



Student Disciplinary Policy and Procedure

Date of next review: March 2020

Responsibility: Assistant Principal (Support and Student Services)

Approved by: (TBA) Learning, Teaching and Quality Committee

Please ask if you, or someone you know, would like this document in a different format or language.

Students should note the following:

This Policy and associated Procedure applies to all Further Education students in full.

This Policy and associated Procedure applies to UHI Higher Education students excepting matters related to alleged academic misconduct where the UHI Academic Disciplinary Policy applies. The relevant regulation defines this as follows:

“There are different forms of ‘academic misconduct’ all of which may be the subject of the procedures described below. The following are different examples of academic misconduct but do not constitute an exhaustive list:

- i cheating*
- ii plagiarism*
- iii collusion*
- iv falsification*
- v personation*
- vi ghosting*
- vii any other form of academic misconduct not identified in the above”*

The UHI Academic Disciplinary Policy is contained within the UHI Academic Standards and Quality Regulations. These can be accessed through the UHI web site www.uhi.ac.uk or students can seek advice from their Personal Academic Tutor.

1. Introduction

- 1.1 Students are expected to behave appropriately during their time at Moray College, and on enrolment they are required to sign a declaration that they will do so. This procedure describes the action to be taken in the event that a student's behaviour falls below the required standard. The objective of the disciplinary procedure is to assist students to maintain the required standard of behaviour.

2. General Principles

- 2.1 It is expected that minor breaches of discipline will be dealt with informally by the appropriate staff member rather than immediate recourse to the formal disciplinary procedure. It is essential that all persons involved in meetings are clear as to the status, formal or informal, of each meeting. Students wishing advice on this procedure should contact their Student Adviser, the Student Guidance Adviser or the Student Advice Manager.
- 2.2 The Student Adviser, Student Guidance Adviser or the Student Advice Manager are not permitted to provide an opinion on the allegation to the students involved or influence the outcome of any decision but should provide support to students in the reporting of any allegations and may accompany the student to any Disciplinary Hearing if requested.
- 2.3 The Assistant Principal (Support and Student Services) is responsible for reviewing this policy.
- 2.4 Implementation of this procedure is the responsibility of the Directors of Curriculum and Quality.
- 2.5 Repeated minor breaches of discipline and major breaches of discipline shall be dealt with through the formal disciplinary procedure. Although the procedure identifies three stages, certain types of alleged indiscipline may require that the matter is dealt with at Stage 3. If there is any doubt about which stage should be used staff should seek the advice of a Director of Curriculum and Quality before a hearing is arranged.
- 2.6 If allegations are considered to be gross misconduct the Director of Curriculum and Quality may decide that the student should be suspended while the allegation is being investigated. A suspension would be determined in order to create the appropriate environment for the investigation or in consideration of a duty of care to others. This suspension should normally be no more than five working days prior to the disciplinary hearing being convened however this may be extended where allegations are complex in nature.
- 2.7 All arrangements for disciplinary hearings shall be made in writing to all participants. A series of letter templates exist which must be used for all correspondence. These are

available from the Directorate Administrators.

- 2.8 A student is entitled to be accompanied at all disciplinary hearings. The student shall be given a copy of all correspondence for his/her colleague. The person accompanying the student at a disciplinary hearing will normally only be allowed to observe the proceedings. In exceptional circumstances it might be considered fairer to the student if he/she can be assisted or represented at a disciplinary hearing however, advance permission for this course of action must be sought from a Director of Curriculum and Quality.
- 2.9 The disciplinary hearing will take place in the absence of the student unless sufficient justification and notice has been given in advance of the meeting.
- 2.10 Any member of staff should be accompanied by a colleague at all disciplinary hearings.
- 2.11 The student shall be advised in writing of the outcome normally within five working days of the disciplinary hearing. Where an allegation is confirmed and a warning or other penalty issued the letter shall include advice regarding the right of appeal and the method of lodging an appeal, including the permitted timescale.

3.0 Stages of the Formal Procedure

3.1 First Stage

Allegations of a minor, but repeated, nature will normally be referred to and dealt with by an Assistant Director. The reporting staff member will prepare a report for the Assistant Director.

Examples of a Stage 1 allegation include:

- Consistently late attending class
- Poor attendance
- Low level disruption

Depending on the nature of the allegations, this stage may result in:

- a verbal warning, or
- a written warning.

