



# **Student Disciplinary Policy & Procedure**

## **I. Introduction**

- ◀ This policy and its associated procedures support College Statutory duty to safeguard and promote the welfare of students and the College is a caring learning community that respects the desire of each individual student to enjoy a safe and successful learning experience. College also promotes a safe, respectful and cooperative working environment for its members of staff and students.
- ◀ As members of the college community, all students are expected to abide by College Code of Conduct for Students.
- ◀ Positive behaviour is expected from all students and is actively encouraged and acknowledged by staff. When students behave in a positive way, and cooperate with one another and with staff, a happier, more cohesive and more productive college community results.
- ◀ Students who do not behave in a positive way and do not abide by the college code of conduct will be subjected to the disciplinary procedures outlined in this document. Disciplinary procedures invoked will reflect the seriousness of the student's misconduct.

### **Members:**

- ◀ Vice-Principal – College Welfare Officer
- ◀ Ward Counsellor – Student's Proctor

## **II. Application of this policy and procedures:**

- ◀ College Disciplinary Policy and Procedures apply to all students studying at College when they are both on and off college premises.
- ◀ This policy and its associated procedures will be implemented fairly and consistently.
- ◀ The policy outlines students' right to state their case in defence of their actions in response to an allegation of misconduct.
- ◀ This policy and all stages of its associated disciplinary procedures should be aligned to the relevant policies and procedures of awarding and validating bodies for College academic programs.

### **III. Policy Aims:**

The policy and its associated procedures aims to:

- ◀ Encourage positive student behavior in all aspects of life at College
- ◀ Define College approach to and procedures for managing student misconduct
- ◀ Ensure student misconduct is identified and managed consistently and fairly
- ◀ Enable students to state their case in response to any allegation of behavioural misconduct
- ◀ Ensure students and staff are aware of the protocols for investigating possible cases of behavioural misconduct and for dealing with aggressive behavior
- ◀ Ensure accurate recording and reporting of disciplinary matters.

### **IV. Expectations of student behavior:**

- ◀ College Code of Conduct for Students sets out overarching rules and expectations of student behavior.
- ◀ College residences and homestay providers may also have specific additional rules or expectations for students

### **V. Behavioural misconduct:**

- ◀ Behavioural misconduct is defined as any breach of college rules, as described in College Code of Conduct for Students.
- ◀ In addition, a breach of any additional rules that have been clearly and explicitly set out by individual colleges, college residences or homestay providers will be considered as behavioural misconduct.
- ◀ A case of misconduct that is considered by staff to be an isolated incident and minor in nature may be managed with an informal verbal warning outside of the official procedures outlined in this document.
- ◀ More serious misconduct and misconduct following a previous informal warning will be managed using the procedures below.
- ◀ Cases of suspected or substantiated gross misconduct will be referred immediately to the college Principal and may result in a student being expelled in extreme cases.

## **VI. Roles and responsibilities of staff:**

- ◀ All staff have a duty to report suspected or substantiated misconduct to the college Welfare Officer and to the student's Proctor.
- ◀ The Welfare Officer and Proctor will decide who is best placed to manage the case of misconduct, depending on the nature of the incident, and involve further welfare and/or academic staff in any investigation or disciplinary procedure as needed.
- ◀ Cases of misconduct are escalated to more senior staff if:
  - \* Early stage procedures have not adequately resolved the matter
  - \* This is not the first case of misconduct for the student
  - \* The misconduct is of a sufficiently serious nature that early stage procedures are deemed to be inappropriate.

## **VII. Recording cases of misconduct:**

All cases of misconduct should be recorded by the member of staff who identified the misconduct, in the minutes of Grievance & Redressal Cell.

## **VIII. Reporting cases of misconduct:**

- ◀ Staff identifying misconduct should report it to the college Welfare Officer and to the Proctor. This should be done by forwarding them the details of the case recorded in a Grievance & Redressal Cell.
- ◀ Cases of misconduct occurring at college or in relation to academic work will be managed in the first instance by the student's Proctor. The student's proctor should keep the college Welfare Officer informed regarding progress and outcome.
- ◀ Cases of misconduct occurring in college residences, homestay or off-site will be managed in the first instance by the college Welfare Officer or passed to the appropriate authority. The college Welfare Officer or Chief warden should keep the student's Proctor informed regarding progress and outcome.
- ◀ All cases of misconduct that result in a written warning to the student should be reported to the student's parent(s)/guardian(s).

