



University of the  
Highlands and Islands  
Argyll College

Oilthigh na Gàidhealtachd  
agus nan Eilean  
Colaiste Earra-Ghàidheil

# Argyll College

## Student Disciplinary Policy and Procedures

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# Contents

<b>Argyll College Student Disciplinary Policy.....</b>	<b>3</b>
<b>General principles.....</b>	<b>4</b>
<b>Summary of Student Disciplinary Procedures.....</b>	<b>5</b>
<b>Introduction .....</b>	<b>6</b>
<b>Key purpose and objectives .....</b>	<b>6</b>
<b>Student disciplinary procedure guidelines.....</b>	<b>7</b>
<b>Stage 1 – First line resolution - procedure .....</b>	<b>7</b>
<b>Stage 2 – Formal Meeting – procedure .....</b>	<b>8</b>
<b>Stage 3 – Disciplinary Hearing – procedure.....</b>	<b>9</b>
<b>Criteria for Disciplinary Hearing.....</b>	<b>9</b>
<b>Procedure .....</b>	<b>9</b>
<b>Disciplinary Hearing Procedure.....</b>	<b>11</b>
<b>Appeals Procedure .....</b>	<b>12</b>
<b>Related documents .....</b>	<b>13</b>

# Argyll College Student Disciplinary Policy

Argyll College UHI aims to provide accessible education and training of the highest standard, to support the development of people, businesses and communities in Argyll and the Islands. The college believes that effective learning and teaching is best achieved in an ordered and disciplined environment and that every student and member of staff has the right to such an environment.

The aim of this student disciplinary policy is to provide a consistent approach to student disciplinary issues across the college, and in so doing

- Safeguard the students' learning experience from disruption caused by their own or other misconduct
- Promote fair and equitable treatment to all, irrespective of race, religious belief, gender, sexual orientation, marital status, age, or disability
- Clarify the students' rights in respect of any disciplinary action resulting from their misconduct
- Identify staff responsibilities in handling disciplinary issues

This policy applies to all students while on college premises, work placement, college excursions or events, travelling in college transport or when engaged in any college activity. This policy shall be supported by the Argyll College Student Disciplinary Procedure.

## General principles

- Complaints of student misconduct should, wherever possible, be dealt with informally between the student and the staff concerned. If this is not successful or appropriate then formal procedures should be implemented
- The nature of the complaint must be fully explained to the student and any investigation of the circumstances of the complaint carried out within a reasonable timescale
- The student must have adequate opportunity to present their case at a disciplinary interview before any decision is made, warnings given or disciplinary action taken
- The student will be informed of any disciplinary action taken against them and of their right of appeal
- A student is entitled to be accompanied by a friend, parent/guardian, student officer or appropriate member of staff at a disciplinary interview or appeal
- Students can be subject to college disciplinary proceedings, regardless of any civil or criminal proceedings, which may be pending in relation to the alleged breach of discipline
- All disciplinary matters will be dealt with in the strictest confidence
- The disciplinary procedure may be implemented at any stage if the student's alleged misconduct warrants such action
- A temporary suspension may be issued immediately by the Depute Principal, Curriculum Manager or Centre Manager if the conduct is considered to be serious. Normally this would be for no more than five working days while an investigation into the alleged misconduct takes place
- At each stage of the procedure the student must be made aware of the next stage of the disciplinary procedure.

## Summary of Student Disciplinary Procedures

The starting point for disciplinary action will depend on the seriousness of the situation. Most issues relating to student academic performance should be resolved at Stage 1 or Stage 2 of the Procedure. Stage 3 will be used when stages 1 or 2 have been unsuccessful or when it is deemed that serious misconduct has occurred.

