

Student Disciplinary Procedure

December 2017

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Version Control History

Version Number	Date of Change	Summary of Revisions Made
6.0	February 2014	Review date extended to allow the incoming Head of Quality to complete the review started by Alison Clark on July 2014 but not completed before she retired.
6.1	July 2016	Footer updated to reflect new template model Role title changed: Vice Principal, Academic; Addition of Role Title: Sector Manager.
7	October 2016	<ul style="list-style-type: none"> i Clarification of Informal and Formal stages of process. Introduction of 2 stages within a formal disciplinary. Sector Manager to investigate serious misconduct, and gross misconduct investigated by Quality Unit. Sanctions at different stages have been amended to reflect differentiation. ii Clarification of awarding body notification of academic malpractice. iii Expansion of appeal process to note appeal to awarding body on academic malpractice.
7.1	May 2017	Minor updates to section 5 to reflect the process for notification of suspected misconduct on regulated awards and the notification of SQA with respect to internal assessment, where relevant. Para's 5.10.14 and 5.10.16
7.2	December 2017	<ul style="list-style-type: none"> i Role title changed: Sector Development Director; Quality Officer. ii Office title changed: the Students' Association HISA Perth. iii Clarification of letter template Stage 1 Formal Disciplinary: Letter template held on S/Quality Assurance/Student Disciplinary Templates. iv Clarification of SITS recording responsibility: The Quality Unit are responsible for ensuring this is done for FE students; the Programme Leader is responsible for ensuring this is done for HE students as per UHI Academic Regulations.

7.3	December 2018	Change in role to Quality Manager. Footer updated
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Student Disciplinary Procedure

1 Purpose

- 1.1 Perth College UHI expects that students will behave considerately at all times and treat other students, staff and members of the public with dignity, fairness and respect regardless of their background, both on and off campus, including within the residences.
- 1.2 This procedure is designed to give staff a clear framework within which to work when dealing with issues of student discipline, including academic malpractice and disciplinary matters within the student residences. The procedure aims to ensure that the College deals fairly, promptly and transparently with students who are believed to have committed a breach of College discipline.

2 Scope

- 2.1 The procedure covers both student misbehaviour and academic malpractice.
- 2.2 The procedure applies to all students enrolled on a programme of study in Perth College UHI, or who are enrolled at another Academic Partner but studying here, or participating in any college related activity. The procedure covers both academic malpractice (Section 6) and non-academic misconduct.
- 2.3 This procedure does **not** apply to school pupils attending courses within the College. If a student breaches the Student Disciplinary Code and is still enrolled as a pupil at a secondary school, the matter should be referred to the student's school via the Sector Development Director, Skills for Life, Learning and Employment. School staff will then be responsible for further action.
- 2.4 Consideration will be given for students with a predisposition to behavioural issues identified in a personal learning support plan (PLSP).

3 Definitions

- 3.1 **College Related Activity:** Activities undertaken by enrolled students either as part of a course or as extra-curricular on College premises or away from the College. At the discretion of College Senior Management, this may also involve students travelling to the College on public transport.
- 3.2 **A Breach of Discipline:** Any behaviour that contravenes the Student Disciplinary Code and/or the Student Residences Tenancy Agreement. The Student Disciplinary Code is given in Appendix 1. Students are referred to the Tenancy Agreement for code of conduct in the Residences.

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- 3.3 **Minor Misconduct:** Includes persistent disruptive behaviour, behaviour which may impact on health and safety at a lower level and behaviour such as petty theft. Examples are given in Appendix 2.
- 3.4 **Serious Misconduct:** Includes threatening behaviour and bullying or harassment of staff or students. Examples of serious misconduct are given in Appendix 2.
- 3.5 **Gross Misconduct:** Behaviour which may lead to exclusion from the College. Examples of gross misconduct are given in Appendix 2.
- 3.6 **Academic Misconduct:** Behaviour or intention to use unfair means in any test, examination or coursework, or to assist another student to make use of such unfair means. This compromises the integrity of the assessment process. Examples are given in Appendix 3.
- 3.7 **Academic Maladministration:** Any activity, practice or omission which results in learner non-compliance with administrative regulations and requirements.
- 3.8 **Academic Malpractice:** Academic misconduct and academic maladministration are both academic malpractice.
- 3.9 **Restorative Approach:** A mechanism that can be employed in disciplinary cases where repairing harm done to relationships and people is put over and above the need for assigning blame and dispensing punishment. Often suitable in cases involving students with additional support needs, or where the two parties must maintain a working relationship eg student-student, student-staff.
- 3.10 **Disciplinary Panel:** A group consisting of the Sector Development Director – Business, Management, Computing and Leisure, Quality Manager, and a Sector Development Director, or member of Corporate Management Team.

4 Responsibilities

- 4.1 **All College Staff:** All College staff have a responsibility to challenge students acting in a way that is disruptive or causes a nuisance to others.
- 4.2 **Chief Operating Officer:** The COO is responsible for authorising Stage 1 formal disciplinary sanctions relevant to the Student Residences.
- 4.3 **Residences Manager:** The Residences Manager is responsible for invoking the disciplinary procedure for breaches of the code of conduct as stipulated in the Student Residences Tenancy Agreement. They are responsible for issuing verbal and/or written warnings in an informal stage and for investigating cases in Stage 1 of a formal disciplinary. The Residence Manager is responsible for implementing any subsequent

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sanctions from outcome of investigations, where appropriate, and contributing to discussions regarding next steps following a disciplinary investigation. The residences Manager is responsible for informing the Quality Unit of all formal stage 1 cases, and all written warnings.

- 4.4 **Residences Duty Supervisor:** The Residence Duty Supervisor must be familiar with this procedure in order to advise and support any students who become subject to it. They may issue a verbal warning to a student but they must then inform the Residences Manager who will issue a letter to the student as a record of the verbal warning given. They must inform the Quality Unit of all verbal warnings issued.
- 4.5 **Personal Academic Tutors (PATs):** Personal Academic Tutors must be familiar with this procedure in order to advise and support any students who become subject to it. PATs may issue a verbal warning to a student in an informal stage disciplinary (for behavioural indiscretions or academic misconduct) but they must then inform the relevant Sector Manager/Subject Leader who will issue a letter to the student as a record of the verbal warning given. They must maintain formal accurate records in BRAG of any verbal and/or written warnings or other sanctions issued as part of an informal or formal stage and maintain appropriate lines of communication with other members of staff as necessary. In addition, the PAT is responsible for ensuring that appropriate learning materials are sent to a student under suspension, where required. They must inform the Quality Unit of any disciplinary action taken.
- 4.6 **Sector Manager/Subject Leaders:** Sector Managers/Subject Leaders are required to take an active role in maintaining discipline. This involves interviewing students and issuing a written warning when a verbal warning has been given by a PAT in an informal stage. A Sector Manager/Subject Leader is responsible for invoking the formal disciplinary procedure and, where appointed by the Sector Development Director, to investigate cases raised in Stage 1 of a formal disciplinary. Sector Managers/Subject Leaders are responsible for implementing any subsequent sanctions from outcome of investigations, where appropriate, and contributing to discussions regarding next steps following a disciplinary investigation. They must inform the Quality Unit of any disciplinary action taken.
- 4.7 **Sector Development Directors:** Sector Development Director is responsible for ensuring that all staff in their area are familiar with this procedure and understand how it should be implemented. In cases of suspected serious misconduct, the Sector Development Director is responsible for appointing an Investigating Officer (normally a Sector Manager or relevant Subject Leader) for a Stage 1 Formal disciplinary investigation. Sector Development Director is responsible for deciding that a student should be suspended within the terms of this procedure and for formally notifying the student of that decision. In addition, together with the appropriate Sector Manager, Heads of Curriculum must contribute to discussions regarding next steps following a Stage 1 Formal disciplinary investigation and may also be required to serve on a Disciplinary

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Panel, and where appropriate, Chair a Disciplinary Panel. Sector Development Director is responsible for deciding when a Restorative Approach is the most appropriate mechanism for dealing with a breach of discipline. In discussion with the Quality Manager and other appropriate staff (eg Student Support team), the Sector Development Director is responsible for determining who will take Restorative Action and ensuring that this is carried out.

- 4.8 **Sector Development Directors and Directors:** Sector Development Directors and Directors are responsible for ensuring that all staff in their area are familiar with this procedure and understand how it should be implemented. As members of the College Management Team (CMT), Heads of Service and Directors may also be required to serve on a Disciplinary Panel.
- 4.9 **Sector Development Director – Business, Management, Computing and Leisure:** In cases of suspected gross misconduct, the Sector Development Director – Business, Management, Computing and Leisure is responsible for Chairing Disciplinary Panels, and instigating the suspension or withdrawal procedure as required. In their absence, Disciplinary Panels will be chaired by a Sector Development Director not associated with the curriculum area of the student in question, or the Head of Quality.
- 4.10 **Chair of Disciplinary Panel:** The Chair of the Disciplinary Panel (whether this is the Director of Curriculum and Business Planning, or a Head of Service or Director) is responsible for informing the International Office if suspension or withdrawal procedure is being applied.
- 4.11 **International Office:** The International Office is responsible for taking appropriate action in relation to the visa status of an International Student following the outcome of a Disciplinary process. Therefore, they must be kept informed of all disciplinary cases and their outcomes, and the staff member responsible for preparing an outcome letter will copy this to the International Centre.
- 4.12 **Quality Manager:** The Quality Manager is responsible for appointing an Investigating Officer when informed by a Sector Manager that a Stage 2 formal Disciplinary Procedure should be instigated. The Head of Quality is responsible for supporting investigations by supplying templates, proforma and guidance as requested. In addition, the Quality Manager is responsible for giving advice and guidance to Sector Development Directors and Sector Managers on the appropriateness of sanctions imposed on a Stage 1 disciplinary. Quality Manager will also serve on the Disciplinary Panel, and where appropriate, Chair. The Quality Manager is also responsible for ensuring that disciplinary outcomes are recorded for the appropriate period of time on the student's record in SITS.