## **IX. Use of sanctions:**

- ◀ At any stage of the disciplinary process, sanctions may be imposed on students, where appropriate, to directly or indirectly bring about a change in conduct.
- ◀ If a sanction is imposed, the student must be made aware of the conditions and duration of the sanction.
- ◀ Sanctions may take the form of additional duties, actions or payment to remedy the outcome(s) of misconduct, restricted access to resources/parts of the college, removal of privileges, or confiscation of personal property.

## **X. Disciplinary procedures:**

- ◀ Following a case of misconduct, early disciplinary procedures will be managed by the Students' Proctor or the college Welfare Officer, depending on the nature of the misconduct. Later-stage procedures will be managed by more senior members of staff. Further details can be found below as part of the description of each procedural stage.
- ◀ Disciplinary procedures should only be invoked for substantiated allegations of misconduct.

### **Overview of procedures for different types of misconduct:**

#### **Stage 1: Verbal warning:**

The Proctor/Welfare Officer should:

- ◀ Note down a Stage 1 plan using the Misconduct Record (this will already be part-completed for the case by the member of staff who reported the misconduct), outlining the actions the student must take/changes they need to make/sanctions imposed in response to the case and the relevant timeframe(s)
- ◀ Meet with the student to:
  - a. Inform them of the allegation of misconduct
  - b. Provide them with details of how the allegation is substantiated
  - b. Explain why their behaviour was not appropriate
  - c. Gain a clear understanding of the circumstances of what happened
  - d. Give the student the opportunity to explain or defend their actions
  - e. Inform the student of the Stage 1 plan and the associated timescale(s) and

ensure that they understand it

f. Ask the student how they plan to meet the requirements of the Stage 1 plan and whether they require support to do so

g. Secure verbal commitment from the student that they plan to meet the requirements of the Stage 1 plan

h. Verbally warn the student that the consequences of not meeting the requirements of the Stage 1 plan will be to move them to Stage 2 of the disciplinary procedures and to inform their parent(s)/guardian(s) and representative agent, if applicable

- ◀ Arrange for the provision of any support to meet the requirements of the Stage 1 plan requested by the student
- ◀ Monitor progress of the student during Stage 1
- ◀ Meet with the student after the time period has elapsed to determine whether the Stage 1 plan requirements have been met.
- ◀ If the matter is resolved, complete and save the Misconduct Record in the student's file and update other academic/welfare staff as required
- ◀ If the matter is not resolved, update the Misconduct Record with the details to date, circulate a copy of the record to all other relevant members of staff for information, inform the student's parent(s)/guardian(s) and representative agent (if applicable) of the details of the case, and move the procedure to Stage 2.

### **Stage 2: Written warning:**

Misconduct cases not resolved by a Stage 1 procedure, second case of misconduct (the misconduct may be the same as or different to the first case), and more serious cases of misconduct should be managed using a Stage 2 procedure.

The Proctor/Welfare Officer should:

i. Note down a Stage 2 plan, using the Misconduct Record already part-completed for the case, outlining the actions the student must take/changes they need to make/sanctions imposed in response to the case and the relevant timeframe(s).

ii. For cases of misconduct not resolved by a Stage 1 procedure, the member of staff managing the case should meet the student to:

