

CQA 7.1 Learner Behaviour Procedure

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1 Procedure

This procedure is not designed to deal with minor day-to-day situations which should be dealt with through support from College staff without recourse to formal procedures: guidelines for staff in conducting informal action are given in section 1.1 below. Incidences of more serious misconduct may however need to be dealt with formally, and formal action may not necessarily be preceded by informal support: professional judgement should be exercised in determining the level of action which is required.

NB In cases of Serious Misconduct or Serious Academic Misconduct, informal action is inappropriate, and formal action is instigated immediately.

Standard letters/forms (Appendix 1) have been prepared, and should be used to support the implementation of this procedure.

1.1 Guidelines for Informal Action

All members of staff have a responsibility to report the circumstances of misconduct out-with the classroom to the learner's Curriculum and Quality Leader (CQL) in the first instance. The Curriculum and Quality Leader will ensure that an appropriate person (e.g. Student Adviser, Guidance Tutor) is given opportunity for discussing the unacceptable behaviour with the learner. A clear explanation should be given of the level of behaviour expected, and the learner should be warned that persistent misconduct could result in formal disciplinary action. The learner should also be referred to the QA7 Learner Behaviour Policy.

If the misconduct occurs within the classroom, then the lecturer is responsible for dealing with the incident and for discussing the unacceptable behaviour with the learner. A clear explanation should be given of the level of behaviour expected, and the learner should be warned that persistent misconduct could result in formal disciplinary action. The learner should also be referred to the QA7 Learner Behaviour Policy. Professional judgement should be exercised at this point in determining the need to refer the learner for further support to their Guidance Tutor, their Curriculum and Quality Leader, the Student Adviser, or other senior member of staff.

If informal action as described above is taken with a learner, then the member of staff who speaks with the learner may consider it appropriate to complete CQA 7.1.1: Record of Behavioural Cause for Concern and forward this to the learner's Course Tutor for retention in the guidance folder. This will allow the Course Tutor to obtain an overview of each learner's behaviour over their entire course.

Whether formal or informal action is being taken it may be deemed necessary/appropriate for the class lecturer to instruct the student to leave the classroom for the remainder of the lesson to allow those involved in an incident to cool-off. The Course Tutor or Curriculum and Quality Leader may instruct a student to go home, or relocate within the college campus, for the rest of the day to allow for

cooling-off. The Curriculum and Quality Leader will inform any lecturers expecting to see that student later in the day. The cooling-off will not be deemed to be a suspension. This should be recorded as College Authorised in the registers.

At all stages of any disciplinary process, due consideration will be given to the individual circumstances and needs of the learner as appropriate.

1.2 Formal Action

Formal action will be instigated in cases where informal action as outlined in section 1.1 has been unsuccessful in achieving the required standard of learner behaviour, for all misconduct of a serious nature and for all cases of serious academic misconduct.

Instances of misconduct will not necessarily require the implementation of all stages of informal action – the professional judgement and discretion of staff will be used to determine the starting point for formal action, which may be at any of the levels described below. Students should always be offered the support of a Student Adviser or Students' Association when formal action is being undertaken.

1.2.1 Records of Formal Action: Standard letters/forms (Appendix 1), have been prepared, and should be used to support the implementation of this procedure. Copies are to be distributed as indicated on each. In addition, a copy is also to be sent to any employer or external agency as appropriate (in line with Data Protection Act 2018). All records of formal action will be compiled centrally within each Faculty by the appropriate Curriculum and Quality Leader (refer to section 1.4).

1.2.2 Recorded Verbal Warning: If informal action has been unsuccessful in achieving the required standard of behaviour in a classroom, the class lecturer or Guidance Tutor may verbally warn the learner and issue CQA 7.1.2: Record of Verbal Warning.

Curriculum and Quality Leaders may issue CQA 7.1.2: Record of Verbal Warning in similar cases where the misconduct has occurred out-with the classroom or a CQA 7.1.3: Record of Written Warning. The Curriculum and Quality Leader may refer the learner to the College's Student Advisers for specific support where appropriate.

