
Student Disciplinary Procedures

The Open University Validated Awards

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1. Purpose

The purpose of this policy is to ensure that Ada provides a positive learning environment to support the learning process and to promote acceptable conduct at all times. It reinforces the expectations of behaviour for all students/apprentices to ensure they can engage in learning and are able to have an enjoyable, safe and successful time while learning. The expectation is that all students/apprentices take responsibility for their learning and work hard to achieve their learning goals. All staff, students and apprentices have a responsibility to promote and maintain this supportive and respectful culture.

This policy seeks to ensure that student/apprentice discipline is maintained in a manner that promotes fair and equitable treatment of all and provides support to all members of staff.

This policy is written in line with the Ada's core values, safeguarding, health and safety, equality and diversity and data protection/general data protection requirements (GDPR) .

2. Scope (including Covid-19 response)

This policy applies to all enrolled students, including apprentices, and covers misconduct alleged to have occurred on College premises or behaviour which brings Ada into disrepute, including work related activity (workplace), college educational visits and extends to use of ICT, including e-safety issues.

Judgements made in respect of students at the College will be entirely consistent with this policy. Responsibility for any ensuing disciplinary action will remain with the College.

Apprentices follow the disciplinary procedures, with the Colleges informing and liaising with the sponsoring employer as appropriate.

Students who have additional needs can be particularly vulnerable to disciplinary action. Ada, as far as possible, should avoid excluding permanently any student with additional needs. Disciplinary sanctions should be considered very carefully and a student should not be disciplined for an incident which directly relates to their additional need. It is important to note under the Code of Practice 2014 that behaviour no longer exists as a category of need ,it is now replaced by social, emotional and mental health. The Colleges should engage proactively with agencies in supporting students with additional needs, emotional, social and mental health difficulties, including the relevant local authority.

Finally, within the scope of this policy, are any changes or adaptations made in response to the Covid-19 pandemic. For example, it is expected that students and apprentices comply with all requirements around social distancing and infection control as provided by Health & Safety. Failure to do so would result in disciplinary action being taken.

3. Consultation

Team members in Apprenticeship Team, Student Support and curriculum teams.

4. Definitions and/or Relevant Legislation

Ada reserves the right, where circumstances dictate, to make variations to the procedural aspects of this policy. Ada may make such variations, subject to informing the student/apprentice concerned and subject always to considerations of fairness. It is noted that in response to Covid-19 expectations around safe practices may change quickly and must be adhered to.

5. The Policy

5.1 Ada will endeavour to ensure that the process is accessible and understandable to students/apprentices in line with its Equality and Diversity Policy. The formal disciplinary process will only be invoked when difficulties cannot be resolved through the informal stage of the process unless it is gross misconduct which warrants recourse to the formal stage of the procedure.

Safeguarding issues are of paramount importance to Ada. The College operates within its Safeguarding Policy and maintains its absolute discretion to take disciplinary action against any student/apprentice whom they reasonably consider to be a threat to young people at either College. Ada will act in accordance with its Safeguarding policy and procedures and be bound by the outcomes of local authority safeguarding meetings. Consequently, Ada with the agreement of the Designated Safeguarding Lead (DSL) may act outside these procedures, in terms of suspensions and exclusion from the College.

If the police are involved in any way in a matter which Ada considers to be a disciplinary offence, action may be taken against the student/apprentice under this procedure notwithstanding the fact that the police investigation or proceedings may not have been concluded, or that the student may have been found to be not guilty of the alleged criminal offence. Ada may decide to postpone any action in line with this policy pending the outcome of any police investigation.

Minor cases of misconduct should be dealt with informally by any member of Ada staff and where appropriate reported to the Dean. All staff members have an individual and collective responsibility, in line with Ada values, to challenge any inappropriate or unacceptable language and behaviour. Support should also be offered, if appropriate, to address any areas of concern.

