



**Positive Behaviour, Anti-bullying
& Harassment Policy
(Guidance for Students)**

May 2023

History of Changes

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1. Introduction

This policy aligns to the Positive Behaviour, Anti-Bullying & Harassment Policy.

Borders College is an inclusive College. We are committed to the success of all our students. We have launched our Global Citizenship campaign encompassing the four Rs of Respect, Responsibility, Resilient & Recognised. We also strive to uphold our five core values of being respectful, valuing the contribution of everyone, being a positive role model, behaving as one team and striving for excellence.

It is recognised that undertaking a programme of study can be a challenge and at times a student's behaviour can fall below our core values. In almost all cases we will try and support you to recognise when your behaviour is a concern and provide support to improve on this. A positive learning environment is key for all staff and students. At times it may be difficult for students to receive feedback on behaviour, and please be assured our aim is for you to understand the impact and consequences of continued inappropriate behaviour.

We strive to avoid 'formal processes' with students and have added measures to enable students to reflect on their behaviour. This is known as 'restorative practice'. This document provides you with information of what is involved within 'restorative practice'.

We also have students undertaking a course of study wherein 'Fitness to Practice Rules' apply. This is where, at the end of your course, you are required to register with a regulatory body in order to work in a specific field of work. In the unlikely event you're faced with a 'disciplinary hearing' or an 'appeal hearing', this document also provides you with the process involved for such hearings.

2. Examples of Behaviour That Fall Below the Standards Expected

Below are examples of inappropriate behaviours. Depending on the circumstances, it is the College's right to consider the impact of the behaviour displayed.

This includes behaviour both within and outwith the College premises that could potentially compromise the College's reputation, or learner and staff wellbeing.

It is also recognised that certain behaviours, such as inappropriate and offensive language and disruptive behaviour, may be linked to a diagnosed disability. Should you require reasonable adjustments regarding this, please inform College staff. Reasonable adjustments can be applied, providing there is no significant harm or impact on others' learning.

Minor Misbehaviours

- Inappropriate and offensive language
- Spitting
- Disruptive behaviour
- Smoking or vaping in non-designated areas (staff should explain to students at induction where designated smoking/vaping areas are located)
- Online/social media activity that is low-key but disrespectful
- Undermining and criticism of student peers and/or staff about quality of tasks and/or assignments

Concerning Behaviours

- Significant recurrence of minor behaviours
- Derogatory name-calling related to protected characteristics
- Threatening, intimidating or abusive behaviour, including cyberbullying
- Breach of the College's acceptable use of IT policy
- Being under the influence of alcohol or illegal substances
- Breach of Health and Safety Policy and Procedures

Serious Behaviours

- Failure to adhere to a regulatory body's codes of conduct, in terms of 'Fitness to Practice Rules', either in College or on placement
- Carrying a weapon or an item intended to be used as a weapon
- Bullying and harassment, including significant cyberbullying
- Threat of violence or actual violence towards others
- Displaying sexual images and/or offensive material
- Theft and damage of property
- Academic malpractice, including plagiarism
- Serious breach of Health and Safety Policy and Procedures

3. Procedure to Address Minor Misbehaviour

Borders College staff will remind students of our Positive Behaviour, Anti-Bullying & Harassment Policy at the beginning of term and detail expectations of behaviours during and outwith class.

In most instances at Borders College, student misbehaviour is minor in nature, and will be addressed as quickly as possible using informal discussions. These discussions will usually happen at the time of the minor misbehaviour. There is no notice period required, as it is necessary you are informed quickly (not long after the incident). This enables you to respond and reflect. In almost all cases, this discussion will be the end of the matter.

Staff dealing with minor misbehaviour will address students in a calm and respectful manner; they will explain the risks of such minor misbehaviours and/or the consequences of such minor misbehaviours on others. Students should also remain calm and respectful during the discussion.

If reasonably possible, discussions should take place in a quiet and confidential space.