1.2.3 If a student at any time has an 'active' verbal warning on their file, and the need for another one arises this will automatically escalate to a written warning being issued. If a student at any time already has an 'active' written warning on their file, and the need for another one arises this will automatically escalate to a Disciplinary Hearing.

1.2.4 Formal Investigation: The Curriculum and Quality Leader may deem it necessary to investigate the misconduct and collate any relevant evidence. This will usually involve interviewing the member of staff who has reported the

incident. In cases of Academic Misconduct, the Curriculum and Quality Leader may obtain the opinion of the appropriate Internal Verifier. The Curriculum and Quality Leader will also meet with the learner, to ensure the learner has the opportunity to comment on the situation, and to be accompanied by a Student Adviser, member of Students' Association staff or family member if they wish.

1.2.5 Suspension: In exceptional circumstances where the learner's misconduct is deemed to be a threat to the College property or the College community, the learner may be immediately suspended and issued with CQA 7.1.5: Notice of Suspension pending Investigation or Disciplinary Hearing at the discretion of the appropriate Head/Assistant Head of Faculty or other senior member of staff pending the investigation taking place. Any learner suspended from College should be advised that they may not attempt to gain access to the College or entry to a College class unless given authority to do so. The learner can however, continue to contact Student Advisers or the Students' Association for support if they feel the need to.

1.2.6 Formal action: If after investigation, there is evidence that misconduct has taken place, the Curriculum and Quality Leader will decide which of the following actions is the most appropriate:

- Issue a recorded CQA 7.1.2: Record of Verbal Warning, a record of which will remain on the learner's file for a period of 3 months.
- Issue CQA 7.1.3: Record of Written Warning which will remain on the learner's file for 6 months.
- After discussion with the Head of Faculty, the learner may be notified that they are required to attend a Disciplinary Hearing using CQA 7.1.4: Notification of Disciplinary Hearing.

1.2.7 In all cases where formal action is instigated, the learner will be advised of the level of behaviour expected and that any future occurrence of misconduct could result in more serious disciplinary action.

1.2.8 Where the learner disputes the outcome of formal action, the learner will be referred to the College Appeals Policy and Procedures.

1.3 Disciplinary Hearing Procedure

1.3.1 A Disciplinary Hearing Panel will consist of:

- The Head of Faculty, who will chair the Panel (in circumstances where the incident directly involves the learner's Head of Faculty, the Disciplinary Hearing will be chaired by the Assistant Principal: Learning and Teaching or other senior member of staff).
- A Curriculum and Quality Leader from out-with the student's Faculty, to ensure impartiality on a rotational basis.

- A Student Adviser.

1.3.2 Within 5 working days of the incident of serious misconduct, the learner will receive a completed CQA 7.1.4: Notification of Disciplinary Hearing indicating the date, place and time of the hearing and the members of the Panel. This Notice will be issued a minimum of 5 working days before the Disciplinary Hearing is to take place. The learner will also receive:

- Note of the witnesses to be called
- Copies of any documents to be used in support of the allegations
- Information on the College Appeals Policy and Procedures

1.3.3 The learner has the right to be accompanied by a nominated person e.g. Student Adviser, friend, course representative, representative from the Student Association, a parent, an independent observer. The learner may choose to discuss their choice of nominated person with a member of the Student Adviser Team. The nominated person may address the Panel but not answer questions on behalf of the student.

The learner may lodge any documentary evidence which the learner wishes the Panel to read prior to the Disciplinary Hearing. Any documents should be given to the Chair of the Panel at least 2 working days before the Hearing. The learner should inform the Chair of the Panel at least 2 working days before the hearing of the names of any witnesses.

Reasonable adjustments will be made to the conduct of the Disciplinary Hearing with regard to the individual needs of the learner.

