



# **Student Academic Code and Disciplinary Code Policy and Procedure**

The Student Academic Code and Disciplinary Code Policy and Procedure supports the standards of behaviour set out in the Myerscough Code and the Student Charter in order to ensure that all students who may be subject to disciplinary procedures are dealt with in a fair and equitable manner.

This applies to all students and trainees at all centres of the College, whether full-time or part-time, resident or non-resident, whether or not their course of study is validated by or associated with any other institution and at all times during the year. Students on College approved work placements also fall within the scope of this Code.

The Code covers the behaviour of students in the College's teaching and support areas, Halls of Residence, College social and sporting facilities and at the College generally.

The Code also includes the behaviour of students away from the College campus where they are associated with the College and/or are travelling to or from College or involved in an incident that is of a serious nature and/or brings the good name of the College into disrepute.

## 1. Context, Scope and Purpose

1.1 Breach of the Myerscough Code may lead to disciplinary action being taken against a student. This policy and procedure sets out the procedure which will be followed in the event of misconduct and specifies the disciplinary penalties, which may be imposed.

1.2 The Myerscough Code has two elements which deal with situations where student or trainee behaviour and performance becomes unacceptable. The College operates a warning system for both codes:

### a) Academic related matters via the Academic Code:

The Academic Code is applicable to students of Myerscough College. It covers all aspects of student academic performance. Students who breach the Academic Code will be subject to the College warning system (see Appendix 3). It should also be noted that breaches of qualification awarding body rules / regulations can lead to additional sanctions by that body. The Academic Code includes:

- main qualifications, Myerscough skills and additional qualifications
- written, practical, assignment work and exams
- unfair means to enhance performance such as cheating, plagiarism and collusion
- absenteeism
- timekeeping and lateness

### b) Non-academic related matters including issues involving residency (living in Halls of Residence) via the Disciplinary Code:

This deals with all aspects of behaviour and applies to all students and trainees at College. It covers all College facilities including halls of residence, work placements, travel to and from College and visits sponsored by the College and visits sponsored by employers to the College. It should be noted that the College may report any breaches of the law to the police. The College's Disciplinary Code will be applied independently of any police investigation or prosecution that may or may not arise. Students who breach the Disciplinary Code will be subject to the College warning system (see Appendix 3).

Academic Code warnings and Disciplinary Code warnings systems can run alongside one another. For example, a student excluded for an academic matter will automatically be excluded from residency and the College as a whole. However, a student excluded from residency may not necessarily be excluded from their academic course.

Where students face sanctions or disciplinary action based on academic performance they may additionally need to refer to any guidelines from their awarding body. For example, students on Higher Education courses are additionally subject to the Academic Regulations of the University of Central Lancashire and the Regulations for the Conduct of Students of the University of Central Lancashire.

The main provisions of the two codes are set out in this policy and procedure.

**Note:** Students may also be withdrawn from their course where there is a concern about an individual's capacity and ability to engage safely and satisfactorily as a student, in relation to academic, social, enrichment and residential life at the College. This is dealt with under the Fitness to Study Policy and Procedure. The College will provide a positive approach to the management of a student's physical and mental health issues and act to support a student's learning, academic achievement and enhancement of their College experience.

## 2. Coverage

The Code covers the following areas of student activity:

- All students at any of the College's Centres are covered by this Code (full-time, part-time and those attending short courses).
- The behaviour of students during the delivery of courses and outside those times during the day for both resident and non-resident students.
- The behaviour of students in the College's teaching and support areas, the Halls of Residence, College social and sporting facilities and at the College generally.
- This also includes the behaviour of students away from the College campus where they are associated with the College and/or are travelling to or from College or involved in an incident that is of a serious nature and/or places the good name of the College in disrepute.
- Students on College approved work placements / experience also fall within the scope of this Code.
- All aspects of student performance and academic matters. This includes the main qualifications students are studying towards, additional qualification, learning support, work placements and tutorials including areas such as failure to meet deadlines, academic underperformance, absenteeism and lateness.
- All aspects of students studies are covered, including written, practical and assignment work, whether internally or externally assessed.
- All attempts to deceive the College with regard to assessments such as plagiarism, cheating and collusion.

NB. This list is not exhaustive. See a fuller list in the Myerscough Code. Examples of misdemeanours are given in Appendix 3 of this document.

### Length of Warnings

Warnings issued under the Academic Code and Disciplinary Code Policy and Procedure will normally remain current for the remainder of the academic year (NB this is usually from 1<sup>st</sup> September to 31<sup>st</sup> July the following year) or for more serious cases a period of 12 months from the date of issue. This may be varied at the time the warning is issued and the period of currency must be defined in a warning letter otherwise the academic year period remains standard.

Residency staff will be allowed to apply one calendar year in extreme cases in agreement with the respective Head of Area and the relevant Assistant Principal. All disciplinary records must be accurately kept on the Student Support Register with clear dates of duration for each sanction.

## **Stages of Warnings**

The stages in the Code will normally be consecutive (i.e. no more than one warning is issued at each stage). However, serious offences can have warnings imposed at any appropriate stage in the procedure.

It should also be noted that the Academic Code warning system is run independently from the Disciplinary Code warning system so students may have warnings on both systems running side by side.

