

TITLE:

**Student and Trainee Performance, Behaviour and Disciplinary Management  
SOP**

**Summary of Contents:**

This SOP sets out guidance for SERC staff and students regarding expectations for student/trainee behaviour and performance and actions for dealing with failures to comply.

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## Glossary of Terms

TfS	Training for Success
S2S	Steps to Success
DHOS	Deputy Head of School
HOS	Head of School
HOST	Head of School -Training
APM	Assistant Programme Manager (Training)
TPM	Training Programmes Manager
e-ILP	On-line Individual Learning Programme
e-PTP	On-line Personal Training Plan
TSO	Training Support Officer
TechSO	Technical Support Officer (Training)
SOP	Standard Operating Procedure

**Programme of Study:** a collective term to describe the different aspects of a student's studies e.g. a programme may include a vocational course, employability modules and essential skills.

**Programme Co-ordinator:** the member of staff who is assigned tutorial time for a specific group of students.

**Designated Manager:** a named manager tasked with ensuring the effective implementation of the Student /Trainee Performance, Behaviour and Disciplinary SOP at a Campus, or within another sub unit of the college. The Designated Manager will be a Campus Manager, Head of Pastoral Care, Head of School (Training) or a nominated Head of School.

# 1 Guidance for Staff and Students

## 1.1 Introduction

SERC has the responsibility for creating a peaceful and positive learning environment so that all learners can focus on their learning without disruption. At the same time, SERC must ensure that staff have the opportunity to work with learners in safety, in compliance with legal requirements and without unnecessary distraction. To ensure that this is facilitated student behaviour and performance needs to be monitored and managed. From time to time appropriate disciplinary action may need to be taken when student behaviour fails to meet an acceptable standard.

The process for managing student performance, behaviour and discipline will take account of the needs of the student and will be applied in a manner that will support the development of appropriate, positive, respectful behaviours and successful learning.

## 1.2 Scope

This Standard Operating Procedure (SOP) applies to all students, both full time and part time, that are enrolled at SERC including:

- Apprentices and Trainees - engaged through the Training for Success (TfS) programme;
- Steps to Success clients;
- All FE students;
- All HE students;
- Students with special educational needs;
- School Partnership students.

Staff are responsible for motivating students to perform successfully and for managing student behaviour. This will be achieved through gaining an understanding of the needs of the student through:

- the provision of clear guidance as to what is acceptable and unacceptable student performance and behaviour;
- careful planning and effective delivery of the curriculum;
- the timely and appropriate use of the disciplinary aspects of this SOP.

While different student groups may require different approaches towards the management of performance and behaviour, the guiding principles for the staff of SERC are to:

1. Establish clear expectations for student performance and behaviour;
2. Provide the students with assistance and support in meeting those expectations;
3. Introduce sanctions for unacceptable behaviour.

## 2 Expectation for Behaviour and Performance

SERC manages its expectations of student behaviour by expecting students to comply with the requirements of the following categories:

1. The attendance, performance and classroom behavioural requirements of their programme of study;
2. SERC Curriculum Policy and Quality Assurance procedures and the requirements of the Examination and Awarding Bodies;
3. The Anti-Bullying Policy and Procedures (SOP No: 187-05-2015);
4. All Health and Safety Rules and Guidance (Policy No: 019-2014);
5. The Acceptable User Policies for the IT systems (Policy No: 001-2014);
6. The Drug and Substance Abuse Policy (Policy No: 026-2014);
7. The Respect agenda, which forms part of the “Getting the Edge” initiative which requires students to behave in a fashion that ensures that the rights and freedoms of other students, college staff, contractor staff, local business owners, and local residents are respected.

Students will be asked to confirm their commitment to complying with these performance and behaviour requirements at the point of enrolment. (*Appendix 1-Student Agreement Summary*)

Where a student fails to comply with the requirements of these conditions, guidance on the appropriate actions required are detailed below.

### 2.1 Compliance with the attendance, performance and classroom behavioural requirements of the programme of study

At the commencement of the academic year, all students will be advised as to the attendance and performance requirements for their programme of study. During the induction phase, students will also be made aware of the required behaviours when enrolled on their programme and participating in class and college activities. The following list details the type and nature of the programme specific guidance that will be provided, although this guidance will vary from programme to programme:

- Minimum attendance requirements;
- Notifying staff of absence;
- Compliance with submission deadlines;
- Appropriate class room behaviours;
- Breaks and the consumption of Food/Drink;
- The use of mobile phones and tablets;
- The use of Personal Protective Equipment and the wearing of uniforms;
- Respect for other students while in class e.g. allowing others to speak, not causing disruption, not swearing and arriving punctually;
- Recognising and respecting equality and diversity rights while participating in college activities.

This list is not exhaustive and as appropriate students will be advised of other specific requirements at the commencement of their programme.

**Breaches of the attendance, performance and classroom behavioural requirements of the programme of study will be dealt with in line with Section A of this SOP.**

## **2.2 Assessment and Examinations Malpractice**

Students will be advised of the specific regulations that apply to their programme of study during the induction period. Additional information regarding the regulations that apply to a student's programme can also be found in the Further Education or Higher Education Handbooks, SERC Curriculum Policy and Quality Assurance procedures and on the web sites of the relevant awarding bodies.

This guidance will relate to the submission and assessment of coursework; plagiarism; dealing with extenuating circumstances; examination regulations and appeal processes. Incidents of non-compliance with these regulations will be dealt with by the College, in line with SERC Curriculum Policy and Quality Assurance procedures and in line with the Awarding Body regulations.

Incidents of this nature should be reported to the Deputy Head of School in the first instance who will inform and seek guidance from the Quality, Excellence and Development Unit. The Head of Quality, Excellence and Development will ensure that any such issue is dealt with in accordance with the appropriate College and awarding body policies and procedures.

## **2.3 Anti-Bullying**

**The SERC Student Bullying SOP (SOP No: 187-05-2015) identifies the different types of bullying including: Emotional; Physical; Racist; Sexual; Homophobic; Verbal; Cyber (including through social media) or based on someone's disability.**

Any member of staff who becomes aware or suspicious of an incident or incidents of bullying shall report this through the 'Cause for Concern' App. The Pastoral Care team will then decide how the incident should be dealt with. Suspected incidents of bullying will normally be dealt with by one of the Safeguarding Team in conjunction with a Tutor, DHOS, Training Support Officer or Chief of Training and Contracts Officer (or nominee) in line with the Student Bullying SOP.

Upon completion of any investigation the Pastoral Care Team will decide whether a disciplinary action is appropriate and/or necessary and if so will ensure that it is dealt with in line with Section B of this SOP.

## **2.4 Compliance with Health and Safety Rules and Guidance**

All students are required to comply fully with all of the Health and Safety Requirements as detailed within the College Health and Safety Policy. Failure to comply with Health and Safety requirements must be recorded and reported immediately to the duty manager or

Deputy Head of School (DHOS) or Training Support Officer (TSO) who will take appropriate action as detailed in **Section B** of this SOP.

Examples of non-compliance with Health and Safety requirements include:

- not obeying fire evacuation instructions;
- dangerous physical behaviour on college premises;
- bringing items onto Campus that could harm others;
- interfering with tools and equipment;
- careless driving while on college property;
- failure to conform to parking regulations;
- infringing smoking regulations.

## 2.5 Compliance with the Acceptable User Policies for the IT system

The acceptable user policy provides details of the appropriate behaviours that users of the college ICT systems are expected to observe. Should a breach of these behaviours be identified the issue should be reported to the Duty Manager/DHOS who will take action as detailed in **Section B** of this SOP.

Examples of non-compliance with the acceptable user policy include:

- The accessing of, creation, display, transmission, storage or printing of any material that may be considered obscene, objectionable, or that may cause anxiety or inconvenience;
- The creation or transmission of defamatory material;
- The transmission of material which may infringe the copyright of another person;
- The transmission of unsolicited commercial or advertising material;
- Deliberate unauthorized access to computing related facilities or services provided by SERC, or to any services or facilities accessible via JANET;
- The revelation, publication, theft or destruction of information/ data, which is considered confidential. This includes passwords, user account information and any SERC business or personal information;
- Accessing services through another user's account and password. Such actions constitute unauthorised access.

## 2.6 Substance Abuse

It is the responsibility of all staff and students to take reasonable steps to prevent the use and abuse of controlled drugs or other substances on the college premises and to respond to incidents as outlined in the "Code of Practice - Handling Substance Abuse Incidents – Appendix 1" included in the SERC Drug and Substance Abuse Policy (Policy: 026-2014).

In line with the SERC Drug and Substance Abuse Policy – Appendix 1 all incidents of Substance Abuse should be reported immediately to the relevant Duty Manager who will take action as detailed in **Section B** of this SOP.

## 2.7 The Respect Agenda

### 2.7.1 Respect for others (students, college staff, contractor staff and those providing student placements)

All students and staff (including contractor employees) have the right to be able to learn and carry out their work without experiencing inappropriate behaviours that cause interruption or distraction to their activities. Where such behaviours take place this should be reported to the Duty Manager / Campus Manager or their nominee immediately who will take action as detailed in **Section B** of this SOP. This may involve the reporting of the incident to the PSNI.

Such behaviours could include the:

- use of aggressive threatening language or body language;
- physical assault;
- repeated disruption of the learning environment;
- theft and vandalism of property of others.

