

## Student Disciplinary Procedure

<b>Signing off requirements:</b>	
Director	Chris Hodges
Date Of Review:	August 2023
Next Review Date:	August 2024

### 1. Scope and purpose

- 1.1. This document sets out the procedure that should be followed where the Student Code of Conduct is breached.
- 1.2. Breaches of The Rhythm Studio Code of Conduct (see Section 3) constitute Misconduct and may lead to disciplinary action, such as temporary suspension, being taken against a student. Repeated breaches of the Code of Conduct however, or serious breaches of conduct constitute Gross Misconduct (see Section 4) and may result in permanent exclusion.
- 1.3. This procedure applies to all students and users of The Rhythm Studio, and at all times during the year.

### 2. Time periods

- 2.1 With the exception of the time allowed for lodging an appeal, time periods stated in this procedure are for guidance purposes and may be varied by The Rhythm Studio.
- 2.2 Periods of days in this procedure are office working days. Office working days are defined as Mondays to Fridays during The Rhythm Studio opening periods.

### 3. Student Code of Conduct

- 2.1 The Student Code of Conduct is available at The Rhythm Studio and can be downloaded from the Policies section of our website. Students must observe The Rhythm Studio's rules as detailed in the Code of Conduct, breaches of which may result in disciplinary action being taken.

### 4. Gross Misconduct

- 4.1 Disciplinary action may be taken against students for repeated breaches of The Rhythm Studio Code of Conduct or whose behaviour is considered to constitute Gross Misconduct. In such circumstances, the Director of The Rhythm Studio has the power to temporarily suspend a student pending an investigation. Where appropriate the power to temporarily suspend a student can be delegated to a senior member of staff.
- 4.2 Any behaviour involving violence or the threat of violence, deliberate damage to property, putting the health and safety of others in danger, disruptive behaviour, bullying, harassment, intimidation, dishonesty (including cheating and theft) or any illegal activity is likely to be treated as Gross Misconduct.
- 4.3 Gross Misconduct will normally be dealt with under Stage 3 (see Section 6.3) of the disciplinary procedure. In cases of Gross Misconduct, The Rhythm Studio reserves the right to suspend the student pending the outcome of the Stage 3 hearing, without prejudice. Under these circumstances, the student is not permitted to enter any of The Rhythm Studio premises other than by invitation such as to attend an examination, attend an Investigation Hearing or by prior appointment with a member of staff investigating the case.
- 4.4 The following are examples of behaviour which may be considered as Gross Misconduct. This is not a comprehensive list:
  - failure to follow Health and Safety Regulations;

- conduct which prevents, obstructs, or disrupts teaching, learning, or the administration of the business of The Rhythm Studio;
- failure to follow the reasonable instructions of a member of staff;
- smoking in a non-smoking area;
- disorderly behaviour or the use of offensive or abusive language;
- causing damage to buildings, equipment, books or furnishings;
- interference with software belonging to or used by The Rhythm Studio or misuse of computer facilities;
- drunkenness or the use of illegal drugs;
- behaviour that constitutes harassment, bullying and/or victimisation;
- behaviour or language which is racially or sexually insulting or which is insulting to those with disabilities or likely to cause insult based on age, class or sexual orientation;
- posting damaging or offensive messages, attacking staff or other students, on web-based networking sites;
- violence or the threat of violence;
- possession of weapons;
- behaviour or language on or off the premises that involves The Rhythm Studio in such a way as to be damaging to its reputation;
- any illegal act on or off the premises that involves The Rhythm Studio in such a way as to be damaging either to The Rhythm Studio's premises or its reputation;
- any serious breach of acceptable use of The Rhythm Studio's IT facilities, such as deliberate damage to IT systems, accessing internet pornography, hacking, downloading software without permission or deliberately introducing viruses;
- the making of any vexatious or malicious complaint against the College, its staff or students.

