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| <b>SECTION</b>          | Student                |
| <b>POLICY</b>           | Disciplinary Procedure |
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## **1.0 Introduction**

### **1.1 Purpose**

The purpose of CLUB DONCASTER Foundation's Disciplinary Procedure is:

- a] To help and encourage students to achieve and maintain acceptable standards of conduct, attendance and performance.
- b] To ensure consistent and fair treatment for all in relation to disciplinary action taken in response to allegations of unacceptable conduct, attendance and performance.

### **1.2 Scope**

This document sets out the code of conduct to which learners are expected to adhere in return for being provided with high quality teaching and learning and the opportunity to achieve qualifications. The code applies to academic matters [such as attendance and submission of work] and to matters relating to conduct. It sets out the procedures to be followed when the code of conduct is breached. Breach of the code of conduct may lead to disciplinary action being taken and repeated breaches or a single gross breach may result in a student being suspended or excluded from the Foundation.

This code applies to all learners at the Foundation whether they study full or part time and applies at all locations, including trips and work placements.

#### **Responsibility**

It is the responsibility of anyone involved in the disciplinary process to familiarise themselves with the procedure.

During teaching and learning sessions the lecturer/facilitator has immediate authority for student discipline.

ALL staff have immediate authority and responsibility to take action to maintain discipline in the common areas of the Foundation.

It is the responsibility of the student's tutor to make the learner aware of the code of conduct and the consequences of breaching it.

It is the responsibility of each individual student to familiarise themselves with the code of conduct and to abide by it.

Consistency of application of the disciplinary procedure is the responsibility of the Senior Leadership Team.

The disciplinary procedure specifies responsibilities at different stages.

### ***Club Doncaster Foundation Code of Conduct***

This code will be issued to all students at the start of their course and is applicable at all times whenever the students are engaged in Foundation activities irrespective of where they take place.

Failure to observe the code may result in disciplinary action being taken.

#### **STUDENTS ARE EXPECTED:**

- to behave in a courteous, considerate and respectful manner towards all members of the Foundation community.
- to behave in a way that does not endanger themselves or others, observing the Foundation Health and Safety Policy.
- to attend all classes punctually and notify the Foundation of reasons for non-attendance in advance or on the day of absence if this is not possible.
- to comply with course requirements in terms of wearing uniforms, submitting coursework and homework to meet deadlines and required standards
- to behave in an appropriate manner in all Foundation environments [including buses]. This includes no eating and drinking in learning environments.
- to refrain from using offensive and abusive language to others.
- not to litter, spit or be overly noisy.
- to respect Foundation property.
- to refrain from inappropriate use of computer and electronic equipment and comply with computer network policy.
- to switch off mobiles in learning environments unless permission has been obtained.
- not to attend Foundation while under the influence of alcohol or drugs, and not to bring them onto Foundation property.

#### **GROSS MISCONDUCT**

Any major breach of the code could be deemed gross misconduct. Gross misconduct may result in temporary or permanent exclusion. Examples include:

- Deliberate damage to property/resources
- Theft and fraud
- Misuse of computer network
- Criminal activities affecting the Foundation or other students
- Abuse towards, or assault upon, staff, students or members of the public on Foundation grounds, including sexual and racial abuse
- Activities bringing the Foundation into disrepute
- Instances of violence, bullying or harassment, including via electronic mail
- Substance abuse related offences
- Reckless driving
- Seriously disruptive behaviour.

Evidence of significant risk of gross misconduct relating to matters inside or outside Foundation may lead to temporary or permanent suspension or exclusion on a preventative basis.

## **Disciplinary Procedure**

### ***Informal Action***

This document deals with formal disciplinary action.

It is expected that minor incidents and first offences may be dealt with informally by the member of staff witnessing it. The appropriate members of the Leadership Team should be notified of any informal reprimands given.

### ***Formal Action***

Breach of the code of conduct can result in formal disciplinary action. The disciplinary process can be entered into at any of 3 stages:

- STAGE 1: Cause for concern/Written Warning x2
- STAGE 2: Final Cause for concern/Written Warning
- STAGE 3: Exclusion [temporary or permanent]

The action taken depends on the severity of the breach. Persistent 'minor' misdemeanors, eg punctuality, may result in a student moving through all the stages.

### ***Gross Misconduct***

A student who is accused or suspected of, or where there is evidence of a significant risk of gross misconduct may be suspended from the Foundation whilst the Foundation investigates the alleged offence, or risk.