### 2.7.2 Respect for neighbours of the College (local businesses and residents) and placement providers

Those who live and work in the vicinity of the College Campuses also have a right not to experience inconvenience or distress as a result of the activities of the college students. The failure of students to behave in an appropriate manner on their way to and from College and which causes distress and inconvenience to businesses and residents located within the vicinity of the college may be considered a breach of this SOP. Reports and complaints of this nature will be passed to the Duty Manager / Campus Manager who will take action as detailed in **Section B** of this SOP as appropriate.

The following behaviours could be considered in this category:

- use of aggressive, abusive or threatening language or other intimidatory behaviour;
- physical assault;
- Inappropriate / inconsiderate parking;
- Behaviour that damages the reputation of the college.

### 2.7.3 Respect for all college property and equipment

The College has responsibility to ensure that all tools, equipment and other resources are maintained for their intended purpose. Any student found to be damaging such tools and equipment or other resources will face disciplinary action. Incidents of this nature should be reported to the Duty Manager / Campus Manager who will take action in line with the steps as detailed in **Section B** of this SOP.

### **3 SECTION A: Actions for Dealing with failures to comply with the Attendance, Performance and Classroom Behaviour requirements of a Programme of Study. (Category 1)**

#### **3.1 Process for dealing with students who fail to comply with their Programme Performance Requirements.**

##### **Step 1**

Should a student or trainee display behaviours which fail to meet the acceptable performance expectations of their programme, their tutor will in the first instance discuss the matter with the student individually. Such a discussion should take place outside of the class environment and should focus on making sure that the student understands why their behaviour is unacceptable and on ensuring that the student commits to addressing the issue(s) raised. The student should also be advised that a continuation of this behaviour will lead to disciplinary action.

If the performance issue relates to non-attendance the tutor should also complete a referral to SERC Extra.

Should the student be under the age of 18 (or a vulnerable adult), the tutor may contact the student's parents or guardian if they feel that this will help the student to address the situation.

Contact with the parents / guardians of Training for Success (TFS) trainees will be arranged through the trainee's Training Officer (TO).

At Higher Education, the College will not engage with parents or guardians at this stage.

In all cases the tutor shall note the date, time and reason for conversation on the student's e-ILP or on the e-PTP (for TFS trainees). A student may have more than one such informal warnings recorded.

If the student is enrolled at the College through the Schools Partnerships provision, then the School's Partnership Co-ordinator should be advised of the concern regarding the student's behaviour.

##### **Step 2**

If significant or repeated breaches of the programme performance requirements occur, the tutor shall ask the Programme Co-ordinator to issue a Stage 1 warning to the student. A Stage 1 warning will be recorded on the student e-ILP. Depending on the nature of the issues involved the Programme Co-ordinator may complete a referral to SERC Extra at the same time.

For Training for Success (TFS) students, the Tutor shall notify the Training Support Officer (TSO) who will issue the warning and ensure that it is recorded on the e-PTP system, with notification to the Department as necessary. Advice on the actions that the student needs to take to improve their performance should be detailed on the warning.

If the student is enrolled at the College through the 'Schools Partnerships' provision, then the School's Partnership Co-ordinator should request that staff from the student's school address the ongoing behavioural issue with the student.

### Step 3

If there is continuing concern about the student's behaviour/performance, two weeks after the issuing of a Stage 1 warning (Step 2 above) or the student has had further informal warnings recorded on their e-ILP then the Programme Co-ordinator will advise their DHOS (or the APM or TPM through the TSO for TFS trainees) of their concern.

The DHOS / APM / TPM may take the following actions in a timely manner:

1. Discuss appropriate strategies with the staff team to change the student behaviour.
2. Arrange to meet with the student (and their parent / guardian, formally to discuss their behaviour and performance as appropriate). The outcome of such a meeting should result in the preparation of a time bound (2 weeks is normally appropriate) action plan for the student to rectify or improve the situation. A template for this action plan is included in Section 14.1 of this SOP. Such an action plan is deemed to be a Stage 2 Warning. This meeting and action plan must be recorded on the student e-ILP (or e-PTP in the case of TFS trainees). A review date to assess compliance with the terms of this action plan will also be set.

The DHOS will ensure that all Further Education (FE) and Higher Education (HE) students who are issued with a Stage 2 warning are also referred to SERC Extra. The SERC Extra team will assist in helping the student to resolve the performance / behavioural issues that are causing concern.

3. After a two-week period, the Programme Co-ordinator (with or without the DHOS/APM/TPM) will review the action plan. The following actions are open to the Programme Co-ordinator:
  - i. If the student has complied with the terms of the action plan, no further action will be taken and the student will be advised that if they fail to continue this performance improvement, a stage 3 (final warning) will be issued.
  - ii. If the student has failed to demonstrate all of the improvements in behaviour that have been sought the action plan a disciplinary hearing will be arranged with the student, their representative and DHOS / APM / TPM and/or Programme Co-ordinator. This meeting will be chaired by a Designated Manager (or their nominee) and will be held in accordance with Section 5.5 of this SOP. The anticipated outcome of a disciplinary hearing in this context will be the issuing of a Stage 3 (final warning) to the student / trainee. When issuing a stage 3 (final warning) a set of appropriate and time bound actions, to improve the student's or trainee's behaviour and performance will be agreed with the student or trainee. Any student receiving a Stage 3 warning is to be advised of the formal appeals procedure (section 6 of this SOP).
  - iii. If the student has failed to engage with the terms of the action plan and has not improved, their performance or behaviour in any way then the Programme Co-ordinator will arrange a disciplinary hearing with the student, their representative and DHOS / APM / TPM and/or Programme Co-ordinator. This meeting will be chaired by a Designated Manager (or their nominee) and will be held in accordance with Section 5.6 of this SOP. The anticipated outcome of a

disciplinary hearing in this context will be the issuing of a Stage 4 (Exclusion) to the student / trainee. Should the student fail to attend this disciplinary hearing, a stage 4 warning (Exclusion) can be issued in their absence. The student will be made aware of the formal appeals procedure (Section 6 of this SOP).

### **Alternative Options**

In completing and reviewing the action plans that are issued as part of the Stage 2 or Stage 3 Warning the DHOS/Designated Manager may consider the following actions regarding the student's continued engagement with the programme of study. This may involve the student being:

- a. Offered a reduced programme, or;
- b. Advised to pursue an alternative programme of study.

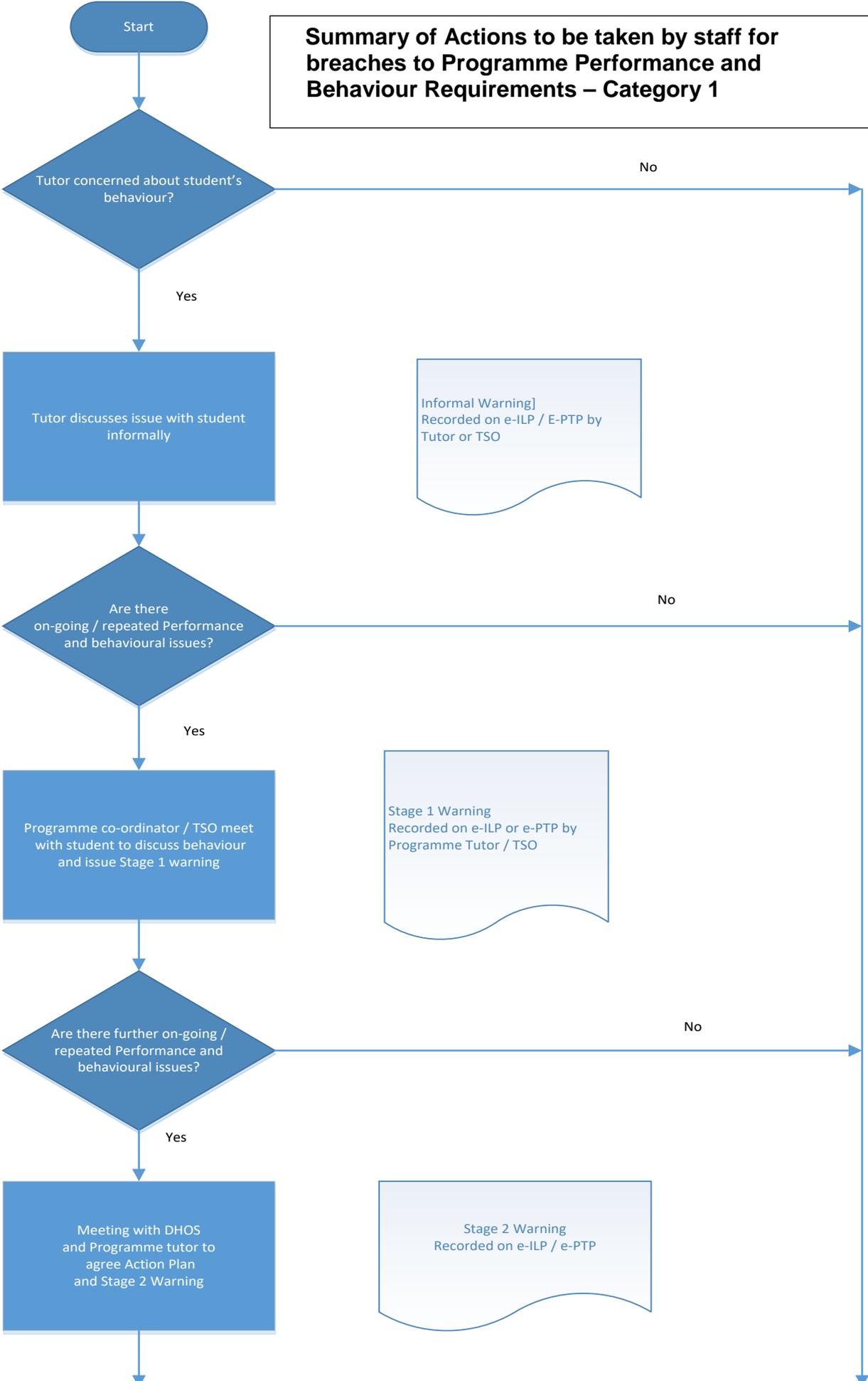
Such decisions must be processed and documented through the SERC Extra processes.