In such instances, there would generally be no need for specific formal meetings and/or formal documentation of such behaviours.

However, for some minor concerns there may be a need to document the conversation and record the discussion.

4. Procedure to Address Combination of Three Behavioural Categories Via Restorative Practice

In the unlikely event you display the above behaviours, this will be reported to a relevant staff member (at Borders College this could be a student's Achievement Coach, Promoted Lecturer, lecturing staff). This staff member will then take responsibility for leading on any consequent action.

When dealing with misbehaviours which are minor in nature but persistent, or are more concerning, the initial role of the relevant staff member is to instigate a 'restorative practice' approach.

While certain behaviours are indeed a concern, a period of reflection will be offered prior to instigating formal procedures.

In some circumstances, a staff member may request you to leave for the day and arrange to meet the next day to discuss. This enables a 'cooling off period' and at times can avoid further escalating of a behaviour. If this is offered, it is encouraged for you to accept and have a period of reflection, in order to fully realise the impact a formal process may have for all.

Restorative approaches provide opportunities for reflection and learning, and are built on values which try to separate the person from the behaviour. They promote accountability, and an understanding of the consequences of poor behaviour, and seek to repair any harm caused in a situation. Restorative approaches also enable discussion about any extenuating circumstances, which may cause you to act out of character.

An informal restorative meeting will be arranged between the relevant staff member and you. It is recommended you attend, as it avoids a formal disciplinary process.

You will receive an email inviting you to a meeting.

This letter will indicate the details of the incident and be sent via tracked email as soon as possible after the incident.

You may also wish to have representation at this meeting. Borders College Students' Association (BCSA) can help with such matters. Please let us know if you require adjustments ahead of the meeting.

The focus of a restorative meeting is to establish:

- What happened?
- What were your thoughts at the time?
- What have been your thoughts since?
- Who has been affected by what happened?
- How have they been affected?
- What do you think needs to happen now and going forward?

In almost all cases, if you engage in an informal restorative meeting it might not be necessary to initiate more formal action, and therefore the matter may be considered closed once the meeting has been concluded and/or any agreed actions delivered.

One such action could be a learning agreement between you and the College, in order for you to successfully continue with your learning. You will receive an email at the end of the 'restorative practice meeting', clearly defining expected behaviours in the future, and detailing what support the College or other agencies can provide. The outcome of the 'informal restorative meeting' will be recorded on ProMonitor (if appropriate) by the relevant staff member.

However, if you decide not to engage in the 'informal restorative meeting', and you continue to engage in persistent minor behaviours, concerning behaviours or you are involved in a serious behavioural incident, then more formal proceedings will be initiated (see below).

In the unlikely event where action is required, the relevant staff member will instigate a formal process known as a disciplinary hearing. A Head of Sector (CLM), Promoted Lecturer (PL) or relevant staff member will be the chair of the disciplinary meeting and will arrange for an impartial staff member to attend.

5. Borders College Procedure for a Student Disciplinary Hearing

- The relevant staff member may decide, for safety reasons, to suspend you. (Please refer to suspensions.)
- The relevant staff member will contact you and invite you to attend a disciplinary hearing. The staff member will notify you of the date and time of the incident/s, provide you with the date, time and location of the hearing. You will be reminded to have a representative, which can be the class representative or an elected BCSA staff member.
- The meeting will be recorded on your student record.
- Following the meeting, a relevant staff member will let you know the disciplinary outcome, within five working days.
- If you are on a course leading to professional registration, you may be referred to the relevant Fitness to Practice (FTP) Panel at this stage.
- The disciplinary and any potential Fitness to Practice outcomes will be recorded on your student record.
- You will be informed of your right to appeal should the decision be made to withdraw you from your course. This procedure provides information on how to do this.
- On an occasion, where you have displayed significant concerning behaviour, the relevant staff member may make the decision to contact the Police, or a member of the College's safeguarding team.

