**FE Positive Behaviour Management Policy**

(incorporating the Student Code of Conduct and FE Student Disciplinary Procedure)

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# Introduction

There are many forms of behaviour that can impact on a student’s experience and success at College. The aim of this policy is to provide a supportive framework to ensure that students stay at College, complete their course and achieve their potential.

1. Managing student behaviour should always be seen as a supportive measure with actions to address and change behaviour. A holistic approach, considering all aspects of College life and external factors, will always be looked at when considering any students’ behaviour; this will encompass Social, Economic and Mental Health needs
2. We will promote positive behaviour management by having a clear consistent behaviour management approach and focus on the prevention of inappropriate behaviour by using effective behaviour management techniques. All staff both teaching and business support have a responsibility to promote positive behaviour and wellbeing through their own conduct and their interactions with students.
3. This policy and procedure cover all Further Education (FE) students enrolled at Writtle University College studying on FE course and programs. It also encapsulates students engaged on short courses provided by the University College. The University College would expect any visiting students to adhere to this policy and for accompanying staff to ensure compliance. In cases of poor behaviour, the University College will make representation to the appropriate designated person from the visiting institution
4. The University College recognises that most instances of poor behaviour can and should be dealt with informally and promptly by an appropriate member of College staff without recourse to the FE Student Disciplinary Procedure. A note of such a warning will be recorded on the College tracking system (Promonitor) and staff informed.
5. The behaviour of the vast majority of students is exemplary - they are responsible and considerate. To deal with those who are not, the FE Student Disciplinary Procedure will be enforced to protect the University College and wider community and to deter those who interfere with its work and activities. Students agree to abide by the University College rules and regulations at the time they register and they apply not just on campus but within Writtle village and in Chelmsford as well. Parents, residents, staff and students all expect students to maintain a safe, orderly and peaceful environment – the University College takes this extremely seriously.
6. FE students sign the University College and Learner Commitment which can be found in the [FE Student Handbook](http://moodle.writtle.ac.uk/course/view.php?id=386) on the University College VLE ([Moodle](http://moodle.writtle.ac.uk/))

# Purpose

1. This policy is designed to ensure:
	* students are aware of the expectations of the University College;
	* fairness in the disciplinary process;
	* students are encouraged to meet acceptable standards of conduct whilst studying at the University College, whilst on University College premises and also when they are out in the local community or on University College visits and trips so as not to bring the University College into disrepute;
	* consistent and fair treatment for all regardless of age, ethnic origin, and gender, disability, sexual orientation, religion or belief;
	* all facts are established and, where appropriate, matters fully investigated *before*

disciplinary action is taken.

1. The purpose of this procedure is to facilitate the timely resolution of a difficulty experienced by a student and so help prevent issues escalating into major problems where it may become too late for a recovery to be made. The process covers how the University College manages situations when there is a concern about the wellbeing of a student and how this will affect their ability to study at the College and the impact on themselves and others
2. Disciplinary offences at the University College may be committed by students who are under the influence of alcohol and/or drugs. The disciplinary system makes no allowance whatsoever for this and, in many cases, it will be seen as an aggravating factor. Students who are under the age of 18 are strictly forbidden to be in possession of or under the influence of alcohol and/or drugs and those over 18 will be subject to disciplinary proceedings if they knowingly purchase alcohol for students under 18
3. Staff, students, visitors or general members of the public are encouraged to report at the earliest opportunity any alleged breaches of the student code of conduct or alleged anti-social or criminal behaviour or behaviour which brings the University College into disrepute.
4. Once reported, the University College’s staff (at an appropriate level depending on the nature of the offence) will take steps to investigate the alleged breach in a timely manner.
5. If an FE student is a current University College resident in Halls, the HE Disciplinary policy can be used to address halls of residency, bar and out of hours disciplinary issues.

(6) This policy outlines the process for dealing with allegations of inappropriate student behaviour. It is designed to ensure fair and equal treatment of students.