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- 4.13 **Depute Principal, Academic:** The Depute Principal, Academic is responsible for hearing any appeals made in accordance with this procedure. In the absence of the Depute Principal, Academic, another member of the Senior Management Team may hear the appeal.
- 4.14 **Investigating Officer:** The Investigating Officer is responsible for conducting investigations in a thorough, objective and fair manner; for presenting the evidence to the Sector Development Director, or Quality Manager for consideration of next steps. In most cases, for a Stage 1 Disciplinary a Sector Manager, or relevant Subject Leader, will be appointed by the Sector Development Director as investigating Officer, and for a Stage 2 Disciplinary the Quality Officer will be appointed by the Quality Manager as the Investigation Officer.
- 4.15 **Disciplinary Panel Clerk:** For a Stage 1 Formal Disciplinary a Curriculum Administrator will Clerk. For a Stage 2 Formal Disciplinary a Quality Officer will Clerk. This includes organising all administration in connection with Disciplinary Hearings, including taking notes at the Hearing, preparing letters and informing relevant staff of the outcome.
- 4.16 **Disciplinary Panel:** The Disciplinary Panel is responsible for determining the appropriate outcome, and the length of time this should remain on a student's record in cases referred to them.
- 4.17 **Head of Student Experience:** Where a formal investigation is referred to the Fitness to Study procedure the Head of Student Experience will be responsible for coordinating this, or delegating it another member of staff to coordinate.

Where the breach of conduct is deemed a criminal act the Head of Student Experience will be responsible for taking the decision whether it needs to be referred to the police, and reporting it if so.

Where the breach of conduct is deemed to be a safeguarding issue then the Head of Student Experience will be responsible for implementing the safeguarding process.

5 Procedure

Please refer to **Appendix 7-9** for flowcharts showing the Disciplinary Procedure.

Informal Disciplinary Stages

5.1 Minor Misconduct

- 5.1.1 All staff have a role to play in student discipline in that any staff member can and should challenge a student or students they see acting in a way that is disruptive, disrespectful, or which causes a nuisance to others.

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- 5.1.2 Where a student's behaviour is considered to be disruptive the member of staff will request that the student cease whatever behaviour is causing the problem and, if necessary, ask the student to leave the immediate area for a suitable period (ie of up to 2 hours).
- 5.1.3 If, having challenged a student, the staff member considers that further action is required, the student's name and course should be ascertained and the matter referred to the relevant PAT **and** Sector Manager/Subject Leader.
- 5.1.4 Where behavioural issues are within the residences, then the Residences Duty Supervisor and Residences Manager should be informed.

Stage 1 Informal Disciplinary – Verbal Warning

- 5.1.5 The PAT/Residences Duty Supervisor will meet with the student and may issue a **verbal** warning. All verbal warnings must be confirmed to the student through Edutext by the Sector Manager/Residences Manager within 3 days of the verbal warning being issued. The Quality Unit must be informed of all verbal warning, and will log them to maintain a record.

Stage 2 Informal Disciplinary – Written Warning

- 5.1.6 Non acceptance by the student of a verbal warning, further repetition of the offending behaviour, or more extreme initial offending behaviour should be referred to the PAT and Sector Manager/Residences Manager.
- 5.1.7 The Sector Manager/Residences Manager will issue a written warning, using the relevant template, at a meeting with the student. The student is required to sign to indicate acceptance of the written warning. The student's Personal Academic Tutor should be informed and will make a note on the student's record. This note will stay on the student's record and be removed at the end of the academic year provided there is no further instance of misconduct. The Quality Unit must be informed of all written warnings and will log them to maintain a record. The PAT must update the student's record to show the written warning.
- 5.1.8 If the student fails to attend the meeting, refuses to accept a written warning, or disputes the issue in any way, the matter will be referred to the Stage 1 formal procedure and an investigation should take place. See Section 5.2.

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- 5.1.9 If the behaviour in question relates to academic misconduct, the procedure in Section 5.8 should be followed. The above arrangements do not apply in that case.
- 5.1.10 Restorative approaches are unlikely to be needed in cases of minor misconduct, but if there is any indication that the student has additional support needs, or there is a likelihood that the misconduct has had an impact on others, then consideration should be given to using these mechanisms as an alternative to verbal or written warning. Consult with the Student Support Team in the first instance, before speaking to the student.

Formal Disciplinary Stages

5.2 Serious or Persistent Misconduct

- 5.2.1 In the case of a more serious breach of student code of conduct/residences tenancy agreement (serious misconduct), persistent repetition of minor acts of misconduct or refusal to accept a written warning as described in the informal procedure above, a more formal procedure will be implemented.

Stage 1 Formal Disciplinary

- 5.2.2 Responsibility for invoking the Stage 1 Formal procedure lies with the Sector Manager/Residences Manager. Any member of staff who observes behaviour they believe to be serious misconduct must inform the student that the matter will be referred to the Sector Manager/Residences Manager.
- 5.2.3 Referral to the Sector Manager/Residences Manager should be in person if possible, followed by an email for recording purposes.
- 5.2.4 Upon receipt of information concerning an allegation of serious misconduct (non-residence related), the Sector Manager will inform the Sector Development Director.
- 5.2.5 Where the allegation of serious misconduct is residences related then the Residences Manager will inform the International and Corporate Services Director.
- 5.2.6 The Sector Development Director/Chief Operating Officer is responsible for appointing an Investigating Officer, providing them with a suitable investigation brief, and informing the student that a Stage 1 Formal investigation is being conducted as a result of their breach of the College code of conduct. Letter template held on S/Quality Assurance/Student Disciplinary Templates should be used to inform the student.

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Where there is any indication that the student has additional support needs, or misconduct has had an impact on others, then consideration should be given to using these mechanisms as an alternative to the Stage 1 Formal procedure. The Sector Development Director/Chief Operating Officer will consult with the Student Support Team and the Quality Manager in the first instance. Letter template held on PerthNet should also be used to inform the student if this route is to be taken.

- 5.2.7 The Investigating Officer will normally be the Sector Manager who has responsibility for the course the student is studying. This may however fall within the remit of the relevant Subject Leader studying, or the Residences Manager. If necessary, another appropriate person may be appointed. The Quality Unit must also be informed at this point of proceedings that a student has been referred to a Stage 1 Formal Disciplinary.
- 5.2.8 Another appropriate person is defined as a member of staff familiar with this procedure and completely independent and objective ie with no connection to the student concerned or involvement, even peripherally, with the alleged offence. This would normally be a Sector Manager, or Subject Leader, from the same Curriculum department.
- 5.2.9 The Disciplinary Investigation Guidance should be referred to and the correct process followed and templates completed. See section 5.4.
- 5.2.10 If the breach of conduct is deemed to be a criminal act or a safeguarding issue then the Head of Student Services must be informed. He/She will inform the proper authorities if deemed appropriate.
- 5.2.11 When a Stage 1 Formal Disciplinary investigation is complete, or when enough evidence has been collected for a decision to be made, the Investigating Officer will produce a report, using the report template, and submit this to the Sector Development Director.
- 5.2.12 A disciplinary meeting will be held between the Sector Development Director of the area in which the student is studying and the student's Sector Manager to review the findings of the investigation. A decision will be made on whether the student is guilty or not of serious misconduct, and if found guilty an appropriate sanction given. Further details of sanctions can be found in section 5.7.

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- 5.2.13 The Sector Development Director is required to inform the student of the outcome decision. Good practice would determine this was in person. However a letter of outcome of Stage 1 Formal disciplinary investigation **must** be issued even when the student has been verbally informed of the outcome decision. This would normally be handed to the student at the meeting.
- 5.2.14 This must be copied to the PAT and Sector Manager/Subject Leader and the Quality Unit for logging. The PAT will make a note on the student's record. This note will stay on the student's record and be removed at the end of the academic year provided there is no further instance of misconduct. The Quality Unit will log the outcome and record this in SITS.
- 5.2.15 If during a Stage 1 Formal investigation the student breaches the code of conduct again then the investigation can be escalated to a Stage 2 Formal investigation. At this point the Investigating Officer would continue the investigation and report their findings to the Sector Development Director and the Quality Manager.
- 5.2.16 If the behaviour in question relates to a breach of the residences tenancy agreement or behaviour within the residences, the procedure above will be followed.
- 5.2.17 If the behaviour in question applies to academic misconduct, the procedure in Section 5.8 will be followed. The above arrangements do not apply in that case.