### **1. Verbal Warning**

Cases of minor misdemeanour may be dealt with informally by a verbal warning as part of the informal disciplinary process. A student may be required to undertake community service beneficial to the College in respect of each act of misdemeanour. Community service might include, for example, litter picking, cleaning or dish washing and may be for a number of hours in a block or spread out over a given period of time. These types of sanctions may particularly be used for offences and misdemeanours linked to student residency.

### **2. Cases Other Than Verbal Warning**

Cases that are anything more than minor cases of misdemeanour will be dealt with through the issue of written warnings.

The warning to be issued is determined by the nature and severity of the misdemeanour. For example, an incident that might be deemed to be minor would receive a written warning. If the misdemeanour was of greater severity, second or final warnings might be issued.

Where there are numerous incidents or minor misdemeanours recorded on a student's file, consideration will be given to the issue of either a written warning or exclusion from Halls of Residence or College, as appropriate. In such circumstances, the level of warning to be applied will be considered by an approved member of staff or management (See Appendix 3).

Warnings will be based on a reasonable belief that inappropriate behaviours/actions have taken place, not on a criminal standard of beyond reasonable doubt.

Where appropriate, fines will be issued in addition to written warnings or exclusions from Halls of Residence and / or College. Fines may be issued by a College Senior Manager to include the full cost of damages depending on the nature and severity of the misdemeanour, subject to management discretion.

Copies of warning letters are normally issued to the parents / guardians of those students aged under 18.

### **3. Suspension**

In the case of serious incidents / safeguarding concerns a College Senior Manager (or in their absence their nominee) may suspend a student pending further enquiries. This is normally for up to a maximum of 15 working days but this period may be extended in serious / complex cases to 20 working days. The parents / guardians of students aged under 18 will be notified at the earliest opportunity of any such suspension.

Where it is deemed to be an emergency, college managers may suspend a student for up to 72 hours pending referral of the matter to a College Senior Manager for consideration. The 72-hour suspension may be extended after consideration by a Senior Manager.

Suspension may also be used as an additional warning system for up to 2 working weeks to give students time to reflect on their behaviour. This may be given by a College Senior Manager or their nominee.

Tuition or residence fees will not be refunded for periods where students are suspended from College or College Halls of Residence under any circumstances whatsoever (which for the avoidance of doubt includes where appeals have been upheld).

Copies of suspension letters are normally issued to the parents / guardians of those students aged under 18.

### **4. Exclusion**

Written warnings may result in an automatic exclusion from Halls of Residence and / or possible exclusion from College (see Appendix 4). The written warnings may be in respect of misdemeanours that have taken place either in or out of the Halls of Residence and / or the College or as part of a College trip, visit or activity identified in the Myerscough Code.

Prior to issuing an exclusion the relevant manager may make some preliminary enquiries pending a formal interview and issue a suspension pending a full investigation. Where there is clear and unequivocal evidence that a misdemeanor has taken place and/or the issue is serious and / or the student has come to the end of the warning process a manager may move straight to exclusion.

It is important to note that the College has a zero tolerance policy on drugs and any student found in possession of illegal drugs will face immediate exclusion. The exclusion may be carried out without a formal investigation and regardless of any previous good character.

The student will have the right of appeal against the issue of any exclusion. Details regarding appeals are given in Section 7.

Written warnings and exclusion from Halls of Residence and / or the College will normally be issued in writing within 72 working hours of any exclusion. Copies of warning letters are normally issued to the parents / guardians of those students aged under 18. This is preceded by an initial phone call to a parent / guardian within 24 hours and immediately wherever possible.

Tuition or residency fees will not be refunded for periods where students are suspended from College or College Halls of Residence under any circumstances whatsoever (which for the avoidance of doubt where appeals have been upheld).



Where a residential student has been excluded from Halls of Residence (and not excluded from College), they will not be allowed to enter any residential areas or attend any social events on campus. If a student excluded from Halls fails to abide by this ruling they may be excluded from College entirely.

In exceptional circumstances, the College reserves the right not to exclude students from the College or Halls of Residence but to give an alternative punishment, as deemed appropriate.

## 5. Investigations

Informal warnings and written warnings that are not likely to lead to exclusion or suspension should be dealt with on a day to day operational basis and do not require a formal investigation process.

Where there are serious incidents or allegations involving students the *Guidelines for the Investigation of Serious Incidents and Allegations Involving Students* should be followed (Appendix 4). These guidelines may still draw upon the Student Academic Code and Disciplinary Code Policy and Procedure but may also invoke other policies such as safeguarding, bullying, harassment, staff code of conduct etc.

Where any student is at risk of exclusion from residency or college a formal investigation should be held unless there is clear and unequivocal evidence that a misdemeanor has taken place following a final written warning already having been issued. If a student is not on a final written warning but there is a serious issue an independent investigation should commence.

An Investigating Officer, who will be independent of any of the incident(s), will be appointed by a College Senior Manager or the Residential Support Manager. The Investigating Officer will produce a report of his/her findings and the College Senior Manager or Residential Support Manager or his/her nominee will then issue written warnings or exclusion, if necessary.

During the investigation process students will be entitled to be accompanied by a friend, fellow student, relative or staff member of their choosing. The parent(s) / guardian(s) of under 18 students will be informed about the risk of exclusion. A legal or professional advisor will only be allowed to attend interviews, if the College intends to have an external advisor present.

