



University of the  
Highlands and Islands  
Highland Theological  
College

Oilthigh na Gàidhealtachd  
agus nan Eilean  
Colaiste Dhiadhachd  
na Gàidhealtachd

# Student Disciplinary Procedures

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## POLICY

Responsible Officer:	VP (Academic)
Responsible Committee:	HTC Board of Governors
Review Officer:	VP (Operations & Finance)
Original Author	Single Policy Framework
Date policy approved:	
Date policy last reviewed and updated:	n/a
Date policy due for review:	
Date of Equality Impact Assessment:	n/a

## **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 (Access, Higher Education and Postgraduate - both taught and research) enrolled on a programme of study at Highland Theological College UHI or who are enrolled at another Academic Partner but are studying at Highland Theological 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.

## **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 Highland Theological 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 an appropriate member of the HTC Management Group 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 Highland Theological College UHI, e.g. removal of access to a course of study or specific building.

**4.2 Exclusion from Campus:** This refers to the removal of the student's access to all sites constituting Highland Theological 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.

Where this course of action is to be used, an appropriate member of the HTC Management Group should inform the student in writing.

**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. It tends to occur when a student chooses to take a period of time out from their studies because of a change in their personal circumstances, yet intends 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 Highland Theological 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, or 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 the student's record.

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 Vice Principal (Academic) or other appropriate member of the HTC Management Group. 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 (Personal Academic Tutor) and VP (Academic).

5.3.2 The PAT and VP (Academic) will then consider the incident alongside the student's general behaviour to date. 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 Where appropriate, 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 that the staff members investigating are satisfied that a breach of the Student Code of Conduct has taken place, the PAT or Vice Principal (Academic) 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, the PAT or Vice Principal (Academic) can use an 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 Vice Principal (Academic) 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 the 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 Vice Principal (Academic) should complete all appropriate paperwork. Appropriate information and any relevant documentation should be logged in the student's file. The verbal warning will remain in place for the remainder of the academic year.

5.3.11 Where relevant, the PAT or Vice Principal (Academic) should provide feedback to the member of staff who initially reported the misconduct.

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 and Vice Principal (Academic) 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 and Vice Principal (Academic) 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 he is satisfied that a breach of the Student Code of Conduct has taken place, the Vice Principal (Academic) or equivalent can issue a written warning to the student.

5.4.6 Should the evidence suggest that the misconduct is not serious enough to merit a written warning, the Vice Principal (Academic) 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 person issuing the warning 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 Vice Principal (Academic) should complete the appropriate paperwork. A copy of this, and any possible supplementary action plan, should be sent to the student and to the Principal. Appropriate information and any relevant documentation should be logged on the 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.

### **5.5 Stage 3 Formal Disciplinary Process (including Gross Misconduct)**

#### **Context**

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

- Repeated breach of the Student Code of Conduct has occurred, for which the student has previously received warnings
- A single instance of gross misconduct is suspected, e.g. behaviour serious enough that if proven it may lead to exclusion or withdrawal from Highland Theological College UHI

5.5.2 The Vice Principal (Academic) or other appropriate member of the HTC Management Group will decide whether or not to proceed to Stage 3 Formal Disciplinary Process.

#### **Investigation**

5.5.3 Following initial investigations into the suspected breach of the Student Code of Conduct, consideration should be given by the Vice Principal (Academic) or other

appropriate member of the HTC Management Group as to whether precautionary action should be taken (see Section 4.1).

5.5.4 The Vice Principal (Academic) or equivalent will appoint an appropriate member of staff as Investigating Officer. Any potential conflicts of interests should be avoided when appointing an Investigating Officer.

5.5.5 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.

5.5.6 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.

5.5.7 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.

5.5.8 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.

5.5.9 All students interviewed, including the student who is 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.

5.5.10 At the end of the investigation the Investigating Officer will complete the Stage 3 Disciplinary Checklist and provide a recommendation to the VP (Academic) on whether there is a disciplinary case to answer. 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.

5.5.11 The recommendation will include details of any previous disciplinary action and an overview of the student's engagement with studies to date.

5.5.12 The VP (Academic) or equivalent 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.

5.5.13 Should the VP (Academic) choose not to proceed to a Disciplinary Hearing, their rationale should be recorded and all records retained as per the retention schedule.

## **Disciplinary Hearing**

5.5.14 Should the VP (Academic) decide to proceed to a Disciplinary Hearing, it will take place within ten working days of the Investigating Officer making their recommendation.

5.5.15 The Disciplinary Hearing panel should consist of 3 members, plus a scribe. Normally, at least one of the panel members should be a member of the HTC Management Group, and so be in a position 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 member of the Management Group after the meeting who can take this decision in a timeous manner.