5.3 **Gross or Persistent Serious Misconduct**

- 5.3.1 In the case of a gross breach of the Student Disciplinary Code/residences tenancy agreement (Gross Misconduct), or repetition of a serious act of misconduct, or a referral from a Stage 1 Formal Disciplinary, a Stage 2 formal disciplinary procedure will be implemented.

Stage 2 Formal Disciplinary

- 5.3.2 Responsibility for invoking the stage 2 Formal Disciplinary procedure lies with the Sector Manager/Residences Manager. Any member of staff who observes behaviour they believe to be gross misconduct must inform the student that the matter will be referred to the Sector Manager/Residences Manager who will inform the Sector Development Director/International and Corporate Services Director.
- 5.3.3 Referral to the Sector Manager/Residences Manager should be in person if possible, followed by an email for recording purposes.

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- 5.3.4 Upon receipt of information concerning an allegation of gross misconduct, the Sector Manager will inform the Sector Development Director who will make a decision whether the offense warrants the student to be suspended from the course of study until an investigation has been concluded. (See section 5.4).
- 5.3.5 Where the allegation of gross misconduct is relevant to behaviour in the residences then the Residences Manager must inform the International and Corporate Services Director. The International and Corporate Services Director must discuss with the Sector Development Director whether the offense warrants the student being suspended from their course of study until an investigation has been concluded.
- 5.3.6 The Sector Manager/Residences Manager should inform the Head of Quality who will appoint an Investigating Officer. This will normally be the Quality Co-ordinator but, if necessary, another appropriate person may be appointed.
- 5.3.7 Another appropriate person is defined as a member of staff familiar with this procedure and completely independent and objective ie with no connection to the student concerned or involvement, even peripherally, with the alleged offence.
- 5.3.8 The Disciplinary Investigation Guidance should be referred to and the correct process followed and templates completed. See section 5.4.
- 5.3.9 If the breach of conduct is deemed to be a criminal act or a safeguarding issue then the Head of Student Services must be informed. He/She will inform the proper authorities if deemed appropriate.
- 5.3.10 The Quality Unit is responsible for informing the student that a Stage 2 Formal investigation is being conducted as a result of their breach of the College code of conduct.
- 5.3.11 When a Stage 2 Formal Disciplinary investigation is complete or when enough evidence has been collected for a decision to be made, the Investigating Officer will produce a report and submit this to the Quality Manager who will determine whether the student is referred to a Disciplinary Panel hearing. If the investigation proves inconclusive to forward to a Disciplinary Panel then the student may still be issued with an informal warning (verbal or written). A Disciplinary Panel Hearing would normally be convened for any other outcome. However, in exceptional cases the case may be referred to the Fitness to Study Procedure or for Restorative Approaches to be instigated.

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- 5.3.12 If the behaviour in question relates to a breach of the residences tenancy agreement or behaviour within the residences, the procedure above will be followed, and the Quality Manager will consult with the International and Corporate Services Director on whether a Disciplinary Hearing is required.
- 5.3.13 If the behaviour in question applies to academic misconduct, the procedure in Section 5.10 should be followed. The above arrangements do not apply in that case.

5.4 Investigation

- 5.4.1 Before meeting with a student as part of a formal investigation, care must be taken to determine if the student has a PLSP that means they may need extra support. The Investigating Officer must liaise with Student Services to ensure they are adequately supported through the process, including arrangements for communicating with them in case of difficulties with emails etc.
- 5.4.2 The Investigating Officer (for both Stage 1 and Stage 2 of a formal disciplinary) will meet separately with the staff, students and any other witnesses involved in the incident. The investigation will be conducted within 5 working days of notification wherever possible. The letter template 'Invitation to an Investigation Meeting' should be used to inform a student or witness about an investigation meeting.
- 5.4.3 The student who is the subject of the investigation may be accompanied by a supporter of his or her choosing (other than a legal representative or another student involved in the disciplinary or investigation). The Students' Association – HISA Perth or the student's PAT is able to offer support to students involved in a disciplinary situation and, where possible, the HISA Perth will provide a supporter to attend meetings with the student if requested by the student. They must be copied into the communications inviting the student for interview.
- 5.4.4 Notes will be taken at these meetings (by a relevant curriculum or quality administrator delegated to undertake the task – See Section 4.15 Responsibilities). The proforma 'Interview Template' should be used to record the witness statement and typed copies will be sent by email to the witnesses for an accuracy check. Witnesses will be required to respond within 5 working days. Failure to respond will be taken as agreement of the accuracy of the statement. This will be made clear by the Investigating Officer to the staff, students and other witnesses at the conclusion of each interview. It must also be made clear at the end of each interview that the agreed statements will form part of the evidence added to the Investigation Report and may be seen by students facing a Disciplinary Panel.

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- 5.4.5 The Investigating Officer is responsible for collecting any other relevant evidence such as college records, information from social media sites etc which may be required for the Hearing.
- 5.4.6 Throughout the investigation, 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.
- 5.4.7 It may be necessary, as part of the investigation, to consult with staff from Student Services, the Personal Academic Tutor or any other relevant person with information connected to the student's behaviour. These statements will be taken in the same way as any other witness statements and will be considered when determining the outcome of the disciplinary investigation and any subsequent sanctions that may be imposed.
- 5.4.8 If any statements gathered in the investigation indicate that attendance at a Disciplinary Hearing could be detrimental in any way to the health and wellbeing of the student concerned, the Sector Development Director and/or Quality Manager will decide the most appropriate action to take.
- 5.4.9 One possible course of action would be to instigate Restorative Approaches or a case conference with the PAT and relevant Student Services staff, rather than hold a Disciplinary Panel. In this case the decision will be recorded by the Investigating Officer and further disciplinary action will cease pending the outcome of the case conference. The Fitness to Study Procedure will be referred to in these circumstances.

5.5 Suspending a Student During Investigation or as a Sanction

- 5.5.1 A student will not normally be suspended while an investigation is underway. However, if in exceptional circumstances, the student is perceived to present a threat to themselves, college staff, students, visitors or property or if their continued attendance could interfere with the investigation, it may be necessary to suspend the student.
- 5.5.2 Suspension of a student requires the agreement of the relevant Sector Development Director or, in his or her absence, a member of the Senior Management Team.
- 5.5.3 If it is necessary to suspend a student, for the reasons stated above, the investigation will proceed. Where possible, an investigation meeting will be held by a conference telephone call to gather the student's statement. Where this is not possible the student will be given the opportunity to provide a first statement at the Disciplinary Hearing. Students may be allowed to attend College for Investigation interviews, in agreement with the Sector Development Director.

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- 5.5.4 The suspension should remain in force until the Disciplinary Hearing has been held. The student will be permitted to attend College for the Disciplinary Panel hearing.
- 5.5.5 In order not to disadvantage the student while under suspension, either during an investigation or as a sanction, every effort should be made to enable the student to continue his or her studies, either by means of the VLE or by notes, hand-outs and work activities being sent by post or email to the student. The student's PAT is responsible for co-ordinating this and communicating with the student.
- 5.5.6 During any suspension, the student's absence from class will be considered to be authorised and therefore any funding will not be affected.
- 5.5.7 Where a student is to be suspended, the student will be informed by the Sector Development Director and a letter detailing this and the reasons for it will be sent to the student's home or term time address by First Class Recorded Delivery. It may be necessary in exceptional circumstances to also issue a copy of the letter by email, or to hand it to the student in person if they are in College and need to be removed. The Investigating Officer will produce the letter using the template 'Suspension During an Investigation'.
- The letter should be sent on the same day that the suspension decision is taken or the next working day thereafter.
- 5.5.8 Suspension normally involves complete exclusion from the campus. If the student is a resident within the Perth College UHI Student Residences, the method of dealing with any implications of this decision would be at the discretion of, and should therefore be referred to, the International and Corporate Services Director. The Residences Manager should also be informed. Students suspended from their course of study may be permitted to stay on campus, but confined to their residence, as determined by the International and Corporate Services Director.

5.6 Stage 2 Formal Disciplinary Hearing

- 5.6.1 After completing the Stage 2 investigation, if a Disciplinary Hearing is deemed to be necessary, it will take place as quickly as possible. To avoid unnecessary delays, arrangements for the Hearing can be made before the investigation is fully complete, although the notice period in paragraph 5.6.2 must still be adhered to.

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- 5.6.2 The student(s) will be advised in writing by the Quality Unit, normally 5 working days before the date of the hearing of:
- The date, time and location of the Hearing.
 - The allegation(s) against the student(s).
 - The right to be accompanied to the Hearing by a Students' Association representative or another person of the student's choosing other than a member of the legal profession acting in a professional capacity.
 - The opportunity at the Hearing for the student to state their case.
 - The right to provide witness statements on his or her own behalf.
- 5.6.3 The student should be issued with the guidance for students required to attend a Stage 2 formal disciplinary hearing.
- 5.6.4 Every effort will be made to arrange the Hearing at a time suitable to all concerned. The initial date and time set will be re-arranged if the student provides evidence of a genuine reason to be unable to attend.
- 5.6.5 If the student does not respond to the invitation to Hearing, and does not attend the Hearing, it will be conducted in their absence.
- 5.6.6 The Hearing Panel will normally consist of at least 3 members as follows:
- A Sector Development Director not connected to the student's curriculum area, as Chair, or the Chief Operating Officer
 - Quality Manager.
 - Another member of the Corporate Management Team (CMT), unconnected to the curriculum area of the student concerned.
 - At the discretion of the Chair, further members may also be appointed.
- 5.6.7 The Investigating Officer will be required to be in attendance.
- 5.6.8 Administrative support will be provided by the Quality Unit.