Stage	Action	Evidence
<b>Stage 1</b> Front Line Resolution  <b>Responsibility:</b> Course Tutor / Centre Manager	<ul style="list-style-type: none"> <li>• Discussion between student and Course Tutor / Centre Manager</li> <li>• Action plan and timescale agreed</li> <li>• Review of action plans with student after 2-4 weeks</li> </ul>	<ul style="list-style-type: none"> <li>• Completion of Disciplinary Issue Form by Course Tutor / Centre Manager</li> <li>• Outcome of review meeting recorded on Review Meeting Form (Stage 1)</li> </ul>
<b>Stage 2</b> Formal Meeting  <b>Responsibility:</b> Curriculum Manager	<ul style="list-style-type: none"> <li>• Student asked to attend a formal meeting with Curriculum Manager</li> <li>• Action plan and timescale agreed</li> <li>• Curriculum Manager and student review action plan in 4-6 weeks</li> </ul>	<ul style="list-style-type: none"> <li>• Action plan and timescale recorded on Formal Meeting Form</li> <li>• Minute of Formal Meeting</li> <li>• Progress recorded on Review Meeting Form (Stage 2) at Review Meeting</li> </ul>
<b>Stage 3</b> Disciplinary Hearing  <b>Responsibility:</b> Curriculum Manager	<ul style="list-style-type: none"> <li>• Student temporarily suspended if warranted</li> <li>• Facts / Incident investigated by Curriculum Manager</li> <li>• Student invited to a Disciplinary Hearing</li> <li>• Decision made by panel</li> </ul>	<ul style="list-style-type: none"> <li>• Completion of Investigation Report Form</li> <li>• Minute of Disciplinary Hearing</li> <li>• Formal letter informing student of outcome</li> </ul>
<b>Appeal Process</b>  <b>Responsibility:</b> Depute Principal	<ul style="list-style-type: none"> <li>• Student may appeal in writing to Depute Principal within 10 days of notice of the outcome of the Disciplinary Hearing</li> <li>• Appeal Panel will meet within 5 working days of receipt of the appeal letter</li> </ul>	<ul style="list-style-type: none"> <li>• New evidence supporting the case</li> <li>• Formal letter informing student of decision reached by Appeal Panel</li> </ul>

## Introduction

Argyll College UHI aims to provide a safe and supportive environment for students and staff, in order to promote accessible education and training for all students engaged in learning at Argyll College UHI. It is anticipated that the majority of minor disciplinary issues can be resolved swiftly and informally as they arise, and these do not need to be recorded. However, when a breach of conduct occurs that is serious enough to warrant more formal intervention, then the following disciplinary procedures shall apply.

- Stage 1 – First line resolution
- Stage 2 – Formal Meeting
- Stage 3 – Disciplinary Hearing

The disciplinary procedure may be implemented at any of the 3 stages proportionate to the student's alleged misconduct.

Stage	Relevant Staff	Appeal to
Stage 1 (First line resolution)	Centre Manager or Course Tutor	Curriculum Manager
Stage 2 (Formal Meeting)	Curriculum Manager & Course Tutor or Centre Manager plus note taker*	Depute Principal
Stage 3 (Disciplinary Hearing)	Curriculum Manager plus note taker	Depute Principal

\* Note taker can be the Centre Manager, the Course Tutor or other staff member involved in the meeting / hearing.

## Key purpose and objectives

The Student Disciplinary Procedure is used when there is a particular concern that the student is failing to meet the expectations of the Argyll College UHI Student Charter and Learner Agreement, whether academic or non-academic. The first 2 stages of the procedure are primarily designed to encourage the student to improve attendance, work and/or behaviour with help from their Course Tutor and Centre staff.

In cases of serious misconduct the disciplinary procedure will be implemented immediately at Stage 3, the full disciplinary hearing, without first going through stages 1 and 2 of the procedure. All records relating to the Student Disciplinary Procedure should be retained in the student file until the end of that particular course of study with the college.

# Student disciplinary procedure guidelines

## Stage 1 – First line resolution - procedure

- Where the academic and/or non-academic conduct of the student is giving cause for concern the Course Tutor or other member of staff will report this concern to the Centre Manager or relevant Curriculum Manager, using the Disciplinary Issue Form.
- The Course Tutor or Centre Manager will check with the Student Support section, in case there are any support issues or learning disabilities which could impact on the matter in question. If there are any relevant issues then these will be taken into account following the advice given by the Support Staff.
- The Course Tutor or Centre Manager will discuss matters with the student and together they will agree an action plan to be achieved over the following 2 weeks. In certain circumstances, this can be extended to 4 weeks. Support will be offered, where appropriate, to help the student achieve the necessary improvement. This action plan should be recorded on the Disciplinary Issue Form and signed by the student and the staff member conducting the meeting.
- A copy of the Disciplinary Issue Form, with the action plan should be:
  - Given to the student
  - Placed in the student file
  - Sent to any relevant subject tutors or other members of staff as applicable
- At the end of the agreed period (2-4 weeks) a meeting will take place with the Course Tutor or the Centre Manager and the student to review the action plan.
- If the action plan is completed satisfactorily and signed off by the student and the staff member then the outcome is recorded on the Review Meeting Form and the Disciplinary procedure will stop at Stage 1
- If the student has failed to show the required improvement, the Course Tutor or Centre Manager will advise the Curriculum Manager (or their nominee), and the Formal Meeting stage will be implemented.

