



UHI Argyll, University of the Highlands and Islands

# Student Disciplinary Procedure

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## 1. Introduction

- 1.1. This procedure supports the Student Conduct 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 conduct and suspected breaches of the Student Code of Conduct.
- 1.3. The Student Disciplinary Procedure is part of a suite of documents, including:
  - Academic Misconduct Policy
  - Fitness to practise guidelines (course-specific)
  - Gender Based Violence Policy
  - Mental Health Strategy
  - Mitigating Circumstances Procedure
  - Support to Study Procedure
  - Student Code of Conduct
  - Student Conduct Policy
  - Student Criminal Offence Data Disclosure Policy
  - Student Mental Health and Counselling Policy
  - Suicide Intervention and Risk Management Policy and Guidance
  - Safeguarding Policy
  - University of the Highlands and Islands Academic Standards and Quality Regulations
  - University of the Highlands and Islands Academic Misconduct Guidance

## 2. Scope

- 2.1. This procedure applies to all students regardless of level enrolled on a programme of study at UHI Argyll or who are enrolled at another academic partner but are studying at UHI Argyll.
- 2.2. This procedure applies to suspected breaches of the Student Code of Conduct in physical and virtual environments, including social media and messaging services.
- 2.3. The procedure applies to suspected breaches of the Student Code of Conduct on campus and off campus.

- 2.4. Both staff and students can report suspected breaches of the Student Code of Conduct.
- 2.5. For students who are also school pupils, refer to Section 8.

### 3. Principles

- 3.1. The Student Disciplinary Procedure seeks to act without bias and provide all involved with the right to a fair hearing. UHI and partners understand that raising a concern or being investigated under the Student Disciplinary Procedure can be stressful. Support is available from UHI Argyll and HISA should students wish.
- 3.2. As per section 3 in the Student Conduct Policy section 3.4, any breach of the Student Code of Conduct which may also constitute a criminal offence will be reported to the police and may lead to separate criminal proceedings. UHI Argyll may discuss the situation with the student raising a concern prior to any police referral being made, but due to our duty of care have an obligation to refer to the police in some circumstances regardless of whether the students involved support the action.
- 3.3. As a general principle UHI and UHI Argyll will always seek to disclose only relevant information as part of the Student Disciplinary Procedure. However, in a situation where a student raises a concern against another student it is likely that the evidence provided by the student raising a concern will form a key part of disciplinary proceedings against the other student. Care must be taken to ensure that both students are treated fairly, have a proper opportunity to put their case, and a proper opportunity to challenge the evidence of the other.
- 3.4. Should a student raising a concern not give their consent to information they provide being used during a disciplinary investigation they must make staff aware. The student should also understand that it may be difficult to proceed to an investigation without the sharing of evidence.
- 3.5. The procedure has an accompanying privacy notice which should be considered by staff and students.

### 4. Exceptions

- 4.1. There are separate procedures for academic misconduct.
- 4.2. In situations where a student's conduct 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 the Support to Study Procedure and/or relevant fitness to practise procedures may be considered alongside or instead of this procedure.
- 4.3. This procedure is distinct from UHI Argyll Complaints Handling Procedure. Breaches of the Student Code of Conduct cannot be investigated by the Complaints Handling Procedure.

### 5. Definitions

- 5.1. **Precautionary Action:** In the event of an allegation of misconduct, a student may be excluded from UHI Argyll 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 the Head of Student Services or Head of Curriculum 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 UHI Argyll, e.g. removal of access to a course of study or specific building. Consideration should also be given to removing access to other university and academic partner facilities.

- 5.2 **Exclusion from Campus:** The removal of the student's access to all sites constituting UHI Argyll 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.
- 5.3 **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 procedure. In some cases this may result in any future applications from the student being rejected.
- 5.4 **Suspension of Studies:** A suspension of studies is not a disciplinary measure. When a student chooses to take a period of time out from their studies because of a change in their personal circumstances, with the intention to return at a later date. The option of suspension of studies is dependent on what the student's course allows.

## 6. Procedure

- 6.1 Disruptive conduct 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 conduct 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 procedure, if a student is found not to be responsible for any suspected misconduct then the investigation will be closed and no further action taken.

### 6.2 Students reporting a suspected breach of the Student Code of Conduct

Students can report suspected breaches of the Student Code of Conduct to any member of staff. Should the report be of a personal or sensitive nature, students can discuss the issue with a member of staff they trust or speak to a representative from the Highlands and Islands Students Association (HISA) to find out more about the type of support they can offer. The member of staff will follow the process below as appropriate.

