Policy	Disciplinary procedure
Approved By:	Board of directors
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Policy Holder:	IBTC

STUDENT DISCIPLINARY POLICY

1. Scope

This policy works in conjunction with the IBTC student handbook that describes the expectations of all IBTC students' conduct during their studies at IBTC.
IBTC will only implement disciplinary procedures with students when necessary and as a last resort. Where possible, informal discussion and pastoral intervention will be used to resolve matters prior to the consideration of any formal disciplinary procedures. Any disciplinary procedures are intended to be positive rather than punitive but takes cognisance of the fact that some sanctions may have to be applied in certain circumstances.

All students can discuss any part of this policy with either of the Students Welfare Managers. They will help clarify the rights of any student as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during a disciplinary process.

2. Suspension

Suspension of studies may be imposed during a disciplinary procedure that should not be interpreted as a pre-determined indicator of guilt or responsibility. There may be multiple reasons for temporary suspension:

- to temporarily remove a student or students from campus pending an investigation
- to allow time for a 'cooling down period' for both parties
- for their own or others protection
- to prevent them influencing or being influenced by others
- to prevent possible interference with evidence

Only the IBTC principal has the final authority to suspend a student. The IBTC Directors should be informed of the overall situation at this stage.
When a student is suspended temporarily from their programme of studies, they will receive written confirmation within three days providing:

- the reason for the suspension
- the date and time from which the suspension will operate
- the timescale of the ongoing investigation

- the right of appeal to the board of directors should the suspension last more than 7 days.

3. Pastoral support

Pastoral intervention will be provided to resolve a situation and prevent it from becoming more serious that it escalates to become a disciplinary issue. Students will be constructively supported and provided with clear guidance and expectations for areas of improvement:

- Practical realistic steps of improving shortcomings in conduct or performance
- Time scales for improvement
- Outline of review process personal targets
- Students will also be informed, where appropriate, that resistance to change and improve may result in formal disciplinary action.

A record of the pastoral support intervention should be given to the student and a copy retained in their personal file. It is imperative that any pastoral support should be followed up and improvements recognised and recorded. Once the pastoral intervention objectives have been met, any record of the pastoral support will be removed from their file.

If during pastoral intervention it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

4. Formal investigation

a) Formal investigations should be carried out by the most appropriate management team member who has not been directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

b) A report should be prepared which outlines the facts of the case. This should be submitted to the principal who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

c) In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate member of the IBTC management team, who would be accompanied by another manager. The investigating manager would be asked to present his/her findings in the presence of the student who has been investigated. Witnesses should be called at this stage, and the student (or their representative) allowed to

question these witnesses. The student has a right of representation at this hearing.

d) Following the full presentation of the facts, and the opportunity afforded to the student to state their side of the case, the hearing should be adjourned, and everyone would leave the room except the members of the college management team hearing the case. They would discuss the case and decide which of the following options was appropriate:

- take no further action against the student and end any suspension or continuation of the disciplinary process
- recommend additional pastoral support for the student
- proceed to a disciplinary hearing

e) All parties should be brought back and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:

- the student has been informed by letter that the investigation may turn into a disciplinary hearing, and that they have the right of representation.
- they have been told in advance what the nature of the complaint is and had sufficient time to consult with a representative.
- all the salient facts have been produced at the investigatory hearing, and the management team members are confident that they can safely decide that further disciplinary action is necessary.
- the management team members should inform the student and their representative that the hearing would now become a formal disciplinary hearing and invite them to say anything further in relation to the case.

f) It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of IBTC.

g) Should any student, who is subject to disciplinary action, choose to personally withdraw and terminate their studies during a disciplinary process, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

5. Warnings

a) <u>Examples of minor misconduct</u>

Below are listed examples of misconduct which may warrant either a verbal warning or a first written warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor timekeeping.

- Absence from college lectures and activities without valid reason, reasonable notification and authorisation.
- Smoking within unauthorised areas.
- Failure to comply with IBTC health and safety procedures.
- Unreasonable standards of dress or personal hygiene.
- Minor occasional breaches of the student handbook.
- Abuse of internet privileges.
- Inappropriate comments about other students, volunteers or members of staff.

b) Verbal warning

A verbal warning is appropriate when it is necessary for a college management team member to caution a student for any minor failing or misconduct.

c) First written warning

A first written warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

d) Examples of gross misconduct

Listed below are examples of misconduct, which may be considered as gross misconduct and warrant a final warning that could lead to suspension or termination of studies. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a final warning, suspension or termination of studies.