A member of Club Doncaster Sports College SLT should carry out this action, but if none are on site then another Foundation manager. Such suspension is without prejudice and should not be considered as punishment in itself. Any such suspension will be confirmed in writing or in person within 2 working days of its occurrence pending investigation. Parents, carers or guardians of students under 18 years of age should be informed in writing or by phone wherever practicable.

The Foundation will ensure, where possible, that the student can carry on his/her academic study at home while suspended.

If after this investigation a disciplinary hearing is deemed necessary, one will be convened as soon as practicable.

## **General Principles**

### ***Assessment of Risk***

The Foundation reserves the right to exclude any student whose past or present activities outside Foundation represent a significant threat to its Equality and Diversity or Harassment policies, or may otherwise represent a significant risk to the good conduct of the Foundation and its reputation.

### ***Investigation***

No disciplinary action will be taken against a student until the Foundation has fully investigated the circumstances of the matter complained of. If appropriate, the Foundation may suspend the student in accordance with 5.3 of this Procedure whilst the investigation is carried out.

### ***Disciplinary Hearings***

See Appendix A for procedure to be followed at Disciplinary Hearings.

### ***Right of Reply***

At all stages the student will be given the chance to present evidence and give their side of the story.

### ***Consistency***

The disciplinary procedure will be applied consistently and fairly. Any concerns about consistency of application should be addressed to the Principal in the first instance.

### ***Criminal Offences***

Where any member of staff has reason to believe that a student may have committed a criminal offence, the Foundation may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known the Foundation reserves the right to recommence proceedings under this procedure in relation to the matter.

### ***Notification of Hearings***

A minimum of 5 days written notice of the hearing should be sent (or given) to the student. The letter will state:

- the date, time and place of the hearing
- reason for the Disciplinary Hearing and complaint against him/her
- their entitlement to be accompanied [below 18].

Parents/guardians of under 18 year olds will be invited to attend stage 2 and 3 hearings. Under certain circumstances, with the agreement of all parties and where it is to the benefit of the student [eg when suspended] a hearing may be brought forward in less than the 5 day minimum.

### ***Attendance and Representation***

Students have the right to be accompanied at any disciplinary meeting by a parent/guardian, friend, student union representative or member of staff.

At least two staff will be present, although others could be requested to attend as witnesses.

If a student fails, without good reason, to attend a disciplinary meeting, then the staff conducting it can issue a decision in the student's absence if they deem it appropriate.

### ***Appeal against Disciplinary Penalties other than Dismissal***

A student will have a right of appeal against a disciplinary sanction used against them. Notice of appeal must be lodged with the Principal within 5 Foundation days of the sanction and must give the grounds and brief particulars of the appeal.

If notice of appeal is lodged within the time allowed, an appeal hearing with staff (who have not been involved in the Disciplinary Hearing) will be arranged as soon as possible after the notice of appeal has been received. The student will be given at least 5 working days notice of the time and place of the appeal interview and will be entitled to be accompanied by a parent/guardian, friend, student union representative or member of staff.

At the appeal interview the student will be invited to explain the grounds of the appeal and state his or her case.

The Tutor who made the decision on the disciplinary sanction will be asked to respond to the appeal and explain the reasons for their decision.

The Tutor hearing the appeal may ask questions of the student and the manager who made the decision and then consider whether to allow or dismiss the appeal. Witnesses would not normally be asked to attend except in relation to any relevant new evidence that has come to light.

If the appeal is allowed, no disciplinary action should be taken or a lesser disciplinary action should be taken.

The manager may ask the student to attend, in person, to hear the decision. The manager's decision will, in any event, be confirmed to the student in writing within 5 Foundation days of the appeal hearing and will be final and binding.

### ***Appeal against recommendation for Suspension or Exclusion***

A student will have a right of appeal to the Principal against any decision to permanently exclude or formally suspend. Notice of appeal must be lodged with the Principal within 5 Foundation days of the decision to exclude or suspend and must give the grounds and brief particulars of the appeal.

If a notice of appeal is lodged within the time allowed, an appeal hearing with the Principal will be arranged as soon as possible after the notice of appeal has been received. The student will be given at least 5 days notice of the time and place of the appeal interview and will be entitled to be accompanied by a parent/guardian, friend, student union representative or member of staff [but not by a legal or other professional adviser unless the Foundation agrees, having been given notice before the day of the hearing]. A legal or other professional adviser will be allowed only if the Foundation intends to have an external adviser present.

At the appeal interview the student will be invited to explain the grounds of the appeal and to state his or her case.

The tutor who made the decision to exclude or suspend will be asked to respond to the appeal and explain the reasons for their decision.