- ◀ Give student the opportunity to explain why they did not meet the

requirements of the Stage 1 plan

- ◀ Inform the student of the Stage 2 plan and the associated timescale(s) and ensure that they understand it
  - ◀ Ask the student how they plan to meet the requirements of the Stage 2 plan and whether they require support to do so
  - ◀ Secure written commitment from the student that they plan to meet the requirements of the Stage 2 plan
  - ◀ Inform the student that their parent(s)/guardian(s) and representative agent,
    - ◀ if applicable, have been informed about the case and the action taken to date
    - ◀ Warn the student in writing that the consequences of not meeting the requirements of the Stage 2 plan will be to move them to Stage 3 of the disciplinary procedures and to keep their parent(s)/guardian(s) and representative agent, if applicable, informed.
- iii. For cases of repeated or more serious misconduct, the member of staff managing the case should meet with the student to:
- a. Inform them of the allegation of misconduct
  - b. Provide them with details of how the allegation is substantiated (present any evidence)
  - c. Explain why their behaviour was not appropriate
  - d. Gain a clear understanding of the circumstances of what happened
  - e. Give the student the opportunity to explain or defend their actions
  - f. Inform the student of the reason the case is being managed using a Stage 2 procedure
  - g. Inform the student of the Stage 2 plan and the associated timescale(s) and ensure that they understand it
  - h. Ask the student how they plan to meet the requirements of the Stage 2 plan and whether they require support to do so
  - i. Secure written commitment from the student that they plan to meet the requirements of the Stage 2 plan

### **Stage 3: Case conference:**

Misconduct cases not resolved by a Stage 2 procedure, third cases of misconduct (the misconduct may be the same as or different to the first and second cases), and more serious cases of misconduct should be managed using a Stage 3 procedure.

The Proctor/Welfare Officer should:

- i. Arrange a meeting with the Welfare Officer/student's Proctor, relevant Chief Proctor and Chief Warden, the Director of Student Services and the Academic Coordinator, as relevant, to review the details of the case and determine a Stage 3 plan
- ii. For cases of misconduct not resolved by a Stage 2 procedure, the Proctor/Welfare Officer should arrange a case conference between the student and relevant senior academic and/or welfare staff to:
  - a. Give the student the opportunity to explain why they did not meet the requirements of previous stage plans
  - b. Inform the student of the Stage 3 plan and the associated timescale(s) and ensure that they understand it
  - c. Ask the student how they plan to meet the requirements of the Stage 3 plan and whether they require support to do so
  - d. Secure written commitment from the student that they plan to meet the requirements of the Stage 3 plan.
- iii. For cases of repeated or more serious misconduct, the Proctor/Welfare Officer should arrange a case conference between the student and relevant senior academic and/or welfare staff to:
  - a. Inform them of the allegation of misconduct
  - b. Provide them with details of how the allegation is substantiated
  - c. Explain why their behaviour was not appropriate
  - d. Gain a clear understanding of the circumstances of what happened
  - e. Give the student the opportunity to explain or defend their actions
  - e. Inform the student of the reason the case is being managed using a Stage 3 procedure
  - g. Inform the student of the Stage 3 plan and the associated timescale(s) and ensure
    - a. that they understand it



- a. Ask the student how they plan to meet the requirements of the Stage 3 plan and
- b. whether they require support to do so
- b. Secure written commitment from the student that they plan to meet the requirements of the Stage 3 plan.
- iv. Arrange for the provision of any support to meet the requirements of the Stage 3 plan requested by the student
- v. Monitor progress of the student during Stage 3
- vi. Meet with the student after the time period has elapsed to determine whether the Stage 3 plan requirements have been met
- vii. If the matter is resolved, complete and save the Misconduct Record in the student's file, update other academic/welfare staff, as required, and inform the student's parent(s)/guardian(s) and representative agent (if applicable) that the case is resolved. If the matter is not resolved, update the Misconduct Record with the details to date, circulate a copy of the record to all other relevant members of staff for information, inform the student's parent(s)/guardian(s) and representative agent (if applicable) of the details of the case/case update, and move the procedure to Stage 4.

#### **Stage 4: Disciplinary hearing:**

Misconduct cases not resolved by a Stage 3 procedure and cases of gross misconduct should be managed using a Stage 4 procedure.

The Principal will: Refer the case to the Principal:

- i) Review the Misconduct Record and take one or more of the following immediate actions, depending on the nature of the case:
  - a. Request further investigation into the case
  - b. Report the student's activities to the police
  - c. Exclude the student from some/all activities with immediate effect
  - d. Conduct a disciplinary hearing.