- Theft, including unauthorised possession of IBTC property
- Breaches of confidentiality, prejudicial to the interest of IBTC
- Being unfit for studies because of the misuse/consumption of drugs or alcohol
- Refusal to carry out a college management instruction which is within the individuals' capabilities and which would be seen to be in the interests of IBTC
- A breach of IBTC health and safety or security procedures that endangers their own life or the lives of others
- Anti-social behaviour, harassment, physical assault, breach of the peace, victimisation or verbal abuse
- False declarations of qualifications and references on student application

- Failure to observe IBTC's rules, regulations or procedures
- Wilful damage of IBTC property
- Persistent serious academic malpractice
- Behaviour that creates serious reputational risk to IBTC by association

e) Final written warning

A final written warning is appropriate when:

- a student's offence is of a serious nature, falling just short of an incident justifying termination of studies.
- a student persisting in misconduct which previously warranted a lesser warning.
- a serious grievance complaint has been made and upheld against the student

f) Suspension of studies

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to enable a student to have time away from IBTC to resolve a problem without having to terminate their studies.
- there have been mitigating circumstances that have led to a student behaving in ways that are out of character and the college may feel that being able to return home and have a study break may remove the pressures and triggers that led to the misconduct.

  IBTC will conduct a review process of the suspension of studies to satisfy that the student is fit for resumption of their studies.

g) Termination of studies

Termination of studies is appropriate when

- a student's behaviour has proven to be that of gross misconduct.
- a student's misconduct has been persistent, where all other means of pastoral intervention and disciplinary procedures have been exhausted.

h) Time scales for the expiry of warnings

Warnings issued to a student shall be deemed to have expired after the following periods of time.

- Verbal warnings: 1 month
- First written warnings: 2 months
- Final written warnings: 6 months (or as agreed and recorded at the hearing)

These time scales remain, provided that during that period no additional warnings have been issued in respect of the student's conduct.

6. Letter of warning

All warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the student for improvement.
- The student's right to appeal to the IBTC Directors
- A copy of the warning and any supporting documentation must be attached to the individuals' personal file.
- The student must also receive a copy of the warning handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to possible termination of studies, and that the student has the right of appeal, and to who they can make that appeal.

The letter confirming termination of studies will contain the following information:

- The reason for termination and any academic administrative matter arising from the termination of their studies.
- The student's right of appeal and to whom they should make that appeal.

7. Appeals

Every student has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that IBTC's procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding the disciplinary action has arisen.

An appeal should be put in writing. The students should write to the college principal. The letter of appeal may be constructed by the student or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / termination of studies letter.

An appeal will be arranged within 20 working days of receipt of the appeal letter.

a) <u>Appeals against verbal and first warnings</u>

In the case of verbal and first warnings, the appeal will be heard by the principal.

b) <u>Appeals against final warnings and termination of studies</u>

The hearing and determining of appeals against final warnings and termination of studies will be heard by the IBTC directors. They may also involve another member of the college management team not previously involved with the case.

When dealing with an appeal against a final warning or termination of studies, written statements of case may be submitted no later than 2 days prior to the date of the appeal hearing. No additional written evidence will be admitted by the IBTC directors on the date of the appeal hearing.

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

8. Disciplinary Procedures

Staff members and students may use the email address observe@ibti.org.uk to inform the student welfare department of any minor misconduct (5.a). IBTC asks that any minor misconduct is reported in a written form after a staff member has warned a student verbally and informally.

After two written reports, the student will be informally approached by the either of the Student Welfare Managers to make the student aware of the misconduct but no action will be taken.

After three written reports, the student has an official conversation with the either of the Student Welfare Managers to discuss in detail the reason of the misconduct. At this stage, it takes the form of a warning to the student but no further action will be taken.

On the fourth report, the student will be officially removed from ministerial activities such as leading worship, IBTC mission church, outreach and mission trip.

On the fifth report, the student will have an official conversation with the college principal and receive an official warning but no further action will be taken.

On the sixth report, the student will have an official conversation with the principal and receive the first letter of warning as stated in point 6.

On the seventh report, the student will receive from the principal a final letter of warning.

On the eighth report, the persistency of the misconduct will lead to a termination of studies. The student will have the right of appeal (7).

References[1] and further information

- https://data.ncvo.org.uk
- www.human-resource-solutions.co.uk

9. Mechanisms for Feedback

Constructive comment for the continued improvement of this policy is welcomed and should be forwarded to the IBTC's Data Protection Officer, at policies.data@ibti.org.uk.

[1] In addition to taking information from the The National Council for Voluntary Organisations, 2017, https://data.ncvo.org.uk, IBTChas sourced material from the following website: Human Resource Solutions, 2015, *Discipline and Grievance,* [Internet], http://www.human-resource-solutions.co.uk/HR-Policy-Pages/Discipline-Grievance/Discipline-Grievance.htm , accessed 21 September 2017.