

# CONDUCT - STUDENT PROCEDURE

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# Scope

All Dudley College of Technology are in scope. Learners on higher education programmes accredited through a partner university should be dealt with using the relevant university procedures.

The college also reserves the right to take disciplinary action against students engaged in offsite criminal activities which may pose a threat to staff, students, the college or the wider community.

Rules and regulations are set out in the Student Essentials Guide and students will have agreed to the terms of the Code of Conduct.

# I. Purpose

To ensure that student conduct is appropriate, and students are supported to achieve a positive outcome. Wherever possible, Dudley College of Technology will seek to support students to resolve difficulties and resolve issues so that disciplinary procedures are evoked as a last result. If a student's behaviour prevents others from feeling safe, secure, respected, and able to learn effectively this may result in immediate disciplinary action. This procedure is to ensure that all student misconduct is dealt with fairly and consistently and provide a clear procedure to both staff and students.

All members of staff have a responsibility to act on concerns regarding student safety, behaviour or conduct in line with this policy.

#### 2. Introduction

- I. Wherever possible, the college will seek to support students to resolve difficulties and issues so that disciplinary procedures are invoked as a last result.
- 2. The learning contract process (Please see section 5 below) may also be used prior to moving to a formal disciplinary process **or** used to provide support and encourage positive behaviour, at any stage in the disciplinary process.
- 3. Students should only be excluded from college if it is the conclusion of a Stage 3 Panel, or directly by the Principal CEO or Vice Principal.
- 4. In some instances, our Designated Safeguarding Lead may issue a Safeguarding suspension notice and will investigate, which may result in the suspension being passed through to Student Conduct to coordinate the identified level of disciplinary.
- 5. The disciplinary process is followed:
  - When a student has continually failed to respond to the support and advice given by college staff – Informal, formal, not met agreed targets etc.
  - When the student has received more than 3 notices of concern.
  - When the Student Code of Conduct has been broken.

- 6. Parents/Carers of a student aged under 18 years old will be informed of all disciplinary matters. Once the student becomes 18, they may request parents are not informed. For all students who have an EHCP, notification to parents will be decided on a case-by-case basis and safeguarding concerns, however, contact home is allowed up until 25years old. The College reserve the right to inform parents/carers, even if over 18, under certain circumstances.
- 7. Students who have been excluded will be flagged on the system (Prosolution) and permission to re-enrol must be sought from an Assistant Principal or member of the Senior Leadership Group.
- 8. Learners who were on a stage 3 during a previous academic year should be closely monitored and progressed through the conduct team <u>conduct@dudleycol.ac.uk</u>, if further issues or concerns arise.

### 3. Special Circumstances

The disciplinary process shall take into account the needs of specific groups of learners, for example Vulnerable Adults, Children in Care and students with Special Educational Needs & Disabilities.

Students on 14-16 programmes are not subject to Dudley College of Technology disciplinary procedures. 14-16 Pathways Curriculum Manager should be notified of any safety, behaviour or conduct concerns. Where a 14-16 student has been excluded a fixed term 12-months exclusion flag will be placed on the system (Prosolution) and permission to re-enrol must be sought from an Assistant Principal or member of the Senior Leadership Group.

### 4. Informal – Personal Tutor Positive Engagement Intervention.

It is the responsibility of the course tutor to meet with the student to understand the reasons behind any notice of concern and identify and implement the support needed to overcome their barriers to learning.

- Discuss the code of conduct, expectations and desired outcome.
- Agree targets for improvements.
- Agree how this will be monitored.
- Agree a review date.
- Classroom management, support and guidance.
- Records of all interventions, support, guidance to be recorded on to a student ILP.

Persistent non-attendance or continued poor behaviour will result in being progressed through the formal disciplinary stage(s)

#### **Review meetings**

Informal and formal stages should have a period of 2 weeks restorative improvement. The outcome of the review meeting should be recorded on a learners ILP. This **may** result in:

- No further action as targets have been met, but a further monitoring period may be in place.
- The student should receive further support.
- The student will be issued with an amended/updated targets on a Learning Contract.
- The student should be progressed through to the next stage of the disciplinary process.
- Where there is a safeguarding concern, the student could be recommended for exclusion from the college.

The formal disciplinary procedure is in three distinct stages.