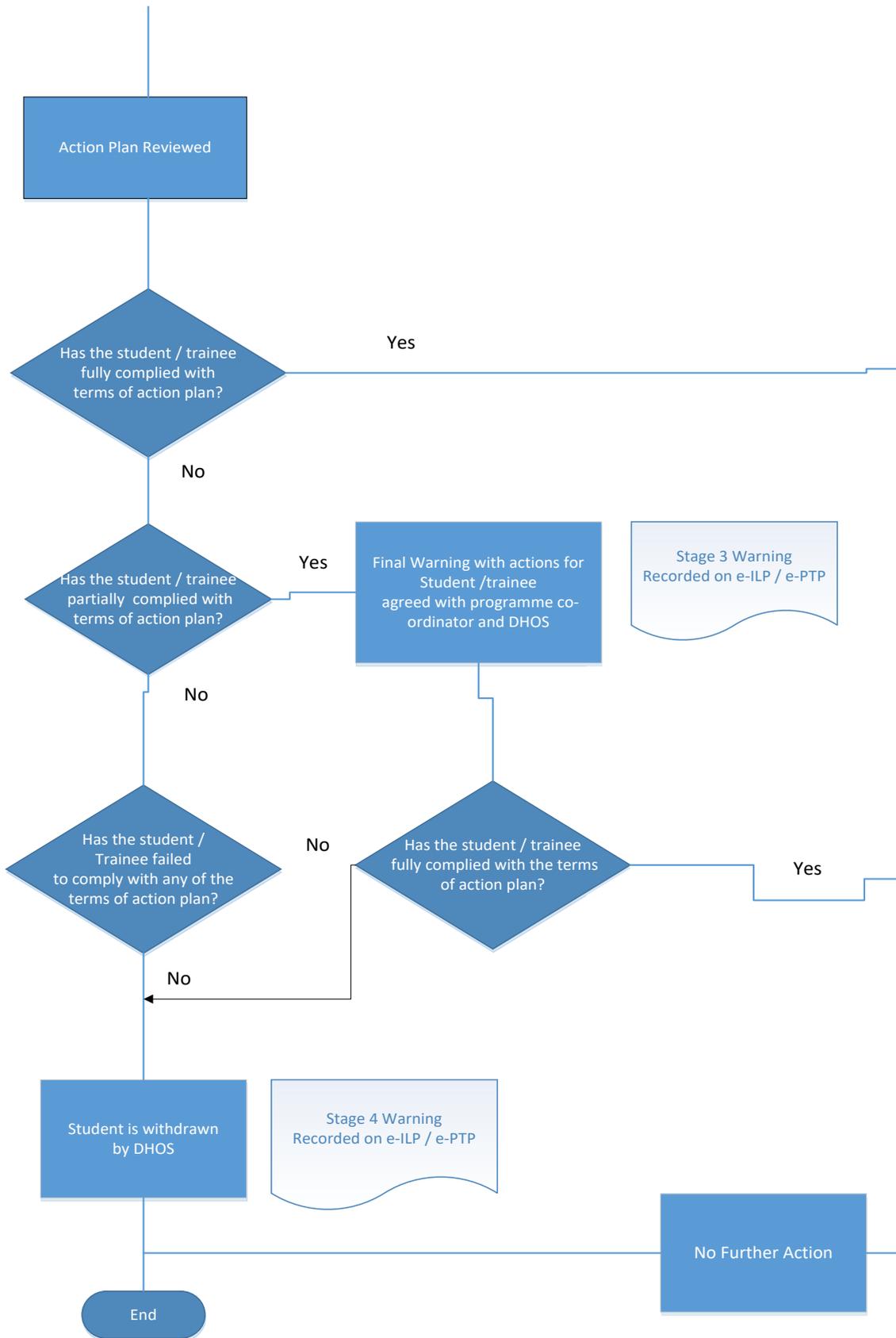
It is the responsibility of the DHOS / APM / TPM to ensure that the student's enrolment records are updated including the student's e-ILP (or e-PTP in the case of TfS trainees). The Designated Manager is responsible for ensuring that all Stage 3 and Stage 4 documentation is retained in compliance with SERC data protection policies and for the updating of the Disciplinary App.

In all cases when making decisions using Section A of this SOP, all staff must give consideration as to the effect that the student's failure to perform and behave appropriately is having on the continued satisfactory progress and learning of the other students in the class group.

Appropriate documentary templates are provided in Section 14.1 of this SOP.

**Summary of Actions to be taken by staff for breaches to Programme Performance and Behaviour Requirements – Category 1**





**Summary of Actions to be taken by staff for breaches to Programme Performance and Behaviour Management Requirements – Categories 2 and 3**

**Category 2  
Breaches of  
Assessment and  
Examination**

Member of staff becomes aware of a concern regarding examination or assessment practice

Concern to be raised with Head of School and/or Head of Quality, Excellence and Development

Action to be taken in line policy and guidelines as provided by the College and the relevant validating authority

**Category 3  
Bullying or Suspicion  
of Bullying**

Member of staff becomes aware of a suspicion of, or evidence of bullying, or report of bullying

Use Cause for Concern App to report the allegation and/or details of the situation

Pastoral Care Team will address the concern and instigate disciplinary action as appropriate

## **4 SECTION B - Actions for Dealing with breaches to the Performance, Behaviour and Disciplinary Management SOP (Categories 2.3 – 2.7)**

The Director of Curriculum and Information Services is responsible for the effective implementation of this SOP. The roles identified in this SOP for the Director of Curriculum and Information Services may be delegated to other nominated senior managers as necessary (e.g. Director of Strategic Planning and Support; Heads of Quality Excellence and Development; Chief Training and Contracts Officer).

To facilitate the efficient implementation of this process, he/she may nominate specific individuals (described here as a 'Designated Manager') to lead the process, either at a campus, or within an academic school, or other subgrouping of the college. The Designated Manager will be a Campus Manager, Head of Pastoral Care, Head of School (Training), Training Programmes Manager or a nominated Head of School.

The Designated Manager will also be responsible for ensuring that all necessary records are maintained in line with good records management practice and that the outcomes of breaches identified within this SOP are recorded on the student e-ILP. Should the disciplinary issue concern School Partnerships students, the School Partnership's Manager will be engaged in the process by the Designated Manager.

### **4.1 Process for dealing with students who fail to comply with the requirements of the Student and Trainee Performance and Behaviour Management Categories 2.3 – 2.7.**

If an incident relating to Sections 2.3 – 2.7 of this SOP is reported to the Designated Manager, he/she will consider the following steps and identify appropriate staff to assist in ensuring a timely and effective application of the disciplinary process.

The Designated Manager will take action in line with the following 4 steps:

#### **Step 1**

The Designated Manager will ensure that, as appropriate, the following actions have been taken by the staff involved in dealing with the incident to ensure that:

- all parties involved are physically safe and that their mental health and that their well-being is also being considered;
- any evidence is preserved;
- witness details and/or statements (if appropriate) have been recorded;
- the next of kin of the student(s) have been advised of the incident if appropriate;
- the Lead Safeguarding Officer has been contacted if necessary;
- the incident has been reported to the PSNI if appropriate;
- known details of nature/time of incident have been recorded;
- CCTV footage has been preserved for future review;
- Counselling or other support is in place for staff and students as necessary.

## **Step 2**

The Designated Manager shall consider the seriousness of the incident and consider the following actions:

- Decide whether the incident is serious enough to warrant further investigation / disciplinary action;
- Identify whether one or more of the parties involved in the incident should be given a period of 'time-out' pending a full investigation of the circumstances of the incident and actions of those involved;
- Advise the Principal and Chief Executive, or a Director of the College of the incident if appropriate who will decide if the Business Continuity Plan needs to be activated.

Further guidance on the 'Time Out' Process is provided in section 5.3

## **Step 3**

If the precise details of the incident are unclear the Designated Manager will instigate an investigation. The Designated Manager will nominate an appropriate member of staff to complete the investigation within an agreed timeframe (the investigator).