5.7 Conduct at the Hearing

- 5.7.1 The checklist at Appendix 5 provides a useful aide-memoire for the conduct and recording of a Disciplinary Hearing. Whilst the Briefing for the Chair is provided in Appendix 6.

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- 5.7.2 The Disciplinary Panel will meet privately 30 minutes before the start of the Hearing to ensure that they have all relevant information and to clarify any queries with the Investigating Officer.
- 5.7.3 As a minimum, 'all relevant information' will include:
- Details of the allegation against the student.
 - All the information and evidence gathered in the course of the investigation (with a brief summary, if necessary).
- 5.7.4 Panel members will familiarise themselves with this information prior to the Hearing.
- 5.7.5 At the start of the Hearing, the Chair will make introductions and outline the reason for the Hearing (the allegations made against the student) and the process to be followed.
- 5.7.6 The Chair will also describe the possible outcomes of the Hearing (See Section 5.8) and will specifically seek assurance from the student that he or she understands the process and possible outcomes.
- 5.7.7 The Investigating Officer will present the evidence gathered during the investigation to show where it supports the allegation.
- 5.7.8 The student will then be given the opportunity to respond to the evidence given and present his or her own version of events along with any other information they feel is relevant. Where a student is incapable of providing their own dialogue then their representative may be allowed to do so on their behalf, based on information given to them by the student.
- 5.7.9 Members of the panel may question the student, or their supporter, in order to seek further clarification if necessary.
- 5.7.10 The Hearing may be adjourned and reconvened at a later date if the panel conclude that further investigations should be carried out, or if the student becomes unusually upset during the Hearing.
- 5.7.11 In cases where there is police involvement, the student will be informed that any evidence the College has, including statements the student makes at any hearing, may be given to the police if this is appropriate or required.
- 5.7.12 When the Hearing Panel is satisfied, in so far as is reasonable, that the case has been fully investigated and that they are in possession of all the relevant facts, the Chair will thank the

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student for their attendance and will inform them that the decision of the panel will be issued in writing.

5.7.13 The panel will then deliberate and reach a decision. The decision will be made on the 'balance of probability' taking into account all the evidence from the investigation and any statements made at the Hearing.

5.7.14 The written decision of the panel will normally be sent to the student within 2 working days of the Hearing, using the letter template 'Outcome of Hearing'. This will be drafted by the Investigating Officer, and signed by the Chair of the Hearing Panel. If possible, the formal letter will be sent as an attachment to an email as well as by normal recorded delivery.

5.8 Possible Outcomes of a Formal Disciplinary Investigation, and/or Hearing

5.8.1 All Disciplinary outcomes for International students must be copied to the International Office so they can take the appropriate steps with regards to visa status.

5.8.2 Appropriate sanctions that can be applied to a student found guilty under a Stage 1 Formal Disciplinary (not related to Student Residences) are as follows. These apply whether the breach of discipline relates to academic study or the residences (except Academic Misconduct):

- a Written warning.
- b Suspension of study for a limited time period ie a week (any suspensions must be authorised by the Sector Development Director).
- c Referral to a Stage 2 Formal Disciplinary.
- d In exceptional circumstances instead of applying a sanction the may make a referral to a case conference and Fitness to Study Procedure or Restorative Approach, rather than apply a sanction. The Sector Development Director is responsible for making this decision.

5.8.3 Appropriate sanctions that can be applied to a student found guilty under a Stage 2 Formal Disciplinary (not related to Student Residences) are as follows:

- a Final written warning.
- b Suspension of study for a limited time period, with or without compulsory engagement with Student Services for appropriate support.
- c Restrictions on access to part of the campus with or without compulsory engagement with Student Services for appropriate support.

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- d Withdrawal from course of study.
- e In exceptional circumstances the panel instead of applying a sanction may make a referral to a case conference and Fitness to Study Procedure or Restorative Approach, rather than apply a sanction. The Sector Development Director is responsible for making this decision.

Note: Where a student who is suspended from their course of study is residing in the Student Residences they may be permitted to stay on campus, but confined to their residence, as determined by the International and Corporate Services Director.

5.8.4 The Disciplinary Panel will decide on the length of time a penalty is to be applied for in each case, but guidance on standard penalty lengths is given in paragraph 5.9.

5.8.5 Appropriate sanctions that can be applied to a student found guilty under a Stage 1 Formal Disciplinary related to Student Residences are as follows. These apply whether the breach of discipline relates to academic study or the residences (except Academic Misconduct):

- a Written warning.
- b Reparation of costs incurred to the College in making good damage.

5.8.6 Appropriate sanctions that can be applied to a student found guilty under a Stage 2 Formal Disciplinary (not related to Student Residences) are as follows:

- a Final written warning.
- b Reparation of costs incurred to the College in making good damage.
- c Termination of the Tenancy Contract Agreement.

Note: Where a student has their Tenancy Contract for the Student Residences terminated under this procedure they may still be entitled to continue with their course of study unless the termination of their contract is linked to a withdrawal from their course of study under the Disciplinary Procedure.

5.9 Disciplinary Sanctions

5.9.1 Verbal Warning

As noted in paragraph 5.1.5 above, a verbal warning will be issued by the student's PAT an Edutext will be sent by the Sector Manager, or relevant Subject Leader. A note of the verbal

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warning will normally be retained for the remainder of the time they are on their course of study. In this way, repetitions of minor infringements can be monitored and dealt with appropriately.

5.9.2 **Written Warning**

This is a more serious outcome and will be conveyed to the student in writing, using the appropriate section of the letter template 'Outcome of Informal Investigation'. The written warning will give the reasons for the warning, state that more serious disciplinary action will be considered if the student commits a further breach of discipline and advise the student of their right of appeal. A copy should be sent to the Quality Unit and kept by the student's PAT on the BRAG report.

5.9.3 **Final Written Warning**

If the breach of discipline is sufficiently serious to warrant more than a written warning but not serious enough to justify the withdrawal of a student from his or her course of study or if, despite a previous written warning, the student commits a further breach of college discipline, a final written warning will be considered appropriate. The appropriate section of the letter template 'Outcome of Hearing' is used for this. The letter will state the reasons for the final warning, refer to any previous warning that has been taken into account and state that if a further breach of discipline occurs, the student may be withdrawn from his or her course of study. It will also advise of the student's right of appeal. A copy of the final written warning will be sent to the student's PAT and retained by the Quality Unit normally for a period of 2 academic years.

5.9.4 Written Warnings and Final Written Warnings will also be recorded on the student's record in SITS and will therefore be visible if the student transfers from one curriculum area to another. The Quality Unit are responsible for ensuring this is done for FE students; the Programme Leader is responsible for HE students as per UHI Academic Regulations.

5.9.5 **Withdrawal from Course of Study**

5.9.5.1 If the offence is considered to be gross misconduct or if the student commits a further breach of discipline after a Final Written Warning, the student may be withdrawn from his or her course of study as an outcome of a Disciplinary Hearing. The date for withdrawal will be agreed by the Disciplinary Panel.

5.9.5.2 Of necessity, the effective date for this penalty will have to be after the period allowed for appeal and its consideration has run its course (15 working days).

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5.9.5.3 During that period, the student remains a current student but, if considered appropriate by the Disciplinary Panel may be suspended for that period. In that case, the provisions in Section 5.4 above will apply.

5.9.5.4 Initiating the withdrawal procedure at the appropriate time is the responsibility of the Chair of the Disciplinary Panel.

5.9.5.5 The student will be informed in writing of the decision to impose this penalty. The appropriate section of the letter template 'Outcome of Hearing' is used for this and will be drawn up by the Quality Unit or the Sector Development Director.

The written notice will state clearly the reasons for the decision, the effective date that the penalty will be imposed and the student's right of appeal.

5.9.5.6 A copy of this letter will be kept on file by the Quality Unit and will also be copied to the relevant Sector Development Director, PAT and to any other relevant employers, managing agencies or other agencies.

5.9.5.7 If a student is a resident of Perth College UHI Student Residences, in addition to being removed from their course of study, they will also be required to leave their accommodation at the Residences. The student will have a maximum of 3 working days from the effective date of the penalty to vacate the accommodation. The International and Corporate Services Director and Residences Manager must be informed of any decision to withdraw a student from the Student Residences.

5.9.5.8 Where a student is to be removed from the Residences for a breach of the tenancy agreement, the impact of this on the student's course of study needs to be borne in mind. Discussions may be needed with the Sector Development Director on what support can be offered to enable studies to continue, where appropriate.

5.9.6 **Compensation Orders**

In some cases, where the breach of discipline involves causing damage to property, the student may be required, in addition to any disciplinary penalty, to reimburse the College for the cost of repairs. In addition, the College reserves the right to involve the Police in relation to the damage of property or any part of the campus or buildings.

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5.10 Academic Misconduct

Please refer to **Appendix 10** for flowchart showing the Academic Misconduct Disciplinary Procedure.

