



University of the
Highlands and Islands
Orkney College



University of the
Highlands and Islands
Oilthigh na Gàidhealtachd
agus nan Eilean

Student Disciplinary Procedures

1. Introduction

- 1.1. This procedure supports the Promoting a Positive Learning Environment Policy and the Student Code of Conduct.
- 1.2. This procedure is designed to give students and staff a clear framework to fairly and promptly address any situations which may arise around student behaviour and suspected breaches of the Student Code of Conduct.

2. Scope

- 2.1. This procedure applies to all students (Further Education, Higher Education, Postgraduate and Postgraduate Research) enrolled on a programme of study at Orkney College, UHI, or who are enrolled at another academic partner but are studying at Orkney College, UHI.
- 2.2. This procedure applies to suspected breaches of the Student Code of Conduct in physical and online environments, including social media and messaging services.
- 2.3. The procedure applies to suspected breaches of the Student Code of Conduct on campus and off campus.
- 2.4. For students who are also school pupils, refer to Section 7.

3. Exceptions

- 3.1. As per Appendix 1 of the Promoting a Positive Learning Environment Policy, there are separate procedures for academic misconduct.
- 3.2. In situations where a student's behaviour may be related to a health condition e.g. mental health condition or a condition identified in a Personal Learning Support Plan

(PLSP), additional support and use of Fitness to Study and/or Fitness to Practise Guidelines may be considered alongside or instead of this procedure.

4. Definitions

- 4.1. **Precautionary Action:** In the event of an allegation of misconduct, a student may be excluded from Orkney College, UHI, until the investigation is completed if there is risk of harm to themselves, other students or staff. During this time they will be able to continue to study remotely and will continue to receive student support funds. Precautionary action is not a punishment, but is intended to protect the interests of all parties.

Where precautionary action is to be used Principal should inform the student by letter explaining that they are being excluded to allow an investigation to occur.

Precautionary action may also include measures up to complete exclusion from Orkney College, UHI, e.g. removal of access to a course of study or specific building.

- 4.2 **Exclusion from Campus:** The removal of the student's access to all sites constituting Orkney College, UHI, campus for a specified period of time in response to a disciplinary incident. In some circumstances this exclusion may extend to all University and Academic Partner campuses. The student may continue to study remotely throughout this period.

- 4.3 **Exclusion from Studies:** The removal from the student's course of study in response to a disciplinary incident, resulting in the loss of registered student status and loss of access to all facilities.

In some circumstances this exclusion may apply to the University and all Academic Partners for a period of time deemed appropriate by the disciplinary process. In some cases this may result in any future applications from the student being rejected.

- 4.4 **Suspension of Studies:** A Suspension of Studies is not a disciplinary measure. When a student chooses to take a period of time out from their studies because of a change in their personal circumstances, with the intention to return at a later date.

5. Procedure

- 5.1 It is widely acknowledged that disruptive behaviour is a barrier to learning and can negatively impact on the learning and wellbeing of the student themselves and/or other students and staff. This procedure should be implemented promptly as early intervention and support can result in better outcomes for the student and may avoid the situation becoming more complex.

All staff have a responsibility to promote a positive learning environment and challenge behaviour contrary to the Student Code of Conduct. Staff should ensure that, when intervening in any situation, they consider their own safety as well as the safety of other staff and students.

At any stage during the disciplinary process, if a student is found not to be responsible for any suspected misconduct then the investigation will be closed and no further action

taken. A record of the investigation will be retained according to the retention schedule.

5.2 Informal Stage

- 5.2.1 Orkney College, UHI, will usually try to deal with suspected breaches of the Student Code of Conduct informally first, and only use the formal disciplinary process when this proves unsuccessful, or it is inappropriate in the circumstances (e.g. recurring breaches of the Student Code of Conduct, an instance of a more serious nature or gross misconduct).
- 5.2.2 Informal action would normally involve staff discussing with the student any behaviour causing concern, and setting out the expectations around behaviour. Brief notes should be taken of the discussions and recorded on student's record or relevant system.
- 5.2.3 All students interviewed, including the student who is alleged to have breached the code of conduct, should be offered the opportunity to be accompanied by a supporter of their choosing (other than a legal representative or another student involved in the incident or investigation). Should the student wish, this could be a representative from HISA or an appropriate member of staff.
- 5.2.4 Students should be notified that a note has been made of the discussions and that no further action will be taken unless misconduct continues or escalates.
- 5.2.5 Repeated low level misconduct should be raised with the PAT or equivalent. Should the misconduct continue or escalate, the formal disciplinary process will be considered.