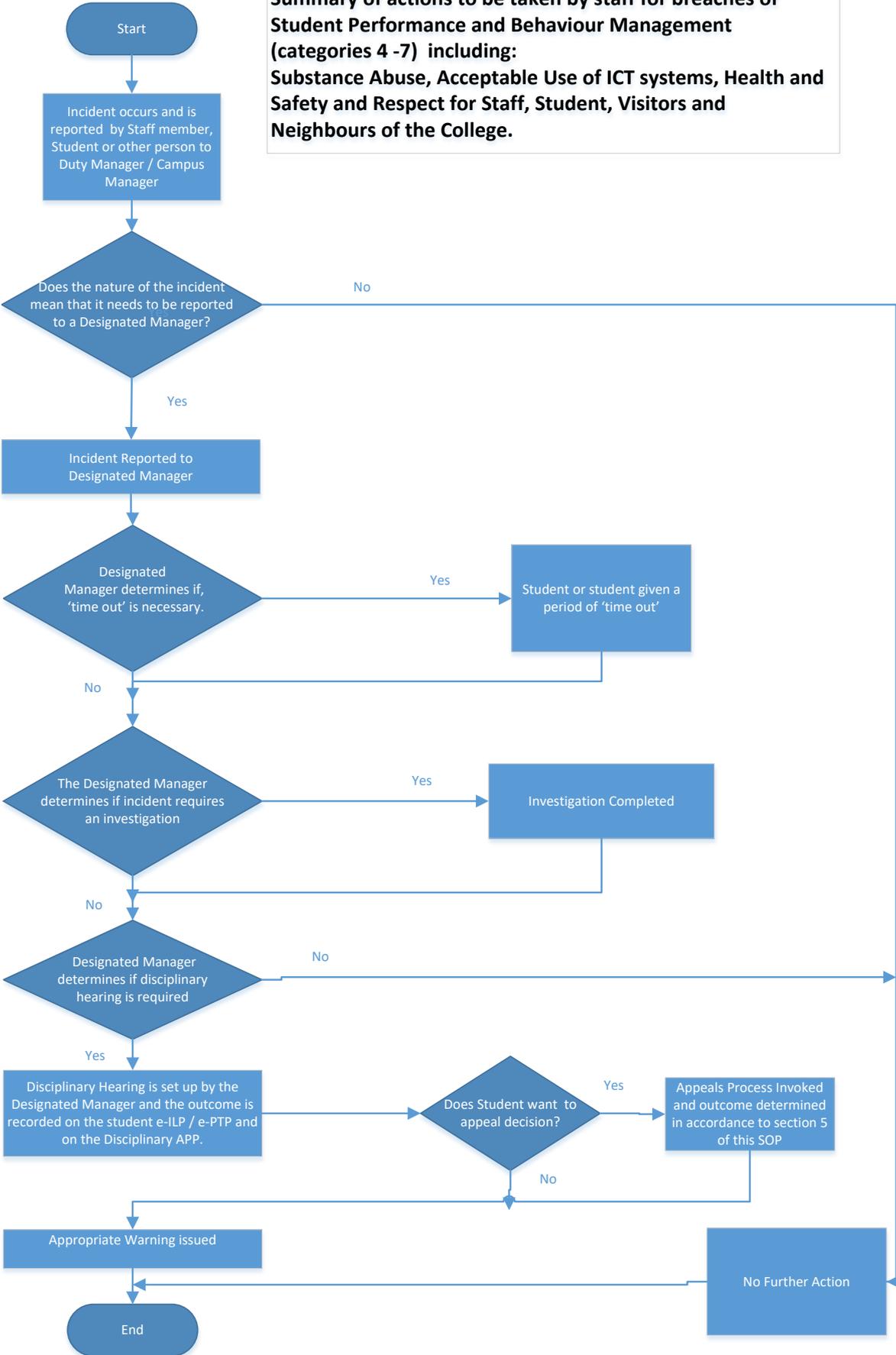
In most cases, a Deputy Head of School will be asked to complete the investigation.

On completion of the investigation into the incident, the investigator will report to the Designated Manager using the documentation included in Appendix 2 of this SOP.

## **Step 4**

On receipt of the investigation report into the incident, the Designated Manager will determine whether any disciplinary action under the terms of this SOP is required. If disciplinary action is required, he/she will identify a suitable disciplinary panel and an appropriate timeline in which the disciplinary should take place. Detailed guidance of this is provided in Section 5 of this SOP.

**Summary of actions to be taken by staff for breaches of Student Performance and Behaviour Management (categories 4 -7) including: Substance Abuse, Acceptable Use of ICT systems, Health and Safety and Respect for Staff, Student, Visitors and Neighbours of the College.**



## 5 Formal Disciplinary Process

### 5.1 Scope and Purpose

The College is committed to fair, equitable and practical Disciplinary Procedures which at all times will be applied in a professional manner by the appropriate members of staff.

### 5.2 Delegation of Authority

The Principal and Chief Executive shall normally delegate responsibility for disciplinary matters to one of the Directors or their nominee.

The Director of Curriculum and Information Services shall be responsible for ensuring that Disciplinary Procedures operate equitably throughout the College, that the time limits set for Disciplinary Procedures are followed and that no arbitrary local variations exist which may lead to unfair treatment of any individual.

### 5.3 'Time Out' pending investigation

'Time Out' is a precautionary measure which is used to remove a student from the College premises and activities so that an investigation can take place without prejudice. It means short term, total removal from all College premises and activities.

'Time Out' is not a disciplinary sanction and will be invoked only where it is considered essential to do so.

The Principal and Chief Executive and the Director of Curriculum and Information Services are authorised to request that students / trainees take 'time out' until the investigatory process is complete. They will delegate this authority to the Designated Managers as appropriate.

#### 5.3.1 Process for enacting a 'Time Out':

It is key that when a 'time out' is necessary that the wellbeing of the student is fully considered. Thus:

*If the student is present*, the Designated Manager, who should be accompanied by another member of staff will meet the student and instruct them in person of their 'time out' and clarify the following key points:

1. The reason why 'time out' is being used. However, no discussion of the detail of the potential disciplinary allegations will occur at this time.
2. That 'time out' is not a disciplinary sanction – it is a short term measure for up to one week from the meeting date (7 days) in the first instance (this may be extended by up to a further 7 days by notifying the student in writing) to allow a full and balanced investigation to take place.
3. The outcome of the investigation will determine whether disciplinary action is necessary.

4. Advise that the student will be contacted by the member of staff who is leading the investigation to arrange a meeting with the student to obtain details of the alleged incident.
5. Emphasise that they must not enter any College grounds until the Investigation process has concluded except to attend further meetings as part of the investigation process.
6. Advise the student about the availability of Pastoral Care support e.g. through Carecall.
7. Contact the next of kin if the student is under 18 years of age or a vulnerable adult and arrange for the parent to make arrangements for the student to get home safely.

*If the student is not on-site*, the Designated Manager should attempt to make contact with them by telephone. However, if contact cannot be made, a letter will be issued before the end of the same working day. It must include the details of points 1 to 6 as outlined above. If the student is under 18 or a vulnerable adult, the College should contact the next of kin/emergency contact to inform of the situation. It may be appropriate to provide details of support services e.g. Carecall at the time of this contact.

The fact that a student has had a period of 'time out' shall not be taken into account by any subsequent disciplinary hearing.

Note:

*'Time out' means total removal from all College premises and activities.*

*Wherever possible, subject to the safety and welfare of other students and staff, arrangements will be made to minimise the disruption to the student's programme of study, e.g. as far as possible arrangements will be made to allow such a student to complete outstanding academic work and sit examinations.*

*During a period of 'time out' a student / trainee may be instructed to have no contact of any kind with a named person or persons involved in the incident.*

*The Designated Manager should notify the HOS/DHOS with an instruction that the student(s) should be recorded as 'authorised absence' until further notice.*

## 5.4 Investigation

The Director of Curriculum and Information Services, or their nominated Designated Manager, will appoint an appropriate person to investigate alleged misconduct, establish facts and make recommendations, before further action is taken.

The Designated Manager will provide the Investigating Officer with the following:

- Terms of Reference;
- Details of what specifically is to be investigated;
- Names of witnesses (if known);
- Timeframe;
- Contact details.

The Investigating Officer should refer to the guidance provided in Appendix 2 of this SOP when completing an investigation.

In completing the report of the alleged incident, the investigator should complete the template provided in Appendix 2 which summarises the key points and provides a recommendation to the Designated Manager for consideration.

The Designated Manager will review the report and decide if it is necessary to discipline the student in question and if so will convene a panel for the Disciplinary Hearing.

## **5.5 Disciplinary Hearing**

SERC strives to deal with issues relating to the breach of the student and trainee performance and behaviour management policies in a supportive manner with a view to positively changing the student's behaviour. However, on occasion the appliance of a disciplinary sanction may be appropriate. The decision to establish a disciplinary hearing will be made by the Designated Manager, based on the details of the incident as contained in the investigation report.

The disciplinary panel is charged with conducting the disciplinary hearing and has the responsibility of assigning an appropriate level of warning (up to and including exclusion) to an individual student for breaching the College's acceptable behaviour requirements.

A Disciplinary Hearing can issue warnings at 3 levels:

Stage 2 – Misconduct

Stage 3 – Serious Misconduct

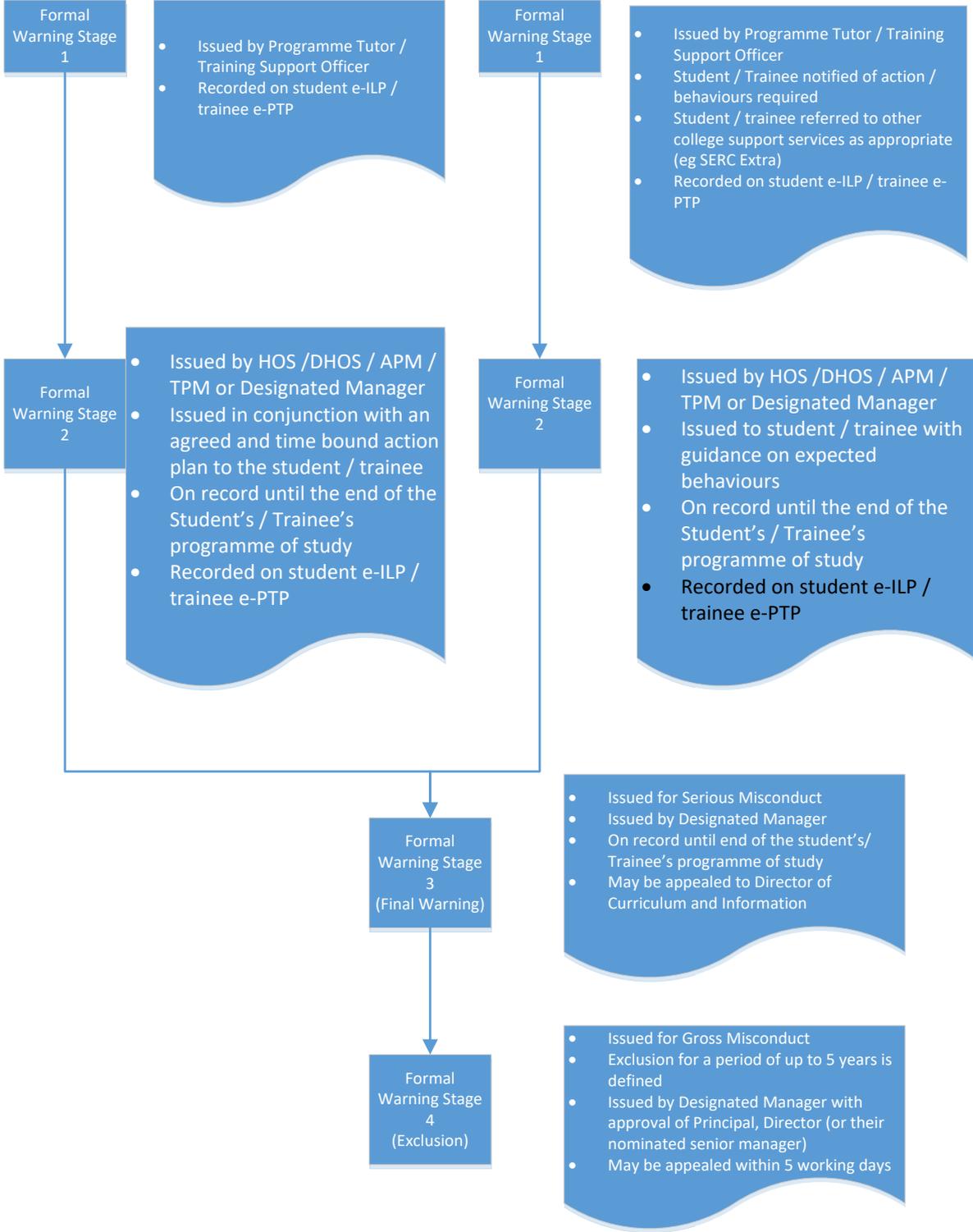
Stage 4 – Gross Misconduct (Exclusion)

It should be noted that if the College decides, at its discretion, it may not always be necessary to convene a disciplinary hearing for minor infringements of the College's Performance and Behaviour Management SOP or if there is no dispute as to the facts. In such a circumstance, the Designated Manager may:

- dismiss the case or otherwise take no further action and/or;
- ask an appropriate Deputy Head of School (or nominated member of staff /TO) to warn/counsel the student informally or;
- issue the student with a Stage 2 (Misconduct) warning. This must be recorded on the Student Disciplinary APP.

### Structure of Disciplinary Warnings Category 1 Performance and Behaviour Management

### Structure of Disciplinary Warnings Category 4,5,6 and 7 Performance and Behaviour Management



## 5.6 Notification of a Disciplinary Hearing

Any student(s) subject to disciplinary procedure shall be entitled to:

- A clear statement in writing from the Director of Curriculum and Information Services (or their nominee – Designated Manager) of the alleged misconduct.
- Be advised by the Director of Curriculum and Information Services (or their nominee) of their right to arrange representation.
- Make representations (orally and in writing).
- Be accompanied and represented by a person of their choice (who may be a representative from the College SU, a family member or a friend or a SERC member of staff). Legal representation is not permitted under this internal disciplinary process. If a student is 18 or under then parent / guardian will be contacted and invited to attend.

The Chair of the Disciplinary Panel must be informed by the student or their representative in advance of the disciplinary hearing who is attending as their representative.

### NOTE

A student who is subject to disciplinary action has the right to make representations (orally and in writing) and to be accompanied and represented by a person of his/her choice at STAGE 3 and above of the procedure but must make their own arrangements in this matter.

## 5.7 Notice of Disciplinary Hearing

A student against whom an allegation of misconduct has been made shall receive at least five (5) working days' written notice of the disciplinary hearing.

## 5.8 Composition of Disciplinary Hearings

In normal circumstances disciplinary hearings will involve the staff identified in Appendix 3, and will involve an appropriate member of the College, with full delegated authority as designated by the Director of Curriculum and Information Services. At STAGE 2 and above, disciplinary hearings will be chaired by a Designated Manager as nominated by the Director of Curriculum and Information Services.

Should the Disciplinary Hearing conclude that a Stage 4 (Exclusion) is to be awarded, the Chairperson will confirm this with the Principal and Chief Executive or his nominee from SMT before notifying the student of the outcome in writing. The outcome of the Disciplinary Hearing will be reported to the Director of Curriculum and Information Services and recorded on the Student Disciplinary APP.

The staff involved in a Disciplinary Hearing are outlined in **APPENDIX 3** and the Disciplinary Hearing Protocol is detailed in **APPENDIX 4** of this SOP.

## NOTE

If the student against whom the allegation is made chooses not to attend, the hearing may, at the discretion of the Chair, continue in their absence.

## 5.9 Outcomes

### 5.9.1 Stage 2 (Misconduct) Formal Warnings

In instances other than minor breaches of the College code of conduct, the issuing of a Stage 2 Formal Warning may be appropriate.

Normally the Stage 2 Formal Warning shall be effective for the remainder of the students programme of study.

If the decision of the Chair is that a Stage 2 Formal Warning is appropriate, notification of the decision will be given to the student at the hearing and the notice itself will be sent to the student by the DHOS / TO Administrator (or their nominee) normally within three (3) working days of the hearing. All warnings shall be recorded in the students e-ILP and on the Student Disciplinary APP. In receiving a Stage 2 warning actions will be identified that the student must take to prevent further occurrences of unacceptable behaviours.

### 5.9.2 Stage 3 (serious Misconduct) – Final Warning

In instances of a serious breach of the required student behaviour as outlined in this SOP, it may be appropriate for a Stage 3 formal warning to be issued without the student having previously received a prior Stage 2; otherwise:

If during the currency of a Stage 2 Formal Warning a student commits a further disciplinary offence, a Stage 3 Formal Warning may be issued (after a disciplinary hearing).

Unless the College decides otherwise a Stage 3 Formal Warning shall normally be effective for the remainder of the student's programme of study. Further breach(es) during this period may lead to the student being excluded i.e. a Stage 4 Gross Misconduct (formal warning), after a disciplinary hearing.

If the decision of the Chair is that a Stage 3 Formal Warning is appropriate, notification of the decision will be given to the student at the hearing and the notice itself will be sent to the student by the Designated Manager (or their nominee) normally within three (3) working days of the hearing. All warnings shall be recorded in the students E-ILP and on the student disciplinary APP. In receiving a Stage 3 warning the Disciplinary Panel will identify actions that the student needs to take to prevent further occurrences of further unacceptable behaviours.

### 5.9.3 Stage 4 - Exclusion for Gross Misconduct

The College nominee may exclude any student because of the gross misconduct of that student upon the recommendation of the outcome of a Disciplinary Hearing within 48 hours of that hearing having taken place. The Chair of the Disciplinary Panel will write to the student to inform them of the outcome of the hearing.

The exclusion of a student from the College will be time bound (to a maximum of 5 years) as recommended by the disciplinary panel. The chair of the disciplinary panel will record the duration for which the exclusion is to remain in force. In any case it will not be for more than 5 years and the outcome will be recorded on the Student Disciplinary App.

### **5.10 Other Penalties**

In addition to, or in substitution for, any formal warning, a disciplinary hearing may impose one or more of the following penalties:

- the student gives a written undertaking as to his/her subsequent conduct within the College;
- the student gives a written or verbal apology;
- the student pays for any damage to property he/she has caused, or recompenses the College for any loss it may have suffered or for any costs incurred directly or indirectly from the student's misconduct;
- a fine up to a maximum of £100;
- withdrawal of privileges, e.g. exclusion from the College services, Learning Resources Centre or computer network, or such other sanction which the College considers appropriate.

### **5.11 Other Circumstances Leading to Exclusion**

In certain circumstances the decision to exclude a student may be the outcome of an unsatisfactory disciplinary record over a period of time, in which no individual incident warrants immediate exclusion. In such cases the formal warning procedure will have been followed. An offence during the currency of a final warning may lead to exclusion based on written representation to a Designated Manager by college staff and action leading to exclusion will be ratified by the Director of Curriculum and Information Services or their nominee.

## **6 Appeals**

### **6.1 The Right to Appeal**

A student against whom disciplinary action has been taken at Stage 2, 3 or 4 shall have the right of appeal. The right to appeal is only available in the situation where the student can demonstrate that:

- The SERC procedures were not correctly followed in determining the outcome;
- Additional relevant information or evidence has come to light that, had it been known at the time of the disciplinary sanction, would have led to a different outcome;
- There was demonstrable bias or prejudice in the decision reached;
- The sanction was excessive or inappropriate given the nature of the issue.

The right to appeal in these circumstances is only available to a student for 5 working days after being issued with the Formal Warning.

### **6.2 Appeal other than against exclusion - STAGE 2-3**

The appeal shall be heard by a Designated Manager, other than the Designated Manager who chaired the original disciplinary hearing. This person will be identified by the Director of Curriculum and Information Services, or their nominated representative.