The Principal may ask questions of the student and staff and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence that has come to light. The Principal will then decide whether to allow or dismiss the appeal.

If the appeal is allowed, the Principal may decide that a lesser disciplinary action should be taken, including a shorter period of suspension. The Principal may also decide that no further disciplinary action should be taken.

The Principal may ask the student to attend in person to hear the decision. The Principal's decision will, in any event, be confirmed to the student in writing within 5 Foundation days of the appeal hearing and will be final and binding.

### ***Exceptions to the Policy***

The Foundation reserves the right to make exceptions to the policy when they deem it to be in the interests of the student and Foundation. In such an event they will record the reasons for their decision.

### **Equality and Diversity Statement**

The Foundation welcomes and celebrates equality and diversity. We believe that everyone should be treated equally and fairly regardless of their age, disability, gender, gender identity, race, religion or belief, sexual orientation and socio-economic background. We seek to ensure that no member of the Foundation community receives less favourable treatment on any of these grounds which cannot be shown to be justified.

This document is written with the above commitment, to ensure equality and diversity is at the centre of working life at Club Doncaster Foundation.

### **Safeguarding Policy**

The Foundation recognises its moral and statutory responsibility to safeguard and promote the welfare of students. We work to provide a safe and welcoming environment where students are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure our students receive effective support, protection and justice. The Foundation expects Trustees, staff and volunteers working on behalf of the foundation to share this commitment.

## APPENDIX A

### **CONDUCT OF DISCIPLINARY HEARINGS**

A student will receive notification of the allegation[s], date time and location and persons conducting the hearing and be informed of their entitlement to be accompanied by a parent/guardian, friend, student union representative or member of staff – but not a legal or professional adviser – and whether any witnesses are to be called, if deemed appropriate.

Those present will be introduced and their presence will be explained.

The purpose of the hearing, the disciplinary procedures and how the hearing will be conducted will be explained.

The allegations will be restated and the evidence in support of the allegations presented.

A record of events and any statements by witnesses will be presented.

All parties will be entitled to present their case and the aim will be to establish all the facts, investigate all possible evidence and consider any mitigating circumstances.

If, at any stage, the student provides an adequate explanation for the allegation, the hearing will be stopped.

The main evidence concerning the offence and the explanations raised by the student will be summarised to ensure that all relevant matters have been considered.

The hearing may be adjourned to consider the evidence and explanations before a decision is taken about any disciplinary sanction.

The level of disciplinary sanction will be decided, if any.

The hearing will reconvene and the student will be informed of the decision.

At all levels of disciplinary sanction the student will be informed of their right of appeal

The decision will be confirmed in writing.

*Note: The conduct of all disciplinary hearings will be confidential. By their very nature, individual hearings may well progress slightly differently to the outline given above, but the Appendix should be taken as being an indication of expected good practice.*

**CLUB DONCASTER FOUNDATION**  
**RECORD OF STUDENT DISCIPLINARY HEARING**  
**Part 1**

Note: No disciplinary hearing should be commenced before Part I has been completed. Part II should be completed immediately after the hearing. The form must be kept on the student's file if the complaint is upheld and action taken and should be removed when the disciplinary decision is spent/disregarded.

Name of Student: .....

Course Attending: .....

Date of Birth: ..... Tutor: .....

Parents/Guardians informed [Yes/No]

General Information

Date of Hearing:

Time of Hearing:

Place of Hearing:

Names and designations of those to be present:

Names and status of student's representative:

Has the student been given advance notice of the Hearing?

How and by whom?

Nature of Problem

What are the complaints?

Who is/are the complainants?

**PART II**

What evidence was provided to substantiate the complaint[s]?

Were there any mitigating circumstances?

**Conclusions:**

For each complaint stated if the Disciplinary Panel found the allegations substantiated and why.

Disciplinary action to be taken:

Actions for improvement agreed with student:

Date on which warning to be reviewed/disregarded: .....

Date student notified orally of result: .....

Date student notified in writing of result: .....

Signed: ..... Date .....  
[Member of staff conducting hearing]

Please give this part to a member of Senior Leadership Team for recording:

Name of student: ..... Date: .....

Name of tutor conducting meeting: .....

Outcome of disciplinary meeting [please tick]

|                       |                          |
|-----------------------|--------------------------|
| No action taken       | <input type="checkbox"/> |
| Written Warning       | <input type="checkbox"/> |
| Final Written warning | <input type="checkbox"/> |
| Other                 | <input type="checkbox"/> |