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## **POLICY AND PROCEDURE FOR THE PROMOTION OF POSITIVE STUDENT BEHAVIOUR**

**(SUPERCEDES THE STUDENT DISCIPLINARY POLICY)**

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**Policy Owner:** Head of Faculty for Automotive, Computing and Engineering

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**Location:** Gateway and SWC Website

### Related Documentation

Title	Location	Owner
Training for Success Disciplinary Policy	College Intranet	Manager Centre for Excellence for Work Based Learning

### Change Log

Location	Change from deletion/addition	Change to
	New Policy	N/A

### Communication

Who needs to know (for action)	<ul style="list-style-type: none"><li>○ Senior Management Team</li><li>○ All Heads and Deputy Heads of School</li><li>○ All Academic Staff</li><li>○ Chair of Education and Quality Sub Committee</li></ul>
Who needs to be aware	<ul style="list-style-type: none"><li>○ All staff</li></ul>

### Communication Plan

Action	By Whom	By When
Communication to all staff via NetConsent	Communication to all staff via NetConsent	Communication to all staff via NetConsent
Uploaded to Gateway	Uploaded to Gateway	Uploaded to Gateway

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## **Introductory Statement**

South West College (SWC) believes that all students have talents, skills and potential, and the primary focus of SWC is to give all students the opportunities and environment to develop those talents, realise their potential, achieve their ambitions, and contribute to their community.

Some of those skills and abilities refer to the vocational area that the student is studying in and some refer to generic transferable skills which are common across all vocational areas and which are very important in succeeding in any field of endeavour. While every student is an individual, with individual ambitions, abilities, and needs there are a common set of characteristics that SWC would aim to help develop in all students. These skills and characteristics are developed through:

- classes;
- tutorials;
- completing vocational work;
- international visits;
- competitions;
- project work;
- working with others in class, and through
- engagement with stakeholders outside of the College.

These characteristics include initiative, creativity and problem solving, attendance and time keeping, the ability to complete work to an acceptable standard and to deadlines, the ability to manage teams on projects, the ability to communicate clearly using different tools, the ability to collaborate and work with others, and the personal characteristics of honesty, respect for others, and the ability to follow statutory, legal and organisational requirements. These skills, characteristics and behaviours are developed through a number of teaching, learning and development channels.

The College has developed a Code of Conduct (Appendix A) which seeks to promote positive messages about the type of behaviour that is considered to be acceptable with the

aspiration that students will buy into the College ethic. This Code of Conduct will be issued to students on induction and will be displayed at various locations throughout the campuses.

However, where students present with behaviour which is not of a standard expected by SWC, then the College has a number of approaches to help bring students into line with expected conduct. These include engagement with Course Directors and Academic Mentors, through the College tutorial process and recorded in the student's individual learning plan.

In the rare event that a student's conduct warrants it, the College has a Disciplinary process. This is in line with a typical policy that any organisation would have and will help to prepare students for the same kinds of expectations that will pertain when they progress from the College to employment or Higher Education. This Disciplinary policy is intended both as a learning and developmental tool, to clearly mark when behaviour is not in line with the College expectation and to encourage behavioural change; and as a means of protecting the College environment and atmosphere in the event that any behaviour is having a detrimental effect on these.

### **Policy Aim**

The aim of this policy is to guide the College approach to encouraging positive student behaviour and to set the context for the development of the procedures to be used when disciplinary action becomes appropriate.

In the development of this policy, the College is guided by the International Institute for Restorative Practices (IIRP) which has identified the benefit to organisations of changing the focus of their behaviour management approach from punitive to positive. In addition to incorporating the evidence based non-punitive alternatives to traditional discipline practices such as organisation wide positive behaviour interventions and supports, restorative practices, social emotional learning, and trauma sensitive strategies, organisations should ensure that the disciplinary process has clear, objective parameters that can help militate against the negative impact of perceived bias in disciplinary decision making.

In line with the guidance of the IIRP the College will establish a two tier approach to encouraging positive student behaviour:

## Tier 1 The Informal Disciplinary Approach

## Tier 2 The Formal Disciplinary Approach

The College will engage with students informally in the Tier 1 Approach in the first instance unless the seriousness of the behaviour calls for an immediate Tier 2 approach. When invoking the Tier 2 Approach, the College will abide by the principle of natural justice ie the right to be heard, the right to a fair and unbiased judgement and the right to appeal.