### 5. PROCEDURE

#### I. Stage I – Personal Tutor Conduct Support.

- 1.1 The member of staff who has encountered unacceptable attendance and/or conduct informs the student's personal tutor and logs the incidents on students ILP (and CPOMS, where appropriate).
- 1.2 There have been more than 3 notice of concerns/attendance communications recorded on a learners ILP.
- 1.3 Personal tutor investigates, carrying out interviews as appropriate. This may result in:
  - Oral warning, noted on the student's ILP.
  - Referral for support.
  - A review meeting in 2 weeks' time.
  - Copies of notice of concerns/attendance issued home (students under 18 or EHCP).
  - A Learning Contract to monitor and review student's progress.
  - Possible Progression through the disciplinary stages.
  - Recommendation for withdrawal.
- 1.4 The details of the meeting will be recorded on the ILP: Learner Meetings/ Disciplinary/Stage 1.
- 1.5 An outcome letter will be issued to Parent/Carer following the stage 1 meeting confirming what targets have been agreed and when a review date is scheduled.
- 1.6 Where a student is under 18 years of age parents/guardians will be informed.
- 1.7 Employers will be informed if they are sponsoring the student's training (including apprentices).

1.8 If a learner has a purple heart report non-attendance immediately to safeguarding – <u>safeguarding@dudleycol.ac.uk</u> and notify them through CPOMS of both informal and formal disciplinary action taken, targets agreed, outcomes etc.

## 2. Stage 2 – Conduct Intervention

- 2.1 Where a student's unacceptable attendance and/or conduct continues, the student will be interviewed by the Curriculum Manager/Curriculum Leader and will be given the opportunity to put his/her side of the case. Other parties will be interviewed as appropriate.
- 2.2 This **may** result in:
  - Written warning.
  - A referral for support.
  - A review meeting in 2 weeks' time.
  - Copies of notice of concerns/attendance issued home (students under 18 or EHCP).
  - A Learning Contract.
  - Possible Progression through the disciplinary stages.
  - Recommendation for withdrawal.
- 2.3 The details of the meeting will be recorded on the ILP: Learner Meetings/ Disciplinary/Stage 2.
- 2.4 An outcome letter will be issued to Parent/Carer following the stage 2 meeting confirming what targets have been agreed and when a review date is scheduled.
- 2.5 Where a student is under 18 years of age, parents/guardians will be invited to attend the meeting. Up to 25 years old for a learner who has an EHCP.
- 2.6 Employers will be invited to attend the meeting if they are sponsoring the student's training (including apprentices).
- NB Should a student refuse to participate in the college's disciplinary process or accept the outcome then the disciplinary process may be escalated to the next stage.

### 3. Stage 3 – At Risk Panel Hearing

3.1 Definition of Gross Misconduct (Police may be notified of the incident)

Gross Misconduct includes, but is not limited to, behaviour such as: -

- Records of proven persistent breaches of the Code of Conduct or Learning Contract.
- Threatening, serious disruptive or aggressive/violent behaviour (or inciting others), including the carrying of "offensive weapons," bullying (including cyberbullying and Child on Child) and any discriminatory behaviour.
- Behaviour which is likely to cause accident or injury to themselves or others.
- Damage to buildings, property, vehicles etc.

- Any activity involving the misuse of drugs or alcohol.
- Promotion or the selling of drugs.
- Sexual misconduct.
- Gang affiliation which may place any member of the college's community and/or the college's reputation at risk.
- Any activity which threatens the health and safety of others e.g. setting off fire alarms, hoax bomb threats or other false emergency alarms.
- Any activity intended to spread an illness or make others believe that is the intention e.g. coughing or sneezing directly at an individual, spitting or deliberately gaining entrance to the buildings whilst displaying viral symptoms.
- Theft, fraud or other criminal acts e.g. off-site criminal activities which may pose a threat to staff, students, the college or the wider community.
- Bringing the college into disrepute.
- Brining a non-college person onto college premises.
- Giving your college ID pass to a non-college learner to allow them to gain entry.

#### 3.2 Action following gross misconduct

#### **Suspensions**

3.2.1 When an incident of gross misconduct occurs the student will be immediately suspended by the Campus Co-ordinator, Duty Manager or member of the Senior Leadership Group and not return to College until an investigation and disciplinary meeting has taken place. The student will be provided with a copy of their notice of suspension which outlines the process. The College reserve the right to not suspend if there are mitigating circumstances, for example, there are Safeguarding concerns if student is out of College.