1.3.4 The format of the Disciplinary Hearing will be as follows:

- The case against the learner will be outlined by the learner's Curriculum and Quality Leader.
- The learner may raise questions to be put to the Curriculum and Quality Leader or any witnesses who are supporting the allegations.
- The learner will present their case
- The Curriculum and Quality Leader may raise questions to be answered by the learner.
- The Curriculum and Quality Leader may question any witnesses called by the learner.
- Both the Curriculum and Quality Leader and the learner will have the opportunity for a final input.
- The Panel will convene in private to consider their decision.
- If the learner fails to appear at the Disciplinary Hearing, the Hearing can take place in his/her absence as long as the Panel is satisfied that due notice of the Hearing was given to the learner.
- The decision taken by the Panel will be communicated in writing to the learner within 5 working days of the meeting of the Panel.

1.3.5 A Disciplinary Hearing can make the following decisions using CQA 7.1.6:
Confirmation of Result of a Disciplinary Hearing:

- withdraw the learner from their current course
- recommend assessment decisions
- withdraw the learner from a unit
- exclude the learner from College
- no further action is required
- issue CQA 7.1.2: Record of Verbal Warning which will remain on the learner's file for 3 months
- panel may refer the learner to the college's guidance team for support
- issue CQA 7.1.3: Record of Written Warning which will remain on the learner's file for 6 months

1.3.6 In cases of where exclusion is the decision, the Assistant Principal: Learning and Teaching will review the case with the Head of Faculty and will write to student CQA 7.1.7: Notification of Exclusion by Assistant Principal: Learning and Teaching advising them of the outcome and the right to appeal as well as offering the learner a pre-exit interview with the Student Adviser. Any learner excluded from College should not attempt to gain access to the College, with the exception of the pre-exit interview which would be offered at a mutually convenient time.

1.3.7 The process of actually withdrawing a student, following a decision to exclude should not take place until the appeals process has been completed (Note: the student has 5 working days within which they can ask for an appeal). If a student chooses not to appeal then they can be withdrawn after that 5 working day period. If a student decides that they want to appeal then their withdrawal cannot be processed until (and if) it is ratified by the appeals panel, which can take up to 15 days from the original decision.

1.3.8 The learner will have the right to appeal any decision made by the Disciplinary Hearing Panel. Any such appeal would be made in accordance with the College Appeals Policy and Procedures, on the basis of:

- The findings of the Disciplinary Hearing Panel
- The sanction imposed on the learner
- The failure of the College to follow published procedures.

1.4 Recording Formal Action

Disciplinary letters are to be signed and distributed as indicated on each standard letter. Electronic copies are acceptable for courtesy copies (cc's), however hard copies of disciplinary letters and other documentary evidence will be collated by Heads of Faculty and held centrally within each Faculty, in a folder for that purpose.

In addition, a hard copy is also to be sent to any employer or external agency as appropriate (in line with Data Protection Act 2018).

The Management Information and Administration Manager will be notified by the Chair of the Disciplinary Panel of the decision to exclude a learner in order that MIS records may be updated. An excluded learner should not be withdrawn from their course until after the learner has had the opportunity to submit an Appeal should they wish to do so, and the result of that appeals process is known. In addition to any withdrawal which subsequently may be necessary, a flag should be placed on the learner's record to indicate the exclusion. If a further application is received from that learner, the flag enables Student Admissions to identify and refer the matter to the appropriate Head of Faculty for further action.

If a Fail result is to be recorded as a consequence of a learner's academic misconduct, this will be notified to the Information Systems (MIS) Administration Manager and to the appropriate lecturer in order that this result can be accurately and timeously recorded.

Disciplinary matters will be recorded on a Student's Files and Summary Data can be obtained from the system. Such a report will be given to the Assistant Principal: Organisational Development for collation with other equalities monitoring records.

In September of each year, statistics relating to the application of this Procedure in the previous academic session will be collated on CQA 7.1.8: Disciplinary Record by each Faculty representative on the Quality Enhancement and Audit Team and presented to that Group at its first meeting of the session. A copy of these annual statistics will be given to Assistant Principal: Organisational Development for collation with other equalities monitoring records.