For the purposes of implementing the Tier 2 Approach the College will establish a tiered authority structure as follows:

1. The Investigating Authority
2. The Disciplinary Authority
3. The Appeal Authority,

The role of the Investigating Authority is described in Appendix E. The role of the Disciplinary Authority is described in Appendix F

The personnel who are designated as the authorities will vary according to the stage that the disciplinary process has reached as outlined in Appendix D

### **Policy Scope**

This policy applies to all apprentices, Further and Higher Education learners, learners on all part time provision, and learners on all social inclusion programmes. It does not apply to Training for Success Participants as this programme has its own procedures. The disciplinary policy of the Training for Success programme can be found in the Training for Success operational requirements.

For students on social inclusion programmes, the role as described normally carried out by course coordinator may be carried out by that programme coordinator, the role carried out by Head of School may be carried out by Head of Centre for Excellence in Social Inclusion, and

the role carried out by the Head of Faculty may be carried out by the Assistant Chief Executive for Industrial Engagement, as deemed most appropriate to a particular case.

## **Tier 1 – The Informal Approach Procedure**

There are behaviours which while not in line with the Colleges standards or expectations, do not require a formal disciplinary procedure but which any and all members of staff should challenge should they observe them. Examples of these type of behaviour are given in Appendix B.

### **Step 1 – Initial steps**

In the event of observing an unacceptable behaviour the tutor or person involved should as appropriate discuss it with the student involved or discuss it with, and seek support from, a colleague who knows the student. This may be, for example, a course co-ordinator, a training support officer, or a learning mentor, or any other suitable. The aim at this stage is to seek an insight into that particular student's personal circumstances. Alternatively, a tutor may seek advice from a colleague, manager, or Teaching and Learning Advisor who may be able to help with classroom strategies to help stop the behaviour. Having gained this understanding the student should then be spoken to and advised that the behaviour is unacceptable, and given guidance as to what constitutes appropriate behaviour.

### **Step 2 – The restorative conversation**

If the action taken in Step 1 does not work, minor failings should be dealt with by means of an informal meeting between the Stage 1 Disciplinary Authority and the student concerned guided by the principle of a restorative conversation. Guidance on the conducting of a restorative conversation is found in Appendix C

The objective of this meeting will be to discuss the issues involved and seek ways of improving the situation by giving the student reasonable assistance in the form of advice, guidance or training to achieve the desired standards of performance behaviour or conduct. Where a resolution is agreed, and all parties have been involved, no further action may be necessary.

### **Step 3 – The support plan**

Where the outcome of the restorative conversation is the need for a support plan or improvement agreement, this should be jointly agreed between the relevant curriculum staff member and student and the objectives and actions recorded and stored by student services.

The member of staff leading the meeting can seek advice and support from staff within their own curriculum area, Centre for Excellence, and/or the Student Support Service to ensure support needs are taken into account and inform the improvement agreement. This includes discussing with the student any issues outside of college such as relationships, housing, finances or safeguarding, which may be impacting on college life.

Objectives set should include achievable actions including any study support to minimise the impact on academic progress, including specific support offered to help the student achieve their objectives. Pastoral, Mentoring, and / or curriculum staff may be involved in the process. The plan should form part of the students ILP (or similar) and be discussed as part of the tutorial process.

If the need for a further support plan is necessary, the original plan should be reviewed and updated. Having more than one plan should be avoided unless there are specific reasons.

### **Tier 2 – The Formal Approach Procedure**

If the informal approach fails to resolve the unacceptable behaviour, or if the seriousness of the behaviour merits it, the formal procedure will be invoked. The main objectives of the Formal procedure are to ensure that disciplinary action is reasonable and consistent and that the student is given every opportunity to improve their performance or conduct.

### **Step 1 - The investigation**

Where misconduct or poor performance is observed, or an allegation of misconduct or poor performance is made, the Investigating Authority, will carry out a preliminary investigation to establish the facts of the case. They will seek advice, assistance and information from college students, college staff, or others as appropriate.

## **Step 2 - The Disciplinary Hearing**

In the event of the Investigating Authority determining that there is a case to be answered, the Disciplinary Authority will initiate a Disciplinary Hearing. The disciplinary hearing will be held as soon as is practicable after completion of the investigation of the alleged offence. The student will, be informed that they will be called to a disciplinary hearing and will be given a copy of the Disciplinary Procedure and the reason for the disciplinary hearing in writing.