- 5.10.1 In cases where the misconduct relates directly to matters of an academic nature the procedure to be followed differs from that detailed above.
- 5.10.2 Academic misconduct is a general term for all cases of malpractice or maladministration by a student in the course of completing an assessment and can arise in:
- The preparation and authentication of coursework.
 - The presentation of practical work.
 - The compilation of portfolios of assessment evidence.
 - Conduct during an assessment.
- 5.10.3 A student must ensure that all assessed work is their own and that it fully acknowledges the work or opinions of others eg by appropriate formal referencing. It is the student's responsibility to ensure that they do not commit any form of academic misconduct or gain unfair advantage in any other way. Academic misconduct may be proven to have taken place even if the student has not gained any unfair advantage by doing so.
- 5.10.4 Academic misconduct may take different forms and may be considered minor or serious misconduct, depending on the gravity of the offence.
- 5.10.5 It is a PAT's responsibility to ensure that students are made aware of what constitutes academic misconduct and a tutor's responsibility to ensure that the student has acknowledged that the assessed work they have submitted is their own work.
- 5.10.6 **If the student concerned is a Higher Education student (HNs, Degrees, Post Graduate qualifications, SVQs at SCQF Level 7 or above), the current published version of the UHI's Academic Standards and Quality Regulations will be followed.**
- 5.10.7 Where the student concerned is a Further Education student (studying at SCQF Level 6 or below) the following procedure should be followed.
- 5.10.8 The College distinguishes between minor and serious cases of academic misconduct depending on the gravity of the offence and the circumstances in which it was committed. The penalty applied in each case will be determined by the staff investigating the case, or the Sector Development Director, with reference to the quality requirements of the awarding body where applicable.

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- Whether the student has previously committed academic misconduct.
 - Level of study.
 - Impact of offence on other students eg in group work assessments, examinations.
 - Evidence that the student sought to gain unfair advantage.
 - Material impact of the academic misconduct on the quality of the work.
 - Proportion of the assessment that has been plagiarised.
 - Whether or not critical aspects of the assessment have been plagiarised.
- 5.10.9 The Sector Manager should be informed of all cases of minor misconduct.
- 5.10.10 Where academic misconduct has been admitted or proven on one occasion and dealt with as a minor offence, a second or repeat instance by that student would normally be treated as a serious offence unless it is deemed by the Sector Manager as a minor indiscretion.
- 5.10.11 In any instance where the academic misconduct appears to be serious then the formal investigation procedure below must be followed.
- 5.10.12 Any misconduct that compromises the integrity of the assessment or the award must be treated as serious.
- 5.10.13 The Quality Unit must be informed of **all** proven cases of academic misconduct. A formal accurate record must also be noted by the PAT in BRAG of any verbal or written warnings or other sanctions issued as part of minor or serious case of academic misconduct.
- 5.10.14 With respect to regulated awards all suspected cases of academic misconduct, proven or otherwise, must be reported to the Quality Manager who is obliged to inform the relevant awarding body. This will be done in writing to qav@sqa.org.uk. The awarding body holds the right to conduct their own investigation, or defer to the college procedure.
- 5.10.15 Where academic misconduct has occurred in an externally marked assessment ie cheating, then the Quality Unit must be made aware as soon as possible so the awarding body can be notified. The Awarding Body procedure may differ from that shown below and must be used as the method of disciplinary investigation.
- 5.10.16 The college will notify SQA of candidate misconduct concerns for internal assessment if:

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- the concern came to the centre's attention after submission of internal assessment marks.
- the concern relates to candidate misconduct for a qualification regulated by SQA Accreditation or Ofqual.
- any candidate affected by a centre's candidate misconduct decision, having exhausted their right of appeal within the centre, wishes to exercise their right of appeal to SQA.
- there are other exceptional circumstances, eg the centre believes that the misconduct case involves a criminal act.

Notification will be made by the Quality Manager (as the SQA coordinator). This will be done either in writing or by telephone.
T: 0345 213 5363/5567 or E: malpractice@sqa.org.uk.

- 5.10.17 The Quality Unit must be informed of **all** proven cases of academic misconduct. A formal accurate record must also be noted by the PAT in BRAG of any verbal or written warnings or other sanctions issued as part of minor or serious case of academic misconduct.
- 5.10.18 With respect to regulated awards all suspected cases of academic misconduct, proven or otherwise, must be reported to the Quality Manager who is obliged to inform the relevant awarding body. The awarding body holds the right to conduct their own investigation, or defer to the college procedure.
- 5.10.19 Where academic misconduct has occurred in an externally marked assessment ie cheating, then the Quality Unit must be made aware as soon as possible so the awarding body can be notified. The Awarding Body procedure may differ from that shown below and must be used as the method of disciplinary investigation.
- 5.10.20 The college will notify SQA of candidate misconduct concerns for internal assessment if:
- the concern came to the centre's attention after submission of internal assessment marks.
 - the concern relates to candidate misconduct for a qualification regulated by SQA Accreditation or Ofqual.
 - any candidate affected by a centre's candidate misconduct decision, having exhausted their right of appeal within the centre, wishes to exercise their right of appeal to SQA.
 - there are other exceptional circumstances, eg the centre believes that the misconduct case involves a criminal act.

Notification will be made by the university SQA coordinator. This will be done either in writing or by telephone.
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5.11 Procedure for Dealing with Suspected Academic Misconduct

5.11.1 When academic misconduct is suspected in an assessment, the tutor concerned should first investigate the detail of the work submitted, using their professional judgement. The tutor should advise the student(s) of the suspicion of academic misconduct and that further investigation will take place. No mark or result should be given to the student, or submitted to MIS, until the suspicion of academic misconduct has been resolved. The tutor should inform the student's PAT of the suspected academic misconduct and submit to them a report of their investigation.

5.11.2 Minor Academic Misconduct

5.11.2.1 If the suspected academic misconduct is proven after investigation by the tutor and is the student's **first offence**, and in particular is a result of the student's poor understanding of the referencing or academic practice, then the PAT should meet with the student to discuss this and treat this as an educational issue. The student should be given further advice and guidance regarding appropriate conduct in examinations and assessments.

5.11.2.2 A transcript of the meeting should be taken and submitted to the Quality Unit, along with the tutor's investigation report, to be kept on record.

5.11.2.3 If the suspected academic misconduct is proven after investigation by the tutor and is the student's **second offence** but it is agreed by the Sector Manager, or relevant Subject Leader, that it is a minor indiscretion the PAT should meet with the student to discuss this and issue further advice and guidance regarding appropriate conduct in examinations and assessments.

5.11.2.4 The PAT should issue a verbal warning to the student. The Sector Manager, or relevant Subject Leader, must issue a letter to the student as a record of the verbal warning given.

5.11.2.5 A transcript of the meeting should be taken and submitted to the Quality Unit along with the tutor's investigation report and a copy of the verbal warning letter to be kept on record. The Quality Unit is responsible for ensuring that the SITS record of the student is updated with the relevant outcome, retention period, and any amended assessment results for FE students; the Programme Leader is responsible for HE students as per UHI Academic Regulations.

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5.11.3 Serious Academic Misconduct

- 5.11.3.1 If the suspected academic misconduct is proven after investigation by the tutor and is considered a serious offence of academic misconduct the PAT should inform the Sector Manager, relevant Subject Leader, and the Quality Unit.
- 5.11.3.2 The Sector Manager, or relevant Subject Leader, and PAT should meet with the student to discuss the incident.
- 5.11.3.3 A student who is deemed to have committed a serious offence may be liable to one or more of the following penalties. Where the offence is a repeat offence this may have a bearing on the severity of the penalty:
- a A written warning which will be held on the student's SITS record for the remainder of the academic year.
 - b A mark of zero/fail grade for one or more assessments in one or more units, with the opportunity to resit where appropriate.
 - c A mark of zero/fail grade for one or more assessments in one or more units, with no opportunity to resit the unit.
 - d Suspension from the College.
 - e Withdrawal from the course of study.
- 5.11.3.4 A transcript of the meeting should be taken and submitted to the Quality Unit along with the tutor's investigation report and a copy of the outcome letter to be kept on record. The Quality Unit is responsible for ensuring that the SITS record of the student is updated with the relevant outcome, retention period, and any amended assessment results for FE students; the Programme Leader is responsible for HE students as per UHI Academic Regulations.

5.12 Appeals Procedure

- 5.12.1 A student may appeal against any disciplinary action (including compensation orders) taken against him or her. Appeals will normally only be considered on the following grounds:
- That the student's behaviour was adversely affected by illness or other factors which he or she was unable or, with valid reason, unwilling to divulge to during the disciplinary investigation or subsequent Disciplinary Hearing Panel, where relevant, when it made its decision. The student's appeal must be accompanied by documentary evidence acceptable to the senior manager who considers the appeal in the first instance.

