

Student conduct policy and procedure

1. Introduction

- 1.1. We seek to ensure that every student experiences City Lit as a friendly, welcoming and open organisation that delivers an engaging, inspiring and transformational experience. This requires procedures, as outlined in this document, to enable the resolution of student discipline, fitness to study and fitness to practise issues.
- 1.2. These procedures apply to all enrolled students including those studying or working away from the college.
- 1.3. You may seek further information about these procedures from the Information and Advice service.

2. Unacceptable conduct

2.1 Conduct is unacceptable if you:

- fail to display the standards of behaviour that are expected between adults in a professional learning environment
- disrupt, obstruct or prevent the participation, learning or progress of other students
- disrupt, obstruct or prevent teaching or the administration of City Lit
- behave in a manner that could damage City Lit's reputation.

2.2 You should:

- respect all users of the college, whether students, staff, volunteers or members of the public
- behave in a way which respects the needs of others to learn, teach and work
- follow our Health and Safety procedures and behave in a way which does not put yourself or others in danger
- attend classes regularly and arrive on time
- study to the best of your ability and hand in any set work on time
- respect the property, equipment and software of the college, staff and other students
- help keep the building clean and tidy
- respect our Equality and Diversity policy at all times
- refrain from using mobile phones, or from taking photographs or video recordings in class without permission
- not smoke (including e-cigarettes) anywhere on the premises
- use the complaints resolution procedure appropriately
- follow the reasonable instructions of a member of staff.

- 2.3 The stage at which we take any action will depend on the seriousness of the situation. The manager responsible for dealing with an allegation of misconduct shall make such enquiries as he/she deems appropriate to confirm the facts reported and to determine the seriousness of the matter. This may include taking written statements from any person(s) involved.

2.4 If your behaviour causes disruption to the learning of others, you may be required to leave the classroom and/or premises immediately to ensure that others can continue learning. Such an action by a tutor or other member of staff dealing with the incident does not constitute suspension or expulsion and will not prejudice the subsequent handling of the situation.

3. Gross misconduct

3.1 The following are examples of behaviour which may be considered as gross misconduct. This is not a comprehensive list:

- any actual or attempted assessment malpractice
- any form of harassment¹
- bullying or intimidation
- cyberbullying
- any behaviour involving violence or the threat of violence
- deliberate damage to property
- failure to follow any health and safety procedure, regulation or request and, as a consequence, potentially putting yourself or others at risk
- any serious breach of our Equality and Diversity policy
- posting damaging or offensive messages online or in public forums
- vexatious complaints
- theft
- any illegal activity, either undertaken on the premises, during a lesson or that could be considered prejudicial to City Lit.

3.2 Potential gross misconduct will be dealt with as follows:

- Short courses – stage 2 of this procedure (section 10.2)
- Other courses – stage 3 of this procedure (section 11.3).

4. Assessment malpractice

4.1 Assessment malpractice is defined as any action or practice which may undermine the integrity and validity of an assessment, examination or certification. We do not tolerate any actions (or attempted actions) of malpractice by students.

4.2 The following are examples of malpractice by students; this list is not exhaustive and other instances of malpractice may be considered by us at our discretion:

- plagiarism
- collusion
- impersonation
- fabrication of results and/or evidence
- failing to abide by instructions given by an invigilator or assessor
- misuse of assessment material
- introducing unauthorised material into the assessment room e.g. notes, calculators, mobile devices
- exchanging information during assessment
- copying from another student
- behaving in such a way as to undermine integrity of assessment

4.3 We take steps to prevent and reduce occurrences of student malpractice by informing relevant students about:

- our student conduct policy and any malpractice policy or guidelines issued by the relevant awarding body at course inductions or prior to assessment taking place
- any specific assessment procedures prior to the start of any exam or assessment
- any guidelines or requirements issued by the relevant awarding body, e.g. declaration that work is their own, identification prior to sitting exams.

4.4 Any suspicion of malpractice, whether by a student or City Lit staff, will be reported to the relevant awarding body immediately.

