as their first action.
- 7.2. The following procedures apply where the alleged breach of this Student Disciplinary Procedure would also constitute an offence under criminal law if proved in a Court of Law:

- Where the offence under the criminal law is considered not to be serious and a criminal prosecution is unlikely, action under this Student Disciplinary Procedure may continue but will normally be deferred pending any police investigation or prosecution.
 - In the case of all other offences under the criminal law, no action other than suspension or exclusion may be taken under this Student Disciplinary Procedure unless the matter has been reported to the Police and either resulted in prosecution or a decision not to prosecute. The Vice Principal may then recommend to the Principal whether disciplinary action under this Student Disciplinary Procedure should continue to be taken.
 - Where a finding of misconduct is made under this Student Disciplinary Procedure and the student has been sentenced by a Court of Law in respect of the same facts, the Court's penalty shall be taken into account in determining the penalty under this Student Disciplinary Procedure.
 - Where a student is subject to a custodial sentence, he/she will be suspended from Cleveland College of Art and Design, and all proceedings under this Student Disciplinary Procedure likewise suspended, until the term of the custodial sentence has been served. In the event that the student re-enrols with the College, this Student Disciplinary Procedure will be reactivated, and the matter will be referred to the Vice Principal for decision as under bullet 2 above.
- 7.3. Students so charged may be suspended without prejudice until the case is concluded; this will be at the sole discretion of the Principal, taking advice from the Head of Further Education. This is not a judgment about guilt or innocence or the strength of the case presented but only about the seriousness of the allegations.
- 7.4. Following the conclusion of legal action, CCAD will review the case, and will determine whether or not to resume internal proceedings. This will be without prejudice; as both the nature of offences, and the standard of proof required, is different, CCAD reserves the right both to discontinue cases which have been upheld through the legal process, and to pursue cases which have not led to a conviction.
- 7.5. Students have an obligation to inform the College if they are subject to any criminal convictions, irrespective of the penalty. Notification should be made to the Course Leader, and will normally be kept confidential unless there are overriding reasons for this information to be shared with other senior staff.

8. Equality Impact Statement

- 8.1. This policy will be implemented in line with the principles of the college's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and diversity and aims to ensure

that all employees and college users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

9. Document control including archiving arrangements

- 9.1. This Student Disciplinary Procedure may be amended by resolution of the Corporation from time to time. It is the responsibility of the Head of Further Education to ensure that all documents which include this Student Disciplinary Procedure carry the most current version.
- 9.2. The Head of Further Education will maintain a record of all cases, and will report annually to the Corporation Board on the numbers of cases; the profile of students affected; and penalties issued. Apart from providing CCAD with information about the use of this Student Disciplinary Procedure, and its consistent implementation, this will permit the Board to ensure (on behalf of the Board of the Corporation) that this Student Disciplinary Procedure is being used effectively.

10. Standards/Key Performance Indicators

- 10.1. The Student Disciplinary Procedure will be monitored by the Head of Further Education.
- 10.2. The Annual Review will contain a summary of student disciplinary action, statistical comparisons for the last three years, and where necessary recommendations for enhancement of the procedure will be included within this.