# Principles

1. Managing student behaviour, in class or outside, is the responsibility of all staff. The University College is committed to, and will provide ongoing training and development to keep skills and knowledge relating to behaviour management up to date for all staff to support the positive management of behaviour.
2. If there is an allegation that a student has breached or broken the Code of Conduct (defined in the next section), this FE Positive Behaviour Management Policy and FE Student Disciplinary Procedure will apply. The policy and procedure apply to students enrolled as Further Education students of the University College. Investigation will take place on a case by case basis.
3. Students under the age of 18 will normally be accompanied to disciplinary meetings at Stage 2 and above by a parent or person with parental responsibility. Students over the age of 18 are entitled to be accompanied at a meeting by a Student Union representative or a chosen friend (who is not involved in the alleged incident) at any disciplinary interview or meeting. Any student aged under 18 whose parent or person with parental responsibility has confirmed to the University College that they refuse to accompany may instead be accompanied by a Student Union representative, a friend or a representative from Learner Services if appropriate.
4. Under this policy and procedure, the University College has the authority to discipline students and to suspend or exclude any student for just cause, or to ban or exclude any student from campus, specific Halls of Residence or specific buildings or to ban their vehicle from campus even where the misconduct takes place outside of the learning environment.
5. The definition of misconduct is outlined in the Code of Conduct and relates to behaviour that:
	* Contravenes University College regulations, or
	* Damages the University College or its reputation, and/or
	* Constitutes a criminal offence.
6. The Disciplinary Procedure seeks to ensure that in all decisions regarding student discipline, students are afforded a fair hearing and that penalties are appropriate. In the event that gross misconduct or criminal behaviour is committed, a student can be suspended temporarily or excluded from the University College permanently
7. Further Education student [FE Academic Regulations](http://moodle.writtle.ac.uk/file.php/79/easy_read_academic_regs.pdf) policy can be found on the VLE ([Moodle](http://moodle.writtle.ac.uk/)).

# Code of Conduct

The Code of Conduct explains how students are expected to behave whilst on University College premises or where students are taking part in University College-related activities. The University College also reserves the right to investigate incidents which occur off-site. Students are responsible for the behaviour of guests they bring onto campus and should ensure their guests also comply with the Code of Conduct.

Behaviour that contravenes the Code of Conduct will be dealt with through this FE Student Disciplinary Procedure.

### All Writtle University College Students must:

* Respect the rights of others to a quiet, clean and orderly environment.
* Respect the property of other people and that of the University College and its premises.
* Display professional behaviour around campus, ensuring their behaviour does not put their own or other people’s health, safety or welfare at risk - observing all directions and regulations in respect of Health and Safety.
* Abide by reasonable instructions issued by a member of the University College’s staff in the normal course of University College business.
* Abide by the University College’s Vehicle Regulations. This includes adhering to parking and speed restrictions, registering a vehicle with the Property department, and operating a vehicle lawfully and with full consideration for others. The [University College Vehicle & Parking Regulations](http://mywi/libros/pge_sendfile.cfm?file=D%3A%2FMYPortal%2F%2Fdata%2Flibros%2Fdocs%2F11%2F214%2F1371%2FVehicle%20Parking%20Regulations%20Policy%5FFINAL%2Edoc) can be found on the University College’s intranet [“MyWi”.](http://mywi/)
* Abide by the University College’s Information Technology/ [IS Usage Policy](http://mywi/libros/pge_sendfile.cfm?file=D%3A%2FMYPortal%2F%2Fdata%2Flibros%2Fdocs%2F11%2F166%2F667%2FIS%20Usage%20Policy%2Edoc) can also be found on the University College’s intranet “MyWi”
* Display their ID card at all times whilst on University College, ensuring it is visible at all times.
* Fully comply with the law on discrimination and with the University College’s [Equality Policy.](http://writtle.ac.uk/pdfs/Equality_Policy.pdf) By way of examples (not exhaustive) bullying, racial, circulation of offensive material or sexual harassment will not be tolerated.
* Make themselves aware of, and agree to follow, University College policies while registered as a student.
* Assist with enquiries, attend a meeting or a hearing when requested to do so.
* Only Smoke within clearly signed designated areas, where containers supplied should be used for extinguishing all smoking materials.
* Only use mobile phones during teaching and learning activities if given the express permission by a member of staff. Students are expected to turn mobile phones off and phones must remain off until teaching and learning has finished, except where they are required for teaching purposes and it has been agreed.
* **All Students MUST NOT**consume, be in possession of or deal, any illegal substances, controlled substances (drugs), legal highs or any other substance which may impair their performance on University College premises. The University College strictly operates a zero tolerance to illegal drugs. (NB \*Medicinal drugs that are on the [Home Office's Controlled Drugs List](http://www.homeoffice.gov.uk/publications/alcohol-drugs/drugs/drug-licences/controlled-drugs-list?view=Binary) which are prescribed by a Medical Practitioner must be previously and voluntarily disclosed by a student to a Course Manager or to a member of Learner Services). For further information, see the [University College Drugs Policy](http://mywi/libros/pge_sendfile.cfm?file=D%3A%2FMYPortal%2F%2Fdata%2Flibros%2Fdocs%2F11%2F163%2F980%2FDrugs%20Policy%20July%202014.pdf).
* **All Students MUST NOT**Carry or bring to the University College any offensive weapons or any objects which may be reasonably deemed as offensive by the University College.
* **Students under the age of 18 MUST NOT** consume, or be in possession of, whilst on University College premises. Any student who is a resident and who is under the age of 18 must not consume, attempt to or buy alcohol or any other illegal substances whilst off site during a period of University College residency (including days taken off or non- teaching time such as bank holidays).