The request for such an appeal shall be made in writing, giving full supporting evidence, to the Director of Curriculum and Information Services (or their nominee) within five working days of receipt of the decision. This evidence should clearly state the grounds for the appeal and based on this evidence the Director of Curriculum and Information Services can decide whether or not the appeal should be considered.

### **6.3 Appeal against exclusion – STAGE 4**

Where a student has been notified of a decision to be excluded the individual will have a right of appeal to the Principal and Chief Executive.

The request for such an appeal shall be made in writing and in line with criteria listed in section 5.1 of this document, giving full supporting evidence, to the Principal and Chief Executive within five working days of receipt of the decision and giving the grounds for appeal.

The Principal and Chief Executive will nominate a suitable person to chair a Disciplinary Appeals Panel, if he or she feels that the appeal is appropriate. The appeal panel may consist of the following members if they have had no connection with, or prior knowledge of the case:

- The Principal and Chief Executive;

- A Director, Head of Quality Excellence and Development or other member of CMT other than the person who confirmed the original exclusion order;
- A Head of School or other Manager who was not involved in the original disciplinary hearing.

In these circumstances, the exclusion shall not be confirmed until the appeal has been determined, but the student will not attend the College until the outcome of the appeal has been determined.

Normally appeals will be heard within 14 working days of the appeal being lodged, unless varied by mutual agreement.

After consideration of the appeal the Disciplinary Appeals Panel shall annul or confirm the decision of the Disciplinary Panel.

A decision of the Disciplinary Appeals Panel will be final.

## **6.4 Guidance for the hearing of appeals**

All appeals shall be held in line with the terms of the Disciplinary Hearings Protocol (Appendix 4 of this SOP). It should be noted that a student may be accompanied and represented by a person of their choice (who may be a representative from the College Students Union, a family member or a friend or a SERC member of staff). Legal representation is not permitted under this internal disciplinary process. If a student is 18 or under then parent / guardian will be contacted and invited to attend.

### **6.4.1 Re-admission after exclusion**

Any student excluded from the College following a disciplinary hearing and who wishes to reapply to the College must disclose that information to the Director of Curriculum and Information Services during the enrolment process. The Director of Curriculum and Information Services will decide in each case whether the student may be re-admitted having reviewed all available information. If necessary, they may request to meet the applicant before a final decision is made based on the completion of a risk assessment and the preparation of a behaviour management plan, if this is deemed appropriate. They will immediately report the decision to the appropriate Head of School. Failure of the applicant to disclose such information may constitute gross misconduct.

## **7 Records**

Notes (not verbatim minutes) will be taken at all relevant stages of the disciplinary process. The Director of Curriculum and Information Services (or their nominee) will make these available to all parties, if requested and in line with the college's Freedom of Information procedures.

All files relating to an individual student's disciplinary process will be retained on the college IT network.

## **8 Criminal Offences**

When a student is alleged to have behaved in such a way that, if proved in a court of law, they would have committed a criminal offence capable of attracting a custodial sentence and if the College considers that the matter should not be dealt with under its Disciplinary Procedures but should be referred to the Police then, in those circumstances, the allegations shall not be considered any further by the College, even if the student and/or the complainant expresses a strong preference for the matter to be dealt with internally.

When a student is alleged to have committed a criminal offence and the matter is in the hands of the police, the College taking account of the particular circumstances, may decide to suspend/exclude the student, pending the outcome of the police investigations.

Following the imposition of a penalty by the court, the College will give careful consideration as to whether or not it is appropriate for the student to return to college. In such circumstances a risk assessment will be completed and a management plan devised if appropriate.

Failure to disclose a conviction whether received before or during the course of their studies will be treated as a disciplinary offence.

## **9 Illness**

In cases where illness is perceived to be the cause of behaviour which would normally warrant Disciplinary Procedures to be invoked, the College has the right to insist that the student takes 'time out' until such time as it is satisfied that they are fit to resume their studies. In these circumstances the College will normally require that medical evidence is presented confirming that the student is fit to return. The College will reserve the right to continue the disciplinary process.

## **10 Barring Notice**

A Director of the college may direct one of the Designated Managers to issue a Barring Notice to any member of the public whose presence or behaviour on College property is inappropriate, distracting or unsafe for the students, staff and contractors of the College. Such a notice may also be issued to excluded students who fail to exclude themselves from College premises. Once issued a copy of the notice will be retained

by the College and, if necessary passed to the PSNI for enforcement. A copy of the Barring Notice is provided in Appendix 5.

## 11 Notes

If in any case it has not been possible (for whatever reason) to comply fully with this SOP, then provided that both sides in the case are aware of the non-compliance and are nonetheless willing for the procedure to continue then such non-compliance shall not invalidate the decision reached.

These procedures shall from time to time be subject to review in the light of operating experience and/or changing circumstances.

The disciplinary process, once entered into, is confidential to all parties. Therefore, it is essential that any individuals involved in the process respect this paramount need for confidentiality. Breaches of such confidentiality may amount to gross misconduct which would lead to disciplinary action being taken.

## 12 Communication Plan

By email and via Learning Engine on staff intranet.

## 13 Review

This Standard Operating Procedure will be reviewed annually or sooner to reflect changes in circumstance.

## 14 Standard Documentation

### 14.1 Template Documents – Section A

1. **Stage 1** – Warning
2. **Stage 2** – Action Plan / Warning
3. **Stage 3** – as per Section B 14.2.3 (below)
4. **Stage 4** – as per Section B 14.2.4 (below)

### 14.2 Template Documents – Section B

1. 'Time Out' - Letter
2. **Stage 2** - Warning
3. **Stage 3** - Warning
4. **Stage 4** – Exclusion Letter (All students except Training Organisation students)
5. **Stage 4** – Exclusion Letter (Training Organisation Students)

## Section A – Template Documents



I acknowledge receipt of this warning given to me on and understand its implications.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**STUDENT / TRAINEE**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**COLLEGE REPRESENTATIVE**

## Student Performance Action Plan

**Stage 2 Formal Warning**

Student / Trainee: \_\_\_\_\_

Programme: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Reason(s) for formal meeting with DHoS to review student / trainee performance:</b>
<b>Student / Trainee response to issues and concerns raised:</b>
<b>Agreed actions to be taken by the student / trainees (with review dates):</b>
<b>Other relevant information:</b>
<p><b>Non-compliance with the agreed actions identified above may lead to student / trainee being:</b></p> <ul style="list-style-type: none"> <li>a. Offered a reduced programme, or;</li> <li>b. Advised to pursue an alternative programme of study, or;</li> <li>c. Removal from the programme of study at the College.</li> </ul> <p>If you disagree and wish to appeal you may do so by writing to the Director of Curriculum and Information Services, in accordance with the Appeals procedure.</p>

**I acknowledge receipt of this formal warning and accept that my continuation on my programme at this College is dependent upon me taking the actions identified above before the review date. The review date will be \_\_\_\_\_.**

Student / Trainee: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Member: \_\_\_\_\_ Date: \_\_\_\_\_

## Section B – Template Documents

Date

Name

Address 1

Address 2

Address 3

Post Code

Dear xxxxxxxx

**Re: 'Time Out' from College with immediate effect**

I regret to inform you that it is necessary to instruct you to take a period of 'time out' from the South Eastern Regional College with immediate effect. This 'time out' is to allow a full investigation to be carried out in relation to the following incident/allegation:

**Brief description:**

This 'time out' is for a period of 7 days (although it may be extended if necessary). During the 'time out' you are not permitted to enter the grounds of any SERC Campus unless it is for the purpose of meeting the investigation officer. Should the College require additional time to complete this investigation, you will be notified by phone/letter in advance of the date shown above.

Your register will be marked as 'authorised absence' until the conclusion of the investigation and your return to College. If you are in receipt of EMA, payments will not be affected for the duration of this 'time out'.

Class notes are available on Moodle which you can access through the student intranet using your student log-in and password.

A 'time out' may cause a great deal of anxiety and concern both to you and your immediate family. I would like to make you aware that the Carecall Counselling service is available to you on 0800 389 5362, if you feel that you would benefit from immediate and confidential support. This service is available all day, every day (ie24/7).

Yours sincerely

Title

Name

## STAGE 1- FORMAL WARNING

Name of Trainee/Student	Programme
<p>This is to confirm that a <b>STAGE 1 FORMAL WARNING</b> was given to you on _____ and has been noted on your record. This warning was in respect of:</p> <p>It is hoped that there will be no need for further action, but if there is not an immediate and sustained improvement in your conduct/performance you will receive a further warning or other action as detailed in the disciplinary procedures.</p> <p>If your conduct/performance remains satisfactory over the next 6 months as required, the copy of this warning will be removed from your record at your request.</p> <p>If you disagree and wish to appeal you may do so by writing to the Director of Curriculum and Information Services, in accordance with the Appeals procedure.</p>	
<p><b>Actions Agreed:</b></p>	
<p>I acknowledge receipt of this warning given to me on and understand its implications.</p>	

Signed \_\_\_\_\_ Date \_\_\_\_\_

**STUDENT / TRAINEE**

Signed \_\_\_\_\_ Date \_\_\_\_\_

**COLLEGE REPRESENTATIVE**

## STAGE 2- FORMAL WARNING

Name of Trainee/Student	Programme
-------------------------	-----------

This is to confirm that a **STAGE 2 FORMAL WARNING** was given to you on \_\_\_\_\_ and has been noted on your record. This warning was in respect of:

It is hoped that there will be no need for further action, but if there is not an immediate and sustained improvement in your conduct/performance you will receive a further warning or other action as detailed in the disciplinary procedures.