3.2 Second Stage

In the event that a verbal and/or written warning does not result in an improvement in performance the Assistant Director will refer the case to an Associate Director of Curriculum and Quality for consideration. In all cases, the issue must have been dealt

with at Stage 1 prior to progressing to Stage 2. The Assistant Director will prepare a report for the Associate Director.

This stage may result in:

- a verbal warning, or
- a written warning.

3.3 Third Stage

In the event of repeated failure to secure an improvement in performance at Stage 2 of this Procedure or if initial allegations are considered to be gross misconduct, the case shall be referred to and considered by a Director of Curriculum and Quality. The Assistant Director will prepare a report for the Director.

Examples of gross misconduct include:

- Theft
- Refusal to follow safety procedures
- Supply of drugs or alcohol
- Being under the influence of drugs or alcohol
- Fighting or aggressive behaviour
- Bullying and/or harassment
- Indecency
- Plagiarism/cheating
- Malicious damage to property
- Fraud
- False/malicious allegations against staff
- Unacceptable use of information technology including misuse of any social media

This stage may result in:

- a verbal warning, or
- a written warning, or
- a final written warning or
- exclusion from the College.

If confirmed such actions are likely to result in a final written warning or exclusion from the college.

The duration of the exclusion from College will be communicated to the student. This exclusion will, as a minimum, extend to the end of the current session but could be a permanent exclusion.

If criminal action is suspected the Director of Curriculum and Quality, in discussion

with an Assistant Principal, may refer the matter to the Police.

If the allegation is found and relates to academic misconduct regarding a Scottish Qualifications Authority (SQA) assessment, then the Director of Curriculum and Quality will refer the matter to SQA.

4.0 Appeals Procedure

- 4.1 The student shall have the right of appeal against any formal disciplinary decision (with the exception of 4.5 below). The letter shall specify the grounds on which the appeal is being lodged. Appeals shall be lodged in writing normally within ten working days of the date of the letter notifying the student of the outcome.
- 4.2 Appeals against the decision of the Assistant Director shall be lodged with the relevant Associate Director of Curriculum and Quality.
- 4.3 Appeals against the decision of the Associate Director of Curriculum and Quality shall be lodged with a Director of Curriculum and Quality.
- 4.4 Appeals against the decision of the Director of Curriculum and Quality shall be lodged with the Principal.
- 4.5 There is no right of appeal against the decision of the Principal in respect of this Procedure.
- 4.6 The staff member hearing the appeal shall either reject or uphold the appeal and may do so with or without holding a meeting to consider this matter but in either case must communicate his/her decision to the student in writing normally within ten working days.
- 4.7 Meetings to consider an appeal shall normally be held within ten working days of receipt of the letter of appeal. Arrangements for the appeal meeting shall be made in writing to all participants

5.0 Life of Warnings

- 5.1 A verbal warning shall remain in force for three months.
- 5.2 A written warning shall remain in force for six months.
- 5.3 A final written warning shall remain in force for twelve months.

6.0 Reporting and Monitoring

- 6.1 The Assistant Principal (Support and Student Services) is responsible for monitoring the implementation of this Policy and associated Procedure.
- 6.2 Disciplinary hearings can be conducted by various members of staff depending upon the most appropriate stage of the disciplinary procedure (refer to Section 3). All disciplinary cases must be recorded on the following Record Sheet, available from the Directorate Administrators.

Student Disciplinary Record

	Student Name:		Student Number:	
STAGE 1	Referred by:		Date:	
	Allegation:			
	Hearing Date:		Time:	
	Interviewer:		Room:	
	Attended:	Yes/No		
	If no, alternative date:		Time:	
	Outcome:		Outcome Duration:	
	Notification sent:		EOM Data updated:	
	Notes:			
STAGE 2	Referred by:		Date:	
	Allegation:			
	Hearing Date:		Time:	
	Interviewer:		Room:	
	Attended:	Yes/No		
	If no, alternative date:		Time:	
	Outcome:		Outcome Duration:	
	Notification sent:		EOM Data updated:	
	Notes:			
STAGE 3	Referred by:		Date:	
	Allegation:			
	Hearing Date:		Time:	
	Interviewer:		Room:	
	Attended:	Yes/No		
	If no, alternative date:		Time:	
	Outcome:		Outcome Duration:	
	Notification sent:		EOM Data updated:	
	Notes:			