The Positive Behaviour Management and FE Student Disciplinary procedure will be invoked where there are indications that the Code of Conduct has been breached. This policy applies to both resident and non-resident students and covers all:

* + Buildings on any of the University College campuses or on any part of the estate owned by Writtle University College;
	+ Halls of Residence;
	+ Social and sporting activities;
	+ Activities in the Bar and Recreation Centre;
	+ Activities both on and off campus (including University College trips and activities) where an incident involves dangerous or antisocial behaviour or behaviour which may bring the University College into disrepute.

University College rules and related guidance can also be found in the following documents :

* Student Handbook:  [FE Student Information & Handbook](http://moodle.writtle.ac.uk/course/view.php?id=386) is to be found on the University College VLE Moodle;
* Regulations for Resident Students can be found in [The Residents’ Booklet](http://www.writtle.ac.uk/pdfs/5/Residents%20Booklet.pdf) located on the University College website;
* [Accommodation: Regulations for Students in Residence](http://moodle.writtle.ac.uk/mod/resource/view.php?id=24945) can be found on Moodle;
* Campus [Vehicle & Parking Regulations](http://mywi/libros/pge_sendfile.cfm?file=D%3A%2FMYPortal%2F%2Fdata%2Flibros%2Fdocs%2F11%2F214%2F1371%2FVehicle%20Parking%20Regulations%20Policy%5FFINAL%2Edoc) apply to students whilst at University College and can be found on MyWi;
* The Writtle University College [Health & Safety Policy](http://mywi/portal/pge_Menu_Main.cfm?G_id=1019&amp;IMAGESON=1&amp;VIEWCOUNT=1&amp;sequenceno=2&amp;BC=4152FA54-4867-4ED8-9A3769794DE3B619) can be found on MyWi and on Moodle;
* The [IS Usage Policy](http://mywi/libros/pge_sendfile.cfm?file=D%3A%2FMYPortal%2F%2Fdata%2Flibros%2Fdocs%2F11%2F166%2F667%2FIS%20Usage%20Policy%2Edoc) can be found on MyWi;
* [FE Academic Regulations](http://moodle.writtle.ac.uk/file.php/386/2011-12/FE_Academic_Regulations_2011-12.doc) can be found in the FE Student Handbook on Moodle;
* [FE Assessment & Malpractice Policy](http://moodle.writtle.ac.uk/file.php/386/2011-12/Assessment_Malpractice_Policy_2011-12.doc) can be found in the FE Student Handbook on Moodle;
* [Complaints Procedure for Students and Members of the Public](http://www.writtle.ac.uk/PDFS/complaints_procedure.pdf) can be found on MyWi and the University College website.