5. Criminal offences

5.1 If there is reason to believe that you may have committed a criminal offence, we may refer the matter to the Police. We will normally continue to take action under this procedure irrespective of any action taken by the Police.

6. Precautionary suspension

6.1 The Principal and Vice Principals have the power to suspend you from all or part of the college's premises pending any investigation and hearing and/or the conclusion of any legal proceedings where they consider that you may have committed gross misconduct or that you may pose a danger to other members of the student body or the staff of the college.

6.2 A Duty Manager may suspend you if the Principal or a Vice Principal is not available. Any such suspension will be temporary and confirmed by the Principal or a Vice Principal at the earliest opportunity.

6.3 You will be informed in writing of the grounds for the suspension and will have the right to submit written representations to the Principal/Vice Principal within 5 days of the date of suspension. The Principal/Vice Principal will review the decision to suspend and will notify you of his/her decision within 10 days of the date of the suspension.

6.4 You have the right to request a review of your suspension by the Principal/Vice Principal every 4 weeks from the date of suspension. The Principal/Vice Principal will notify you of the result of his/her review within 5 days of any such request.

7. Fitness to study issues

7.1 We are committed to supporting and responding to student needs to ensure a positive student experience. However, there may be situations when your physical or mental health or wellbeing (including personal care and hygiene) or an impairment or disability affect your fitness to study at City Lit and as a result:

- impair your ability to participate, progress and to complete
- impede the participation, learning and progress of other students
- negatively affect the day-to-day activities of City Lit and/or a placement provider.

7.2 Early intervention can avoid the escalation of a situation into a crisis, so if you tell us about any potential fitness to study issues we are able to consider how we can best support you and whether any adjustments can reasonably be made to enable you continue studying. We can also consider a transfer, deferment or withdrawal if appropriate. You should tell your teacher or a member of the Access, Inclusion and Study Support team of any potential issues.

- 7.3 Sometimes fitness to study issues may initially manifest themselves as, or be managed as potential unacceptable conduct situations, with matters of fitness to study only emerging as the informal or formal procedure progresses.
- 7.4 If unacceptable conduct occurs we may still continue any action under sections 10 and 11; however, support or some other intervention(s) may also be agreed or recommended. These interventions would depend on your situation and we may direct you to internal and/or external services if it is considered that they may be of benefit to you.
- 7.5 If we are supporting you with fitness to study issues we will aim not to invoke the formal procedure if we consider that support and informal approaches are working. To do this we will consider your ongoing conduct, its effect on other staff or students and your engagement with the support offered.
- 7.6 Staff with concerns about fitness to study issues should contact the Head of Student Services and Support, who acts as college coordinator.

8. Fitness to practise issues

- 8.1 There may be situations where your conduct brings into question your ability or suitability to practise, either professionally or as a volunteer, the subject you are studying at City Lit.
- 8.2 If issues emerge that potentially affect your fitness to practise we may immediately escalate the procedure to stage 2 (short courses) or stage 3 (other courses).
- 8.3 If a sanction is under consideration that would have the effect of preventing you from permanently practising the profession related to that course, we will refer to any relevant professional body before making any decision and, where possible, holding such a hearing. Our process may then be amended following advice from that professional body; for example, we may include a representative from the relevant professional body on the hearing panel.
- 8.4 Staff with concerns about fitness to practise issues should contact the Head of Student Services and Support, who acts as college coordinator.

9. How we make decisions

- 9.1 Throughout the process we will consider and balance a number of elements when making any decisions; these include:
- the seriousness of the situation
 - any mitigation you offer
 - your engagement with any recommendations or decisions previously made
 - any issues that affect your fitness to study (we can only consider these issues if you tell us about them or we could reasonably be expected to know), we will consider whether appropriate support can reasonably be provided
 - whether your conduct may affect your fitness to practise
 - the remaining duration of the course and type of course and number of courses on which you are enrolled

- the impact of your conduct on the participation, learning and progress of other students
- the impact of your conduct on our staff or the administration of the college
- how the majority of learners on the relevant course(s) can be best served.