All parties interviewed as part of an investigation will be requested to check and sign their statements following each interview.

Following the completion of an investigation the student will have the right to hear all evidence against them. The student will have the right to present their own case against the charge.

The Investigating Officer will aim to complete an investigation and reach an outcome within 15 working days. In serious / complex cases this may extend to 20 working days.

The Investigating Officer will have the right to issue a warning. All written warnings should be provided in writing to students within 5 working days of the completion of the investigation.

If an exclusion is issued the student will have the right of appeal. Details regarding appeals are given in Section 7.

## 6. Appeals Process

A student has a right of appeal against an exclusion, if there is substantive evidence that:

- The issue of the exclusion is inappropriate, or
- The issue of an exclusion is excessive.

The appeal must be lodged in writing before 5:00pm on the fifth working day of issue of the exclusion.

All appeals must be lodged with the Corporate Services Manager and must give the grounds and particulars of the appeal detailed above together with any supporting evidence.

- 6.1 The Corporate Services Manager will allocate an independent Senior Manager or Manager to undertake a review of the disciplinary action and the evidence presented and decide whether there are sufficient grounds for an appeal hearing to go ahead. They will notify the student with the outcome within ten working days of receipt of the appeal. If the appeal is deemed not to be worthy, the exclusion will apply and no further appeal is possible.
- 6.2 Should an appeal hearing be deemed necessary the independent Senior Manager / manager will produce a report of his / her findings for why the appeal should be allowed to go forward, which he / she will present at the appeal hearing itself. This person will not be eligible to chair any disciplinary appeal related to the incident(s).
- 6.3 If an appeal is lodged within the time allowed and is deemed to be worthy, an appeal hearing will be established with the Vice Principal, Deputy Principal or Assistant Principal - General and Commercial Services residency matters), as appropriate or their nominee. The appeal hearing will normally be arranged to take place within 15 working days of the date upon which the appeal is lodged, should an appeal hearing be granted.
- 6.4 The student will be given at least five working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, fellow student or relative. A legal or other professional adviser will only be allowed to attend if the College intends to have an external adviser present.
- 6.5 The full details of the procedure to be used for disciplinary appeals interviews is given in Appendix 1 of this document.
- 6.6 The Chair of the Appeal Hearing will not have had prior involvement in any previous stage of the disciplinary process relating to the exclusion.
- 6.7 The Chair of the Appeal Hearing may decide upon a variety of outcomes. Such a decision may include:
  - that a formal verbal or written warning be imposed and the remedial action required;
  - the remedy required (if any) and if appropriate, a time scale within which it must occur;
  - formal suspension from College for a specified period;
  - imposition of a fine;
  - that the exclusion should be rescinded, or
  - that automatic exclusion from College or College Halls of Residence will stand.

The decision of the Chair of the Appeal Hearing will be final and will be confirmed in writing to the student within five working days of the appeal interview.

## **7. Notice of Appeal Hearing**

A student who appeals against the issue of an exclusion will be notified of the result of his or her appeal. If the appeal is considered worthy of further discussion and the student is to be allowed an Appeal Hearing, a written notice will be given, which will include:

- the nature of the incidents leading to the issuing of the exclusion;
- a summary of the evidence leading to the issue of the exclusion;
- a statement that an exclusion constitutes possible exclusion from College or College Halls of Residence;
- the student's entitlement to be accompanied by a friend, fellow student, relative or staff member of their choosing (a legal or other professional adviser will only be allowed to attend if the College intends to have an external adviser present);
- that the student may submit a written response in respect of the exclusion (the subject matter of the appeal) to the Corporate Services Manager no later than three working days in advance of the appeal hearing itself;
- confirmation of the time and place of the appeal hearing and the name and status of the member of staff who will conduct the appeal.

The notice will enclose a copy of the appeal procedure which will be followed at the appeal hearing ('Procedure for Student Disciplinary Appeal Interview'), and any other relevant policies and procedures.

Copies of any documentary evidence, together with signed copies of any written statements to be relied upon at the appeal must be provided to the Corporate Services Manager, the student, the Chair of the appeal hearing and the Investigating Officer (if appropriate) at least three working days before the appeal hearing to enable circulation by the Corporate Services Manager to all parties at least two working days before the appeal.

Non-attendance by a student will not delay or invalidate an appeal hearing, nor prevent the imposition of the final decision.

If an appeal is not successful, the student will be notified in writing within five working days. No further appeal is possible within the College.

Students on Higher Education courses have a right to appeal to the University of Central Lancashire (UCLan) who reserve the right to invoke their own regulations where a student's fitness to study is called into question.

## **8. Criminal Offences**

Where any member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the Police and may continue disciplinary proceedings under the Student Disciplinary Code or suspend the student pending the outcome of Police enquiries and any charges which may be brought against the student or suspend the investigation pending the outcome of the police enquiries.



Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to commence proceedings under the Student Disciplinary Code in relation to the matter.

Any disciplinary action relating to the alleged criminal offence will be based on the genuine belief of the member of staff taking the action after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of the Student Disciplinary Code, the College is not bound by the results of any criminal proceedings against students.

## **9. Time Periods**

With the exception of the time allowed for lodging an appeal, the time periods stated in the Student Disciplinary Code are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given.