4.5 Where students are seriously misbehaving and causing disruption to the learning of others, they may be required to leave the classroom premises and/or The Rhythm Studio premises immediately. This action by a tutor or other member of staff dealing with the incident does not constitute suspension or expulsion and will not prejudice the subsequent handling of the case, which will normally be dealt with under Stage 3 of the disciplinary procedure.

## **5. Student entitlement (including vulnerable students)**

- 5.1 At all stages in the disciplinary process The Rhythm Studio will endeavour to ensure that the student understands the complaint against them, the findings reached at any stage of the procedure and any disciplinary sanctions imposed or other actions taken as a result of the disciplinary process. Whenever the formal stages of the disciplinary policy are invoked, the student will be provided with a copy of this document.
- 5.2 For Investigatory Hearings, the student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state his or her case (including any mitigating factors) before any decision is taken.
- 5.3 Where it is alleged that a criminal offence has been committed, a legal advisor may be brought, provided The Rhythm Studio is informed of the proposed representative at least 48 hours before the meeting.
- 5.4 Students have the right at all stages to see material that is kept on their file. If they believe it to be incorrect and are able to show that this is the case, they can request its removal. All such requests shall be referred to a senior member of staff with no involvement with the investigation for an impartial decision.
- 5.5 In Student Disciplinary Investigations where students have additional communication needs, they have the right to request reasonable extensions to the time limits as stated in Section 6 - Student disciplinary procedure.
- 5.6 Students who are assessed as not responsible for their behaviour, or partly responsible for their behaviour, may be enrolled with suitable support plans, as vulnerable persons. If they exhibit 'challenging behaviour' and there is an incident, their support plan is reviewed and adjusted where

possible to reduce the risk to an acceptable level. If they cannot be effectively supported, their programme may be adjusted or they may not be able to continue with their course.

- 5.7 Where the student is assessed as being responsible for the particular behaviour, and also able to understand the basic processes involved, disciplinary procedures will be used in the normal way.
- 5.8 In these circumstances the additional support necessary to support their communication and understanding, and to ensure that they have an appropriate 'friend' at any meeting may be provided. This approach aims to balance the rights of the individual for appropriate support and recognition of their level of independence.

## **6. Student disciplinary procedure**

### **6.1 Stage 1 - Verbal Warning (Senior Member Of Staff)**

For breaches of the Code of Conduct, the Director may delegate responsibility to an appropriate senior member of staff to conduct a Stage 1 Warning Hearing with a student.

The procedure for this is as follows:

- The senior member of staff will speak to any relevant witnesses and establish what happened.
- The senior member of staff will invite the student to a 1:1 meeting, giving at least 24 hours' notice.
- The senior member of staff will provide the student with a copy of this document.
- The senior member of staff will discuss the incident(s) with the student during the meeting. If they believe a warning is appropriate, they should give it verbally.
- The student should also be warned verbally that any repeat of the misconduct may result in a further action.
- A note of any warning must be made by the senior member of staff and logged on the student's file.
- If the decision is to issue a Stage 1 Warning, practical measures to avoid recurrence must be identified and agreed by both the student and the senior member of staff and incorporated into the Warning.

There is no right of appeal against a Stage 1 Warning.

### **6.2 Stage 2 – Written Warning (Director)**

Where the conduct is of a more serious nature or where there has been no improvement in the behaviour which warranted the Stage 1 Warning, the student will be invited to attend a Stage 2 disciplinary interview with the Director.

At least 24 hours written notice will be given and the notice will state:

- the nature of the conduct complained of and a summary of the evidence for the complaint;
- a copy of this document;
- confirmation of the time and place of the interview.

The Director will discuss with the student the concern or complaint (as per the Stage 1 procedure in 6.1.2) and, after taking into account any explanation given, decide whether a Stage 2 Warning should be given.

If the decision is to issue a Stage 2 Written Warning, practical measures to avoid recurrence must be identified and agreed by both the student and the Director and incorporated into the Warning which will be sent to the student within 5 working days from the date of the Stage 2 disciplinary interview.

A copy of the Warning must be placed on the student's file.

There is no right of appeal against a Stage 2 Warning.