In the event that the disciplinary hearing could potentially lead to a Written warning or higher the student should be given not less than 5 days' notice of the hearing.

The student will be given the opportunity to respond to the allegations and will have the right to be represented their parent/guardian, a Student Services representative, or another student. For warnings of final written warning or higher, the disciplinary panel should comprise three College staff members of which one should be a member of the Student Services team.

The person or persons making the allegation, if that person or persons is not the Disciplinary Authority, will normally be required to be available to attend all or part of the hearing, in order that the Disciplinary Authority may be able to clarify aspects of the report of the investigation if necessary.

## **Step 3 – Disciplinary Action**

Following the Disciplinary Hearing, the Disciplinary Authority will take such action as is considered appropriate to the circumstances, in line with Appendix B.

Any mitigating circumstances, including the previous record of conduct, behaviour, performance, relevant recorded Health issues, etc of the student concerned, will be taken into account when taking that disciplinary action. Disciplinary actions, other than verbal warnings (which will be recorded by the Disciplinary Authority), will be notified in writing to the student concerned by the Disciplinary Authority.

Where the student is a minor, disciplinary actions will be notified to the student's parent/guardian/next of kin and relevant College staff (eg course co-ordinator, personal tutor,

learning mentor, etc). The communication will highlight the consequences of a repetition of the offence or a failure to meet the required standard of performance. In the case of verbal or written warnings, the communication will also include a statement as to the period for which the warning will remain on the student's record.

Warnings will be disregarded in any disciplinary matter that may arise after expiry of the specified period as detailed in Appendix D.

In the event that no disciplinary action is required, all papers relating to the alleged offence will be removed from the student's record. The student will have a right of appeal against disciplinary action.

### **Appeals Procedure**

The Appeals Procedure gives the student the right to submit an appeal to an Appeals Panel and guarantees that the student will not suffer any disadvantage where they do so in good faith. While privacy and confidentiality will be maintained, the student should be aware that evidence which is submitted will normally be made available to staff involved in considering the appeal and will be held on file by Student Services at the conclusion of the process.

### **The Grounds for an Appeal**

The student may appeal against the decision of disciplinary hearing only on the following bases:

- New evidence becomes available which is relevant to their performance, conduct or behaviour, which, in their view was not available at the time of the hearing;
- The investigating or disciplinary authority did not follow the College's policy or procedure; or
- That the College has not applied the principle of natural justice.

In the case of new information or extenuating circumstances becoming available, students should note that the original decision of the Disciplinary Hearing will be upheld if:

- It is determined that the student has not submitted any new information or that he/she has not provided a satisfactory explanation for their failure to supply the information by the date(s) of the original hearing; OR
- There is no verifiable, independent, or other valid evidence to support the appeal.

### **The Process for Lodging an Appeal**

The appeal must be made in writing and must set out the grounds on which it is made. The appeal must be addressed as follows:

- Verbal or First Written Warning - to the Head of School
- Final Written Warning – to the Head of Faculty
- Suspension – to the Chief Executive
- Dismissal – to the Chair of the Education and Quality subcommittee of the College Board of Governors.

### **The Hearing of an Appeal**

Appeals will be heard by an Appeal Panel and must be heard within 10 working days of the receipt of the appeal. The Appeals panel will not consider an appeal if it is deemed to be vexatious or frivolous. The Appeals Panel cannot change or rescind the award of a warning except in the case of the grounds above.

Appeals will be administered by Student Services.

Students are normally entitled to be heard in person and to be accompanied by a member of their family or Student Representative. However, panels have discretion not to interview students where the written evidence is convincing. The Appeals Panel will interview the student (unless their discretion to not interview has been exercised), and the original disciplinary authority.

## **The Appeal Panel**

The Appeal Panel will comprise a chairperson accompanied by two members of College staff, who were not involved in the original disciplinary process, of whom one should be a member of Student Services.

In the circumstance where the sanction is exclusion or dismissal, the panel will comprise two members of the Education and Quality subcommittee of the College Board of Governors and one senior member of staff.

## **The Decision of the Appeal Panel**

If the Panel decides: that the original decision was invalid, then the panel may recommend to modify or eliminate the original sanction. The panel may eliminate the sanction; may pass it back to the disciplinary authority for reconsideration; and may recommend but not impose an alternative sanction.