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- That evidence is produced that there was material administrative error in conducting the disciplinary procedure or that it was not conducted in accordance with the published procedure.
 - That evidence is produced that some other material irregularity has occurred.
- 5.12.2 Appeals for a sanction applied for a **minor misconduct offence** should be submitted to the Sector Development Director within **5** working days of the date on which the written confirmation of the sanction was sent.
- 5.12.3 The Sector Development Director will review the investigation report and may consult with relevant parties as appropriate, including the student, PAT and Sector Manager (or delegate).
- 5.12.4 The Sector Development Director must inform the Quality Unit that an appeal has been received and the subsequent outcome. The student will have no further right of appeal within the College.
- 5.12.5 Appeals for a sanction applied during a **serious or gross misconduct offence** should be submitted to the Vice Principal, Academic within **10** working days of the date on which the written confirmation of the outcome of the Disciplinary Panel was sent.
- 5.12.6 The Depute Principal, Academic must inform the Quality Unit that an appeal has been received and of the subsequent outcome.
- 5.12.7 The Depute Principal, Academic or his or her nominee will review all documentation and witness statements and may consult with relevant parties as appropriate, including the student and each member of the Disciplinary Hearing Panel.
- 5.12.8 The Depute Principal, Academic will arrange for the student to be informed of the outcome of the Appeal in writing as soon as possible and normally within **5** working days of the appeal being received. Copies will be forwarded to all recipients of the original letter following the Disciplinary Hearing.
- 5.12.9 The student will have no further right of appeal within the College.
- 5.12.10 **If the case relates to Academic Misconduct and the student is a Higher Education student, he or she will have the right of appeal within the UHI Academic Misconduct Policy and Procedure.**
- 5.12.11 If the case relates to Academic Misconduct and the student is studying with an awarding body other than UHI they have the right to appeal to their awarding body where:

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- The centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted the centre's appeals process.
- SQA, as the awarding body, has conducted an investigation and the candidate disagrees with the decision.

5.12.12 Centres also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to the SQA or other awarding body.

5.13 Records Retention

5.13.1 Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for 5 years. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

5.13.2 In an investigation involving a criminal prosecution or civil claim, records and documentation will be retained for 5 years after the case has been heard.

5.13.3 In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for 5 years.

5.13.4 In the case of all other disciplinary proceeding, files must be retained until the outcome has expired (dates agreed at a Disciplinary Panel) or until the student has completed their studies, whichever is the longer.

6 Linked Policies and Guidance

UHI Academic Standards and Quality Regulations

UHI Academic Misconduct Policy and Procedure

UHI Fitness to Study Guidelines

Safeguarding Policy and Procedure, Protecting Children, Young People, Adults at Risk and Staff

Fitness to Study Procedure

International Student Attendance and Performance Monitoring Procedure

Disciplinary Investigation Guidance Pack

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Appendix 1 – Student Code of Conduct

Perth College UHI expects that, while on College premises, students behave respectfully towards staff, fellow students and College property in order that all College users can enjoy and benefit from their experience. This code outlines what will be regarded as unacceptable within the College community and will therefore constitute a breach of student discipline.

Some students may have additional ground rules for expected behaviour eg in kitchens, workshops, sports facilities etc, but this Code of Conduct applies to ALL students.

Students staying in the Student Residences are subject to additional obligations of conduct, as detailed in the Tenancy Agreement, and any indiscretion or misconduct will be dealt with by the Student Disciplinary Procedure as outlined above.

This following list is indicative and subject to change on an annual basis. Full details of the code of conduct can be found on the Student Portal.

Perth College UHI expects that, while on any College premises, or participating in any College related activity, students must **not**:

- Deliberately damage or steal any property belonging to the College, the Students' Association, a staff member, a fellow student or a visitor.
- Defraud, or attempt to defraud the College of any money.
- Abuse, threaten (verbal or written), assault (verbally or physically), or endanger the health and safety of, any person.
- Bully, harass or intimidate another student or member of staff: this includes online or through the use of social media sites.
- Behave in any way that is grossly offensive to others, including swearing or use of derogatory or discriminatory language against any protected characteristic.
- Possess, use or trade in, illegal drugs.
- Possess or use any offensive weapons.
- Infringe any College policy or regulation.
- Interfere with, or disrupt the day-to-day running or business of the College or Students' Association or Residences. This includes teaching, study, administration or recreational activities. This includes citing others to cause such disruption.
- Be under the influence of alcohol or other substance within the College to the extent that it is believed to be to the detriment of his/her appropriate response or behaviour.
- Make use of any unfair means or deceive, or assist another student to behave in this way, during any College test, examination or in the carrying out of any assessment.
- Make use of any unfair means to influence the Student Election process.
- Provoking a student into committing a breach of the Code of Conduct.

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Please Note:

- 1 The Student Disciplinary Procedure will be actioned and followed in response to any breach of this code.
- 2 Within the parameters of the Student Code of Conduct, the College holds the right to suspend or withdraw a student from his/her course as a disciplinary measure. For a serious or gross breach of the code of conduct there is no need for a previous warning to suspend a student; however the Student Disciplinary Procedure will always be followed.
- 3 In certain circumstances, it may also be necessary for the College to treat a criminal conviction or unacceptable behaviour that takes place out-with College premises or activity as an infringement of this code (this also includes travel to and from College on Public Transport).

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Appendix 2

Guidance on Categories of Behavioural Misconduct

Minor Misconduct (Informal Stage)

Minor misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others. The following examples of minor misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Repeated inappropriate use of mobile phones in classes or the library.
- Non-compliance with regulations regarding study areas (eg eating or drinking in unauthorised areas).
- Addressing staff or fellow students in an impolite, inappropriate or offensive manner.
- Misuse or unauthorised use of College facilities or property (this could also be serious misconduct, depending on the offence).
- Obstruction or disruption of College processes and procedures.
- Non-compliance with ground rules for acceptable behaviour outlined by lecturing staff in class or Students' Association staff in the Union.
- Failure to follow a reasonable instruction from a member of staff.

Serious Misconduct (Formal Stage 1)

Serious misconduct includes threatening behaviour and bullying or harassment of staff or students. The following examples of serious misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Abusive, threatening or bullying behaviour towards staff and students via any means including face to face, phone, text, emails or on internet blogs, forums, Facebook, Twitter or any other social media.
- Damage to or defacement of College property or the property of other members of the College community caused intentionally or recklessly.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- False or malicious allegations against College staff eg fabricated complaints that may have been raised initially as part of the Student Complaints Procedure.
- Bringing the College into disrepute.
- Non-compliance with penalties imposed for minor misconduct.
- Failure to comply with College policies or procedures.

Gross Misconduct (Formal Stage 2)

Gross misconduct is behaviour which calls into question a student's status as a student of the College. The following examples of gross misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Dealing, using, or in possession of illegal substances.
- Physical assault on a member of staff or a student.
- Use or threaten to use a weapon.

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- Criminal conviction for any of the above and for offences against the person of a violent or sexual nature.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- Theft of College property, or that of other staff or students.
- Non-compliance with penalties or conditions imposed for serious misconduct.

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Appendix 3 Guidance on Categories of Academic Misconduct

Minor Misconduct

The following would normally be considered as **minor misconduct** if a first offence:

- Collusion – working with others to complete an assessment when an assessment must be completed by individual students.
- Copying from another candidate (including using ICT to do so).
- Frivolous content – producing content that is unrelated to the assessment in question.
- Inappropriate behaviour during an assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language.
- Plagiarism. Which is categorised as failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidates own.
- Cheating.
- Falsification or fabrication of data.

Serious Misconduct

The following would be considered as **serious misconduct** if a repeat offence of a previous sanction given for minor misconduct:

- Collusion – working with others to complete an assessment when an assessment must be completed by individual students.
- Copying from another candidate (including using ICT to do so).
- Frivolous content – producing content that is unrelated to the assessment in question.
- Inappropriate behaviour during an assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language.
- Plagiarism. Which is categorised as failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidates own.
- Cheating.
- Falsification or fabrication of data.
- Personation.
- Bribery.

The following would normally be considered **serious misconduct** if a first or repeat offence:

- Offensive content such as the inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence.
- Impersonation ie pretending to be someone else.
- Cheating, normally through the use of unauthorised aids. Being in possession during an assessment of unauthorised materials including (but not limited to) mobile phones, MP3 players, notes. This is normally considered serious misconduct.

Title: Student Disciplinary Procedure

Version/Status: 7.3, Final

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Owner: Depute Principal, Academic

Lead Author: Head of Student Experience
Quality Manager

Review Timing/Date: 4 years/2019/20

Appendix 4

Frequently Asked Questions

Do I have to attend? Yes. You are required to attend a Disciplinary Hearing when requested to do so. Even if you feel that you have not done anything wrong or there has been a misunderstanding, it is important that you attend so that your own account can be heard. If you do not attend the matter will be considered in your absence, unless you have made arrangements to reschedule the meeting.

What should I do if I can't attend at the date and time stated? Details of who to contact in this situation will be given in the letter. You must present a valid reason for not attending and provide evidence to support this.

What should I do to prepare for a Hearing? Familiarise yourself with the process and collate any evidence (eg witness statements) in support of your own account of what happened. Take time to consider what you want to say.

Can I bring someone with me to the Hearing? Yes. You can bring a friend or family member or a representative from the Students' Association (but not a member of the legal profession acting in a professional capacity). You can also discuss it with your Personal Academic Tutor. You can bring a witness who can support your account of the incident or you can ask him or her to provide a statement and bring it with you for the panel to consider. You can bring someone to assist you if you have a PLSP that indicates that this would be helpful for communications.