The student may request a representative to be present at any conduct or suspension meeting, this may be either, a parent, guardian, relative, carer or a member of the Student Union. The student will be advised they are being suspended pending an investigation.

At the time of suspension, the member of staff issuing the suspension should request that the student completes a statement, ensuring that the student's desired outcome is documented. The member of staff who is suspending should also obtain statements at this time from any relevant witnesses, staff and students.

The notice of suspension should be uploaded onto the learners ILP and CPOMS.

On the Duty Manager report it is the Duty Manager's responsibility to record that they have advised the student of their right to have a representative present at any conduct meeting, any representative's details should be recorded or record that the student declined this option.

3.2.2 The student **must be** informed verbally, and a Student Notice of Suspension completed immediately giving the reason for suspension. Where this is completed over the phone a copy of the notice of suspension should be posted or emailed to the learner and parents/carer. College identity cards should be confiscated at the

time of suspension by the member of staff issuing the suspension and passed to the Student Conduct Assistant.

- 3.2.3 The member of staff issuing the suspension should ascertain if there is any CCTV footage that may assist the subsequent investigation. Any relevant information collated must be passed to the relevant Curriculum Manager.
- 3.2.4 Where a student is under 18 years of age parents/guardians will be informed of the suspension by the member of staff who is issuing the suspension before the learner is allowed to go home. Contact should be made home to any learner who has an EHCP up to the age of 25years old.
- 3.2.5 Employers will be informed of the suspension by the Curriculum Manager if the employer is sponsoring the student's training (including apprentices).
- 3.2.6 Before a suspension is issued the member of staff issuing the suspension will check to see if the student has an EHCP or is known to Safeguarding and inform either team accordingly.
- 3.2.7 The relevant Curriculum Manager will investigate the suspension to decide whether a Stage 3 hearing is appropriate, having reviewed the information collected by the member of staff issuing the suspension and having ascertained whether there is any further evidence to collect. If it has been identified that the suspended student has an EHCP or is known to Safeguarding, the Curriculum Manager will consult with the EHCP Coordinator or Safeguarding, to ensure any pre-disclosed needs have been supported adequately, before making a decision on any further action. This decision must be made as soon as possible after the suspension and their report be given to the Student Conduct Assistant.
- 3.2.8 If the evidence is insufficient to support a Stage 3 hearing the Curriculum Manager should:
  - I) Advise the conduct team of the decision.
  - 2) notify students and parents and where appropriate employers.
  - 3) make arrangements for the student to return to college.
  - 4) Return the ID card to the student.
  - 5) If appropriate intervention and support including issuing a learning contract.t should be agreed on the student's return.
  - 6) Update the ILP and CPOMS.
  - 7) Request that the conduct team remove any flag on ProSolution.
- 3.2.9 If there is sufficient evidence to support a Stage 3 hearing the Curriculum Manager will provide the Student Conduct Assistant with a summarised report.

The report should contain sufficient information to assist the panel in reaching a decision (e.g. attendance, behaviour, witness statements, tutor statements, timelines, duty log information). The Curriculum Manager/Leader will present the issues at the Stage 3 disciplinary.

## 3.3 'Cooling off' suspensions

If the Campus Co-ordinator, Duty Manager or member of SLG is called to a situation where a full suspension is deemed not necessary, such as there is no further immediate risk of harm, the student may be given a 'cooling off' suspension, where they can return to College on an agreed day and time and meet with their personal tutor or the Curriculum Manager.

A Student Sent Home letter will be issued to the student for the parent/carer at the time of sending home. For those under 18 or those with an EHCP (where appropriate), parents will be informed before students are sent home.

The Personal Tutor and/or Curriculum Manager will contact them to arrange this and make a decision on the terms of return.