5.5.16 The purpose of the meeting is to:

- Establish whether the alleged incident took place
- Explore the reasons for alleged incident
- Establish whether the student is committed to correcting their behaviour
- Explore how the student can be supported if they continue with their studies
- Determine any disciplinary action that should be taken against the student
- Determine whether the circumstances are such that the student should be excluded from their studies or from the campus (and/or all UHI campuses)

5.5.17 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.

5.5.18 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.

## **Outcome of Disciplinary Hearing**

5.5.19 The student must be informed in writing of the outcome of the Disciplinary Hearing by an appropriate member of HTC Management Group within three working days of the meeting.

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

- Final written warning
- Written warning
- Verbal warning
- Written apology to the aggrieved party
- Compulsory attendance at a workshop/coaching session
- Restrictions/conditions on attendance
- Fines for wilful damage, theft or non-return of equipment



- Exclusion from their studies
- Exclusion from campus
- Permanent exclusion from the University and all Academic Partners
- De-registration (postgraduate research students)
- Removal of university award
- Referred for consideration to the Fitness to Study Procedure/Fitness to Practise Procedure
- No further action

5.5.21 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 6.

5.5.22 A copy of all documentation presented as evidence, the panel outcome letter, and the Hearing Report should be sent to the HTC Management Group. If a sanction is given this should be logged on the 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 person who wrote with the outcome of the consideration. 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 an appropriate member of the HTC Management Group who has not previously been involved in the decision-making process, and 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. 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