# Suspension

For the purposes of this policy the term suspension should not be confused with the term exclusion.

Suspension can be used as a precursor to disciplinary action during the investigative phase. It can also be used where it is considered it would be detrimental for a student to remain where the health, safety and welfare of themselves or others is compromised. Particular attention will be paid to students’ resident on campus. The University College will make no unreasonable demands in this regard but resident students may need to make urgent and alternative accommodation arrangements in the event they are suspended, and the University College will not be liable for costs. A student suspended from Halls will remain liable for Hall Fees, in line with the Occupancy Agreement.

A period of suspension does not automatically presume guilt. A suspension should only be imposed where it is considered absolutely necessary, for example to enable an investigation to proceed unheeded where facts or evidence need to be gathered or where there is a safety consideration either for the student concerned or for others. Conditions may be attached to the period of suspension and if these are not adhered to, it is most likely to carry consequences for the student concerned if breached.

Only the FE Student Success Lead, Deputy Director of FE, Director of FE or member of the Senior Management Team has the authority to approve a suspension. A period of suspension must be time-limited and should be for no more than 4 weeks at the outset whilst an investigation takes place. The period must be kept under review by the person who approved the suspension. It can be extended but should be lifted once it is clear whether disciplinary action is to be taken or not. A longer period may be imposed if the matter is being investigated as a criminal offence by the Police or Enforcing Authority (such as the Health and Safety Executive).

The student concerned must be kept informed and should be provided with a named contact at the University College. The named contact should either be a person from the SU Executive, their Course Manager.

# Positive Behaviour Management Policy FE Student Disciplinary Procedure Stages

There are four stages plus an appeal stage. Students may only request an appeal to be heard against sanctions handed down at stages 2 and 3.

Cause for Concerns, mediation meeting records and Disciplinary Stage Meeting records are recorded centrally on Pro Monitor so that staff can see whether any previous or current warnings have been issued and who issued it. This enables members of staff who are considering action to check whether any attempt has been made to correct previous misconduct and whether the previous warning/cause for concern should be taken into consideration.

**Cause for Concerns (Intervention Stage)**

1. Minor breaches (usually minor misconduct or first minor incidents) will be dealt with informally by way of a Cause for Concern being issued. An example of this is where behaviour has fallen short of expectation which has caused only some small inconvenience to others.
2. All cause for concerns issued must be accompanied by an conversation with the student to discuss what has happened, with goals/targets set for the behaviour to be improved.
3. All cause for concerns are to be recorded on Promonitor date of issue added to the group profile and parents/guardians made aware.

## Informal Guidance Meeting/Mediation Meeting (Stage 1)

1. The procedure can be invoked at this stage:
	1. Where a student receives three or more Cause for Concern for the same issue
	2. Where the breach is deemed beyond the remit of a cause for concern being issued
2. This stage is to led by Course Managers, FE Success Lead and/or Student Support Manager.
3. An Informal Guidance Meeting will be held if the issues raised are academic/curriculum area related, a Mediation Meeting will be held to address conflict between peer or staff and students.
4. The staff member will meet with the student(s) and their lecturer/reporting member of staff (if appropriate and where possible) as soon as possible but no later than 5 working days after the issue being reported.
5. At the meeting, the chair will explore the reasons for the referral, consider student’s progress, any mitigating or external factors and check for any barriers students maybe experiencing (liaising with the Wellbeing Team as appropriate). Support identified and put in place.
6. For IGMs a review date will be agreed (normally two weeks from the initial referral). The review meeting will be held as agreed and if the problem persists or the student does not meet the agreed targets, then Stage 2 of this procedure may be instigated.
7. All IGM/MM records are to be recorded on Promonitor, date of issue added to the group profile and parents/guardians made aware.
8. For any warning given at stage 1, the student will be provided with a copy of the disciplinary procedure as a reminder of the standards of behaviour expected.