## Stage 2 – Formal Meeting – procedure

Reasonable notice of the date/time/place of the Formal Meeting together with a request to attend will be given to:

- The student
- The Course Tutor / other relevant staff
  
- The Curriculum Manager (or nominee) will chair the Formal Meeting. The issues that gave rise to the Formal Meeting will be discussed, then an action plan agreed and recorded on the Formal Meeting Form. This form will be signed by the Curriculum Manager (or nominee) and the student, with progress to be reviewed after 4 weeks.
  
- The Curriculum Manager (or nominee) will send written confirmation of the agreed action plan as set out on the Formal Meeting Form to:
  - The student
  - The Course Tutor /other relevant staff as appropriate
  
- After 4 working weeks a review of the action plan agreed at the Formal Meeting will take place with the student, using the Review Meeting Form.
  
- If the action plan is completed satisfactorily and signed off by the student and Curriculum Manager, then this is recorded in the student's file and the Disciplinary Procedure will stop at Stage 2.
  
- If after 4 working weeks there is no evidence of improvement/progress:
  - The student may decide to withdraw from the course. Guidance will be given to the student to help them be aware of the different options available to them
  - The Disciplinary Hearing Procedure (Stage 3) may be initiated by the Curriculum Manager.
  
- If the student has made some progress towards complying with the agreed course of action, the Curriculum Manager (or nominee) may agree a 2 week extension to allow for completion. Written notice of the decision to grant an extension will be given to:
  - The student
  - The Course Tutor / any other relevant subject tutors or members of staff as applicable
  
- If at the end of the 2 week extension, the student has failed to comply with the agreed course of action the student may decide to withdraw from the course. Otherwise, the

Curriculum Manager (or nominee) will implement the Disciplinary Hearing procedure (Stage 3).

### **Stage 3 – Disciplinary Hearing – procedure**

#### **Criteria for Disciplinary Hearing**

The Disciplinary Hearing process will be followed when stages 1 and 2 of the Disciplinary Procedure have not been successful, or when it is alleged that serious misconduct has occurred and immediate implementation of the Disciplinary Hearing process is deemed appropriate.

The following lists some examples considered to be serious misconduct, but it is not a comprehensive or exclusive list:

- Failure to comply with stages 1 and 2
- Threatening or actual physical or verbal abuse of anyone on college premises or in connection with college business
- Any form of harassment, bullying or discrimination (e.g. racial, disability, sexual etc.)
- Possession or under the influence of alcohol, drugs or any illegal substances on college premises
- Conduct which might cause a serious breach of the college health and safety regulations and which could put staff and/or students at risk
- Theft
- Damage to college property
- Illegal computer misuse/hacking/online bullying or harassment
- Serious plagiarism / cheating
- Sexually inappropriate behaviour
- Any other conduct, which might be damaging to the reputation of the College

Serious misconduct alleged to have occurred on college premises, on college educational visits or on college transport is covered by this procedure. A criminal conviction, whether or not it occurred on college premises could also lead to this Disciplinary Procedure being invoked.

#### **Procedure**

If a student has failed to comply with stages 1 and 2, or serious misconduct has taken place, then the following procedure should be implemented:

- The Centre Manager or Curriculum Manager can temporarily suspend the student immediately pending investigation. If the student has been suspended then they may not enter college grounds or premises except when invited back for the Disciplinary Hearing or to give their statement for the Investigation Report.