5.3 Stage 1 Formal Disciplinary Process

- 5.3.1 Where a suspected breach of the Student Code of Conduct has occurred, or where previous informal discussions and or informal verbal warnings or other sanctions have been ignored, the reporting member of staff should discuss the situation with the PAT or equivalent.
- 5.3.2 The PAT or equivalent will then consider the incident alongside the student's behaviour to date generally. Discussions should be held with the student to establish their version of events.
- 5.3.3 All students interviewed, including the student who is alleged to have breached the code of conduct, should be offered the opportunity to be accompanied by a supporter of their choosing (other than a legal representative or another student involved in the incident or investigation). Should the student wish, this could be a representative from HISA or an appropriate member of staff.
- 5.3.4 Discussions may be held with other staff and/or students to ascertain the situation and verify events.
- 5.3.5 The PAT or equivalent should take brief notes of all the discussions along with gathering any evidence which may indicate whether the suspected misconduct has

taken place. A copy of the notes should be given to the parties interviewed to be signed for verification of accuracy.

- 5.3.6 Provided the staff members investigating are satisfied that a breach of the Student Code of Conduct has taken place, PAT or equivalent can issue a verbal warning to the student.
- 5.3.7 Should the evidence suggest that the misconduct is not serious enough to merit a verbal warning, PAT or equivalent can use informal warning instead, following the guidance in Section 5.2.2 onwards.
- 5.3.8 At the point of issuing the verbal warning, the student's behaviour should be discussed, outlining the impact on others and emphasising the need to change. Strategies should be discussed that will lead to improvements and agreed with the student. The student should be informed that repeated misconduct may lead to a Stage 2 formal disciplinary procedure.
- 5.3.9 After issuing the verbal warning to the student, the (PAT or equivalent) will arrange for an official notification of the verbal warning, and any possible supplementary action plan, to be sent to the student. The warning should be documented on student's record or relevant system. The verbal warning will remain in place for the remainder of the academic year.
- 5.3.10 When issuing the verbal warning, the PAT or equivalent should complete all appropriate paperwork. A copy of this should be sent to the senior member of staff, Principal or equivalent and Quality Team. Appropriate information and any relevant documentation should be logged in the student's file. The written warning will remain in place for the remainder of the academic year.
- 5.3.11 The PAT or equivalent should provide feedback to the member of staff that initially reported the misconduct where relevant.
- 5.3.12 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 6.

5.4 Stage 2 Formal Disciplinary Process

- 5.4.1 Where behaviour which has previously received a formal verbal warning recurs, or where there is serious breach of the Student Code of Conduct, the Stage 2 Formal Disciplinary Process will be initiated.
- 5.4.2 The PAT, equivalent or relevant local manager will consider the suspected breach of the Student Code of Conduct alongside the student's behaviour to date. Discussions should be held with the student to establish their version of events.
- 5.4.3 All students interviewed, including the student who is alleged to have breached the code of conduct, should be offered the opportunity to be accompanied by a supporter of their choosing (other than a legal representative or another student involved in the incident or investigation). Should the student wish, this could be a representative from HISA or an appropriate member of staff.