Periods of days referred to in the Student Disciplinary Code are working days. Documents sent by first class post will be deemed to be received within two working days of posting.

## **10. Students Under 18 / Sponsored Students / Students over 18**

If a student under 18 years of age is the subject of serious disciplinary action that has the potential to lead to exclusion from the College or residency a parent or guardian should be informed at the earliest opportunity.

A parent or guardian will be invited to attend any appeal hearing unless in the view of the Chair of the Panel conducting the hearing that such attendance would be prejudicial to a fair and effective hearing.

If a student under the age of 18 is given a formal written warning or expelled or suspended from the College or Halls of Residence, a parent or guardian will be informed in writing wherever practicable and as soon as possible. This is preceded by an initial phone call to a parent / guardian within 24 hours and immediately wherever possible.

Where a parent or guardian is unable to attend any investigation interview an under 18 student may bring a friend, fellow student, relative or staff member of their choosing.

If a student who is being sponsored at the College by an employer is given a formal written warning or expelled or suspended from the College or Halls of Residence, the employer will be informed, wherever practicable and appropriate.

If a student attending a training programme is the subject of proceedings under the Student Academic Code or Disciplinary Code, or wherever practicable the work provider will be informed.

If a student attending a 14-16 programme is the subject of proceedings under the Student Academic Code or Disciplinary Code, wherever practicable the school will be informed and as soon as possible.

If a student attending the College is over 18 years of age is the subject of proceedings under the Student Academic Code or Disciplinary Code the College will not normally inform parents or guardians of any warnings / investigations unless the student is considered to be vulnerable from a safeguarding point of view. Parents / guardians who wish to make representations on behalf of a student over 18 years of age must provide supporting evidence in writing that their son / daughter / award has given their written consent to have their personal information relating to any investigation shared with their parent or guardian.

## 11. Variations and Amendments To This Code

In some cases, it may be desirable that variations should be made to procedural aspects of the Student Disciplinary Code. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

### Documents associated with this Policy

#### Internal Documents:

- Myerscough Code

#### External Documents:

- QAA UK Quality Code for Higher Education - [Chapter B3: Learning and teaching](#)
  - QAA UK Quality Code for Higher Education - [Chapter B4: Enabling student development](#) and achievement (from January 2014)
  - QAA UK Quality Code for Higher Education - [Chapter B5: Student engagement](#)
  - QAA UK Quality Code for Higher Education - [Chapter B6: Assessment of students and accreditation of prior learning](#)
  - The Academic Regulations of the University of Central Lancashire
  - Regulations for the Conduct of Students of the University of Central Lancashire
- The above regulations include additional guidance on the following areas:
- Fitness to Practice Procedure (Professional Courses)
  - Unfair Means to Enhance Performance

### Appendices

Appendix 1 - Procedure for Student Disciplinary Appeal Interviews

Appendix 2 - Examples of Misdemeanours

Appendix 3 - Summary of the Warnings Stages

Appendix 4 - Guidelines for the Investigation of Serious Incidents and Allegations Involving Students



## **Procedure for Student Disciplinary Appeal Interviews**

It is the duty of the Chair conducting the Appeal Hearing (the Vice Principal, Deputy Principal or Assistant Principal - General and Commercial Services or their nominee) to act with impartiality and these guidelines outline the procedures devised to ensure a fair hearing and that full consideration is given to all material facts. The Clerk will be a member of the College's administrative support staff who will take minutes of the appeal hearing.

### **1. Assembly**

The parties involved are segregated as follows:

- 1.1. The Chair and the Clerk to the hearing;
- 1.2. The Investigating Officer (and witnesses if required);
- 1.3. Student (and representative) (and witnesses, if required). A legal or other professional representative will only be allowed to attend if the College intends to have an external adviser present.

### **2. Briefing**

The Chair will appraise him / herself of the case presented.

### **3. Introduction**

- 3.1. The Clerk will introduce all parties to each other. Either party may call witnesses to support their case.
- 3.2. The Chair will confirm the reason(s) for allowing the appeal.

### **4. College Case**

- 4.1. The Investigating Officer will present the College case, calling witness(es), as appropriate.
- 4.2. The student or his / her representative will cross examine both the Investigating Officer and the witness(es), as appropriate.
- 4.3. The Chair will question the Investigating Officer and the witness(es), as appropriate.

## **5. Student Case**

- 5.1. The student or representative will respond to the allegation and present his / her case, calling witness(es), as appropriate.
- 5.2. The Chair or his / her representative will cross examine both the student and the witness(es), as appropriate.
- 5.3. The Investigating Officer will question both student and the witness(es), as appropriate.

## **6. Adjournment**

The Chair may adjourn the hearing at his / her discretion to a future date within 10 days of the date of the appeal hearing to allow such relevant evidence (including from sources identified by the student) as the Investigating Officer considers appropriate, to be made available. The Chair may arrange for witnesses to be available in person for the re-convened hearing or (where in the view of the Chair that is not practicable) for written statements to be taken and to be made available at the adjourned hearing.

## **7. Deliberation**

- 7.1. The College and student parties will withdraw from the hearing and the Chair will consider the case as presented.
- 7.2. Non-attendance by the student will not delay or invalidate a consideration of the allegation of misconduct nor prevent the imposition of a disciplinary penalty.