6. Student Suspension

In some cases, whilst awaiting a disciplinary hearing into alleged misconduct, you may be suspended. The reason for suspension will be explained to you, and usually only happens when there is a threat to your safety, the safety of others, or when you may impede the chair in gathering facts. Suspensions shouldn't be any longer than five working days but if you are to be suspended for longer, the staff member will explain why. If you are in receipt of Education Maintenance Allowance (EMA) or College bursary, this will not be impacted. If you are on placement, you may be asked not to attend until the outcome of your hearing. If you are an employed individual attending a College course, you perhaps need to discuss this with your employer.

7. Preparing for a Disciplinary Hearing

- A) Prepare to meet with your representative
- B) Prepare any evidence or documentation
- C) You will be advised not to contact individuals associated with the incident

8. During the Disciplinary Hearing

Your hearing is confidential, unless there is a threat to the safety of yourself or others, or to ensure you are supported fully. In cases where the meeting can't be kept entirely confidential, the information will only be given to those that need to know.

1. The Chair of the meeting will introduce everyone in attendance and explain the reason for the meeting to you.
2. Please stick to the facts when giving information to the panel.
3. If you don't understand something, ask the staff member to explain.
4. Your representative can ask questions on your behalf, however they cannot answer questions for you. Your representative can also provide a statement at the beginning of the hearing on your behalf.

9. After the Disciplinary Hearing

1. You will be given a timescale of when you will receive your disciplinary outcome decision (usually no later than five working days).
2. Sometimes you may forget to include something relevant to the disciplinary hearing. If this happens, please let the appropriate staff member know as soon as possible.

10. Potential Disciplinary Hearing Outcomes

Below is a list of outcomes that can form an outcome of a disciplinary hearing:

- A. No further action
- B. Verbal warning (along with a Learner Contract/Restorative meeting, if required)
- C. First written warning (along with a Learner Contract/Restorative meeting, if required)
- D. Final written warning (along with a Learner Contract/Restorative meeting, if required)
- E. Withdrawal from the course (if this is the likely outcome and you are a school pupil, your school will be notified immediately)
- F. Referral to another College course or organisation

11. Procedure for Appealing a Decision of Withdrawal

You can appeal the College's decision to withdraw you from your course. You must appeal in writing with the reasons for your appeal to your Assistant Principal (their name will be provided to you on your withdrawal email) within five working days of receiving their tracked email. There are three grounds for appeal, which are indicated below:

1. Medical, personal or other circumstances which affected you, and of which the original panel were not aware
2. Procedural irregularities (i.e. the process not being followed correctly)
3. New evidence which was not considered at the time of the disciplinary hearing

Once the Assistant Principal has received the appeal letter or email, the following will apply:

1. Contact with you. Your Assistant Principal will respond by either tracked email or letter within five working days of receiving your written appeal. The Assistant Principal will contact the staff member who chaired your disciplinary hearing and will request all information relating to the alleged concern and action taken leading to your withdrawal. The Assistant Principal will formulate an Appeal Panel (a member of the College Senior Leadership Team and a BCSA officer). The Assistant Principal will pass all relevant information to the panel members in advance of the appeal hearing. If you cannot attend this meeting, one alternative meeting will be offered.
2. You are entitled to bring a representative to the appeal, for example a Class Representative or BCSA elected staff member. The role of the representative is to provide support to you but not to speak on your behalf unless you have given prior notice to the appeal panel. A Panel member is nominated to take minutes of the meeting, which would be required as evidence should you later complain about the panel's decision.
3. Appeal hearing. The Assistant Principal will chair the meeting and provide you with all information that led to your withdrawal. The Chair will invite you to provide the panel with your reasons for appeal. When the meeting is finished, the panel will consider the outcome. The outcome will be communicated to you and your Curriculum Learning Manager within five working days.
4. The decision of the panel is final. You will be given details of how to complain, if you are not satisfied with the outcome.

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