- 5.4.4 Discussions may be held with other staff and/or students to ascertain the situation and verify events. The PAT, equivalent or relevant local manager should take brief notes of the discussions along with gathering any evidence which may indicate whether the suspected misconduct has taken place. A copy of the notes should be given to the parties interviewed to be signed for verification of accuracy.
- 5.4.5 Provided the staff members investigating are satisfied a breach of the Student Code of Conduct has taken place, PAT, equivalent or relevant local manager can issue a written warning to the student, which should be agreed in advance with senior member of staff, where relevant.
- 5.4.6 Should the evidence suggest that the misconduct is not serious enough to merit a written warning, PAT or equivalent can issue a verbal warning instead, following the guidance in Section 5.3.4 onwards.
- 5.4.7 At the point of issuing a formal warning the PAT or equivalent should arrange to meet with the student to discuss their behaviour, outlining the impact on others and emphasising the need to change. Strategies should be discussed that will lead to improvements and agreed with the student. The student should be informed that repeated misconduct may lead to the Stage 3 Disciplinary Process being initiated.
- 5.4.8 When issuing the written warning, the PAT or equivalent should complete the appropriate paperwork. A copy of this, and any possible supplementary action plan, should be sent to the student, senior member of staff, Head of Student Services or equivalent and the Quality Team. Appropriate information and any relevant documentation should be logged on student's record or relevant system e.g. SITS. The written warning will remain in place for the remainder of the academic year.
- 5.4.9 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 6.

5.4.10 Stage 3 Formal Disciplinary Process (including Gross Misconduct)

5.4.11 Context

5.4.12 The Stage 3 Formal Disciplinary Process will be initiated where:

- 5.4.13 Repeated breach of the Student Code of Conduct for which the student has previously received warnings
- 5.4.14 A single instance of suspected gross misconduct e.g. behaviour serious enough that if proven it may lead to exclusion or withdrawal from AP Name
- 5.4.15 Should the appropriate member of staff believe Stage 3 Formal Disciplinary Process may be appropriate, the issue should be discussed with the senior member of staff. The issue should then be taken to appropriate member of staff and a decision made about whether to proceed to Stage 3 Formal Disciplinary Process.

5.4.16 Investigation

- 5.4.17 Following initial investigations into the suspected breach of the Student Code of Conduct, consideration should be given by senior member of staff and Principal or

Senior Member of Staff as to whether precautionary action should be taken (see Section 4.1).

- 5.4.18 An appropriate member of staff will be appointed as Investigating Officer by Principal or Senior Member of Staff. Any potential conflicts of interests should be avoided when appointing an Investigating Officer.
- 5.4.19 All investigations should be conducted within a timeous period. For example it is recommended that an investigation should not normally take more than 10 working days.
- 5.4.20 Before meeting with a student as part of a formal investigation, it should be ascertained whether the student has a Personal Learning Support Plan that means they may need extra support during the investigation. This support should be arranged before any formal disciplinary meeting. The Investigating Officer should be aware of the impact the student's PLSP may have on their experience of the disciplinary process. This also applies to any witnesses that may be interviewed.
- 5.4.21 The student who is the subject of the disciplinary investigation should be provided with a copy of the Disciplinary Procedures prior to interviews taking place.
- 5.4.22 The Investigating Officer will identify all witnesses and individuals involved in the suspected misconduct 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 an appropriate person. A copy of the notes should be given to the parties interviewed to be signed for verification of accuracy.
- 5.4.23 All students interviewed, including the student who suspected of breaching the code of conduct, should be offered the opportunity to be accompanied by a supporter of their choosing (other than a legal representative or another student involved in the incident or investigation). Should the student wish, this could be a representative from HISA or an appropriate member of staff.
- 5.4.24 5.5.10 At the end of the investigation the Investigating Officer will complete the Stage 3 Disciplinary Checklist and provide a recommendation on whether there is a disciplinary case to answer to the Principal or Senior Member of Staff. The recommendation will be accompanied by any evidence relating to the suspected breach of the Student Code of Conduct collected during the investigation, including statements from staff and/or students.
- 5.4.25 5.5.11 The recommendation will include details of any previous disciplinary action and an overview of the student's engagement with studies to date.
- 5.4.26 The Principal or Senior Member of Staff will make a decision whether to proceed to a Disciplinary Hearing, based on the recommendation from the Investigating Officer and the evidence collected during the investigation.

5.4.27 Should the Principal or Senior Member of Staff choose not to proceed to a Disciplinary Hearing, their rationale should be recorded and all records retained for as per the retention schedule.

5.4.28

5.4.29 Disciplinary Hearing

5.4.30 Should the Principal or Senior Member of Staff decide to proceed to a Disciplinary Hearing, it will take place within ten working days of the Investigating Officer making their recommendation.