## **8. Appeal Decision**

The Chair of the appeal will inform all parties on the outcome of the hearing within five working days in writing.

The decision of the Interviewer is final against which there is no appeal.

## **Notes**

1. The role of the Clerk to the hearing is to:
  - 1.1. take an accurate record of the hearing
  - 1.2. act independently of all parties, to advise on procedure and ensure that there is a full and fair hearing



## **Examples of Misdemeanours**

Examples of misdemeanours which may result in disciplinary action being taken against students are set out below:

1. Breach of any College rules and / or regulations, to include:
  - 1.1. Living in Halls of Residence
  - 1.2. The Myerscough Code, examples of which are set out below (on a non-exhaustive basis):
    - physical or verbal abuse, or threat of abuse
    - any form of bullying, harassment or intimidation
    - using or distributing controlled substances (i.e. drugs or 'legal highs')
    - breaches of College's fire or health and safety regulations (including failure to comply promptly with evacuation procedures and interference with safety notices and equipment)
    - abusive language and swearing
    - theft or attempted theft of personal or College property
    - failure to respect staff or other students e.g. by persistently talking out of turn
    - all forms of dishonesty, including plagiarism, collusion, cheating and knowingly supplying false information to the College
    - mobile phones interrupting classes, workshops and meetings
    - forgery, alteration or unauthorised use of College documents with intent to defraud
    - misuse of substances or alcoholic drink including underage drinking
    - breaches of no smoking policy / legislation (e.g. smoking in unauthorised places)
    - unauthorised gambling in College premises or at College activities
    - wilfully damaging, or threatening to damage, any College property or facilities
    - obtaining, handling or distributing any unacceptable material (e.g. all material of a discriminatory or pornographic nature) either in electronic or paper media or making unacceptable use of College IT systems
    - littering, defacing or destroying College property
    - wilful disruption of College activities
    - breaches of College parking regulations
    - unauthorised entry to College premises or activities
    - refusing to depart from College premises when instructed to do so by an authorised member of staff of the College
    - Misuse of IT, telephones and social media e.g. to raise grievances against staff, students and employers and/or bring the College into disrepute
    - Unauthorised recording of staff, students and employers discussions, meetings and events.
2. Any other misconduct not specified above and which at the discretion of the College is considered unacceptable and / or inappropriate.

This list is not exhaustive but merely illustrative of the types of misconduct, which might take place.