If your conduct/performance remains satisfactory over the next 6 months as required, the copy of this warning will be removed from your record at your request.

If you disagree and wish to appeal you may do so by writing to the Director of Curriculum and Information Services, in accordance with the Appeals procedure.

**Actions Agreed:**

I acknowledge receipt of this warning given to me on and understand its implications.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**STUDENT / TRAINEE**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**COLLEGE REPRESENTATIVE**

### STAGE 3 - FORMAL WARNING

Name of Trainee/Student	Programme
-------------------------	-----------

This is to confirm that a **STAGE 3 FORMAL WARNING** was given to you on

\_\_\_\_\_

and has been noted on your record. This warning was in respect of:

It is hoped that there will be no need for further action, but if there is not an immediate and sustained improvement in your conduct/performance you will receive a further warning or other action as detailed in the disciplinary procedures.

If your conduct/performance remains satisfactory over the next 6 months as required, the copy of this warning will be removed from your record at your request.

If you disagree and wish to appeal you may do so by writing to the Director of Curriculum and Information Services, in accordance with the Appeals procedure.

**Actions Agreed:**

I acknowledge receipt of this warning given to me on and understand its implications.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**STUDENT / TRAINEE**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**COLLEGE REPRESENTATIVE**



Alternatively, you may email the Principal and Chief Executive's PA on [vhealy@serc.ac.uk](mailto:vhealy@serc.ac.uk) with 'STUDENT APPEALS' in the email subject field

Exclusion can be a stressful time for both you and your family, therefore, we would like to make you aware of Carecall which is available 24/7, if you require confidential and immediate support. Their contact number is 0800 389 5362.

Yours sincerely

Head of School

Name

**STAGE 4 - EXCLUSION LETTER  
(Training Organisation students only)**

Dear

I regret to inform you that it has become necessary to end your period of training at:

.....  
with effect from ..... due to.....  
.....  
.....

Because of this you will not be permitted to re-enter training under Training for Success programme until a period of 8 weeks has elapsed since your last day of training. If, at that stage, you are eligible to re-join and wish to do so, you will be required to sign an undertaking that you will abide by the normal code of conduct and attendance stipulated by the Training Organisation.

You have a right to appeal against this decision. If you wish to do so, you should write to the Head of Training Programmes Branch, Department for Employment and Learning, 1st Floor Waterfront Plaza, 8 Laganbank Road, Belfast BT1 3LY stating the full grounds of your appeal. Your appeal must be received within 21 calendar days of issue of this letter. Your appeal must be received within 21 days of issue of this letter.

I have arranged for you to see a Careers officer at .....  
on ..... at ..... am / pm

Alternatively, you may wish to appeal directly to the Principal and Chief Executive against the College's decision. If you wish to do so, you should write to the Principal and Chief Executive's Personal Assistant at SERC, Downpatrick Campus, 102 Market Street, Downpatrick, Co Down, BT30 6LZ within 5 days of the issue of this letter so that an appointment can be made to discuss the matter.

Yours sincerely

---

COPY TO: TRAINEE, TRAINEE'S RECORD AND CAREER'S OFFICER

# 15 Appendices

## 15.1 APPENDIX 1

### STUDENT AGREEMENT SUMMARY

I understand that the points below detail the terms and conditions of my enrolment at SERC and the minimum standards of performance and behaviour expected of me. I will adhere to them during the course of my studies as well as when I am engaged in College related activities at non-SERC establishments. Failure to meet these expectations may result in the disciplinary processes being invoked.

### PERSONAL INFORMATION

- I agree that the information I have provided to the College on my on-line application form is accurate and up to date;
- I am not currently excluded from the College;
- I will notify the College of any changes to my information or circumstances, including criminal charges or convictions obtained during my time at SERC;
- I understand the College will process my personal data within the limitations of the Data Protection Act (1998) and will only share my data where legislation permits/demands.

### ENROLMENT AND FEES

- I undertake to pay all relevant fee's owed by me to the College in relation to my programme e.g. tuition, examinations, materials, uniforms etc.;
- I understand that should I withdraw from my programme; I will remain liable for full payment of all relevant course fees.
- I understand my qualification/certificate will be withheld until all monies have been fully paid;
- I am aware that the College reserves the right to cancel/withdraw classes where there are insufficient enrolment numbers to make the class viable;
- In the event of classes being cancelled or postponed, the College may notify me via text message and/or email;
- Refunds will only be paid in line with the Fees Policy.

### POLICIES AND PROCEDURES

- I agree to abide by the relevant College policies and procedures.
- I will not aid, procure or incite others to breach College policies and procedures.

### MARKETING/SOCIAL MEDIA

- I consent to the use of my data for SERC purposes e.g. website articles, newsletters, video, promotional stories and this data will remain the property of SERC;
- I will not bring SERC, its staff or other students into disrepute by making defamatory comments, participate in on-line arguments or posting inappropriate comments/links on social media;
- I will not use social media to express my views about courses, other students or staff.

### COMPLIANCE WITH THE ATTENDANCE, PERFORMANCE AND CLASSROOM BEHAVIOURAL REQUIREMENTS OF THE PROGRAMME OF STUDY

- I will attend class punctually, as timetabled;
- I agree to submit coursework as directed by my tutor;

- As a Trainee I agree to present my timesheet for signing by my Tutor, Technical Support Officer or Employer after each session;
- Coursework, essays and other work will be a true reflection of my own research and studies;
- I agree to behave during all classes in a manner that is conducive to both my learning and that of others;
- I agree to comply with the instructions and direction from my tutors;
- I understand that registration and progression into the next year of my programme is subject to satisfactory performance and attendance.

### **COMPLIANCE WITH AWARDING BODY AND EXAMINATION PROCESSES**

- I will comply with rules and requirements as established by the validating body for my courses, SERC Curriculum Policy and Quality Assurance Procedures.

### **HEALTH AND SAFETY**

- I will conform with all fire evacuation and other Health and Safety instructions e.g. safe use of machinery and the wearing of Personal Protective Equipment (PPE);
- I will not behave in any manner likely to cause injury or a risk of injury to myself or others, including appropriate driving and parking on campus grounds;
- I will not consume, possess or distribute any controlled drug substance or alcohol while engaged in SERC related activity;
- I will not bring items to College which could harm others.

### **COMPLIANCE WITH THE ACCEPTABLE USE POLICIES FOR THE IT SYSTEM**

- I will comply will all policies and rules regarding the safe and appropriate use of College IT systems.

### **SERC RESPECT AGENDA**

- I agree to behave in a fashion which respects the rights of other students, staff, College contractors and those living and working in the vicinity of the College Campuses to be able to learn and work without distraction, disruption or inconvenience from antisocial behaviour;
- I will respect all College property and equipment and that which belongs to others.

### **ANTI-BULLYING**

- I agree to comply with the SERC Bullying Policy (SOP No: 187-05-2015).

## 15.2 APPENDIX 2

### Guidance for Completing an Investigation into Student Behaviour

#### 1.0 BACKGROUND

This document outlines the process the College will follow when undertaking investigations relating to the performance or behaviour of a student or students. The over-riding principles in every case is for a fair, open and transparent investigation with no potential for allegations of conflicts of interest or impartiality in the actions of the person completing the investigation.

#### 2.0 SCOPE

This procedure will apply to all staff within the College who may be nominated to conduct an investigation into the behaviour of a student / trainee and those who may be connected to the issue under investigation.

#### 3.0 PROCEDURE

In circumstances where an investigation is deemed necessary and appropriate, the following procedure must be adhered to in order that all investigations are conducted in a fair, consistent and confidential manner.

##### 3.1 Who should investigate?

Once it has been considered necessary for an investigation to take place, the Designated Manager (as defined in the Student and Trainee Performance, Behaviour and Disciplinary SOP) will appoint an Investigator. In most situations this will be either an appropriate Deputy Head of School.

The Designated Manager will provide the investigator with an outline of the issues involved in the case and will highlight any particular questions that need to be addressed during the investigation.

##### 3.2 Role of Investigator

The role of the Investigator will be to:

- gather all the relevant facts promptly before people's memories fade;
- establish the exact nature of the incident and record any appropriate evidence, to substantiate these;
- summarise findings and make recommendations by completing the investigation outcome template;
- present evidence at any subsequent disciplinary hearing and answer questions as required;
- Attend any appeal hearing as a witness, as required.

##### 3.3 Guidance for Completing the Investigation

In completing an investigation, it is good practice to work out the sequence of events that led to the incident and to highlight the actions of the individuals involved.

In preparing the sequence of events, the investigator should:

- take details and statements from the people that were involved and from identified witnesses;
- review any appropriate documentary evidence that is available (e.g. timetables, attendance records);
- review CCTV coverage, if available;
- if appropriate, consider information from the IT system e.g. sources on the College network.
- take statements as soon as possible after the incident. It is not normal practice for the person making the statement to be accompanied, although the investigating officer can make a judgement on this, for example if a student involved has special educational needs;
- if during the process of the investigation it becomes clear that there are gaps/inconsistencies in the information available, then the investigator should highlight these. If no suitable information is available, this should be noted;
- be mindful that the depth of the investigation should be appropriate for the incident in question;
- identify any individual who refuses to co-operate with the investigation;
- as part of the investigation, and to assist any subsequent disciplinary panel, note any extenuating circumstances relating to those involved. (Learning Support staff may assist with such information as appropriate);
- complete the investigation within an appropriate timeframe such that timely disciplinary action can be taken without causing major disadvantage to the student. An investigation would normally be expected to be completed within 5 working days;
- in concluding the investigation, the investigator should briefly summarise the incident, highlight the key facts, and make a recommendation as to the appropriate disciplinary action, if any;
- return the completed report to the Designated Manager involved and ensure that the details remain confidential;
- ensure that all investigation matters are treated as confidential, and that all students assisting with an investigation should be advised of this.

