

Title:	Behaviour and Suspension Policy
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Approved by:	Senior Management Team
Policy owner:	Chief Operating Officer

1. Key Facts

- 1.1. You should familiarise yourself with the entirety of this policy, and we would particularly draw your attention to the following elements which have been updated, amended or changed since the last version of this policy:

2. Introduction

- 2.1. Behaviour agreements and student suspension are not a punishment; they are a temporary precautionary measure taken in response to an allegation of misconduct (as defined by the Student Disciplinary Policy & Procedure WBSDPP-01) or to ensure the wellbeing of all parties where an allegation of misconduct may be reasonably anticipated, or a criminal case is ongoing. They are not punitive but rather intended to facilitate an investigation to proceed unimpeded or to protect the student or other members of the WaterBear community. Behaviour agreements and suspension are non-judgemental processes and will be considered where appropriate. This policy supersedes those relating to attendance.

3. Cases In Which Suspension or Behaviour Agreements Can Be Considered

- 3.1. Suspension or behaviour agreements may be considered as appropriate in the following cases:
 - Where it is reasonably believed there is or will imminently be a police investigation pending into an allegation that the student has committed an offence or offences against the criminal law, where the offences involve other students or affect, or have the potential to affect, the interests of the College or have the potential to seriously affect the health and safety of staff or students.
 - Where a complaint has been made about the student under the College's Disciplinary Policy (WBDIPP-01).
 - Where a student's previously undisclosed criminal conviction, as defined in Falmouth University's Criminal Convictions Policy, is made known to the University



or to WaterBear, and it is determined that the past offence(s) may affect the interests of WaterBear and Falmouth University or may seriously affect the health and safety of staff and students.

- Where a student may be causing disruption to others or may be severely damaging their own academic prospects or may be seriously affecting the health and safety of staff or students.
- As a short-term emergency measure to facilitate an investigation into the conduct of a student.

4. Emergency Suspension

- 4.1. Emergency suspension will normally only be considered where the alleged misconduct poses a serious risk to the health, safety, welfare or property of the student or others.
- 4.2. As an emergency measure and following consultation with the relevant Head of Undergraduate, Postgraduate Studies or Head of Education, the SMT may suspend a student from the entire or specified parts of the College for up to 10 (ten) days, where the SMT is of the reasonable opinion that it is urgent and necessary to take such action. Such a period of emergency suspension will be used for further investigation of the matters prompting such action.
- 4.3. When an emergency suspension is put in place, the Head of Education or SMT must, within 24 hours, make all reasonable efforts to provide the student and relevant Education Team with:
 - a written notification of the emergency suspension including the reasons for that suspension
 - a copy of this policy
 - notification of the student's right to make oral or written representations to the Head of Education (as directed within the notification) within five working days' receipt of the notice of suspension.
- 4.4. Any representations made by the student within five working days' receipt of the notice of suspension will be considered by the Head of Education or SMT as soon as is practicable, but in any case, within two working days of receipt of such representations. The Head of Education or SMT will then confirm to the student and Education Team whether the suspension is to be lifted or remain in place.

5. Suspension

- 5.1. The Head of Education or SMT may suspend a student for a period of up to four weeks from any part of the College or any College facilities or activities by providing written notification of the suspension to the student and a copy of this policy. Any such student may not use, access or enter any such College buildings or facilities as may be specified by the Head of Education or SMT for a defined period but may use, access or



enter all College buildings or facilities not thus specified. An order of suspension may include a requirement that the student have no contact of any kind with a defined person or persons.