### **6.3 Stage 3 – Investigation Hearing (Director and senior staff member)**

Where Gross Misconduct occurs or the misconduct is repeated after the Director’s Stage 2 Written Warning, the student will be invited to attend an Investigation Hearing with the Director.

At least 3 days written notice will normally be given and the notice will state:

- the nature of the conduct complained of and a summary of the evidence for the complaint;
- a copy of this document;
- confirmation of the time and place of the interview.

The Director will act as “Chair” and is responsible for conducting the Hearing in a fair and transparent manner. The Hearing will also be attended by another senior member of staff; a note-taker will also be present.

During the Hearing the Chair will present the case against the Student and may refer to witness statements, attendance records, previous warnings or any other relevant documentation that relate to the case. The Student has the right to call witnesses who may be questioned by either the student or the Chair.

Before adjourning to make a decision, the Chair will ask the student whether there are any other factors or mitigating circumstances that he/she would like to be taken into account.

After hearing the student’s case, the senior member of staff chairing the meeting may make one of the following decisions:

- i) no further action will be taken;
- ii) the student will receive a Stage 3 Written Warning;
- iii) the student will be suspended for a specified period of time;
- iv) the student will be permanently excluded;
- v) further investigation is needed before a final decision can be made.

The Director will write to the student within 5 working days to communicate the decision including the reasons for it, which will have immediate effect. If relevant, the timescale and procedures for reviewing an exclusion will be provided.

The letter will affirm the student’s right of appeal to the Director, stating that this must be done within 10 working days of receipt of the decision letter.

### **6.4 Stage 4 – Appeal**

A student who wishes to appeal against a disciplinary decision must do so within 10 working days of the date they were informed of the decision. To do so, they should write to the Director, stating their main grounds for appeal.

The Director can reach a final decision based on the documentary and/or new evidence or convene an appeal hearing.

At an appeal hearing, the student will be invited to explain the grounds of the appeal and state his or her case.

The Director may ask questions of the student and will then consider whether to allow or dismiss the appeal. Any witnesses will normally be asked to be on call to answer any questions.

If the appeal is upheld, the Director may decide on lesser disciplinary action, or no disciplinary action. If the appeal is dismissed the Director will issue a statement saying that he/she has decided to uphold the recommendation at Stage 3.

The Director's decision is final and is not subject to any further appeal, and will be confirmed in writing to the student within 5 working days.

## **7. Criminal offences**

- 7.1 Where there is reason to believe that a student may have committed a criminal offence, The Rhythm Studio may refer the matter to the police and will normally suspend the disciplinary proceedings and suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, The Rhythm Studio reserves the right to recommence proceedings.
- 7.2 Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure The Rhythm Studio is not bound by the results of any criminal proceedings against students but may take them into account.

## **8. Conduct of Investigatory interviews and appeal hearings**

- 8.1 Investigation and appeal interviews/hearings under this procedure will be conducted fairly by the member of staff conducting the interview/hearing ("the Chair"), who will be accompanied by another member of staff to take notes. If communication assistance is required, this will be arranged, taking into account the need for impartiality.
- 8.2 The member of staff conducting the interview/hearing may give instructions in relation to the conduct of the interview/hearing, including (without limitation) as to the length of time which any part of the interview/hearing should take. Instructions must be fair, particularly in allowing the student to question the evidence and state his or her case. Witnesses may be called to the hearing.
- 8.3 The member of staff conducting the interview/hearing may exclude from the proceedings any person who behaves unreasonably or who disregards the instructions of the Chair.
- 8.4 A request to postpone a hearing may be considered and decided by the member of staff hearing the case. If the student does not attend a disciplinary interview or appeal hearing without good cause, these may still proceed in the student's absence.
- 8.5 In exceptional cases it may be desirable that variations should be made to procedural aspects of this code. Any such variations must be subject to informing the student concerned and subject always to the consideration of fairness.
- 8.6 Disciplinary interviews/appeal hearings may be conducted by different people, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

**APPENDIX**

**Student Disciplinary Procedure Flowchart**

