



STUDENT DISCIPLINARY PROCEDURE

PR/CL/2017/002

Policy Owner	Head of Student Services
Lead Officer	Head of Student Services
Review Officer	Access and Progression Manager
Date first approved by SMT	19 August 2009
First Review Date	March 2011
Date review approved by SMT	17 August 2017
Next Review Date	July 2018
Equality impact assessment	Yes

Reviewer	Date	Review Action/Impact
HoC	15.03.11	Review Approved by SMT
HoC	18.02.16	Review Approved by SMT
Head of Student Services	17.08.17	Review Approved by SMT

Table of Contents

1. Introduction	3
2. Key Principles.....	3
3. Objectives of the Procedure	3
4. Scope	4
5. Degree and Definitions of Misconduct.....	4
6. Managing low level misconduct	5
7. Reasons for Initiating this Procedure	6
8. Students who are School Pupils	7
9. The Role of Guidance and Health and Well-Being Officers	7
10. Verifying the Circumstances and Events.....	7
11. The Disciplinary Meeting to Consider Exclusion	11
12. Investigation Stage.....	11
13. Hearing Stage	12
14. The Outcome of the Disciplinary Hearing.....	12
15. Overview of the 3 Levels of Disciplinary Action.....	13
16. The Right to Appeal.....	16
17. Records Management	16
18. Communicating with Students	16
19. Responsibilities.....	17

1. Introduction

The College is committed to providing a high quality education to all students and the Learning Agreement positively supports this aim. It is widely acknowledged that disruptive behaviour is a barrier to learning and can impact negatively on the learning and well-being of other students and College staff. There is a need therefore for the College to respond appropriately and in a timely manner to any instances where there has been a breach of the Learning Agreement and or any instance of disruptive behaviour which adversely impact on others.

This guidance assists the College in addressing any situations which may arise around student behaviour and misconduct.

2. Key Principles

All staff have a responsibility for promoting respectful behaviour within the student population and correcting behaviour where there are minor breaches of the Learning Agreement and / or College regulations and reporting behaviour where there are serious concerns. The key to establishing a mutually supportive and respectful learning environment lies in setting the ground rules during induction and within each and every teaching and learning environment. Curriculum teams should agree how they will manage behaviour, including the measures that they will deploy to promote positive behaviour and effective classroom management and how they will correct unacceptable behaviour.

This procedure should be acted on promptly as early intervention and support can result in better outcomes for the student and may avoid the situation becoming more complex. The timeliness of enacting and then working through the Disciplinary Procedure is also imperative to ensure that a positive learning and working environment is maintained and any misconduct is managed.

3. Objectives of the Procedure

The purpose of this procedure is to –

- Give staff clear guidance on how to deal with issues of student misconduct in a consistent and transparent way
- Ensure that the College deals fairly and promptly with students who are believed to have breached the Learning Agreement

4. Scope

This procedure applies to all students enrolled on a programme of study at Inverness College UHI or who are enrolled at another academic partner but are studying at Inverness College UHI, or any student participating in any College related activity such as work experience placements, residential trips or excursions. This procedure also applies to all students' use of social media.

This procedure also covers school pupils engaged in study with the College as part of the Senior Phase. Please see separate section (**8. Students who are School Pupils**) regarding this group of students and the relationship between the school and College in terms of how to deal with misconduct which occurs at College.

This procedure does *not* cover academic misconduct or malpractice and / or any misconduct which may occur within the student halls of residence. Any instances of academic misconduct or malpractice will be dealt with through the Malpractice Procedure. Any instances of misconduct relating to the halls of residence will be dealt with by City Heart and City Heart procedures will be followed.

Due consideration will be given to students who have a disclosed predisposition to behavioural issues which have been identified in a personal learning support plan (PLSP).

5. Degree and Definitions of Misconduct

This procedure covers three levels of misconduct. The below examples are for illustration only and are not intended exhaustive or perspective:

- 5.1 Minor misconduct** – persistent low level disruptive behaviour which may adversely impact on health and safety and or the learning environment and other students or staff. This may include for example:
- Repeated inappropriate use of mobile phone; inappropriate language or disrespectful behaviour towards others; non-compliance with aspects of the Learning Agreement; disruption of College processes or procedures; failure to follow instructions from College staff.
- 5.2 Serious misconduct** – more significant in nature and may include threatening or seriously disruptive behaviour. This may include for example:

- Abusive, threatening, disrespectful or bullying behaviour towards staff or fellow students via any means including face to face, phone, text, email or social media; damage to College property; dishonesty in relation to College staff or fellow students; bringing the College into disrepute; non-compliance with penalties imposed for previous minor misconduct; failure to comply with College policies or procedures.