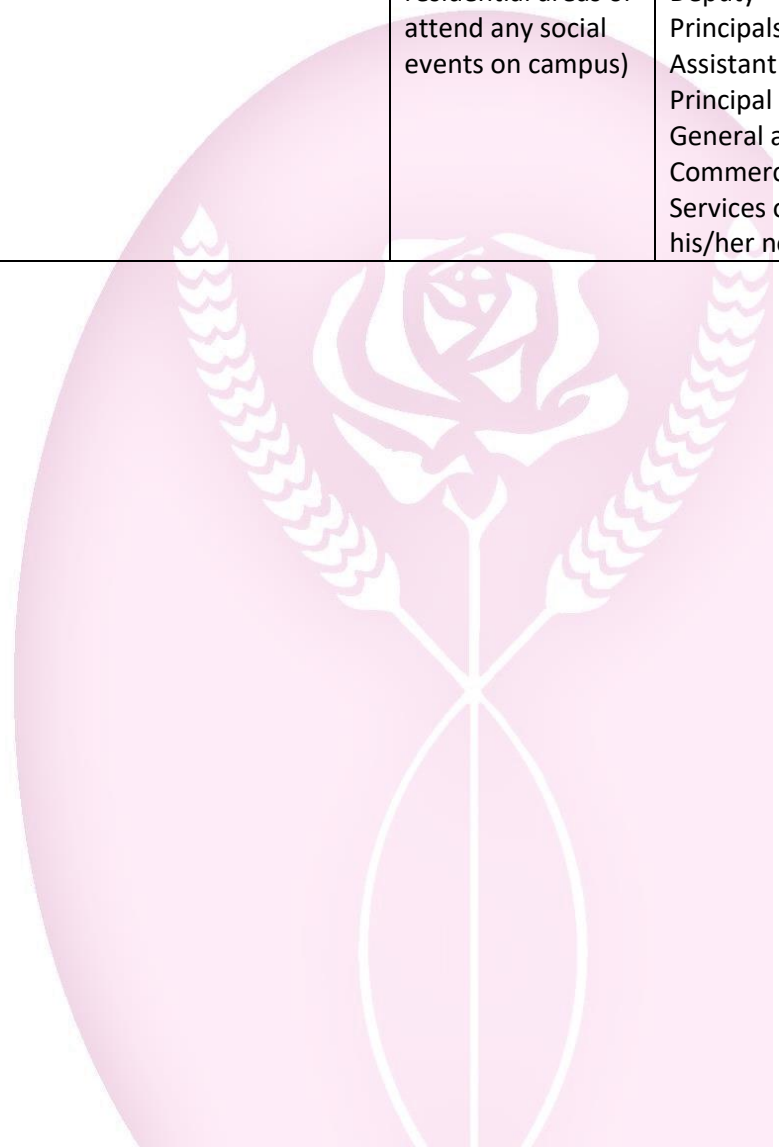




**Summary of the Warnings Stages**

Stage	Member of Staff Responsible	Sanction	Route of Appeal
<b>Verbal Warning</b>	<p>Non- academic warnings can be given by Module Tutor, Librarian, Residential Support Officer, College Managers and /or other approved staff</p> <p>Academic related warnings must be given by the Module Tutor or other approved course team member. Warnings must be notified to the Course Tutor/Study Programme Leader</p>	Verbal warning and the record placed on file (community sanctions may be applied)	None
<b>First Written Warning</b>	<p>Non-academic warnings may be given by the Module Tutor, College Librarian, Residential Support Officer, College Managers or other approved staff</p> <p>Academic related warnings may be given by a Module Tutor or other approved course team member and must be notified to the Course Tutor/Study Programme Leader</p>	First written warning and the record placed on file (community sanctions may be applied)	None
<b>Second Written Warning</b>	<p>Non-academic warnings may be given by the Course Tutor/Study Programme Leader, Assistant Head, Residential Support Officer or Residential Support Manager, College Librarian, Head of Inclusive Learning, College Manager and/or other approved staff</p> <p>Academic related warnings may be given by a Module Tutor or other approved course team member and must be notified to the Course Tutor/Study Programme Leader</p>	Second written warning and the record placed on file	None
<b>Final Written Warning</b>	<p>Non-academic warnings – Head of Area, Head of Centre or Residential Support Manager</p> <p>Academic warnings – Head of Area or Head of Centre or other College Manager</p>	Final written warning and the record placed on file	None
<b>Suspension from College (normally for a maximum of 3 college working weeks)</b>	An Assistant Principal / Director or their nominee	Temporary suspension from college – all premises, trips, activities	None
<b>Suspension from Residency (normally for a max. of 3 college working weeks)</b>	Assistant Principal General and Commercial services, Residential Support Manager or nominee	Temporary suspension from Halls of Residence (and not permitted to enter any residential areas or attend any social events on campus)	None

<b>Exclusion from College</b>	An Assistant Principal / Director or their nominee	Exclusion from College	Appeals against exclusion from College are made to the Vice Principal or Deputy Principals or his/her nominee whose decision is final and against which there is no further appeal
<b>Exclusion from Residency</b>	Assistant Principal Commercial Services, Residential Support Manager or nominee	Exclusion from Halls of Residence (and not permitted to enter any residential areas or attend any social events on campus)	Appeals against exclusion from residence will be heard by Deputy Principals or the Assistant Principal - General and Commercial Services or his/her nominee



## **Guidelines for the Investigation of Serious Incidents and Allegations Involving Students**

The following guidelines are provided to ensure that serious cases involving students are addressed in an effective and expeditious manner. Investigations must at all times be undertaken with professionalism and with the minimal amount of disruption and stress to those that are involved.

The guidelines should be followed in all serious cases where students are involved either as the complainant or where they are the subject of an allegation or misdemeanour. It is important that this guidance is read in association with the policy and procedure which relates to the subject of the investigation (Reference: Section 1 Identification).

### **Scope**

- This document is aimed at Managers involved in the investigation of serious incidents and allegations.
- The guidelines relate to all students and are to be implemented by senior managers across all Centres of the College when investigating serious cases involving students.
- Serious cases may include those which for example are concerning safeguarding, bullying and harassment, student behaviour and/or staff related conduct.
- Confidentiality and compliance with Data Protection should be maintained at all times.

### **1. Identification**

Information, allegations and disclosures should be considered and the appropriate policy determined in order that the correct procedures are followed. This may require other appropriate senior managers to be informed for example:

- Lead Designated Senior Person - for safeguarding, bullying and harassment or other support and welfare concerns;
- Director of Human Resources - for staff conduct
- Residential Support Manager – for all residential issues

The above list is not exhaustive and consideration should be made to make referrals to other senior staff as appropriate.

### **2. Notification**

The relevant procedure for serious incidents will include notification to the Principal (or the Vice Principal in their absence) who will nominate a manager as the Investigating Manager, who should be independent of the case and who will act as the lead during the investigation process. A case team will be established where investigations are likely to be complex.

Early decisions must be made regarding referrals to external agencies e.g. Police, Lancashire Safeguarding particularly in the case of safeguarding where contact with the Local Authority Designated Officer (LADO) will be through the Lead Designated Senior Person reference the College Safeguarding, Child Protection and Prevent Policy and Procedure.

Parent(s) or guardian(s) of students who are under 18 should be contacted within 24 hours to inform them of the incident/allegations and the process that will followed. Contact details will be exchanged and recorded on College systems where they differ from those already held.

A decision should be made to inform the Police where there is evidence of illegal or criminal activities.

Where suspensions are made:

- for disciplinary reasons
- as an interim measure pending outcome of investigations
- to give distance or for safeguarding reasons

full explanations, duration and date for return should be made clear in writing to the student and the parent(s) or guardian(s) where the student is under 18 before, or immediately the suspension takes effect.

### **3. Timescales**

Investigations will be completed as soon as reasonably practical but will not normally take longer than 20 working days.