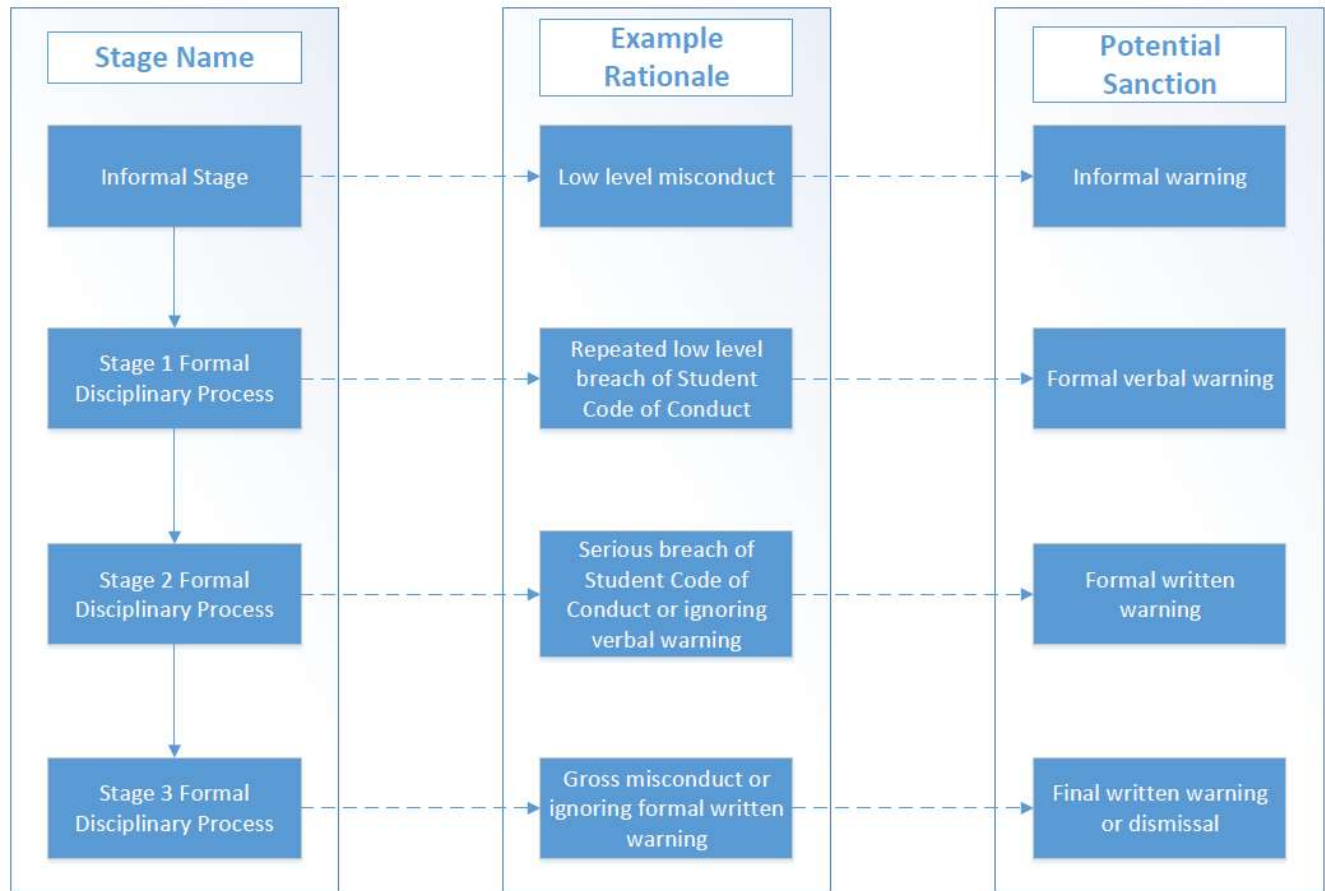
Appendix 4: Stage 2 Flowchart

Appendix 5: Stage 3 Flowchart

Appendix 6: Stage 3 Disciplinary Checklist

Appendix 7: Appeals Flowchart

## Appendix 1 – Disciplinary Procedure Overview



## Appendix 2 - Informal Stage

Suspected breach of Student Code of  
Conduct



Informal action including discussion with  
student and setting out expectations



Brief notes recorded using local processes  
outlining discussions

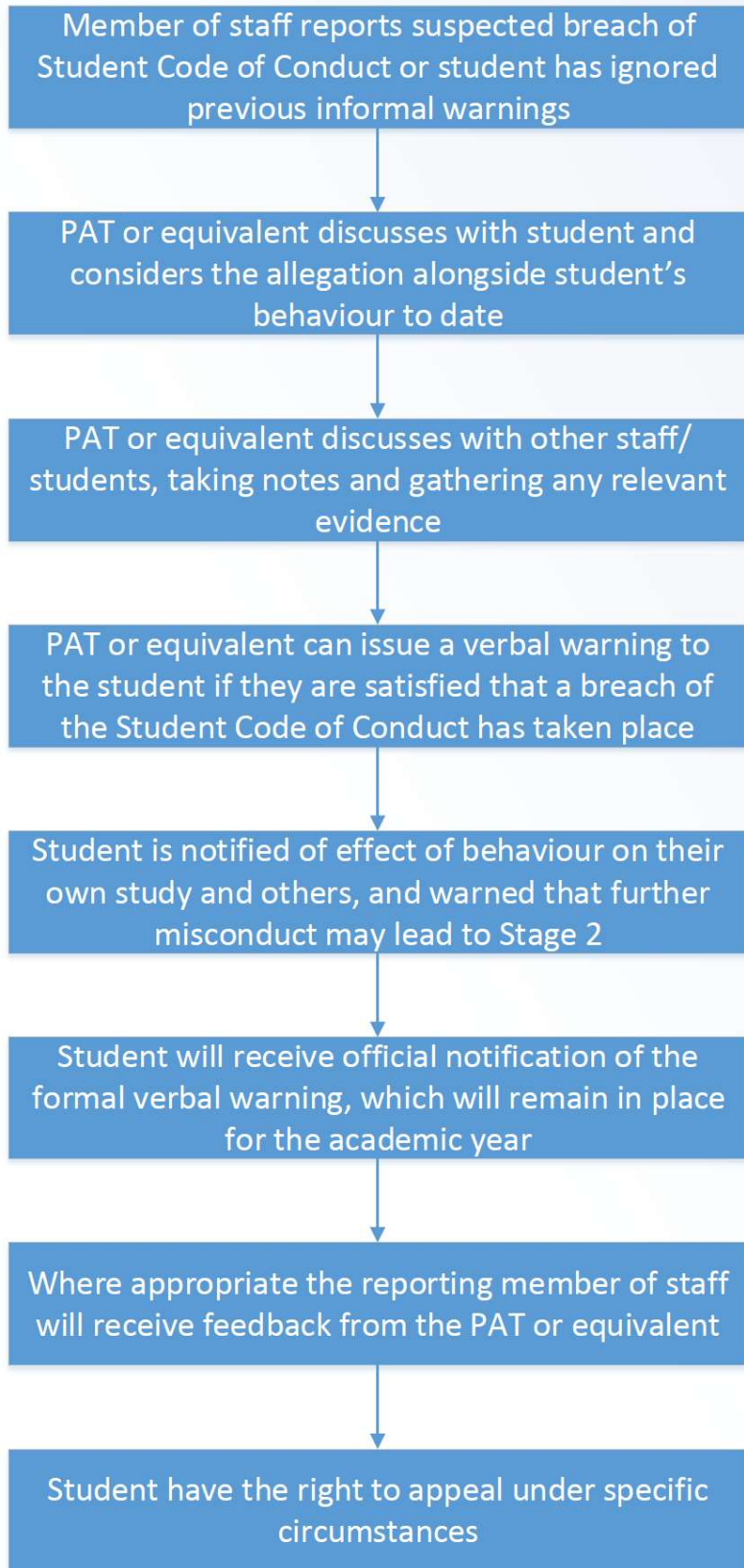


Student given informal warning and  
advised no further action will be taken,  
unless misconduct continues or escalates