5.3 Gross misconduct – behaviour which calls into question a student's status as a student of the College. This may include for example:

- Dealing, using or being in possession of illegal and or banned substances; physical assault on a member of staff or a fellow student; behaviours which illustrate a serious threat to others; fraud or dishonesty in relation to College staff or fellow students; theft of College equipment or that of staff or fellow students; non-compliance with penalties imposed for previous minor or serious misconduct.

6. Managing low level misconduct

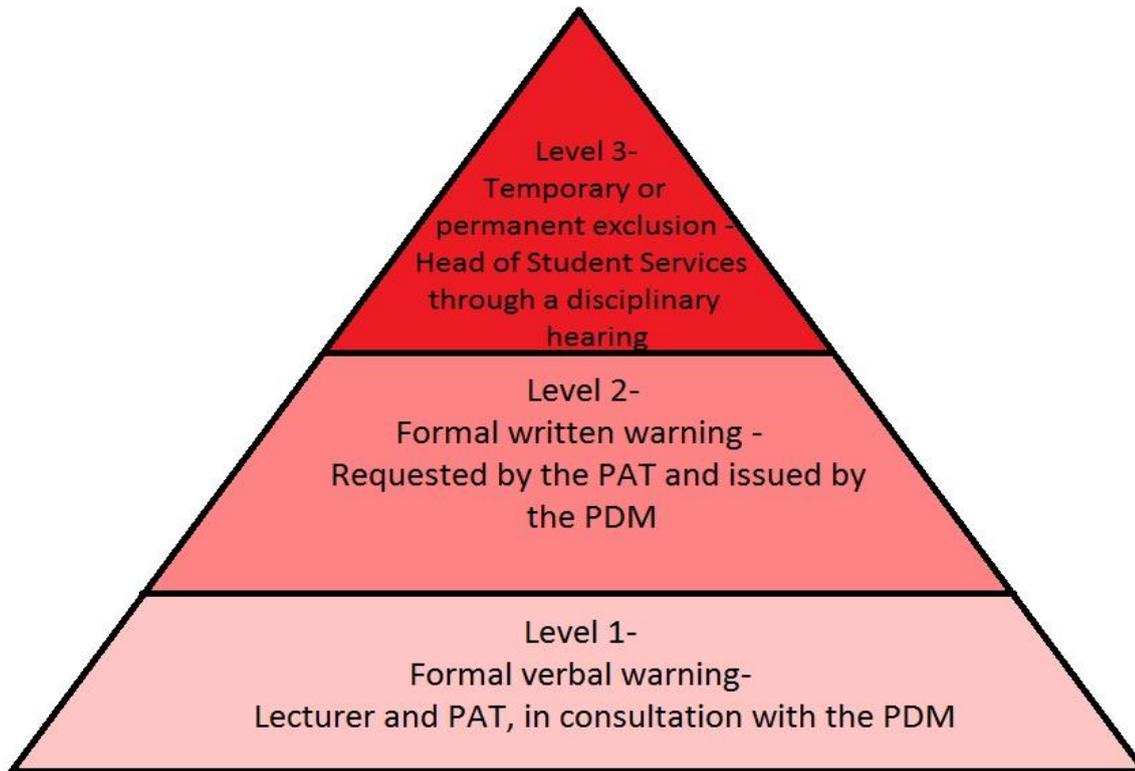
It is the responsibility of every member of staff to highlight unacceptable low level behaviour and challenge it informally before embarking on more formal action. It is important for any informal discussions, which are not part of the formal Disciplinary Procedure, to be recorded for reference at a future date if required. Any notes relating to disciplinary action should be stored electronically in the PAT's *Disciplinary folder* within INSIGHT. Should these behaviours continue then the Disciplinary Procedure should be followed. The steps which are taken following any misconduct should be proportionate according to the severity and or frequency of the breach of the Learning Agreement. Prior to this procedure being enacted, informal steps should be taken by staff to attempt to rectify any issues arising with student behaviour and conduct. Informal measures prior to this procedure being enacted should include discussions by lecturing staff with the individual student about any concerning behaviour and or breaches to the Learning Agreement and setting out the expectations around the Learning Agreement. The student should confirm their acceptance of the outcome of the discussions had and the notes taken at this informal stage by signing them.

