

## INTRODUCTION

1. **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from the College, or required to leave permanently for misconduct or other reasons. The policy applies to all students at the College [whether or not in the care of the College] but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.
2. **Interpretation:** References to the *Principal* include the Vice Principal. "*Parent*" includes one or both of the parents, a legal guardian or education guardian. "*Removal*" means that a student has been required to leave, but without the stigma of expulsion. Subheadings are for ease of reading and not part of the policy.

## POLICY STATEMENT

3. **Aims:** The aims of this policy are:
  - 3.1. To support the College's behaviour and discipline code.
  - 3.2. To ensure procedural fairness and natural justice.
  - 3.3. To promote co-operation between the College and parents when it is necessary for a student to leave earlier than expected.
4. **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
  - 4.1. Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them.
  - 4.2. Repeated serious misuse of alcohol.
  - 4.3. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
  - 4.4. Misconduct of a sexual nature.
  - 4.5. Possession or use of unauthorised firearms or other weapons.
  - 4.6. Vandalism and computer hacking.
  - 4.7. Persistent attitudes or behaviour which are inconsistent with the College's ethos.
  - 4.8. Other serious misconduct towards a member of the College community or which brings the College into disrepute (single or repeated episodes) on or off College premises.
5. **Other Circumstances:** A student may be required to leave if, after all appropriate consultation, the Principal is satisfied that it is not in the best interests of the student, or of the College, that he/she remains at the College.

## INVESTIGATION PROCEDURE

6. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Vice Principal, and its outcome will be reported to the Principal.
7. **Suspension:** A student may be suspended and required to live away from College while a complaint is being investigated; alternatively, he/she may be placed under a segregated regime at College premises.
8. **Search:** We may decide to search a student's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called.
9. **Interview:** If a student is interviewed formally about a complaint, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice. A student who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone and adequate food and drink.
10. **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a College, without formal legal procedures.

## DISCIPLINARY MEETING

11. **Preparation:** The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Principal will include:
  - 11.1. A statement setting out the points of complaint against the student.
  - 11.2. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - 11.3. The Vice Principal's Investigation Report.
  - 11.4. The student's College file including a record of the student's conduct.
  - 11.5. The relevant College policies and procedures.
12. **Attendance:** The student and his/her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Vice Principal will explain the circumstances of the complaint and his investigation. The student may also be accompanied by a member of staff of his/her choice. The student and his/her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of students will be preserved.
13. **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
  - 13.1. *The complaints* - the Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Principal considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, ie. the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence but the Principal will not normally refer to the student's disciplinary record at this stage.

13.2. *The sanction* - if the complaint has been proved the Principal will outline the range of disciplinary sanctions which s/he considers are open to him/her. He/she will take into account any further statement which the student and/or others present on his behalf wish to make. The student's disciplinary record will be taken into account. Then, or at some later time within 24 hours, the Principal will give his decision, with reasons.

13.3. *Leaving status* - if the Principal decides that the student must leave the College, he/she will consult with a parent before deciding on the student's leaving status (see below).

14. **Delayed Effect:** A decision to expel or remove a student shall take effect 72 hours after the decision was first communicated to a parent. Until then, the student shall remain suspended and away from College premises. If within 72 hours the parents have made a written application for a Review by the Governors, the student shall remain suspended until the Review has taken place.

## LEAVING STATUS

15. **Explanation:** If a student is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed" or "withdrawn by parents"

16. **Detail:** Additional points of leaving status include:

16.1. The form of letter which will be written to the parents and the form of announcement in the College that the student has left.

16.2. The form of reference which will be supplied for the student.

16.3. The entry which will be made on the College record and the student's status as a leaver.

16.4. Arrangements for transfer of any course and project work to the student, his/her parents or another College.

16.5. Whether the student will be permitted to return to College premises to sit public examinations.

16.6. Whether the College can offer assistance in finding an alternative placement for the student.

16.7. The conditions under which the student may re-enter College premises in the future.

16.8. Financial aspects: payment of any outstanding fees and bills; whether the deposit will be returned or credited; refund of prepaid fees.

## GOVERNORS' REVIEW

17. **Request for Review:** A student or his/her parents, aggrieved at the Principal's decision, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent, or longer by agreement.

18. **Grounds for Review:** In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

19. **Review Panel:** The Review will be undertaken by a three member sub-committee of the Board of Governors. The panel members will have no detailed

previous knowledge of the case or of the student or parents and will not normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.

20. **Review Meeting:** The meeting will take place at the College premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place during College holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

21. **Attendance:** Those present at the Review Meeting will normally be:

21.1. Members of the Review Panel and the Clerk to the Governors.

21.2. The Principal and any relevant member of staff whom the student or his/her parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome.

21.3. The student, together with his/her parents and, if they wish, a member of the College staff who is willing to speak on the student's behalf. The parents may be accompanied by a friend or relation. [The Clerk to the Governors must be given 7 days notice if the friend or relation is legally qualified.]

22. **Conduct of Meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be tape-recorded without the consent of both the Chairman of the Review Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the College. The Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chairman of the Review Panel who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

23. **Procedure:** The Panel will consider each of the questions raised by the student or his/her parents so far as relevant to:

23.1. Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the student. The civil standard of proof, namely, "*the balance of probability*" will apply; and

23.2. Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the College's policy in that respect.

The requirements of natural justice will apply. If for any reason the student or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chairman of the Review Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

24. **Identification:** If the Principal considers it necessary in the interests of an individual or of the College that the identity of any person should be withheld, the Chairman of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairman of the Review Panel at his/her discretion may direct that the person be identified, or not as the case may be.

25. **Student's Character:** Up to two members of the College staff may speak generally about the student's character, conduct and achievements at the College if they are willing to do so.

26. **Leaving Status:** If, having heard all parties, the Panel is minded to confirm the Principal's earlier decision, it is open to the Panel, with agreement of the Principal, the student and his/her parents to discuss the student's leaving status with a view to reaching agreement.

27. **Decision:** When the Chairman of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chairman of the Review Panel may ask those present to withdraw while the Panel considers its decision. The decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone within three days of the meeting.

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**By Resolution of the Board of Governors**

**Principal**

**Circulation on request:** Students, parents, staff and the Governors of St Clare's, Oxford

**Legal Status:** Advisory and non-contractual

**Policy Date:** January 2002