In the case of new information or extenuating circumstances, students should note that the original decision of the hearing will be confirmed if:

- It is determined that the student has not submitted any new information or that he/she has not provided a satisfactory explanation for their failure to supply the information by the date(s) of the original hearing; OR
- There is no verifiable, independent, or other valid evidence to support the appeal.
- The decision of the Appeals Panel will be final and binding on both parties.

## **Final Steps**

The Chairperson of the Appeal Panel completes a report on the appeal and the decision is then communicated to the student through the Student Services by recorded delivery and to the original Disciplinary Authority by email.

Any other correspondence, together with the original form, is also sent to Students Services to be stored confidentially on the student's file.

Signed Chief Executive: \_\_\_\_\_

Date: \_\_\_\_\_

Signed Chair of the Board of Governors: \_\_\_\_\_

Date: \_\_\_\_\_

## Document Development

Details of staff who were involved in the development of this policy:

Name	Role
Jill Cush	Deputy Chief Executive
Padraig McNamee	Head of Faculty for Automotive, Computing and Engineering
Sharon Pritchard	Student Engagement and Support Manager
Joanne Lucas	Risk & Compliance Officer

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Name	Organisation	Date
Pat O'Hanlon	SWC	26th April 2020
John Moore	SWC	29th April 2020
Camilla James	SWC	29th April 2020
Rodney Topping	SWC	29th April 2020
Claire Fiddaman	SWC	29th April 2020
Christopher Robinson	SWC	29th April 2020
Grainne Mulholland	SWC	29th April 2020
Dermot Kennedy	SWC	29th April 2020
Liam Curran	SWC	29th April 2020
Jacqueline McDowell	SWC	29th April 2020

## Approval Dates

Approved by	Date
Equality Screening	
SMT	6 October 2020
Governing Body	11 November 2020 (TBC)

**Document History**

Issue no. under review	Date of review:	Persons involved in review	Changes made after review? Yes/No	If changes have been made, please provide brief details:	New Issue No.	If changes made was consultation required?	If changes made was Equality Screening required?
New Policy							

## **APPENDIX A CODE OF CONDUCT**

We are glad that you have chosen South West College as your place of study. We want you to enjoy your time with us and to be the best that you can be. To help you do this we have a Code of Conduct which we expect all our students to adhere to:

- Be Secure
- Be Willing
- Be Considerate
- Be SWC

### **Be Secure – a safe environment is a stimulating environment**

- Wear your lanyard and ID badge whenever you are in College
- Report any concerns about your safety, or the safety of a friend, to the College's safeguarding team or any other member of staff
- Follow all health, safety and fire instructions especially in workshops, kitchens or when moving around the building
- Be safe online

### **Be Willing – a willing student is a winning student**

- Be prepared – make sure you have everything you need to study
- Be on time
- Be ready to take part

### **Be Considerate – a considerate student will receive consideration**

- Be courteous to other students, staff and visitors
- Treat everyone as you would like to be treated
- Be considerate of those students who face challenges that you don't have
- Respect your learning environment

**Be SWC**

When you join the South West College Community we assume that you have signed up to our Code and, like us, take a zero tolerance approach to failures to abide by this Code. We assume that you agree with us that behaviour such as bullying of any form, not attending class or always being late, or criminal actions such as damaging premises, possessing and/or using drugs, drinking alcohol on the premises, theft or fraud, is unacceptable and must be addressed by our disciplinary policies.

We also expect our students to be good citizens in the community, when travelling to and from College, and when on educational trips and visits. We are proud of our College and our students and we want the entire community to be proud of us too

## Appendix B Guidance on Disciplinary Sanctions

Examples of breaches of the Student Code of Conduct and appropriate disciplinary sanctions. This appendix offers guidance only - professional judgement must be used by the Disciplinary Authority at all times.