### **4. Process**

- Investigation is an internal process which should be conducted in a manner and format that is appropriate to the level of student.
- Students have the right to be accompanied during interviews and should be offered this opportunity prior to interview. They must be informed about the allegation or concern that has been brought and be made aware of any supporting evidence. The opportunity for the student to prepare and to attend in person should be provided.
- Appropriate and proportionate sanctions or outcomes will be decided and these will be conveyed to the student and, for under 18 students to their parent(s) or guardian(s).
- Throughout the course of the investigation both parties should be kept informed of progress by the Investigating Manager.
- All those involved in the investigation must, as far as is practicable, protect the confidentiality of both the complainant and those subject to allegations. Managers should not discuss the complaint with staff or students who are not directly involved in investigations or resolution processes.
- A central record should be overseen by the Lead Manager using the Student Support Register to maintain a timeline of events. All information concerning complaints and investigations must be kept in a secure place and appropriate summary documents transferred to the central student file on conclusion of the case.

## 5. Roles and Responsibilities

### Lead Designated Senior Person for Safeguarding

- Ensuring identified safeguarding procedures are followed and actions are agreed, monitored and achieved on relevant plans
- Overseeing the referral of cases of abuse, suspected abuse to Children's Social Care, allegations are referred to the Local Authority Designated Officer for Allegations in accordance with LSCB Procedures
- Providing advice and support to staff and volunteers on issues relating to Safeguarding Child Protection and Prevent Policy and Procedures
- Maintaining a proper record of any referral, complaint or concern in respect of abuse or safeguarding (even where that concern does not lead to a referral)
- Monitoring of concerns that are recorded on the Student Support Register (SSR) and any escalation of high or severe risk banded concerns.

Please refer to the Safeguarding, Learner Protection and Prevent Policy and Procedures for a full list of responsibilities.

### Investigating Manager

The Investigating Manager will be unbiased and independent of the case and will be responsible for:

- Ensuring investigations are conducted in the prescribed manner and within the timescales indicated below. They will liaise with appropriate specialist senior managers as is relevant to the case and in connection with established policy and procedure.
- Ensure confidentiality and compliance with Data Protection.

Please refer to Section 6 Investigations

### External Investigator

At the discretion of the Principal / Vice Principal the services of an independent externally sourced investigator may be secured.

## 6. Investigations

The Investigating Manager will:

- initiate and maintain a timeline of events
- make appropriate arrangements for interviews
- conduct interviews with a note-taker present. Notes will be prepared for the interviewee to sign as a correct record
- interview the complainant first
- interview the student(s) who is/are subject to allegation(s)
- interview any witnesses
- consider the evidential material provided
- repeat any of the above stages as required



- compile a report of the investigation 10 working days of the end of the investigation. The report should include a summary of the investigation procedure, including details of investigation meetings, a list of written evidence, an analysis of the claims being made, a conclusion and recommendations. Recommendations by the Investigating Manager may include actions to mitigate issues for the future e.g. training to be undertaken, changes to policy or procedures.

## 7. Conduct

Interviews should be held in appropriate meeting rooms, with adequate seating, light, heat and ventilation.

The interview should take the following format:

- introductions
- thank the interviewee for attending
- explanation of the reason for the interview together with a clear statement of allegations made
- explanation of the investigation process including the right to be accompanied
- explanation of the format of the interview
- opportunity for questions.
- the interviewee should be asked to give an account in their own words, time must be given for this and the interviewee should not be prompted.
- questioning by the interviewer who should at points during the interview recap and restate what has been said so as to give confirmation of the facts.
- further question on any aspects where a greater understanding is required
- complete the interview by asking if the interviewee has anything further to add.
- close the interview by explaining what the next steps will be
- thank the interviewee for their attendance and for participating in the process

During the conduct of investigations the College will not tolerate behaviour, which is considered to be unacceptable, for example, any communication which is:

- abusive, offensive, defamatory or distressing;
- aggressive, threatening, coercive, malicious or intimidating;
- unreasonably persistent or demanding.

Anyone demonstrating the behaviours listed above should be told why their behaviour is unacceptable and asked to change it. If the behaviour continues a decision should be taken as to whether the communication/interview should be ended.

Where the behaviour threatens the safety and welfare of College staff and/or students, other options will be considered, e.g. action under the College Student Academic Code and Disciplinary Code Disciplinary Policy and Procedure (including suspension from the College), reporting the matter to the police, or taking other legal action.

## 8. Contacts

### Safeguarding:

#### **Bernard Pendleton – Lead Designated Senior Person**

Director of Student Support & Welfare, based at the Preston Centre.

Tel: 01995 642205 / 01995 642348

email: [bpendleton@myerscough.ac.uk](mailto:bpendleton@myerscough.ac.uk)

### **Conduct of Investigations, Data Protection, Complaints, Appeals**

#### **Debbie Clayton**

Corporate Services Manager

Tel: 01995 642239

Email: [dclayton@myerscough.ac.uk](mailto:dclayton@myerscough.ac.uk)

### **Timeline for the Investigation of Serious Incidents and Allegations Involving Students**

<b>Action</b>	<b>Timescale</b>
1. Notify Principal (or the Vice Principal in their absence)	Immediate
2. Establish the relevant policy and procedures	Immediate
3. Principal (or Vice Principal) will nominate a Lead Manager and case team members as appropriate	Within 24 hours
4. Lead Manager to notify parents of under 18 year old students	Within 24 hours
5. Referral to external agency by appropriate specialist senior manager and as appropriate to the focus of the case	Immediate or at any point in the investigation there is concern or evidence to support referral
6. Initiate suspensions where appropriate within	Within 24 hours
7. Record on student support register and set up case file	Immediately
8. Lead Manager to call case meeting	Within 3 working days
9. Commence investigative interviews	Within 3 working days
10. Conclude investigations where possible	Within 20 working days
11. Provide investigation report	Within 1 week of conclusion of interviews

Every endeavour should be made to ensure the above timescales are met. The nature and complexity of investigations will vary and may impact on times given above.