Will I be issued with a penalty? If the panel decide that misconduct has not occurred you will not be issued with a penalty. If the panel decide that misconduct has occurred, you will be issued with a penalty. At the start of the Hearing, possible penalties will be described to you. These can also be found in the Student Disciplinary Procedure.

Can I appeal against a decision? Yes. You can appeal against any penalty which is issued provided you have grounds for appeal. Details of how to appeal will be in the letter giving you the panel's decision. The grounds for appeal are listed in the Student Disciplinary Procedure, paragraph 5.12.1.

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Appendix 5

Student Disciplinary Hearing Checklist

Name of Student:					
Summary of Allegations:					
Hearing Date:		Time:		Venue:	

Before the Hearing

Procedure	Yes/No	Comment
Student notified in writing about the Hearing?		
Guidance sent to student?		
Was the date of the Hearing re-arranged for any reason?		

Panel

Name	Role
Chair:	
In attendance:	

At the Hearing

	Yes/No	Comment
Did the student attend the Hearing?		
Was the student accompanied?		

If Yes, what was the name and role of the supporter/representative?

Name:		Role:	
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Title: Student Disciplinary Procedure

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Review Timing/Date: 4 years/2019/20

Appendix 6

Briefing for the Chair

Please tick to confirm that each required element of the Hearing was covered:

	✓
Introduce all present.	
Outline the reason for the Hearing.	
Explain the process to be followed.	
Describe the possible outcomes of the Hearing.	
Ask the student to confirm their understanding of the process and possible outcomes.	
Present the evidence (by the Investigating Officer).	
Ask the student to respond to the evidence and/or present their own version of events.	
Give the student the opportunity to ask questions.	
Give the panel the opportunity to ask questions.	
Give the student the opportunity to provide any further information they feel is relevant.	
Inform the student if there is a likelihood of police involvement, and explain that the College will give the police access to any evidence as appropriate or required.	
Confirm that the outcome will be in writing following deliberations of panel.	

Outcome

What outcome was agreed? **[This should include details of an adjournment if that was considered necessary.]**

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If a warning is to be issued, how long should it remain on file?	
If the student is to be withdrawn, what is the effective date?	

Checklist completed by:

Name:		Date:	
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Signature of Panel Chair:

Name:		Date:	
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Title: Student Disciplinary Procedure

Version/Status: 7.3, Final

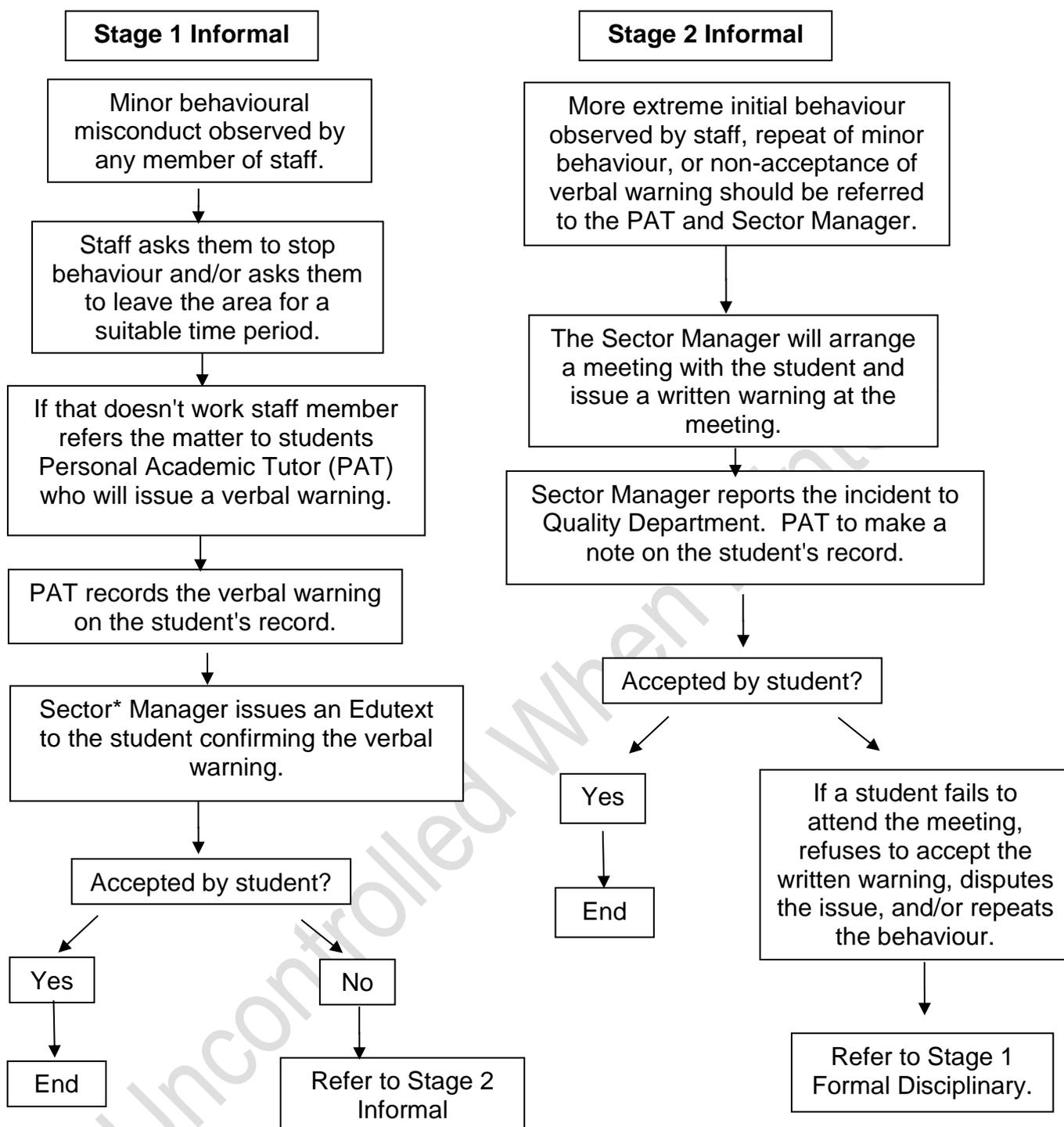
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Quality Manager

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Appendix 7 Flow Chart for Informal Disciplinary Stages



*Where a disciplinary is issued with respect the Student Residences then the sanction is issued by the Residences Manager.

Title: Student Disciplinary Procedure

Version/Status: 7.3, Final

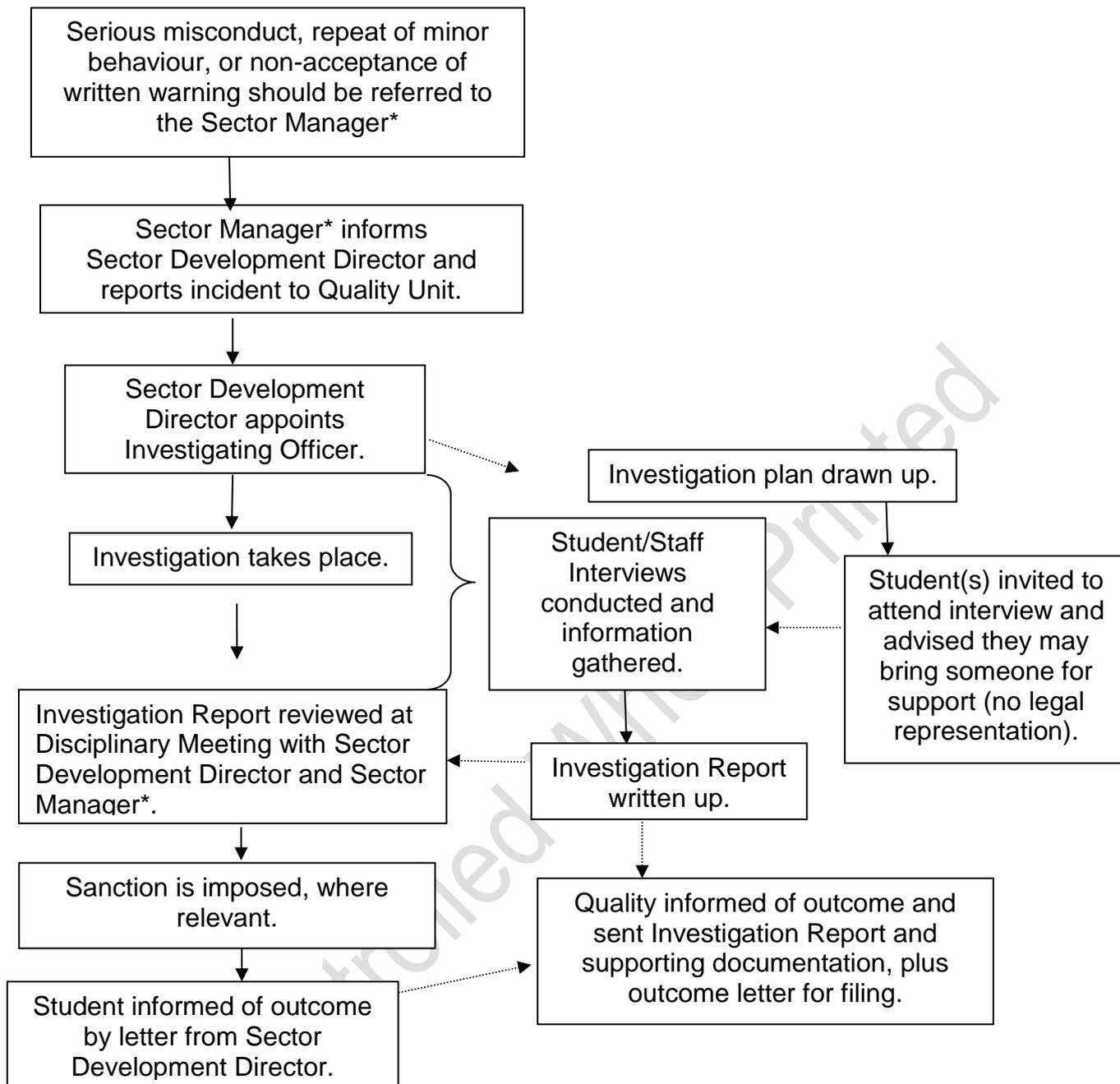
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Quality Manager

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Appendix 8 Flow Chart for Formal Disciplinary Stage 1



*Where a disciplinary is dealt with in respect the Student Residences then the sanction is issued by the Residences Manager or International and Corporate Services Director.