5.2 Formal stages will only be instigated after all informal action has failed or there is a serious breach of Ada policy or gross misconduct.

The stages within this policy are as follows:

- Informal Stage – Verbal Warning
- Formal Stage 1 – First Written Warning
- Formal Stage 2 – Final Written Warning

5.3 Gross Misconduct

If a student's/apprentice's behaviour is considered to be gross misconduct, either because of a specific incident or continued poor performance/ behaviour, they may be excluded from Ada for either a fixed term or indefinitely.

Ada's duty of care and due regard for the health and safety of its students and staff underpins our definition of gross misconduct.

For the purposes of this document the term 'gross misconduct' means behaviour that, intentionally or not, causes or could have caused significant harm to others, significant damage to property or significant harm to the reputation of the College and the possession of drugs, alcohol and illegal substances on College premises. Gross misconduct would usually result in an immediate recommendation that the student is permanently excluded. This would include serious assault upon other students or members of staff. In such instances a decision to exclude a student may be made without all stages of this disciplinary policy being followed. This will usually be when the health and safety of others is at risk. Exclusion from the College can be either fixed term or permanent. If fixed term, this would usually be for an academic year. In certain circumstances the College may decide to permanently exclude a student following an assessment of the potential risks posed.

If a student/apprentice is asked to leave, their ID card and computer access should be disabled immediately. Should any unauthorised access to Ada premises occur in the future, action may be taken including notifying the student/apprentice of this.

5.4 Student Expectations

When students/apprentices enrol at Ada, they are agreeing that they accept the following expectations.

I Am Work Ready:

- Demonstrate professionalism, always attend and be on time
- Develop my employability & technical skills
- Have high standards for myself and my learning environment

I Am Respectful:

- Behave respectfully & show kindness to others

- Treating everyone equally
- Demonstrate British values

I Am Safe & Healthy:

- Safeguard myself & others by wearing a lanyard
- Stay safe online & from the risks of radicalisation & extremism
- Eating/drinking healthy & exercising

I Am Aspirational:

- Gaining valuable work experience
- Focus on self-development to fulfil my potential
- Aspire for high grades

5.5 The Disciplinary Process

Ada reserves the right to make changes to the staff involved at each stage due to specific circumstances or the availability of staff. If a meeting is chaired by someone other than as indicated, it will ordinarily be someone of equal or higher authority.

A student can enter the disciplinary process at any point, depending on the severity of the misconduct or failure to adhere to Ada's expectations.

Disciplinary Stages

Informal Stage

Minor lapses from acceptable standards of behaviour, these should be dealt with informally by staff as part of their general management of students/apprentices and the learning process via a verbal warning. Concerns can be issued by any member of staff and must be recorded in data@ada.ac.uk

Formal Stage 1 – First Written Warning

If the student/apprentice fails to achieve these targets, then a disciplinary meeting should be completed where clear targets should be set and monitored appropriately. Actions should be recorded in data@ada.ac.uk. This meeting is chaired by the Head of Degree Programmes.

The outcome of this meeting would be recorded as a First Written Warning, outlining clearly the improvements required and timescales.

Formal Stage 2 – Final Written Warning

This is chaired by the Dean , with others involved as appropriate.

A **Formal Disciplinary Hearing** will be held where serious misconduct is in question, in its own right, or where it constitutes ‘the final straw’ and it could be judged to either warrant the issuing of a Final Written Warning or place in question the student’s entitlement to remain at College.

The outcome of a Disciplinary Hearing may be:

- A First or Final Written Warning
- A period of Suspension
- A recommendation that the student voluntarily withdraws from the College with immediate effect
- A recommendation, and action, that the student be excluded from the College.
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Written warnings, both first and final, will normally be understood to remain in force for the remainder of the academic year or for two terms, whichever is the longer period. However, the Director can extend this period by notifying the student if circumstances warrant it.