### **3.4 Evaluating**

In evaluating the evidence, the Investigator must:

- Review all the evidence and determine if there are any gaps in it;
- Take a view on all disputed relevant matters. It is important to note that while absolute certainty is desirable, it is not necessary. It is sufficient to form an opinion based on the balance of probabilities. If this cannot be done, further information may need to be sought;
- Be mindful that direct witness evidence (particularly from eye witnesses), who have no evident reason to be biased either way, will usually be stronger than indirect evidence;
- Take into account that evidence which is inconsistent with documents produced at the time is questionable and that evidence which contains inherent contradictions of its own is questionable, as is evidence which is vague or omits significant details;

- Consider the demeanour of witnesses at interview and the impact on the weight given to their evidence;
- Consider whether others may have influenced the witnesses;
- Remember that different individuals' perceptions of the same events may differ, particularly when emotions are running high;
- Weigh up all the evidence and decide whether there is a "case to answer" i.e. whether it is likely that the misconduct did occur.

### **3.5 Reporting**

At the conclusion of an investigation, the investigator will write up their findings in the template provided in section 3 and return it together with copies of the statements, interview notes and other evidence that has been collected to the Designated Manager. In completing this template, the investigator is required to summarise the key points of their findings and to provide their considered opinion as to where fault (if any) lies. Any mitigating circumstances should also be noted. This should be followed by a recommendation as to the disciplinary action that the investigator would consider appropriate for each student involved. If the evidence is insufficient to allow a conclusion to be reached, the investigator should state this. The investigator may conclude, based on the evidence that they have collected that there is no case to answer.

The Designated Manager may meet with the investigator to discuss the outcome of the investigation so as to help them identify the appropriate arrangements, if any, for any subsequent disciplinary action.

## TEMPLATE FOR INVESTIGATION REPORT

Title/Issue:

Date of incident:

Investigating Officer:

Date report completed:

### BRIEF SUMMARY OF INCIDENT (including student /trainee names)

### DETAILS OF HOW INVESTIGATION WAS COMPLETED (include the names of those interviewed)

**KEY FINDINGS**

**RECOMMENDATIONS**

**EXTENUATING CIRCUMSTANCES (IF APPLICABLE)**

Signed (Investigator): \_\_\_\_\_ Date: \_\_\_\_\_

### 15.3 APPENDIX 3

**Examples of behaviour (the list is not exhaustive) and associated level of formal warning.** Also note that:

- Repeated misconduct may result in a student being moved through the warning stages sequentially.
- Students/trainees may be placed at any level of warning depending on the circumstances associated with their behaviour.

<b>Disciplinary Level</b>	<b>Staff responsible for issuing warning</b>	<b>Investigator</b>	<b>Exemplars of behaviour that may attract a warning at this level – for guidance only</b>
<b>Stage 1 warning for performance related issues and recorded on e-ILP</b>	Tutor / Programme Co-ordinator / Training Support Officer (TSO) / Technical Support Officer (TechSO)	N/A	<ul style="list-style-type: none"> <li>• Repeated absence / lack of punctuality;</li> <li>• non-compliance with course work submission requirements;</li> <li>• Refusing to follow Staff instructions.</li> <li>• Behaviour likely to disrupt the learning of others.</li> <li>• Relevant breach of H&amp;S Policy;</li> </ul>
<b>Misconduct – Stage 2 Warning</b>	HOS / DHOS / Assistant Programme Manager (TO) / Designated Manager	DHOS / Programme Co-ordinator / TSO	<ul style="list-style-type: none"> <li>• Regular unacceptable language and demeanour towards staff;</li> <li>• Behaviour likely to bring SERC into disrepute;</li> <li>• Examination offences, as defined in the College Assessment Regulations</li> <li>• Discrimination (racial, religious, gender, learning disability or sexual nature)</li> <li>• Aggressive, threatening behaviour or body language;</li> <li>• Breach of H&amp;S Policy;</li> </ul>
<b>Serious Misconduct Stage 3 Warning</b>	Designated Manager/ HOS	DHOS / Programme Co-ordinator / TSO Administrator or other manager	<ul style="list-style-type: none"> <li>• Physical assault to another person;</li> <li>• Proven and systematic bullying offences;</li> <li>• Examination offences, as defined in the College Assessment Regulations;</li> <li>• Relevant breach of H&amp;S Policy;</li> <li>• Behaviour which brings, or may bring, the College into disrepute;</li> <li>• Theft or damage to the College property, caused intentionally or recklessly;</li> <li>• Misuse or unauthorised use of the College premises or items of property, including computer misuse;</li> <li>• Discrimination (racial, religious, gender, learning disability or sexual nature)</li> <li>• Being under the influence of alcohol or other substances on College grounds.</li> </ul>

<b>Gross Misconduct Stage 4 Warning</b>	Designated Manager – with approval by Director or their nominee	HOS / DHOS / Programme Co-ordinator / Assistant Programme Managers	<ul style="list-style-type: none"> <li>• Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on the College premises or whilst engaged in any College activity;</li> <li>• Action which causes injury or impairs safety on the college premises;</li> <li>• Significant breach of H&amp;S Policy;</li> <li>• Distribution of banned substances;</li> <li>• Criminal offences where these offences involve other members of the College or directly affect the interests of the College;</li> <li>• Examination offences, as defined in the College Assessment Regulations.</li> </ul>
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## 15.4 APPENDIX 4

### DISCIPLINARY HEARINGS PROTOCOL

1. The Disciplinary Panel will consist of the Chair and another appropriate member of staff. It is this Panel only which will reach a decision, having reviewed the available information presented by the Investigator, who will also normally be present.
2. The Chair will explain the purpose of the hearing and the extent of their delegated powers in taking decisions on behalf of the College and the disciplinary sanctions which are a possible outcome to the hearing.
3. The Chair will ascertain the names and roles of all present and who is to be the spokesperson for the student (him/herself or a representative) throughout the hearing. Where appropriate the Chair will confirm, for the record, that a student has chosen not to be represented by a friend or representative (who may be a member of SERC staff) or that a representative is to speak on behalf of an individual in their absence. In certain instances, the hearing will proceed in the absence of both the student and their representative. Where this occurs, it will be confirmed and explained for the record.
4. The allegation(s) against the student will be read out by the Chair and the Investigator will summarise their findings.
5. The Chair may ask questions for clarification at appropriate stages.
6. The student (or representative) may then respond to the details put forward and seek any clarification if necessary. The Chair may exercise their right and discretion to end any discussion and to proceed to concluding the hearing at any time.
7. When the Chair is satisfied that all relevant information has been submitted everyone, except the Panel, will withdraw from the room to allow the Panel to consider the case.
8. If the Chair is of the mind that the disciplinary action which may be required is beyond their delegated powers, the hearing will be adjourned and reconvened with the appropriate authority in the Chair.
9. The Chair may inform the student and their representative of the outcome of the hearing, unless further clarifications need to be sought, in which case the student will be notified in writing by post within 3 working days and provided with details of the Appeal process. Information regarding the sanction awarded to a student will not be shared with other parties involved in the disciplinary. The Chair of the Panel will ensure that all relevant documentation is completed and that the student Disciplinary APP is updated accordingly and the relevant HOS notified.
10. At disciplinary meetings students will not be permitted to have solicitors in attendance, the processes in this SOP are internal and will be treated as such.

## 15.5 APPENDIX 5

Name and Address of Recipient

### **Notice of Barring from Premises and Grounds of South Eastern Regional College**

You are hereby notified that with effect from the date of this Barring Notice, you are not permitted on any property of South Eastern Regional College or any of the properties relating to its subsidiary activities.

### **Effect of this Notice**

This means that you are not permitted to enter, at any time or for any purpose, any of the premises, grounds, stores or parking areas under the ownership or control of South Eastern Regional College.

In the event you choose to ignore this notice and enter onto any South Eastern Regional College properties for any reason, you will be considered a trespasser, subject to immediate action by the appropriate law enforcement authority.

### **Use of this Barring Notice**

You should be aware that copies of this Notice will be retained and relied upon by South Eastern Regional College, for the purposes of enforcing this Barring Notice and / or any other purpose relating to this incident, to include use in any future criminal or civil proceedings, which might be required.

### **Period of Exclusion**

This Notice will remain in force and effect until \_\_\_\_\_

### **Barring Notice Issued by:**

Signature: \_\_\_\_\_

Name (PRINTED): \_\_\_\_\_

Position: \_\_\_\_\_

### **Witness:**

Signature: \_\_\_\_\_

Name (PRINTED): \_\_\_\_\_

Position: \_\_\_\_\_

### **RECIPIENT**

Signature: \_\_\_\_\_

Name (PRINTED): \_\_\_\_\_

**EFFECTIVE DATE** \_\_\_\_\_

If the Recipient refuses to sign this Barring Notice, the Witness must also complete the section below:

I, \_\_\_\_\_ (Name of Witness) hereby confirm that on \_\_\_\_\_ (Date) I served \_\_\_\_\_ (Name of Recipient) with a copy of this Barring Notice.

Service recorded on CCTV?                      Yes / No

Police Service of Northern Ireland Officer present?                      Yes / No

Signature: \_\_\_\_\_

Name (PRINTED): \_\_\_\_\_

**Notes**

Original to be retained by South Eastern Regional College

Copy to be provided to Recipient