Whilst it is hoped that informal measures will rectify any issues, this procedure should be followed if misconduct continues and or is of a more serious nature.

Formal disciplinary intervention should be on an incremental basis:

- Formal verbal warnings – Lecturer and PAT, in consultation with the

- PDM
- Formal written warnings – Requested by the PAT and issued by the PDM
 - Temporary or permanent exclusion - Head of Student Services through a disciplinary hearing



7. Reasons for Initiating this Procedure

It is critical that the College firstly ascertains the reasons behind the cause(s) for concern to then ensure the correct course of action is taken. The choice between following the Disciplinary Procedure or following the Fitness to Study Procedure or following the Academic Misconduct Procedure is therefore important so as not to aggravate the situation.

This procedure **should only be used** in instances where a student is **not** experiencing a disclosed mental ill-health issue. If a student **is** experiencing a disclosed mental ill-health issue then the Inverness College UHI Fitness to Study procedure should be followed.

Throughout the process, all staff and students involved will be reminded that

the proceedings are confidential and that due care should be taken regarding information of a sensitive nature.

8. Students who are School Pupils

Where the student is studying with the College as part of their Senior Phase or is under 16 and in full time study at College, then the Access and Progression Manager will be informed of any misconduct at the same time as the PDM. The Access and Progression Manager will contact the Head Teacher of the school at the earliest possible point. The circumstances surrounding the misconduct being experienced will be explained and details provided of any informal sanctions being taken by the College.

A discussion will take place between the school and the Access and Progression Manager, in consultation with the relevant PDM, to agree the best course of action, whether that be the school or College's procedure being followed. However, dependant on the nature and seriousness of the incident, the Head of Student Services may decide that the student can no longer attend College. This would be discussed with the Access and Progression Manager and with the relevant school staff.

9. The Role of Guidance and Health and Well-Being Officers

Students can often display erratic and inappropriate behaviours due to complex factors which the College can sometimes be unaware of. In order to fulfil our duty of care it is important that the Disciplinary Procedure provides appropriate support to the student. At any stage of the process, and in any circumstances whereby a student is requiring further support, the Guidance Officers can provide such student support. PATs should feel confident in directing individuals to the services on offer. A student can often disclose underlying reasons for their misconduct at any stage of the disciplinary process. To provide a supportive environment for them to do this the College will ensure that a Guidance Officer is present during all formal student interviews which form part of a disciplinary investigation. The officers will be able to signpost individuals to any further support they may need should they disclose they are having difficulties.

10. Verifying the Circumstances and Events

It is important that, prior to enacting the Disciplinary Procedure, the circumstances and events surrounding any misconduct are verified. This may involve gathering evidence of the misconduct and or ratifying what has happened with others, including students and staff. The appropriate person

to do this will be dependent on the severity of the misconduct and is detailed in this procedure.

If a disciplinary investigation involves reviewing CCTV footage, then contact must be made with the Data Controller to ensure correct permissions obtained and that the footage is kept securely for the timeline of the disciplinary process and then disposed of appropriately.

Level 1 – Formal Verbal Warning

Where behaviour takes place which causes serious concern, or where previous informal verbal warnings or other sanctions have been ignored, the lecturing staff member should discuss the situation with the PAT. The PAT will then consider the incidence alongside the student's behaviour to date across the course. This may involve discussions with other staff and or students to ascertain the situation and verify events. A record / note should be kept of any evidence which confirms the events and the misconduct which has taken place. Any notes should be kept electronically by the PAT within their Disciplinary folder on INSIGHT. When the misconduct has been verified the PAT can then issue a formal verbal warning which should be discussed and agreed in advance with the PDM. When issuing the formal verbal warning the PAT should complete Form 1 - Formal Verbal Warning and ask the student to sign it. A copy should be sent to the Programme and Development Manager (PDM) and to Student Records (student.records.ic@uhi.ac.uk) for retention in the student's record on SITs. All formal verbal warnings should be reported to the Head of Student Services and to the Quality Team Quality.Unit.ic@uhi.ac.uk

At the point of issuing a formal verbal warning the PAT should arrange to meet with the student to discuss their behaviour and the impact on others. The PAT should:

- Emphasise the need for the behaviour to change;
- Discuss strategies with the student that will lead to improvements in their behaviour and conduct
- Compliance with the Learning Agreement

In all cases, the member of staff who originally issued the warning should receive feedback on this meeting. A formal verbal warning will remain active on the student record for the remainder of the academic year. Further indiscipline during the academic year may lead to further formal verbal warnings and in which case the same process should be followed.