9.2 If you need assistance as a result of a disability we will consider whether appropriate adjustments can reasonably be made to support you.

9.3 Separate arrangements exist for our Progress students, which reflect the procedures outlined in sections 10 and 11. These arrangements pay particular attention to the effectiveness of support plans to manage conduct issues.

9.4 Where appropriate, language used in communications with deaf or Progress students will be amended, whilst retaining the meaning.

9.5 If we are unable to deal with any unacceptable conduct whilst you are a student (e.g. it occurs at the end of a course and you then have no further enrolments) we may temporarily prevent you from enrolling on future courses until the issue has been satisfactorily addressed. If this situation occurs the manager of the relevant area will advise you if any temporary bar is put in place to enable you to address our concerns.

9.6 If you are not enrolled as a student at the time of any unacceptable conduct we are not required to follow this procedure and reserve the right not to enrol you on future courses.

9.7 Any concern raised or warning issued will normally be retained for a maximum period of 1 year following its issue.

10. Conduct management procedure – short courses (less than 12 weeks in length)

10.1 Stage 1 – Informal approach

10.1.1 Any member of staff may raise issues of concern with you as they arise.

10.1.2 If, on inquiry, the concern is sufficiently serious the situation may be escalated to stage 2 of this procedure.

10.1.3 A record of any informal action taken will normally be retained and copied to the manager of the relevant area.

10.2 Stage 2 – Manager’s involvement

10.2.1 If in the year following informal action there is further cause for concern, or if conduct is such that the manager of the relevant area considers that an informal approach is not appropriate, the manager of the programme area or the department in which an incident occurred (e.g. Learning Centre) will talk to you about their concerns and, after taking into account any explanation given, decide if any sanction will be issued. The manager may do one or more of the following :

- take no formal action and/or agree to a request from you to withdraw from the course
- issue a warning
- restrict your access to certain college facilities for a specified period

- require you to make repairs for any damage caused
- take some other appropriate action.

If the situation is considered serious enough the manager may also

- terminate your place on that course
- withdraw any offers of a place on future courses
- set conditions to which you have to commit before you can be enrolled on future courses.

10.2.2 The manager may also recommend or agree some sort of support if s/he considers this to be appropriate, reasonable and related to fitness to study or fitness to practise issues.

10.2.3 The decision will be confirmed in writing, normally within 1 week of it being given to you.

10.2.4 You may appeal to a Vice Principal against any sanction imposed by a manager. Any appeal must be made within 1 week of the decision being given to you (see section 12).

11. Conduct management procedure – all other courses

11.1 Stage 1 – Informal approach

11.1.1 Any member of staff may raise issues of concern with you as they arise.

11.1.2 If, on inquiry, the concern is sufficiently serious the situation may be escalated to either stage 2 or stage 3 of this procedure.

11.1.3 A record of any informal action taken will normally be retained and copied to the manager of the relevant area.

11.2 Stage 2 – Manager's involvement

11.2.1 If in the year following informal action there is further cause for concern, or if conduct is such that the manager of the relevant area considers that an informal approach is not appropriate, s/he will talk to you about their concerns and, after taking into account any explanation given, decide whether any sanction will be issued. The manager may do one or more of the following:

- take no action
- refer the matter to stage 3 of this procedure
- issue a formal warning
- suspend you from the class and, if appropriate, related classes for a specified period of time
- restrict your access to certain college facilities for a specified period
- require you to make reparation for any damage caused
- take some other appropriate action.

11.2.2 The manager may also recommend or agree support if s/he considers this to be appropriate, reasonable and related to fitness to study or fitness to practise issues.

11.2.3 The decision will be confirmed in writing, normally within 1 week of it being given to you.

11.2.4 You may appeal to a Vice Principal against any sanction imposed by a manager. Any appeal must be made within 1 week of the decision being given to you (see section 12).