## Investigation Interview Notes

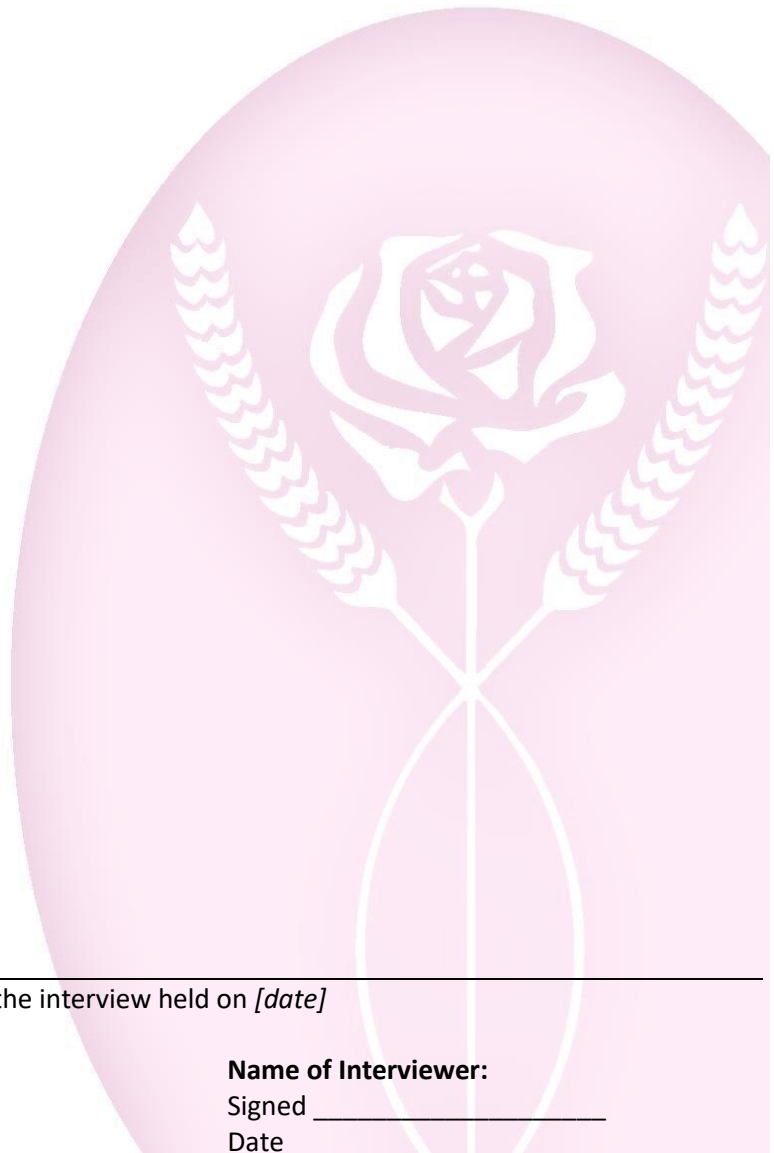
**Investigation in respect of:**

Name of interviewer:

Name of interviewee:

Date:

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I confirm that this is a true record of the interview held on *[date]*

**Name of Interviewee:**

Signed \_\_\_\_\_

Date \_\_\_\_\_

**Name of Interviewer:**

Signed \_\_\_\_\_

Date \_\_\_\_\_

Document History			
<b>Author:</b>	Vice Principal & Deputy Chief Executive	<b>Ref and Document Version:</b>	Student Disciplinary Code Policy and Procedure – V2
<b>Approval:</b>	College Executive	<b>Approval Date:</b>	August 2017
<b>Review Date:</b>	August 2019		
<b>Publication:</b>	Staff Intranet Student Intranet College Website		
Quality Assurance			
This Policy and Procedure maps to the following external quality assurance frameworks			
Framework		Framework Section Reference(s)	
<b>Common Inspection Framework</b>			
<b>MATRIX</b>			
<b>QAA</b>		QAA UK Quality Code for Higher Education - <a href="#">Chapter B3: Learning and teaching</a> QAA UK Quality Code for Higher Education - <a href="#">Chapter B4: Enabling student development and achievement</a> QAA UK Quality Code for Higher Education - <a href="#">Chapter B5: Student engagement</a> QAA UK Quality Code for Higher Education - <a href="#">Chapter B6: Assessment of students and recognition of prior learning</a>	
<b>QIA</b>			
<b>SFA</b>			

### All Myerscough College Policies are subject to screening for Equality Impact Assessment

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

Myerscough College not only fulfils its legal position in relation to current and future equality legislation, but additionally goes beyond compliance in providing and promoting “Opportunities for all to succeed”, free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. *This policy takes account of* our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.

### Safeguarding, Learner Protection and Prevent

All staff have a responsibility to support and promote the College’s commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.