- 5.2. Any academic member of staff shall have the right to require any person to leave his or her class for one particular teaching session. Where an academic member of staff believes it is necessary to raise an allegation of misconduct under College disciplinary policies, they may seek to suspend the student from a particular class for a period not exceeding four weeks, pending the outcome of a disciplinary investigation. In such a case, the academic member of staff should seek approval from the relevant Head of Education, who will then seek approval for the suspension from the SMT.
- 5.3. Following consultation with the relevant departmental staff, the Head of Education or SMT may suspend the student from that particular class for up to four weeks, where they are of the reasonable opinion that it is necessary to take such action. The Student and Education Team should be informed in writing of the suspension by the Head of Education or SMT.
- 5.4. Heads of Year shall have the right to exclude any student from attending any part of a module for which they are not registered, if this is appropriate to ensure the proper conduct of the class.
- 5.5. The SMT may exceptionally suspend a student from the entire College pending completion of a police investigation or criminal proceedings or for any other reason, for a period of up to 12 months.

6. Review and Appeal

- 6.1. Throughout a period of suspension, the Head of Education or SMT shall keep the suspension under review in light of any representations, developments or other information that is brought to their attention and which in their reasonable opinion changes the nature of the suspension or warrants its lifting. Should the period of suspension exceed four weeks, the suspension should be reviewed at four-weekly intervals.
- 6.2. In addition to 5.1 above, the Head of Education or SMT must conduct a thorough investigation during the period of the suspension to establish whether the suspension should be lifted or whether it should be continued for a further specified time. If the investigation is not concluded by the end of the period of suspension, the suspension may continue for a further specified time as determined by the SMT with the Student and Education Team notified in writing. The student's period of suspension shall normally be concluded should no conclusion to the investigation have been reached at the end of the further specified time.



- 6.3. If it becomes apparent that the student may have mental health support needs, then proceedings should be adjourned and advice sought from the Student Services Manager or Falmouth University QAE Dept.
- 6.4. Falmouth University's Health, Wellbeing and Support for Study Policy may be invoked as more appropriate to the circumstances pertaining at the time.
- 6.5. A student may appeal against suspension, through the College's Appeals procedure (WBSAPro-01), where his or her suspension is continued beyond four weeks.

7. Attendance During Suspension

- 7.1. Students are normally expected to fulfil all academic commitments during a period of suspension, where feasible. The student cannot, however, be granted access to classes or areas from which they are suspended.
- 7.2. The Head of Year will advise the Head of Education and the student on how and to what extent academic commitments can be fulfilled during suspension, and any means of mitigating the academic consequences of a suspension.
- 7.3. If, in the reasonable opinion of the Head of Year, it is not possible to mitigate adequately the academic consequences of a suspension within the current academic year, the student may be required to intermit until they can resume their studies at an equivalent point during the following academic year to that when the suspension began. The Head of Year, in conjunction with the Head of Admissions, will determine the appropriate point of recommencement.

8. Behaviour Agreement

- 8.1. Behaviour agreements are initiated where the College does not decide to suspend the student but determines it would be appropriate to prevent contact with others involved in an ongoing case. These can be initiated by the Head of Undergraduate or Postgraduate Studies or the Head of Education.
- 8.2. All open disciplinary cases will incur at minimum a behaviour agreement during an ongoing investigation. A risk assessment will then be completed before deciding whether a suspension should be put in place in line with section 3.
- 8.3. A behaviour agreement can require a student to not have contact of any kind with a defined person or persons (this includes online or through an intermediary person) as well as identify specific areas of College campus a student is banned from accessing to avoid contact.
- 8.4. A behaviour agreement will normally be issued initially for a period of four weeks. Exceptions to this include that there is awareness of an ongoing police investigation / case which will exceed this time frame, or there is demonstrable reason that this



should be shorter (i.e., student registration ends in two weeks). This will be reviewed on an ongoing basis with extensions following the same approach.

- 8.5. If a student does not agree to the behaviour agreements and does not provide an appropriate rationale as to why they should not undertake the agreement, the Student Services Manager or Head of Year can recommend the student be suspended by the SMT, who will make a final decision on this.
- 8.6. As a decision of the College, a student may appeal against a behaviour agreement through the College's Appeal procedure (WBSAPro-01).