11.3 Stage 3 – Assistant Principal's / Head of Faculty's involvement

11.3.1 If there are further incidents of unacceptable conduct following a manager's warning or potential gross misconduct occurs at any time you will be invited to attend a hearing with an Assistant Principal, Head of Faculty or some other senior manager. This person will normally have had no prior involvement in the case. You will be given at least 5 days written notice of the hearing.

11.3.2 The written/ email notice will inform you of:

- the time and place of the hearing
- the nature of the conduct and any documentary of the evidence to be presented
- any witnesses we may call
- your right to be accompanied by a friend or supporter (we do not permit legal representation).

11.3.3 If, during the hearing, the manager considers that further investigation is needed the hearing will be adjourned until that investigation is complete.

11.3.4 You should submit to the person hearing the case information about any witnesses you wish to call and any documentary evidence you wish to present at least two days prior to the hearing, otherwise it may not be considered.

11.3.5 After hearing your case, the manager will, after taking into account any explanation given, decide whether any sanction will be issued. The manager may do one or more of the following:

- take no further action
- issue a formal warning and, if appropriate, suspend you from the class or the college for a specified period of time
- restrict your access to certain college facilities for a specified period
- require you to make reparation for any damage caused
- issue a final formal warning and, if appropriate, suspend you from the class (and, if appropriate, related classes) or the college for a specified period of time
- exclude you permanently
- take some other appropriate action.

11.3.6 The decision will be confirmed in writing, normally within 1 week of it being given to you.

11.3.7 You may appeal to a Vice Principal against any sanction imposed by an Assistant Principal, Head of Faculty or some other senior manager. Any appeal must be made within one week of the decision being given to you (see section 12).

12. Appeals

- 12.1 Where there is a right of appeal and you wish to appeal a decision you must submit written notice within 1 week of when you were informed of the decision. You must give the grounds for your appeal.
- 12.2 To expedite matters the Vice Principal or some other senior manager not involved in the original decision will reach a final decision based on the documentary evidence you supply with your appeal, if s/he considers that you have supplied sufficient information.
- 12.3 An appeal hearing will only be convened if you specifically request a meeting or the Vice Principal considers one necessary. You have the right to be accompanied by a friend or supporter (we do not allow legal representation) at an appeal hearing.
- 12.4 An appeal hearing will normally be a review of the original decision and not a rehearing of the case. You will be invited to explain the grounds of the appeal and the member of staff who made the original decision will be present and may be asked to address any issues you raise in your appeal.
- 12.5 The Vice Principal or delegated manager may ask questions of you and the member of staff who made the original decision and will then consider whether to uphold or dismiss the appeal.
- 12.6 If your appeal is upheld, the Vice Principal or delegated manager may decide on a lesser sanction, or no sanction.
- 12.7 The Vice Principal or delegated manager's decision is final and will be confirmed to you in writing, normally within one week of the decision being given to you.

13. Formal meetings, hearings and appeal hearings

- 13.1 Formal meetings, hearings and appeal hearings held under this procedure will be conducted by a manager who has not previously been involved in the situation. A note taker will be present at hearings and appeal hearings. Detailed minutes will not normally be taken at stage 1 or 2 meetings. If communication assistance is requested, this will be arranged by the college, taking into account the need for impartiality. All decisions will be made on 'the balance of probabilities' and taken on the conclusions of the manager making that decision based on the information available at the time.
- 13.2 The person conducting the meeting/hearing may give instructions in relation to the conduct of the meeting/hearing, including (without limitation) the length of time which any part of the meeting/hearing should take. S/he will enable you to question the evidence and state your case.
- 13.3 The person conducting the meeting/hearing may exclude from the proceedings any person (including yourself and any person accompanying you) who behaves unreasonably or who disregards instructions.
- 13.4 If you do not attend a meeting/hearing it will be rearranged to take place within 2 weeks of the original date. If you do not attend the rearranged meeting/hearing it will proceed without you and a decision made on the basis of information available.

13.5 In exceptional cases we reserve the right to vary aspects of this procedure if required by circumstances; care will be taken to ensure that any such variation is fair and appropriate.