Challenge Behaviour	Verbal Warning	1st Written Warning	Final Written Warning	Suspension/Dismissal
<p>Conduct within the College which interferes, disrupts, or obstructs the activities of the College, relating to a student, member of staff, visitor, or supplier of services.</p> <p>Smoking / vaping in the premises except in designated areas</p> <p>Failure to maintain Covid-19 related protocols eg social distance, sanitization/cleaning</p> <p>Eating or drinking in class</p> <p>Bad language</p> <p>Poor attendance</p> <p>Poor punctuality</p> <p>Failure to engage with online material when directed</p> <p>Use of mobile phone in class</p> <p>Littering</p> <p>Failure to meet deadlines</p> <p>Failure to carry our work with due care and attention</p> <p>Failure to carry out work to acceptable standard</p> <p>Conduct likely to bring the College into disrepute</p> <p>Non wearing of ID where required</p> <p>Non wearing of PPE where required</p>	<p>Persistent failure to modify challenged behaviours</p> <p>Such as conduct within the College which interferes, disrupts, or obstructs the activities of the College, relating to a student, member of staff, visitor, of supplier of services.</p> <p>Smoking / vaping on the premises</p> <p>Eating or drinking in class</p> <p>Bad language</p> <p>Poor attendance</p> <p>Poor punctuality</p> <p>Use of mobile phone in class</p> <p>Littering</p> <p>Failure to meet deadlines</p> <p>Failure to carry our work with due care and attention</p> <p>Failure to carry out work to acceptable standard</p> <p>Conduct likely to bring the College into disrepute</p>	<p>Persistent failure to modify challenged behaviours</p> <p>Cheating on a test/ assessment</p> <p>Plagiarism</p> <p>Persistent failure to modify challenged behaviours</p> <p>Antisocial behaviour</p> <p>Breach of the College ICT acceptable use policy</p> <p>Off campus antisocial behaviour that brings the College into disrepute</p> <p>Failing to comply with any reasonable instruction of a member of staff</p> <p>Abusive, offensive or otherwise inappropriate comments (whether online or offline)</p>	<p>Persistent failure to modify challenged behaviours</p> <p>Verbal abuse of students, staff or visitors</p> <p>Causing damage to College equipment</p> <p>Making false allegations against another student or a member of staff</p> <p>Recording or taking an image of another student or member of staff without consent</p> <p>Lewd, indecent or obscene conduct</p> <p>Fraud, deceit, deception or dishonesty in relation to the college or its staff</p> <p>Stealing/gaining advantage by deception</p> <p>Falsifying documents</p> <p>Tampering with College tools or equipment, including safety equipment</p> <p>Misuse of social media</p> <p>Defacement of or damage to, any property of the college or to an individual associated with the College on college premises</p> <p>caused by negligence, on college premises, on college trips, travelling to / from College or on College transport.</p>	<p>Persistent failure to modify challenged behaviours</p> <p>Serious Breach of the Student Code of Conduct</p> <p>Being intoxicated or under the influence of illegal substances on College premises or placements, residential, etc</p> <p>Being in possession of illegal substances on College premises, residential, placements, etc</p> <p>Being in possession of a weapon on College premises, residential, placements, etc</p> <p>Risking the health/ safety/wellbeing of students, staff and visitors,</p> <p>Physically assaulting a student, member of staff or a visitor</p> <p>Abusive (physical, emotional, sexual, financial) misconduct or neglect or exploitation</p> <p>Defacement of or deliberate damage to, any property of the college or to an individual associated with the College on college premises, on college trips, travelling to / from College or on College transport.</p>

## **Appendix C Restorative Conversations Guidelines**

A simple toolkit to guide the conversations to have with both students whose behaviour you wish to challenge, and to support those who feel they have been affected by negative behaviour, is given below.

### **Questions to Ask When Things go wrong**

- What happened?
- What were you thinking of at the time?
- What have you thought about since?
- Who has been affected by what you have done? In what way?
- What do you think you need to do to make things right?

### **Questions to ask someone who has been hurt**

- What did you think when you realised what had happened?
- What impact has the incident had on you and on others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

Source: International Institute for Restorative Practices [www.iirp.org](http://www.iirp.org)

## **Appendix D the Disciplinary Authority Structure**

### **Stage 1 – Verbal Warning**

Investigating Authority	Class Lecturer
Disciplinary Authority	Class Lecturer or Course Co-ordinator
Appeal Panel Chair	Head of School or Deputy Head of School
Period of validity	6 Months

### **Stage 2 – First Written Warning**

Investigating Authority	Head of School or Deputy Head of School
Disciplinary Authority	Head of School or Deputy Head of School
Appeal Panel Chair	Head of Faculty
Period of validity	6 Months