Where further indiscipline does occur, the PAT should consider with the PDM whether level 2 of the Disciplinary Procedure should be enacted.

The PAT should play the key role in this part of the process and take the lead role alongside with the lecturer who has instigated the formal warning. However, it is crucial that the PDM is consulted at the point of a formal verbal warning being considered as this is the first stage in the formal Disciplinary Procedure and requires the PDM to be aware of an emerging issue.

Level 2 – Formal Written Warning

Where behaviour which has previously received a formal verbal warning re-occurs, or a serious breach of the Learning Agreement takes place, the lecturing staff member should consider escalation to level 2 – issue of a formal written warning. The lecturing staff member should discuss the misconduct with the PAT. The PAT will then consider the incidence alongside the student's behaviour to date across the course. This may involve discussions with other staff and or students to ascertain the situation and verify events. A record / note should be kept of any evidence which confirms the events and the misconduct which has taken place. Any notes should be kept electronically by the PAT within their Disciplinary folder on INSIGHT. A discussion should follow between the PAT and the PDM to decide whether a formal written warning should be issued. If a formal written warning is agreed then it should be issued by the PDM (form 2 – formal written warning). This should be signed by the student and emailed to student.records.ic@uhi.ac.uk to be kept on the student's record on SITs. All formal written warnings should be reported to the Head of Student Services and to the Quality Team Quality.Unit.ic@uhi.ac.uk

A formal written warning will remain active on the student file for the remainder of the academic year. Further indiscipline during the period when the formal written warning is active on the student record could lead to enactment of level 3 of the Disciplinary Procedure or the issue of a final written warning. Where further disciplinary action is required the PAT and the PDM must first consider:

- the overall behaviour of the student since the previous incident
- and whether there has been a connection between any incidences of further indiscipline and the original reasons for the formal written warning

Where it is appropriate, informal measures can still be used to manage behaviour after a formal written warning. This should be discussed between the PAT and the PDM.

The PAT should play the key role in this part of the process and is likely to be the individual who knows the student best. At this stage the issue should be dealt with by the PAT with the PDM being involved in discussions and the PDM being responsible for issuing the formal written warning.

Level 3 – Disciplinary Hearing to Consider Temporary or Permanent Exclusion

Where a very serious breach of the Learning Agreement or College regulations takes place or where continuous and serious misconduct occurs, the PDM and the Head of Student Services must be informed by the member of staff immediately. The PDM should make enquiries with those involved or witnessing events. This will involve discussions with other staff and or students to ascertain the situation and verify events. This should then be discussed with the Head of Student Services. In ascertaining if a disciplinary meeting to consider temporary or permanent exclusion is required, the PDM and the Head of Student Services will consider:

- the overall behaviour of the student since any previous incident/s
- and whether there has been a connection between any incidences of further indiscipline and the original reasons for any previous warnings
- the impact of the incident on the College, staff or fellow students

After due consideration has been given, a decision will be made to either –

- Issue a formal written warning
- Proceed to level 3, disciplinary hearing

Temporary Suspension during an Investigation

Consideration by the PDM and the Head of Student Services should be given to whether the student should be temporarily suspended from College in order for a formal investigation to take place prior to the hearing. This decision will be dependant on the nature of the incident/s and misconduct and the impact on staff and fellow students of the individual student continuing to attend College in the interim period.

Where the student is to be temporarily excluded the Head of Student Services should inform the student (form 3), explaining that they are being

suspended to allow an investigation to occur, and will invite them to a disciplinary hearing. A temporary suspension form (form 4) should be completed by the PDM and a copy sent to the Head of Student Services, to Student Records student.records.ic@uhi.ac.uk and to the Quality Team Quality.Unit.ic@uhi.ac.uk.

The timeliness of this stage of the process is important so as not to unfairly disadvantage an individual student should the decision be that they return to College following the disciplinary hearing.

11. The Disciplinary Meeting to Consider Exclusion

A disciplinary hearing to consider an exclusion will take place within 10 working days of any temporary suspension commencing. The meeting will be led by the Head of Student Services with support from the PDM of the curriculum area and also a Guidance / Well Being Officer.