- An Investigating Officer – normally, but not always the Curriculum Manager – will be appointed to undertake a thorough investigation into the facts and accompanying evidence. This investigation should be carried out within 5 working days. Findings from the investigation should be noted on the Investigation Report and signed by the student and any witnesses to the event.
- Whenever possible, an investigation report should be taken from the student before they leave the college. Where this is not possible the student should be contacted in order to obtain necessary or appropriate details for the Investigation Report
- If the incident to be investigated involves the staff member who would normally carry out the investigation, then another investigating officer will be appointed.
- The student shall be notified in writing that he/she is required to attend a disciplinary hearing. Students should normally be given a minimum of 5 working days between receipt of the letter and the date of the hearing to enable them to prepare. The letter should be sent by recorded delivery.
- The letter shall:
  - set out the allegations being made
  - advise the student of their right to be accompanied by a person of their own choosing, but that the person accompanying them may not be acting as a legal representative
  - attach a copy of, or include a signpost to the Disciplinary Policy.
- If the student fails to attend the Disciplinary Hearing without good reason, then the hearing may proceed in their absence.
- At least 2 members of staff will be involved in the Disciplinary Hearing. This will include a Curriculum Manager who will chair the meeting. If they are not available, another member of the Senior Management Team may be nominated by the Depute Principal to conduct the hearing.
- A detailed note of the Disciplinary Hearing must be taken and retained as part of the record of the event.

## Disciplinary Hearing Procedure

- The Curriculum Manager (or nominee) will be responsible for convening the hearing and for ensuring that the meeting is recorded. They will also chair the meeting.
- The hearing will normally be carried out within a maximum of 10 working days of the student being notified of the hearing.
- The Investigation Report will be presented to the panel and the student. The student will then have the opportunity to put their case and be questioned by the panel. Any witnesses (arranged prior to the hearing) may be called individually and questioned by the panel and the student.
- After completion of the above stages any witness will be:
  - instructed not to discuss the case with anyone until after the hearing has been concluded
  - asked to leave the meeting.
- The panel will consider all the facts in private. If recall of the Investigating Officer (if not a member of the panel) or student is necessary to clarify points then they can be re-called.
- To ensure the disciplinary penalty is reasonable, account will be taken of:
  - the student's previous disciplinary and academic record
  - the penalty imposed on similar cases in the past, though each case will be decided on its merits and the panel will exercise discretion in this
  - any mitigating circumstances which might make it appropriate to lessen the severity of the penalty.
- The Curriculum Manager will communicate the decision of the Hearing to the student in writing, within three working days, with reasons. This letter shall be sent by recorded delivery.
- If the student is permanently dismissed the letter will indicate the student's right to appeal against the decision.
- Where a student is not permanently dismissed following stage 3, an action plan may be reinstated by the Curriculum Manager on the Formal Meeting Form re-initiating the stage 2 process. Failure to comply will result in returning to Stage 3 of the Disciplinary Procedure as decided by the Curriculum Manager.

- Any temporary suspension from the College during this process should not result in the student losing the opportunity to take part in any public examinations or external assessment for which the student is entered as a candidate.
- If the student is permanently dismissed, they will be withdrawn with immediate effect, the right to participate in external assessment is forfeit and the exclusion will be recorded on the student file.

## Appeals Procedure

If the decision reached at the Disciplinary Hearing is that of dismissal then the student will have the right to appeal to the Depute Principal. A written appeal should be sent to the Depute Principal within 10 working days of the notice of dismissal.

- Appeals shall normally only be permitted on grounds of:
  - New evidence supporting the case
  - Evidence of procedural error
- An appeal against dismissal will be examined by a panel comprising the Principal (or nominated representative), the Depute Principal and a Curriculum Manager not involved in the original Disciplinary Hearing.
- The appeal panel will meet within 10 working days of an appeal being lodged or as soon as is reasonably practicable to do so, and will look at the evidence again. The appeal panel may interview the student (who may be accompanied by a colleague as previously) and the staff member who initiated the decision to dismiss the student if they feel it is necessary.
- The appeal panel can make the following recommendation:
  - Uphold the original decision for dismissal
  - Substitute another penalty
  - The disciplinary action be dropped
- The decision of the appeal panel shall be sent to the student in writing within 5 working days of the meeting.
- Where a student is not dismissed, an action plan may be agreed and recorded on the Formal Meeting Form, re-initiating stage 2 and failure to comply will result in an immediate dismissal.
- The Appeal Panel's decision shall be final.

## **Related documents**

- Health and safety policy
- Student charter
- EMA Learner Agreement
- Equal opportunities policy
- ICT acceptable use policy
- List of unacceptable behaviours
- Harassment policy
- Argyll College policy on Safeguarding Children, Young People, Adults at Risk and Staff