Title: Student Disciplinary Procedure

Version/Status: 7.3, Final

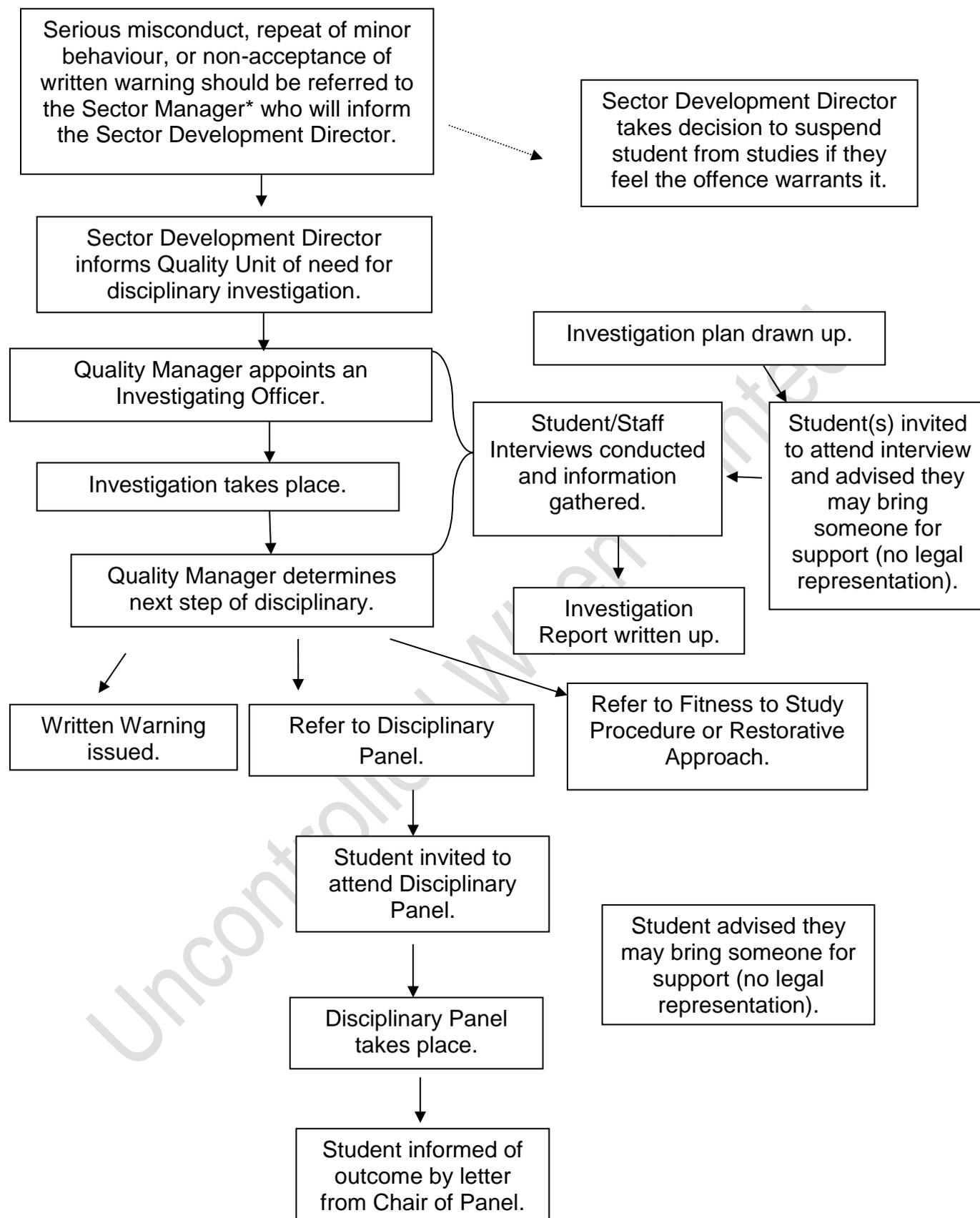
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Quality Manager

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Appendix 9 Flow Chart for Formal Disciplinary Stage 2



Title: Student Disciplinary Procedure

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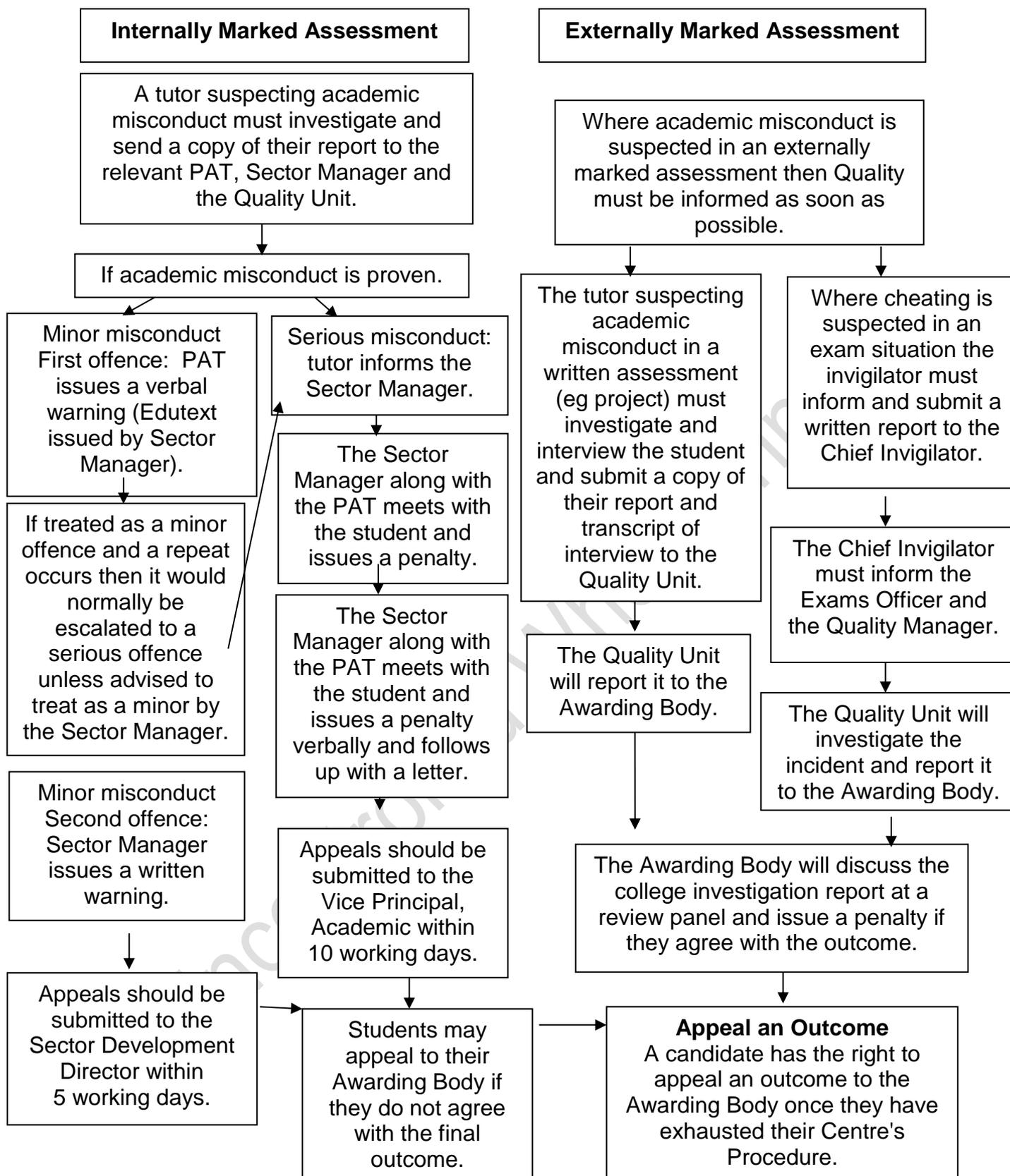
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Appendix 10 Flow Chart for Academic Misconduct



Title: Student Disciplinary Procedure

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