This **may** result in:

- Progression though disciplinary process.
- Referral for support.
- A review meeting in 2 weeks' time.
- Copies of notice of concerns/attendance issued home (students under 18 or EHCP).
- A Learning Contract

#### 3.4 Panel Hearings

- 3.4.1 The Panel Hearing will be organised by the Student Conduct Assistant. Notification of the Stage 3 Hearing will normally be sent to the student's home address by first class post, by email or Teams communication. The Panel hearing should be arranged promptly so that the suspension is for the shortest period of time.
- 3.4.2 Where the student is under 18 parents/guardians will receive notification of the Stage 3 Hearing. If a student has an EHCP the College reserve the right to inform the parents/carers of the student.
- 3.4.3 Employers will receive notification if they are sponsoring the student's training (including apprentices).
- 3.4.4 The hearing will normally involve a panel of three staff, usually comprising of the Chair which will be an Assistant Principal or a Head of Learning, a Curriculum Manager or Curriculum Leader and a member of the Student Conduct Team. To protect all parties and ensure complete accuracy these meetings will be recorded.
- 3.4.5 The Curriculum Manager will present the issues from the summarised report at the Stage 3 disciplinary.
- 3.4.6 The student will be given the opportunity to put their side of the case, and may be accompanied by up to two people, which can be parents/guardians/employers or

other appropriate representatives, who are over 18. If the student has an EHCP the College will endeavour to provide a member of the Inclusion Team, as appropriate. An interpreter may be present if requested in advance.

3.4.7 Where a student fails to attend a hearing, an alternative date will be set. Should the student fail to attend the second scheduled hearing then the case will be heard in their absence. There is a waiting period of 15 minutes from the time of their appointment before the student is considered as did not attend and the meeting is rearranged.

# NB – Towards the end of an academic year the stages and outcomes may vary, each referral and or suspension will be based on a case-by-case basis.

#### 3.5 Outcomes

- 3.5.1 Panel decisions will be based upon the 'balance of probabilities'.
- 3.5.2 In making the decision as to whether or not a student should be allowed to return to (or continue at) the college, the panel should examine the relevant evidence thoroughly, this is particularly important if the student has displayed threatening or aggressive behaviour towards members of staff or other students.
- 3.5.3 The panel may decide that:
  - The case is unproven.
  - The student should receive further support.
  - The student will be issued with a Learning Contract.
  - The student should be suspended for a further period of time.
  - The student should be recommended for exclusion/withdrawal from the college.
  - Towards the end of an academic year a decision may be made to complete work from home, or on a reduced timetable or to end the academic year early.
  - If the decision is to exclude the student, they will be informed of the decision in writing. The period of exclusion will normally be between 1 and 3 years but, could be made permanent.
- 3.5.4 Where the student is under 18 years of age, the student's parents/guardians will be informed in writing of the panel's decision.
- 3.5.5 Employers will receive written notification of the panel's decision if they are sponsoring the student's training (including apprentices).
- 3.5.6 The Student Conduct Assistant will ensure that the outcome is recorded on the ILP and CPOMS.
- 3.5.7 Following a Stage 3 Hearing the panel will decide which course of action is to be taken. This is to be given to the Conduct Assistant, with a rationale as to why this decision has been reached on the form Outcome of Stage 3 Panel Hearing. If the student is to have a Learning Agreement the panel will set the targets to be included and these will be entered, by the Conduct Assistant, onto a Learning Agreement document that the Curriculum Manager can print and go through with the student at a meeting as they return to college. The Curriculum Manager may add to these targets. A review

meeting should be arranged at the time when the learner agrees to the targets set – this should be no later than 2 weeks' time following their return.

A learner who returns to college following a suspension and a stage 3 meeting who is placed on a strict learning contract will not have the right to appeal should the conditions of the learning contract be breached, and exclusion/withdrawal is recommended. A letter will be issued by the Conduct Assistant to advise the learner and parents/carer of why the decision has been made.

### 3.6 Exclusion

3.6.1 Following the stage 3 meeting if the college decides that the student should be excluded, then the student will be informed of his/her right to appeal against the exclusion. They will be provided with information on the appeals process, see section 4 below.

# **NB:** A student should not be withdrawn until either the period of time has elapsed for an appeal, or the appeal outcome is known.

- 3.6.2 If the student is excluded and withdrawn the Student Conduct Assistant will "flag" the student on the system and record on CPOMs. This is to ensure that any re-enrolment is after the specified length of exclusion and an interview is conducted prior to been offered a place and where necessary learning contracts are issued at re-enrolment.
- 3.6.3 The Student Conduct Assistant will also inform Security and the Campus co-Ordinator's to allow the ID pass to be deactivated .
- 3.6.4 In the best interests of the student's future career, if the student is under 20 years of age, a referral should be made to Connexions by the Student Conduct Assistant.