## Stage 2 Disciplinary Meeting – Formal

1. The procedure can be invoked at this stage:
	1. Where the matter is deemed sufficiently serious in the eyes of the University College (NB for more serious or gross misconduct, the University College may proceed directly to stage 3).
	2. Where the targets set at an IGM have not been sufficiently met
2. This stage is to be led by the CTL, FE Success Manager, Student Support Manager or a person more senior. There will be at least one other person on the panel who must be a staff member operating at a managerial level.
3. Prior to any meeting the lead panel member must check the intervention stage/stage one procedures have been correctly followed with suitable and appropriate targets and time lines set. Checks also to be made with the Wellbeing Team, and further investigations made into the issues as required.
4. A letter (sent electronically and by post) will be issued requesting the student attends a formal disciplinary meeting. The letter will set out in brief but in sufficient detail for the student to understand the allegation to which they must respond. The letter should:
* communicate the date/time/place of the meeting;
* set out with sufficient detail, the allegation to which the student must respond;
* include with it any statements or papers which the panel will receive and on which they will rely to arrive at their decision;
* include a copy of the Student Disciplinary Procedure containing the Code of Conduct;
* set out that the student may bring a representative to support them. The role of the representative is to assist the student to understand but must not answer questions put to them by a panel member. The representative can support and help to clarify. The only people who can be representatives are one of the following:
	+ A member of the Student Union Executive committee;
	+ A fellow student (i.e. a friend);
	+ Parents or the person/s with parental responsibility. This can be in addition to one of the above if the student is under the age of 18.
1. At the meeting the most senior panel member should:
* Explain the purpose of the meeting;
* Confirm with the student their receipt of a copy of the Disciplinary procedure and check their understanding of the Code of Conduct;
* State whether any others will be in attendance to give evidence in person;
* Explain that the panel intend to arrive at an outcome with minimal delay
* Put the specifics of the allegation to them, then give the student the opportunity to put forward their version of events; and
* Record salient points (or have pre-arranged for a note taker to be present)
1. **Only where the student is under 18 –** the University College will inform the student’s parents (or person with parental responsibility) in advance of the meeting so that they have the opportunity to accompany their son/daughter/young person being cared for, to the meeting.
2. The failure by a student to attend a formal disciplinary meeting may result in a decision being taken in that student’s absence.

## Conveying the Decision

1. If possible, it is recommended that the panel take an adjournment to enable members to discuss what was said in order to arrive at a swift decision as to whether misconduct has occurred, taking into account the student’s own version of events. Re-convene where possible and practicable shortly thereafter to convey the decision verbally.
2. A panel member should record any action to be taken on a Disciplinary Record form (see Appendix D), and have it signed by the student at the meeting if possible
* Copy the form, issue one to the student, retaining the other for the student’s file;
* A copy of this form is then scanned added to the disciplinary folder on the SMT area of the G Drive and added to the students Promonitor record. A copy is also then sent to the student’s Course Manager, the Department CTL and, only if the student concerned is resident in halls, the Senior Warden.
1. Normally within five working days, or as soon as practicable, of the meeting and once the above is complete, the student should be issued with a confirmation and formal outcome letter. Where the student is under 18, a copy of the letter should be sent to the student’s parent/person with parental responsibility. A copy of this letter is to be added to the disciplinary folder on the SMT area of the G Drive and to the students Promonitor record.

## Possible Outcomes

1. There are various possible outcomes at stage 2, (or alternatively it is decided that no action should be taken at all).

### Cause for Concern

1. Where a breach of the Code is not minor, or for a second minor offence/s, a “Cause for Concern will be issued. This will be recorded on Promonitor and is followed up by the Course Manger as part of the on-going review of progress whilst the student is on their course. Where the student is under 18, a copy of the cause for concern should be sent to the student’s parent/person with parental responsibility. A copy of this letter is to be added to the disciplinary folder on the SMT area of the G Drive and to the students Promonitor record.

### Written warning

A written warning may be considered where, after investigation. it is deemed that further misconduct has occurred or where behaviour has not improved. It may (but not necessarily) be after the student has been issued a Cause for Concern form or a verbal warning.

Alternatively, if the University College considers the misconduct to be sufficiently serious it may proceed directly to issuing a written warning at this stage. *NB* If the misconduct is deemed more serious or gross; the University College can proceed directly to stage 3.