The purpose of the meeting is to:

- explore the reasons for misconduct / unacceptable behaviour
- whether the student is committed to correcting this behaviour
- explore what the College can do to support the student if they continue with their studies
- whether the circumstances are such that the student should no longer attend College

12. Investigation Stage

A PDM will be appointed by the Head of Student Services as investigating officer. This will be a PDM from a different curriculum area to that of the individual student concerned. The investigating officer will have responsibility for collecting all relevant information including, where necessary, witness testimonies. The Head of Student Services will agree with the investigating officer what resources are needed to undertake the investigation and allocate these resources accordingly. The Front of House and Administration Team Leader will make appointments for those concerned and arrange for any paperwork to be sent out. The investigating officer will identify all witnesses and individuals involved in the incident and collect any relevant evidence. Where it is considered necessary to interview a witness or those involved the investigating officer should meet with each of these people individually. A record of these interviews will be taken by a member of the Front of House and Administration Team or the Guidance Team. The interviewee should be asked to sign the resulting statement as an accurate record. The student has

the right to be accompanied by a supporter. Under this procedure the definition of 'friend' or 'supporter' does not include members of the legal profession engaged to act in their professional capacity.

The investigating officer must also provide details of any previous disciplinary action, an overview of the student's attendance and progress to date as part of their report to the Head of Student Services. The Student Disciplinary Hearing Investigator's Checklist (form 5) will be used as a guide and completed and submitted along with any witness statements to the Head of Student Services 3 working days before the meeting with the student concerned.

13. Hearing Stage

The hearing will be led by the Head of Student Services. The PDM from the student's curriculum area will be present along with a member of the Guidance Team. The hearing will consider –

- Details of the complaint, allegation or misconduct which will be presented along with the findings of the investigation;
- Evidence presented by the student;
- Any further evidence which has come out through further discussion and questioning during the meeting
- If relevant, any support which the student should be signposted to by the Guidance staff member

The Head of Student Services must consider all the evidence presented before arriving at a conclusion. The conclusion may be reached at the end of the hearing or through further discussion with the PDM after the hearing.

Where a student declines to attend a hearing or does not turn up on the day, the Head of Student Services will still convene the meeting to consider the investigation findings before coming to a conclusion as to the appropriate course of action.

14. The Outcome of the Disciplinary Hearing

The student must be informed of the outcome of the disciplinary hearing in writing within 5 working days of the meeting.

The disciplinary hearing has scope to issue one of the following:

- Final written warning alongside a behaviour action plan
- Exclusion from the College on a permanent basis

The nature of the offence/s; the frequency of the offence; the impact on staff and fellow students will all be considered in the decision. The Depute Principal should agree any exclusion.

The disciplinary hearing may also impose conditions relating to the future conduct of the student or access to College services (e.g. imposing a temporary closure of the student’s IT account / exclusion from the LRC for a specified period etc). The Head of Student Services, following discussion with the Depute Principal, will complete an Outcome Summary (form 6) and also communicate the decision in writing to the student (form 7 perm exclusion, form 8 for final written / action plan).

This information should be emailed to student.records.ic@uhi.ac.uk to be kept on the student’s record on SITs and reported to the Quality Team Quality.Unit.ic@uhi.ac.uk