Repeated low level misconduct may result  
in initiation of subsequent disciplinary  
procedures

### Appendix 3: Stage 1 Formal Disciplinary Process



## Appendix 4 - Stage 2 Formal Disciplinary Process

Member of staff reports suspected serious breach of Student Code of Conduct or student has ignored formal verbal warning

PAT or equivalent discusses with student and considers the allegation alongside student's behaviour to date

PAT or equivalent discusses with other staff/students, taking notes and gathering any relevant evidence

PAT or equivalent can issue a written warning to the student (agreed in advance with senior member of staff) if they are satisfied that a breach of the Student Code of Conduct has taken place

Student is notified of effect of behaviour on their own study and others, and warned that further misconduct may lead to Stage 3

Student will receive official notification of the formal written warning, which will remain in place for the academic year

Where appropriate the reporting member of staff will receive feedback from the PAT or equivalent

Student have the right to appeal under specific circumstances



## Appendix 5 - Stage 3 Formal Disciplinary Process (Page 1 of 2)

### Context

Report of suspected gross misconduct or student has ignored formal written warning



PAT or equivalent discusses with senior members of staff and initiates Stage 3 Process if appropriate

### Investigation

Consideration should be given by senior staff as to whether precautionary action should be taken



Appropriate member of staff appointed as Investigating Officer by a senior member of staff



Investigating Officer establishes if student or any witnesses have PLSP and make assessment on PLSP's impact on their experience of investigation



Student suspected of breach is provided with copy of Disciplinary Procedures



Investigating Officer collects evidence and interviews all relevant parties. Copy of interview notes to be signed by interviewee for verification



Investigating Officer completes Stage 3 Disciplinary Checklist, evidence and a recommendation on whether there is a case to answer to senior member of staff



Senior member of staff makes a decision on whether to proceed to a disciplinary hearing or not



To be completed within 10 working days



## Appendix 5: Stage 3 Formal Disciplinary Process (Page 2 of 2)

### Disciplinary Hearing



Hearing should take place within **ten working days** of Investigating Officer making their recommendation

Hearing Panel should consist of three members plus a scribe, including a senior member of staff capable of deciding if a student should be withdrawn or excluded

The panel should consider all evidence and arrive at a decision. Should they not be able to reach a decision they may consult with other staff

If a student declines to attend an interview or hearing the hearing will take place regardless to consider the findings and reach a conclusion

Investigating Officer establishes if student or any witnesses have PLSP and make assessment on PLSP's impact on their experience of investigation

### Outcome

The student being investigated must be informed in writing within **three working days** of the meeting

The student has the right to appeal against the outcome in specific circumstances

A copy of all evidence, the outcome letter and hearing report should be sent to a senior member of staff. Any sanction should be recorded on the student's record and any warning will remain in place for a period deemed appropriate.



## Appendix 6: Stage 3 Formal Disciplinary Process – Investigating Officer’s Checklist

### **Stage 3 Formal Disciplinary Process – Investigating Officer’s Checklist**

This checklist should be used when conducting the Stage 3 Disciplinary Process.

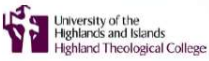
Investigating Officer Name:	
Investigating Officer Job Role:	
Student Name:	
Student ID:	
Programme:	
Details and dates of any precautionary action, including temporary exclusion (if applicable):	

Details of previous Formal Disciplinary Process Events	
Absence Record	
Academic Performance / Progress / Engagement	
Chronology of events leading to suspension	
Summary of witness statements (attach statements as additional sheets)	

Is there evidence of a case to answer?	
Next Steps Recommendation	
Investigating Officer Signature	
Date	

Disciplinary Meeting is to be scheduled within ten working days of the Investigating Officer submitting this form.

## Appendix 7 - Appeal Process



Student may appeal against any disciplinary action taken against them. Appeals will only be considered on the following grounds:

Disciplinary Process was not followed

That there was prejudice and/or bias on the part of the Investigating Officer or any Disciplinary Hearing Panel members which affected the outcome

That the disciplinary action imposed is thought to be disproportionate to the offence

That there is new evidence which could not have been made reasonably available during the original determination

Appeals must be made in writing to appropriate member of staff within **five working days** of receiving the outcome of disciplinary action

Appeal must state the grounds on which the appeal is being made from the four options above. No other grounds for or means of appeal will be considered

Appeal will be considered by an appropriate member of staff, who will respond to the student within five working days of receiving the appeal.

Once the outcome has been decided there is no further recourse to appeal.