### **Stage 3 – Final Written Warning**

Investigating Authority	Head of School or Deputy Head of School
Disciplinary Authority	Head of School or Deputy Head of School
Appeal Panel Chair	Head of Faculty
Period of validity	9 Months

### **Stage 4 – Suspension**

Investigating Authority	Head of School or Deputy Head of School
Disciplinary Authority	Head of Faculty and Campus Manager
Appeal Panel Chair	College CE
Period of validity	1 Year

### **Stage 5 – Dismissal**

Investigating Authority	Head of School or Deputy Head of School
Disciplinary Authority	Head of Faculty and Campus Manager
Appeal Panel Chair	Chair of the Education and Quality Sub Committee
Period of validity	2 Years *

*\*This may be waived in the event the student applies to a College programme specifically designed to accommodate and develop candidates who have experienced disruptions to their education caused by eg behavioural difficulties, exclusion, etc*

## **Appendix E - The role of the Investigating Authority**

1. The overarching responsibility of the Investigating Authority is to ensure that the integrity of the investigation process cannot be called into question in the event of an appeal. The investigation must be completed as soon as possible following the alleged breach of the Student Code of Conduct.
2. The Investigating Authority must provide the Disciplinary Authority with a factual report on the alleged breach of the Student Code of Conduct and how it can be attributed to the misconduct of the student under disciplinary investigation.
3. The facts of the alleged breach must be fully examined in a systematic and objective manner. Professional judgement must be used with respect to the scope of the investigation, in line with the perceived seriousness of the alleged breach of the Code and the student's current level of disciplinary sanction.
4. No one should act as an Investigating Authority if there is any conflict of interest eg through a family connection
5. The Investigating Authority must:
  - Determine the alleged breaches of the Student Code of Conduct, bearing in mind that one incident could involve several elements of the Code
  - Determine the exact nature of the allegation, e.g. the student is alleged by A to have done X, Y and Z
  - Determine a timeline of events

- Determine who will be able make a statement to confirm or refute the allegation
- Make a list of those people, including the student who is accused of misconduct
- Invite them to a student disciplinary investigation meeting
- Interview them separately. Open the interview by advising them why they are there:
  - You are here because you are alleged to have breached the Student Code of Conduct
  - You are here because you are a witness to an alleged breach of the Student Code of Conduct
- Read out the alleged breach(es) of the Code and the exact nature of the allegations being made. Ask them to explain in their own words what happened from their perspective. Do not allow them to deviate from the issue under investigation
- Record their response (or have a note taker do it for you)
- Read their response back to them. If their statement is contrary to other statements, advise them of this and give them the opportunity to explain any contradictions
- If they are happy with the content, ask them to sign it
- Ask them if they have any questions, or anything further by way of comment
- Advise them that they should keep all details of the interview confidential

- Bring the interview to a close by thanking them for their co-operation and advising them that their statement will be included in your report to the Disciplinary Authority
- Determine the outcome of the investigation by deciding whether, on the balance of the evidence presented, the alleged breach(es) of the Code did or did not take place
- If the case is proven, check the central log held by Student Services to confirm the current level of disciplinary sanction (if any) of the student(s) under investigation
- If the case is proven, recommend an appropriate disciplinary sanction for the student(s)
- Submit your completed report to the Disciplinary Authority

## **Appendix F - The role of the Disciplinary Authority**

1. No one should act as an Investigating Authority if there is any conflict of interest eg through a family connection.
2. The role of the Disciplinary Authority is to review the investigation report and to consider any recommended disciplinary sanction against the student(s) under investigation.
3. The Disciplinary Authority must then determine the level of the disciplinary sanction to be issued and make comment with respect to their decision making. This is particularly important if the sanction to be given differs from the Investigating Authority's recommendation.
4. The Disciplinary Authority must then invite the student to a Student Disciplinary Hearing at which they will inform the student of the outcome of the investigation and of any disciplinary action to be taken against them.
5. The Disciplinary Authority should ask the student to sign the paperwork to confirm that they acknowledge the student disciplinary sanction, or make a note on the paperwork of the student's refusal to sign.
6. After the Student Disciplinary Hearing, the Disciplinary Authority must ensure that formal correspondence is sent out to the student confirming the decision made.
7. The Disciplinary Authority must send Student Services a copy of the disciplinary action taken against the student, so the central record can be kept up to date.

