

# St Padarn's Institute Disciplinary Policy for Occasional Learners



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ST PADARN'S INSTITUTE

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# **St Padarn's Institute Disciplinary Policy for Learners**

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## **2. Introduction**

This policy covers St Padarn's Disciplinary procedures in relation to misconduct by anyone participating in learning or other St Padarn's events, not covered by the St Padarn's Regular Learners' Disciplinary Policy. Staff misconduct is covered by the Representative Body of the Church in Wales Disciplinary Policy.

## **3. Scope**

This policy covers alleged non-academic misconduct by a learner occurring on or off St Padarn's premises (including via social media) where the behaviour has affected St Padarn's itself, another learner, a member of staff, or anyone visiting or taking part in St Padarn's activities. Contravention of St Padarn's or related Church in Wales policies may lead to disciplinary action.

St Padarn's may take disciplinary action against a learner of its own volition if the person who reports an incident does not wish to make a formal complaint.

In the application of this policy, due regard will be given to the obligation to preserve and value freedom of speech within all learning activities within St Padarn's, because of

its nature as an educational institution, as expressed by David Isaac, Chair of the Equality and Human Rights Commission:

'The free expression and exchange of different views without persecution or interference goes straight to the heart of our democracy and is a vital part of higher education. Holding open, challenging debates rather than silencing the views of those we don't agree with helps to build tolerance and address prejudice and discrimination.

'Our guidance makes clear that freedom of speech in higher education should be upheld at every opportunity and should only be limited where there are genuine safety concerns or it constitutes unlawful behaviour.'<sup>1</sup>

#### 4. Definitions

The St Padarn's Code of Conduct sets out expected standards of behaviour. Any behaviour which contravenes this Code of Conduct will amount to a breach of discipline.

Breaches of discipline are likely to fall into one of the following categories:

- Actions which cause actual or potential distress or harm to others
- Actions which cause actual or potential damage to property of others
- Actions which may prevent or disrupt the normal functioning of St Padarn's
- Actions which may cause reputational damage to St Padarn's as a result of the misconduct of the alleged perpetrator
- Actions which impede or interfere with the pursuance of work / study of any of the St Padarn's Community, or impact on its normal operations

Examples of non-academic misconduct include:

- Antisocial behaviour
- Inappropriate, abusive, or threatening behaviour including on social media
- Compromising the safety or wellbeing of others
- Sexual misconduct
- Violence, harassment and hate crimes
- Behaviour likely to bring St Padarn's into disrepute
- Internet access abuse
- Disruptive behaviour on St Padarn's premises, or at any of its activities
- Damage to St Padarn's property or abuse of its facilities

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<sup>1</sup> <https://www.equalityhumanrights.com/en/our-work/news/free-speech-be-protected-university>. See further <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

- Causing a health or safety concern
- Fraud
- Behaviour which may also constitute a criminal offence

## **5. Process**

### **5.1 Actions causing immediate disruption to an event**

If the behaviour of an individual is disrupting an event to the extent that it is making it difficult for others at the event to participate or is disrespectful to the person / people speaking at the event the Programme Leader (or tutor responsible, in the absence of the Programme Leader) will first try to talk to that individual and politely ask them to moderate their behaviour. If it is not possible to speak to the individual, if the individual does not respond or if their behaviour is extreme, they may be asked to leave. If the meeting is electronic then they may be removed from the meeting.

### **5.2 Complaints about an individual's behaviour**

If a complaint is received about an individual's behaviour at a St Padarn's event, then the Programme Leader will investigate the complaint by talking to the individuals concerned. If the complaint is upheld the Programme Leader may:

- Discuss the breach of discipline with the individual concerned, and request that they desist from such behaviour in any future event.
- In the case of serious or repeated breaches of discipline the individual may be denied access to future St Padarn's events, either for a period, or permanently.

Any complaints against staff should be raised under the St Padarn's complaints policy.

## **6. Appeal**

If an individual who has been subject to disciplinary action under the terms of this policy is unhappy with how they have been dealt with then they may make an appeal to the Principal within 10 days of any disciplinary action.

## **7. Reasonable Adjustments**

Reasonable adjustments will be made as appropriate to the disciplinary process for all parties who have a declared disability or health issues. An individual's disability may be a mitigating factor in relation to the alleged offence.

## **8. Confidentiality**

All those involved in disciplinary procedures should be made aware of the need for confidentiality. Any breach of confidentiality by staff, learners, or any contributors to St Padarn's will be treated seriously. All records must be kept in accordance with the Representative Body of the Church in Wales Data Protection Policy.