### 4. Appeal Against Exclusion

- 4.1 The student will have a right of appeal to the Chief Executive and Principal against exclusion. A notice of appeal must be lodged, in writing by letter or email, with the Chief Executive and Principal within 10 working days of the date of the exclusion notice and must give the grounds and brief particulars of the appeal. The recommendation will not be considered by an appeals panel until the expiry of the period for lodging the appeal. The Chief Executive and Principal, as and when necessary.
- 4.2 If a notice of appeal is lodged within the time allowed, an appeal panel will be convened. This panel will normally be chaired by the Chief Executive and Principal and will also involve two other senior members of staff who have not previously been involved with the case. The hearing will be arranged to take place within 21 working days of the notice of appeal being received. The student will be given at least 5 working days' notice of the time and place of the appeal panel and will be entitled to be accompanied by one other person whose identity must be made known to the Chief Executive and Principal at least 3 working days prior to the arranged appeal panel. (This person would not normally be a legal representative).

- 4.3 At the Appeal Panel, the student will be invited to explain the grounds of their appeal and to state their case.
- 4.4 The Assistant Principal who made the recommendation for exclusion (or a nominated representative) will be asked to respond to the appeal and explain the reasons for the exclusion.
- 4.5 The panel may ask questions of the student and the Assistant Principal and will then consider whether to allow or dismiss the appeal.
- 4.6 Witnesses will not normally be asked to attend, except in relation to any relevant new evidence, which has come to light since the stage 3 panel hearing.
- 4.7 If the appeal is successful, the appeals panel may decide that disciplinary action lesser than that recommended by the stage 3 panel should be taken (or may decide that no further disciplinary action should be taken). If the appeal is unsuccessful, then the exclusion will stand.
- 4.8 Within 5 working days of the appeal panel, the final decision of the panel will be confirmed in writing to the student.

# 5. Those who have attended a Stage 3 hearing or those with poor conduct and attendance records.

5.1 Learning Contract

The college underpins this with the 4As framework – Attendance, Aspirations, Attitude and Achievement. Learners targets should meet these Foundations.

- 5.2 In making the decision as to whether or not a student should be allowed to return to (or continue at) the college, the Assistant Principal undertaking the decision-making role should examine the relevant evidence thoroughly and discuss the student in question with the relevant Curriculum Manager/Curriculum Leader/Personal Tutor/Student Conduct Assistant/Safeguarding; this is particularly important if the student has displayed threatening or aggressive behaviour towards members of staff or other students.
- 5.3 Any student who has been excluded from the college but has been approved to return following appropriate advice and guidance <u>must</u> sign a Learning Contract.
- 5.4 The learning contract may also be used as an intervention measure in cases when a student's behaviour raises concern, and there is agreement that the college's expectations of the student's behaviour/performance are not being met by the student.
- 5.5 The Learning Contract is signed by the student following an interview with the tutor and/or Curriculum Manager, this should be emailed/posted home to parents and carers.
- 5.6 Once the learning contract has been agreed and uploaded the Student Conduct Assistant will arrange a conduct progress review meeting 2 weeks following the students

return date. The outcome of the review meeting should be clearly documented on the learners ILP.

- 5.7 Following a return from a stage 3 hearing, any further breaches to the code of conduct or notice of concerns should be immediately reported to the Curriculum Manager and Assistant Principal, which could result in a decision to be immediately excluded being made, with no right of appeal. If it is decided to immediately exclude the Curriculum Manager is to contact parents of those under 18 to inform them of the decision and meet with the student to inform them. Curriculum Manager informs Conduct Assistant, who sends relevant letter to confirm.
- 5.8 Following a return from a suspension/stage 3 hearing, the conduct assistant will share information with the Safeguarding team where appropriate, by entering on CPOMs
- 5.9 Tutors should ensure that copies of the completed Learning Contract are distributed as per the instructions on the learning contract footer.

A learner who is on a strict learner contract, can remain with agreed target throughout different academic years. When breached this will be reviewed on a case-by-case basis to agree the level of disciplinary need.