#### **Further investigation**

The Principal may arrange further investigation into a case where more robust evidence is required to substantiate an allegation of misconduct, or where anyone involved in the case may have acted subjectively, inappropriately or in a biased manner. Further investigation into cases of misconduct that have resulted in serious outcomes will also be conducted as required.

## **Reporting activities to the police**

The Principal will contact the police where cases of misconduct involve criminal activity, or where criminal activity is suspected and police investigation is required to substantiate an allegation.

### **Permanent exclusion**

- i. In cases of gross misconduct substantiated by robust evidence, the Principal may immediately and permanently exclude the student from the college if they feel that the student's presence in the college puts their own welfare or safety or that of other students and/or members of staff at risk.
- ii. The Principal will oversee exclusion processes and inform all college staff of the student's exclusion. All college records relating to the student will be updated with details of the exclusion.

### **Temporary exclusion**

- i. In cases of gross misconduct that require further investigation to gather robust evidence, the Principal may immediately temporarily exclude the student from college premises, from their studies or from certain activities or areas of the college in order to safeguard their own welfare and/or that of others. Temporary exclusion will normally be for a maximum period of 10 college days.
- ii. All temporary exclusions will be supported by an exclusion agreement, which will clearly define the terms of the exclusion and must be signed by the Principal and the student. The student's parent(s)/guardian(s) and representative agent (if applicable) must be informed of the temporary exclusion immediately and be sent a copy of the exclusion agreement.
- iii. The Principal will inform all college staff of the student's temporary exclusion and provide them with a copy of the agreement. All college records relating to the student will be updated with details of the exclusion.

## **Disciplinary hearings:**

- i. A disciplinary hearing will be arranged for cases of misconduct in which there is clear evidence to support the allegation(s) and it is felt that the student should be given the opportunity to defend their actions. The Principal will arrange the hearing and chair the proceedings.
- ii. The hearing should include a panel of at least three representatives of the college who have not been involved in the incident, who will make the final judgment on

the case. The Principal will be responsible for determining the course of action as a result of the case judgment. Additional parties that may be involved in the hearing include witnesses requested by the college and/or student, the person who conducted any further investigation into the case, a supporting person elected by the student, and the student's parent(s)/guardian(s). In addition, an administrator will be present to prepare a written transcript of the hearing.

iii. The Principal will request the student's attendance at the hearing in writing, giving at least 5 working days' notice from the date on which the letter is expected to be received. The letter should:

- a) Describe the allegation(s) of misconduct against the student
- b) Explain why the behaviour was not appropriate
- c) Give the date, time and location of the disciplinary hearing
- d) Describe the format of the hearing and list the attendees and their roles in the proceedings
- e) Inform the student that the hearing will be recorded in the form of a written transcript
- f) Enclose copies of misconduct records relating to the case, and to any previous cases, where appropriate
- g) Enclose copies of substantiating evidence for the case and reports based on any further investigation(s) conducted.

#### **Actions following disciplinary hearings:**

- i. Details of disciplinary hearings that result in no further action being taken should be included in the student's records.
- ii. Disciplinary hearings that do not result in exclusion will lead to the development of a plan of action to manage the student's conduct in the future, where applicable. This should be developed by the Principal in association with the Welfare Officer, the student's Proctor and other relevant academic and/or welfare staff, as required.

### **XI. Investigating cases of suspected misconduct:**

In cases of suspected misconduct, investigation to provide substantiating evidence will be conducted. Investigation will be arranged by the member of staff managing the case (the college Welfare Officer or student's Proctor) and carried out by a member of college staff not involved in the incident or by external third parties, as appropriate.

### **XIII. Physical intervention to manage behaviour:**

In the event that a student's behaviour poses a risk to property and/or to the safety and welfare of the student and/or others, the immediate area will be evacuated and the attendance of college security arranged. Under no circumstances should college staff (other than security) attempt to intervene or physically restrain a student.

### **XIV. Complaints and appeals:**

If a student wishes to make a complaint about a disciplinary procedure, or appeal the outcome of a disciplinary hearing, please refer them to the Grievances & Redressal Cell of the College.



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