Appendix 1

Standard Forms/Letters used in Procedure

CQA 7.1.1: Record of Behavioural Cause for Concern

Student: Class Lecturer: Course Tutor:	Class Group: Subject: Date: (Click here to insert date)
Cause for Concern:	
Action Plan:	
Date of Follow Up Meeting:	

Emailed to: Student, Class Lecturer, Course Tutor, Curriculum and Quality Leader,
Student's File

Stays on the Student's File for 3 months then removed

CQA 7.1.2: Record of Verbal Warning

Student: Class Lecturer: Course Tutor:	Class Group: Subject: Date: (Click here to enter date)
Recorded Verbal Warning: This is formal notification that a Recorded Verbal Warning has been issued to you following our meeting Click here to enter a date. In accordance with New College Lanarkshire, Learner Behaviour Policy, this warning was issued as a result of (detail the incident) on Click here to enter a date. when you (outline reason for action)	
Action Plan: This warning will be placed on file for a period of 3 months from the date of issue. During this time, it may be referred to in any future disciplinary proceedings. After 3 months it will be removed from your file.	
Right of Appeal: You have the right to appeal this decision. Should you wish to appeal, you should write to the Assistant Principal: Learner Services and Quality within 5 working days of the date of this letter. The College Appeals Policy and Procedure is available on the college intranet.	

Emailed to: student, Class Lecturer, Course Tutor, Curriculum and Quality Leader

Stays on the Student's File for 3 months then removed

Red areas denote the text must be adjusted appropriately by the person completing it.

CQA 7.1.3: Record of Written Warning

(Click here to insert date)

(Name and Address of Learner)

Dear (Student's first name)

Recorded Written Warning

This is a formal notification that a Recorded Written Warning has been issued to you following our meeting on (Click here to insert date).

In accordance with New College Lanarkshire, Learner Behaviour Policy, this warning was issued as a result of (give details of the incident) on (Click here to insert date).

This letter will be placed on file for a period of 6 months from the date of issue. During this time, it may be referred to in any future disciplinary proceedings. After 6 months it will be removed from your file. Note: If during any period you have 2 active written warnings you will automatically be referred for a Disciplinary Hearing.

You have the right to appeal against this decision. Should you wish to appeal, you should write to the Assistant Principal: Learner Services and Quality within 5 working days of the date of this letter. The College Appeals Policy and Procedures is available on the College intranet.

Please confirm receipt of this letter by signing and returning the enclosed copy to me.

Yours sincerely

Name

Curriculum and Quality Leader

Cc by email to: Head of Faculty, Course Tutor

Enc

I confirm receipt of this letter

Learner Signature	Date

Red areas denote the text must be adjusted appropriately by the person completing it.

CQA 7.1.4: Notification of Disciplinary Hearing

(Click here to insert date)

(Name and Address of Learner)

Dear (Insert name)

Notice of a Disciplinary Hearing - (Insert Name)

I am writing to inform you that a Disciplinary Hearing has been convened for (Click here to insert date) in (insert location) at (insert time) to consider the following allegation:

(Insert a brief summary of the allegation/s)

The Hearing will be chaired by (insert name) and the Panel will consist of (insert name(s) and designation(s)).

I attach a copy of the documentary evidence which the Panel has in advance of the Hearing.

You have the right to be represented at this hearing as outlined in our Learner Behaviour Policy and Procedure. You may provide the Hearing with documentary evidence e.g. witness statements. You need to provide the Chair with a copy of any documents you intend to use at least 2 working days before the Hearing takes place.

Following this Hearing, you will have the right to appeal. The College Appeals Policy and Procedures is available on the College intranet.

If you, or your representative, require any further background information about the process, you may contact the Student Adviser.

Yours sincerely

Name

Head of Faculty

Cc by email to: Curriculum and Quality Leader, Course Tutor and the Student's File
Course Tutor

Encs

Red areas denote the text must be adjusted appropriately by the person completing it.