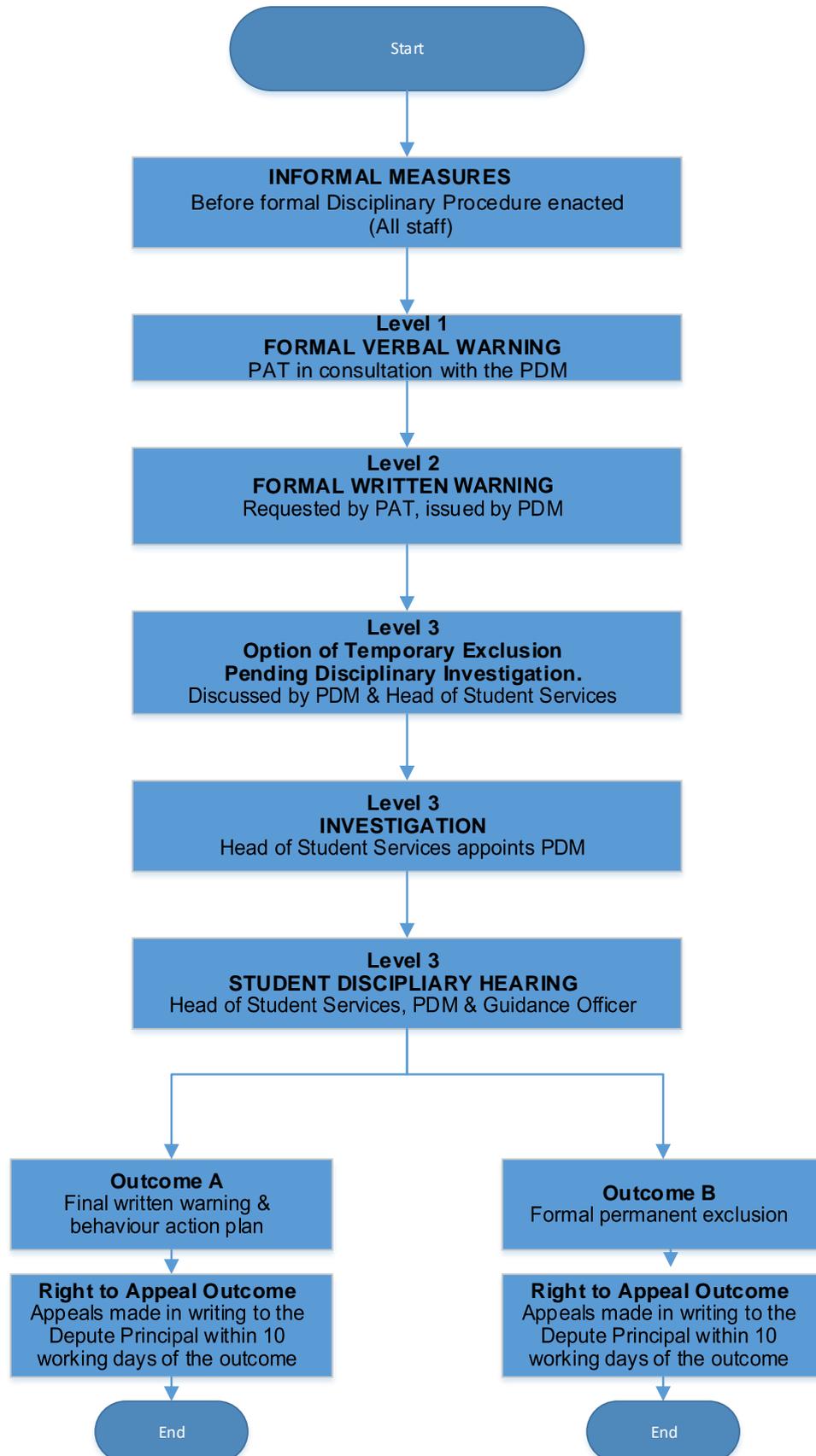
The Head of Student Services will also communicate the outcome of the disciplinary hearing to both the investigating PDM and the PDM who attended the hearing within 5 working days of the date of the disciplinary meeting to detail the outcome and any conditions applied. If the outcome of the hearing is an exclusion then the Head of Curriculum, Depute Principal and Principal must also be notified.

15. Overview of the 3 Levels of Disciplinary Action

Level	Sanction	Issued by	Overseen by	Notify	Record
1	Formal Verbal Warning	PAT	PDM	HoSS	Form 1
2	Formal Written Warning	PDM	HoSS	HoSS	Form 2
3	Temporary Exclusion Pending Investigation	PDM	HoSS	HoSS	Form 3 and 4
	Temporary or Permanent Exclusion following Disciplinary Hearing	HoSS	HoSS & PDM	HoC; Depute Principal; Principal	Form 7 or 8

Overview of Correspondence to Student

Document	Purpose	Completed by
Form 1	Record of Formal Verbal Warning	PAT
Form 2	Record of Formal Written Warning	PDM
Form 3	Notification of Temporary Exclusion Pending Investigation	HoSS
Form 4	Temporary Exclusion Summary by PDM	PDM
Form 5	PDM Investigation Checklist	PDM
Form 6	Outcome summary	HoSS
Form 7	Notification of Permanent Exclusion	HoSS
Form 8	Notification of Final Written Warning and Behavioural Action Plan	HoSS



Informal measures may be used between stages to correct behaviour issues / misconduct . More than one formal verbal or formal written warning may be issued before escalation to the next level

16. The Right to Appeal

In the event that the student is dissatisfied with the outcome of the disciplinary hearing then they have a right to request an appeal. This request must be submitted within ten working days of receipt of the outcome to the Depute Principal. The Depute Principal will consider the appeal looking at the evidence provided by the panel. The outcome of the appeal will be conveyed in writing to all relevant parties within 10 working days of the appeal being received. The outcome of the appeal is final.