Details of written warnings will from the date of issue remain on the student’s record for the entire period they remain a student.

### Sanctions

Depending on what the offence is, the panel may consider a number of other sanctions either on their own or in addition to a Cause for Concern or Written Warning. The sanctions will usually depend on the nature of the offence including how and when it was committed plus consideration will be given to their previous conduct and academic achievement. If the student committing misconduct at stage 2 is under 18 the outcome will be conveyed to their parents/person with parental responsibility.

Other sanctions that can be applied are:

* + A bar ban (please note: the Bar or Assistant Bar Manager as licensee has the authority to issue an immediate bar ban, which can be either temporary or permanent)
	+ Halls of residence ban (can be either temporary or permanent).
	+ Resident students excluded from halls remain liable for Hall Fees.
	+ A full campus ban (can be either temporary or permanent)
	+ A partial campus ban e.g. from the recreational Centre facilities
	+ A time-limited exclusion from University College
	+ A vehicle campus ban (can be either temporary or permanent)
	+ A charge (see list of charges at Appendix C)
	+ University College Community Service

## Stage 3 Disciplinary Meeting – Formal

1. If the alleged misconduct is serious or gross misconduct in the view of the University College, the University College may proceed directly to this stage. Alternatively, the University College may proceed to this stage where misconduct continues following a Stage 2 disciplinary.
2. A disciplinary meeting should be convened in writing as per stage 2, however in this case the panel should consist of at least two people including a member of the FE Management Team.

## Possible Outcomes

1. In addition to the sanctions available at Stage 2, the following options are also available at stage 3:
	1. Final Written Warning

A Final Written Warning will remain on the student’s record permanently during their study at the University College. Further acts of misconduct after this stage may lead directly to exclusion from the University College.

* 1. Permanent exclusion from the University College.

## Appeals

## Request to be heard

1. A request for an appeal against disciplinary matters dealt with at Stage 2 or 3, must be submitted within five working days of receipt of the disciplinary outcome letter. The request **must** be made in writing to the Director of FE and must identify the grounds of appeal with the reasons. There are usually only three grounds for appeal:
	* the student was not provided with a fair hearing
	* that there is new evidence that was unavailable at the earlier hearing or interview that would have affected the outcome; or
	* that the penalty imposed is disproportionate to the act of misconduct.
2. The Director of FE or a deputy appointed by him/her will determine whether the grounds are sufficient to allow the appeal to be heard.
3. The Director of FE or deputy will notify the appellant in writing whether or not to allow an appeal to be heard, which they will do within five working days of receipt of the appeal letter. An appeal hearing will normally take place within another five working days if the appeal request is allowed to proceed. Exceptions will be agreed by the Director of FE (or their deputy) with the appellant/person with parental responsibility if the student concerned is under 18.

## Appeal Hearing

1. Where an appeal is allowed to proceed, an Appeals Panel will be formed comprising the Director of FE (or a person delegated in their absence) plus an independent person operating at a senior level within the institution and a student representative.

NB Only exceptionally and where the Director of FE has been involved in the case prior, will a member of the Senior Leadership Team be appointed to take the Director of FE’s place in the Appeal process.

1. The Appeal Panel will take evidence from the student and review the findings of earlier disciplinary meetings. The student may be accompanied by a friend or representative other than the student representative on the panel and may request the attendance of other parties
2. The Appeals Panel will determine one of 3 outcomes:
	* that both the finding of guilt and the penalty imposed be upheld;
	* that the finding of guilt is confirmed but that the penalty is re-determined; or
	* that the finding of guilt is overruled
3. There can be no further internal appeal against the decision of the Appeals Panel.
4. If an FE student remains unsatisfied, students aged 16-18 have the right to complain to the Education Funding Agency (formerly “YPLA”) - For further details see [The Education Funding Agency](http://www.education.gov.uk/aboutdfe/executiveagencies/b00199952/the-education-funding-agency) website. Those aged 19 or over have the right to complain to the Skills Funding Agency (“SFA”) - For further details, please see [Skills Funding Agency - Complaints](http://skillsfundingagency.bis.gov.uk/aboutus/contactus/complaints).