CQA 7.1.5: Notice of Suspension Pending Investigation or Disciplinary Hearing

(Click here to insert date)

(Name and Address of Learner)

Dear (Insert name)

Suspension from New College Lanarkshire

I refer to our meeting which was held on (Click here to insert date). The incident which took place on (Click here to insert date) at (insert time) within (insert area of College) was so serious that a full and formal investigation is now taking place. While the investigation is taking place you will be suspended from the College with effect from (Click here to insert date).

This suspension will remain in place until the investigation of the alleged breach of the Student Charter is completed. This will be concluded within 10 working days. You should not attend College, loiter on College land or premises or participate in any College activities while this suspension is in place.

I attach a copy of our Learner Behaviour Policy and Learner Behaviour Procedure for your information. Please read these carefully as you may be asked to attend a Disciplinary Hearing.

I will contact you again as soon as the initial investigation has taken place. Meantime you may wish to contact the Student's Association or the Student Adviser for advice.

Learning materials will be made available to you during your suspension.

Yours sincerely

Name
Head of Faculty

Cc by email to: Curriculum and Quality Leader, Course Tutor, Employer or External Agency
(if appropriate)

Enc

Red areas the text must be adjusted appropriately by the person completing it.

CQA 7.1.6: Confirmation of Result of a Disciplinary Hearing

(Click here to insert date)

(Name and Address of Learner)

Dear (Insert name)

Result of Disciplinary Hearing held on (Click here to insert date)

I am writing to inform you of the decision taken at the Disciplinary Hearing held on (Click here to insert date).

The decision of the Panel was as follows: (Insert decision from the following)

- withdraw the learner from their current course
- recommend assessment decisions
- withdraw the learner from a unit
- exclude the learner from College
- no further action is required
- issue CQA7.1.2 Record of Verbal Warning which will remain on the learner's file for 3 months
- panel may refer the learner to the college's guidance team for support
- issue CQA7.1.3 Record of Written Warning which will remain on the learner's file for 6 months

The reasons for this decision are (Insert an outline of the reasons – may include recommendations made by e.g. Student Adviser)

You have the right to appeal against this decision. Should you wish to appeal, you should write to the Assistant Principal: Learner Services and Quality within 5 working days of the date of this letter. The College Appeals Policy and Procedures are available on the College intranet.

Yours sincerely

Name

Chair of Disciplinary Hearing Panel

Cc by email to: Curriculum and Quality Leader, Course Tutor and Student's File

Red areas the text must be adjusted appropriately by the person completing it.

CQA 7.1.7: Notification of Exclusion by Assistant Principal: Learning and Teaching

(Click here to insert date)

(Name and Address of Learner)

Dear (insert name)

Further to the Disciplinary Hearing which took place on (Click here to insert date), I have to inform you that I have decided to uphold the recommendation of the Disciplinary Hearing Panel that you are to be excluded from College with immediate effect. The reasons why the Panel made this recommendation were (insert decision from the Panel).

As a consequence of this decision, you may not access or attempt to gain access to College premises. Should you wish, you may contact the Student Adviser by telephone, e-mail or letter to request a pre-exit interview. At our discretion, this interview may take place out with College premises if necessary.

You have the right to appeal against this decision. Should you wish to appeal, you should write to the Assistant Principal: Learner Services and Quality within 5 working days of the date of this letter. The College Appeals Policy and Procedures are available on the College intranet.

Yours sincerely

Name

Assistant Principal: Learning and Teaching

Cc by email to: Chair of Disciplinary Hearing Panel, Head of Faculty, Curriculum and Quality Leader, Course Tutor, Student's File, Management Information and Administration Manager, Student Adviser

Red areas the text must be adjusted appropriately by the person completing it.

CQA 7.1.8: Disciplinary Record

Name	Course	Age	Gender	Disability	Ethnic Origin	PLP	CL	Outcome	Appeal	Outcome