5.6 Suspension

Suspension is not a disciplinary action and should not be confused with exclusion. In cases of possible gross misconduct, students/apprentices may be suspended until the disciplinary meeting is held.

The decision to suspend is made by the Dean. Suspension is normally used for one of the following reasons

- i To provide a ‘cooling off’ period for students involved in an incident
- ii Where a student’s/apprentice’s continued attendance at the College presents a risk to others
- iii Where a student’s/apprentice’s continued attendance at the College is likely to hamper any investigation prior to a disciplinary meeting

If the student/apprentice is suspended, the Programme Leader will arrange for the student/apprentice to keep up with work as far as is possible.

During the suspension period, students/apprentices must not be on college premises without the prior permission of the Dean who suspended them. Students’ ID cards will be retained by the relevant Director conducting the suspension.

5.7 Disciplinary Hearing

Where possible the hearing will take place within 10 working days of the incident. Students/apprentices will be sent a copy of the information to be used at the Disciplinary Hearing as soon as possible, usually within 5 working days of the incident including:

- Confirmation of the alleged breaches of acceptable conduct and behaviour
- Copies of the evidence gathered during the investigation
- Copies of documents that the relevant College intends to rely on at the hearing (including copies of relevant policies and procedures)
- Given at least 5 working days written notice of date/time of the Disciplinary Hearing
- Asked to provide a written statement of their response to the case and any other evidence at least 2 working days before the Disciplinary Hearing.
- The student/apprentice will receive written confirmation of the outcome within 5 working days.
- It is normally assumed that if a student fails to attend and has not given a reason for this non-attendance, they have withdrawn voluntarily. A letter indicating that this is so will be sent to the student informing them that they have been deemed to have withdrawn from their programme.

Any student interviewed or called to a hearing as part of the disciplinary process is allowed to be accompanied by a friend, relative or student representative but not by any legal or other professional adviser unless the college agrees to this, having received such a request prior to the Hearing, or that Ada intends to be legally represented.

5.8 Involvement of Employers and Sponsors

Ada reserves the right to contact employers or sponsors regarding serious issues relating to students. However, if we are aware of any conflict of interests or rights, the case will be discussed and considered by the Dean before a decision is reached regarding contact.

In accordance with Ada's position regarding contact with sponsors or employers, they will be informed of serious misconduct issues and complaints.

5.9 Appeal

If a student/apprentice wishes to appeal against a disciplinary panel outcome, s/he must lodge a written notice of appeal within 10 days of receipt of the letter from the College confirming that outcome. The appeal must detail the grounds for the appeal, and can only be made on the grounds of:

- New evidence
- Decision did not take account of all relevant evidence
- Procedural irregularity

If a student appeals against their warning or exclusion, a member of the Senior Management Team, or a nominated person who has had no previous involvement with the case, will consider the appeal. The person, will review the meeting notes, outcome and student/apprentice appeal letter which should outline why they are appealing.

If the appeal is allowed, it may be decided that a sanction less severe than that recommended should be imposed. It may also be decided that no further disciplinary action should be taken.

If the appeal is dismissed, the original recommendation will stand. No greater sanction against the student may be imposed, as a result of an appeal. The final decision will be confirmed to the student in writing within 5 working days of the appeal interview.

6. Relevant Policies and Procedures

This policy should be read in conjunction with all other Ada's policies and procedures including, but not limited to:

[Equity, Diversity & Inclusion Policy](#)

[Safeguarding & Prevent Policy](#)

[Data Protection Policy](#)

[Health and Safety Policy](#)

[Sexual Harassment & Misconduct Policy](#)

7. Communication

All staff will be made aware of the policy on commencement of employment as part of the induction, and updated via staff training sessions. The policy and procedure will be monitored and revised as needed. All changes will be updated and communicated to all staff.

8. Authorisation

Policy Holder: Dean, Safeguarding Officer, Head of Degree Programmes

Authorisation Date: June 2020 (SLT)

Next Review Date: June 2022