The Student Conduct Assistant will notify Curriculum Managers/Leaders at the start of each academic year the learners who have been identified as being re-enrolled and have been progressed through to stage 3 of the disciplinary process and who should/maybe placed on a learning contract and monitored, with review dates to be arranged.

5.10 The college may also refuse students admission to the college (or subsequently exclude them on a variety of grounds e.g. misrepresentation). Guidelines on "Refusing Entry to the College" QS/083) can be requested for further information.

# 6. External Review – Office of the Independent Adjudicator for Higher Education

- 6.1 A Completion of Procedures letter signifies to the student that the college's internal procedure for reviewing and resolving student discipline (with regard to student non-academic misconduct) has been completed and should be sent to the student normally within 28 days of the college's final decision to reject a student discipline (non-academic misconduct) appeal. The letter will provide information about complaining to the OIA. Students may request a Completion of Procedures letter if their appeal is upheld or partly upheld. The letter will provide information about complaining to the OIA.
- 6.2 Information about the OIA's procedures may be found at <u>http://www.oiahe.org.uk</u> or in the OIA leaflet 'OIA for Students'.
- 6.3 Students wishing to submit a complaint to the OIA must do so within the timeframe set down in the Rules of the Student Complaints scheme. A complaint must be made in writing using the OIA complaint form.

- 6.4 Where a student requests a Completion of Procedures letter more than a calendar month after the decision letter, the time for bring a complaint to the OIA will normally run from the date of the final decision, rather than the date of the Completion of Procedures letter.
- 6.5 Contact details for the Office of the Independent Adjudicator are: Office of the Independent Adjudicator, 2<sup>nd</sup> Floor Abbey Gate, 57-75 Kings Road, READING, Berks, RG1 3AB. Telephone: 01189 599813. E-mail: Enquiries@oiahe.org.uk.

### 7 Exceptions

- 7.1 If a student breaks the code of conduct within the first 6 weeks of a new academic year, the College reserve the right to withdraw the student, without going through the full procedure. This includes attendance, behaviour, attitude, commitment and any instances of gross misconduct.
- 7.2 The decision to withdraw will be made by either an Assistant Principal, Vice Principal or Principal/CEO
- 7.3 The Curriculum Manager for the area and the Conduct Assistant will be informed and the Conduct Assistant will record this within the conduct records and ensure a flag is put onto Prosolution, to state that the student cannot re-enrol without permission from Assistant Principal, Vice Principal or Principal/CEO
- 7.4 In making the decision as to whether or not a student should be allowed to return to (or continue at) the college, the person undertaking the decision-making role should examine the relevant evidence thoroughly and discuss the student in question with the relevant Curriculum Manager/Curriculum Leader/Personal Tutor/Student Conduct Assistant/Safeguarding; this is particularly important if the student has displayed threatening or aggressive behaviour towards members of staff or other students.
- 7.5 Any student who has been withdrawn during the first 6 weeks from the college but has been approved to return following appropriate advice and guidance <u>must</u> sign a Learning Contract (QS/082)
- 7.6 The Learning Contract (QS/082) is signed by the student following an interview with the tutor and/or Curriculum Manager, this should be emailed/posted home to parents and carers.
- 7.7 Once the learning contract has been agreed and uploaded the Student Conduct Assistant will arrange a conduct progress review meeting 2 weeks following the students return date. The outcome of the review meeting should be clearly documented on the learners ILP.
- 7.8 Tutors should ensure that copies of the complete a Learning Contract (QS/082) are distributed as per the instructions on the learning contract footer.

#### Associated Documents provided on request

POL-004 - Discipline Student POL-009 - HE Admissions POL-016 – Safeguarding Procedure - Anti-Bullying (Students) Procedure - Behaviour Management Procedure - Counselling - Students & Staff Procedure – Drugs (Illegal & Prohibited Substances) Procedure - Individual Learning Plan Safeguarding – Children & Adults Attendance Intervention Process (QS 176) Guideline on Suspension and Information Required for Stage 3 Panel Hearing (QS 125) Learning Contract (QS\_082) Learning Contract Progress Review (QS 124) Refusing Entry to the College (QS 083) Student Discipline Statement (QS 085B) Student Notice of Suspension (QS\_085) Outcome of Stage 3 Panel Hearing (QS\_200) Student Sent Home Form (QS\_201)