17. Records Management

The notes taken to record any discussions about an individual will be saved in the PAT's INSIGHT Disciplinary folder for the remainder of the academic year. For the purpose of formal records management, a note will be kept on the student's record on SITs of any instances which fall within the Disciplinary Procedure. This will be kept for the current year of any incident plus a maximum of six years **or** programme completion, whichever is earliest. Details of disciplinary action taken will also be held by –

- The Quality Team
- The Student Records Team

Any future applications from individuals who have had any disciplinary action taken against them (formal verbal warning, formal written warning or exclusion) will be flagged at point of application. The Quality Manager should be contacted to provide detail of the nature of the incidence of misconduct. The Head of Student Services will make a decision on whether the application should be allowed to progress based on the nature of the misconduct and an assessment of risk.

18. Communicating with Students

It is important that any communication with students who are going through the Disciplinary Procedure is clear and in letter format. The letter templates are designed to keep communication clear throughout and to ensure the College includes the information which is required at each stage. However, the templates are a guide and should be amended to the individual / situation accordingly. All letters will be generated on SITS. Any requests for the issue of a letter should come to the workroom administrator.

19. Responsibilities

Head of Student Services

- The Head of Student Services is responsible for overseeing this procedure
- The Head of Student Services is responsible for leading stage 3 of the procedure
- Ensuring that any note required is added to the student record – this applies to formal written warnings and exclusions
- The Head of Curriculum will take on this responsibility in the absence of the Head of Student Services

All College Staff –

- All College staff have a responsibility to challenge students who are not adhering to the Learning Agreement and or are acting in a way that is disruptive or offensive to others. Any incidences should be reported to the PDM for that curriculum area.

Curriculum Staff

- Lecturers are expected to take an active role in maintaining a positive learning environment and deploying effective classroom management strategies.
- Lecturers may be involved in informally interviewing students which may result in a record of their inappropriate behaviour being e-mailed to their PAT where appropriate
- Lecturers may invoke the formal Disciplinary Procedure where appropriate and contributing to discussions regarding next steps.

Personal Academic Tutors (PATs)

- PATs must be familiar with this procedure in order to advise and support any students who become subject to it.
- PATs must also maintain formal accurate records of any verbal and / or written warnings issued and maintain open communication with other members of staff as necessary.
- The PAT is responsible for ensuring that appropriate learning materials are sent to a student who may be temporarily excluded awaiting completion of an investigation.
- The PAT is also responsible for taking the lead in levels 1 and 2 of the process

Programme Development Managers (PDMs)

- PDMs are responsible for ensuring that all staff in their area are familiar with this procedure and understand how it should be implemented.
- PDMs are responsible for discussing with the Head of Student Services if a student should be temporarily excluded pending completion of an investigation.
- In addition, PDMs will be responsible alongside the Head of Student Services for disciplinary investigations at level 3 of the procedure and will be asked to sit on any disciplinary hearings for students within their curriculum area.
- PDMs will be involved in decision making on individual students and the appropriate next steps
- PDMs will conduct investigations, as requested by the Head of Student Services, for students out with their own curriculum area and be thorough, objective and fair in the way they present the evidence to Head of Student Services ahead of any disciplinary hearing.
- Ensure that the Quality Manager is provided with a copy of any formal written warnings and investigation notes relating to level 2 of the procedure

Depute Principal

- The Depute Principal is responsible for hearing any appeals made in accordance with this procedure.

Student Well Being / Guidance Officer

- Will be a member of the disciplinary panel and will provide guidance support to the student and advice at the hearing meeting.
- In addition, they will also provide the administrative support during any investigative meetings with students in connection with the Disciplinary Procedure.

Front of House and Administrative Services Team Leader

- Responsible for liaising with the Head of Student Services, and or the PDM, to oversee meetings being scheduled and recorded.
- Responsible for the communication being sent to student

Quality Manager

- Ensure all paperwork relating to the Disciplinary Procedure is stored

electronically

- Ensure the disciplinary tracker is kept up to date

MIS Manager

- Ensure that any notes are made on the student record in relation to disciplinary action taken as part of this procedure