5.4.31 The Disciplinary Hearing panel should consist of 3 members, plus a scribe. At least one of the panel members should be of a senior enough level to be able to make a decision on withdrawing or excluding a student. Where the latter is not possible the panel outcome should be passed to a relevant senior member of staff after the meeting who can take this decision within a timeous manner. It is recommended that at least one of the managers on the panel is from another curriculum area.

5.4.32 The purpose of the meeting is to:

5.4.33 Establish whether the alleged incident took place

5.4.34 Explore the reasons for alleged incident

5.4.35 Establish whether the student is committed to correcting their behaviour

5.4.36 Explore how the student can be supported if they continue with their studies

5.4.37 Determine any disciplinary action that should be taken against the student

5.4.38 Determine whether the circumstances are such that the student should be excluded from their studies or from the campus (and/or all UHI campuses)

5.4.39 The panel must consider all the evidence presented before arriving at a conclusion. The conclusion may be reached at the end of the meeting or through further discussion with relevant members of staff after the meeting.

5.4.40 Where a student declines to attend an interview or does not attend the hearing, the hearing will take place in order to consider the investigation findings before coming to a conclusion as to the appropriate course of action.

5.4.41 Outcome of Disciplinary Hearing

5.4.42 The student must be informed of the outcome of the Disciplinary Hearing in writing within three working days of the meeting.

5.4.43 The Disciplinary Hearing Panel has scope to take disciplinary action that may include one or more of the following:

5.4.44 Final written warning

5.4.45 Written warning

5.4.46 Verbal warning

5.4.47 Written apology to the aggrieved party

5.4.48 Compulsory attendance at a workshop/coaching session

- 5.4.49 Restrictions/conditions on attendance
- 5.4.50 Fines for wilful damage, theft or non-return of equipment
- 5.4.51 Exclusion from their studies
- 5.4.52 Exclusion from campus
- 5.4.53 Permanent exclusion from the University and all Academic Partners
- 5.4.54 De-registration (postgraduate research students)
- 5.4.55 Removal of university award
- 5.4.56 Referred for consideration to the Fitness to Study Procedure/Fitness to Practise Procedure
- 5.4.57 No further action
- 5.4.58 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 6.
- 5.4.59 A copy of all documentation presented as evidence, the panel outcome letter, and the Hearing Report should be sent to the Principal or Senior Member of Staff. If a sanction is given this should be logged on student's record or relevant system e.g. SITS. The Disciplinary Hearing Panel will determine the length of time for which the warning or sanction will remain in place.

6. Appeals

- 6.1 A student may appeal against any disciplinary action taken against them. Appeals will only be considered on the following grounds:
 - a. That the Disciplinary Process was not followed correctly;
 - b. That there was prejudice and/or bias on the part of the Investigating Officer or any Disciplinary Hearing Panel members which affected the outcome;
 - c. That the disciplinary action imposed is thought to be disproportionate to the offence;
 - d. That there is new evidence which could not have been made reasonably available during the original determination.
- 6.2 Appeals must be made in writing to the stage appropriate Senior Member of Staff. The appeal must be made within five working days of receiving the outcome of disciplinary action and must state the grounds on which the appeal is being made.
- 6.3 Appeals will not be considered for any other reason or through any other means than those outlined above.
- 6.4 The appeal will be considered by stage appropriate Senior Member of Staff or an appointed deputy who will respond to the student within five working days of receiving the appeal. Once the outcome has been decided there is no recourse to further appeal.

7. Students who are school pupils

- 7.1 The matter would be referred to the Executive Director of Education, Leisure, and Housing, for any action to be taken under the relevant Orkney Islands Council policy and procedure.

8. Appendices

Please refer to the Promoting a Positive Learning Environment Policy appendices for an overview of policies and procedures, and a flowchart to help staff ascertain which policy and procedure should be used.

Appendix 1: Disciplinary Procedure Overview

Appendix 2: Informal Stage Flowchart

Appendix 3: Stage 1 Flowchart

Appendix 4: Stage 2 Flowchart

Appendix 5: Stage 3 Flowchart

Appendix 6: Stage 3 Disciplinary Checklist

Appendix 7: Appeals Flowchart