### 6.3 Informal Stage

- 6.3.1 UHI Argyll will usually try to deal with suspected breaches of the Student Code of Conduct informally first, and only use the formal disciplinary procedure when this proves unsuccessful, or it is inappropriate in the circumstances (e.g. recurring breaches of the Student Code of Conduct, an instance of a more serious nature or gross misconduct – see 6.6.1).
- 6.3.2 Informal action would normally involve staff discussing with the student any conduct causing concern and setting out the expectations around conduct. This could be carried out by any member of UHI Argyll staff. Brief notes should be taken of the discussions and these notes then stored in the student's disciplinary record held in SharePoint. If the student is a school pupil then the Apprenticeship and Schools Link Officer must be informed.
- 6.3.3 All students interviewed, including the student who is alleged to have breached the Student 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). The student can approach HISA to find out more about the type of support they can offer.
- 6.3.4 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.
- 6.3.5 Repeated low-level misconduct should be raised with the Student Advisor, PAT, Lecturer or relevant local centre staff. Should the misconduct continue or escalate, the formal disciplinary procedure will be considered.

### 6.4 Stage 1 Formal Disciplinary

- 6.4.1 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 student's Student Advisor, PAT, Lecturer or relevant local centre staff.
- 6.4.2 The Student Advisor, PAT, Lecturer or relevant local centre staff will then consider the incident alongside the student's conduct to date generally. Discussions should be held with the student suspected of breaching the Student Code of Conduct to establish their version of events. The student should be advised that the Disciplinary Procedure is being used and must be provided with a copy of the procedure prior to any formal interview taking place.
- 6.4.3 All students interviewed, including the student who is alleged to have breached the Student 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). The student can approach HISA to find out more about the type of support they can offer.
- 6.4.4 Discussions may be held with other staff and/or students to ascertain the situation and verify events.
- 6.4.5 The Student Advisor, PAT, Lecturer or relevant local centre staff 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 for confirmation of accuracy along with a request for acknowledgment.

- 6.4.6 Provided the staff members investigating are satisfied that a breach of the Student Code of Conduct has taken place, the Student Advisor, PAT, Lecturer or relevant local centre staff can issue a verbal warning to the student.
- 6.4.7 Should the evidence suggest that the misconduct is not serious enough to merit a verbal warning, the Student Advisor, PAT, Lecturer or relevant local centre staff can use an informal warning instead, following the guidance in Section 6.3.1 onwards. Conversely, should the evidence suggest the misconduct is more serious than Stage 1, proceeding to Stage 2 should be considered, following the guidance in 6.5 onwards.
- 6.4.8 At the point of issuing the verbal warning, the student's conduct should be discussed, outlining the impact on others and emphasising the need to change. The staff member issuing the verbal warning should discuss and agree steps with the student that will lead to improvement of the student's conduct and a note taken of these steps. The student should be informed that repeated misconduct may lead to a Stage 2 formal disciplinary procedure.
- 6.4.9 When issuing the verbal warning, the Student Advisor, PAT, Lecturer or relevant local centre staff should complete all appropriate paperwork and store it in the student's disciplinary record in SharePoint. This paperwork will include any investigation and discussion notes, a copy of the verbal warning notification and any improvement action plan given to the student. The relevant Centre Manager and Curriculum Lead should be informed of the outcome of the disciplinary action and that all the relevant paperwork is in the student's disciplinary folder. If the student is a school pupil then the Apprenticeship and Schools Link Officer must also be informed.
- 6.4.10 After issuing the verbal warning to the student, the Student Advisor, PAT, Lecturer or relevant local centre staff will send an official notification of the verbal warning, and any possible supplementary action plan, to the student. The warning must also be documented on the student's disciplinary record held in SharePoint.
- 6.4.11 The verbal warning will remain in place for six months. Students who re-enrol on a course within six months should have the verbal warning retained in their disciplinary file in SharePoint for the remainder of the six months. If concerns about the student's conduct have passed the verbal warning will normally be expunged after six months, but if concerns remain around the student's conduct then further disciplinary action should be considered and discussed with the student.
- 6.4.12 The Student Advisor, PAT, Lecturer or relevant local centre staff should provide feedback to the member of staff that initially reported the misconduct where relevant.
- 6.4.13 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 7.

## **6.5 Stage 2 Formal Disciplinary**

- 6.5.1 Where conduct which has previously received a formal verbal warning reoccurs, or where there is serious breach of the Student Code of Conduct, the Stage 2 Formal Disciplinary Procedure will be initiated.
- 6.5.2 The relevant Centre Manager or Curriculum Lead will consider the suspected breach of the Student Code of Conduct alongside the student's conduct to date. Discussions should be held with the student suspected of breaching the Student Code of Conduct to establish their version of events. The student should be advised that the Disciplinary Procedure is being

- used and be provided with a copy of the procedure prior to any formal interview taking place.
- 6.5.3 All students interviewed, including the student who is alleged to have breached the Student 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). The student can approach HISA to find out more about the type of support they can offer.
- 6.5.4 Discussions may be held with other staff and/or students to ascertain the situation and verify events. The relevant Centre Manager or Curriculum Lead 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.
- 6.5.5 Provided the staff members investigating are satisfied a breach of the Student Code of Conduct has taken place, The relevant Centre Manager or Curriculum Lead can issue a written warning to the student, which should be agreed in advance with the Head of Curriculum or Head of Student Services.
- 6.5.6 Should the evidence suggest that the misconduct is not serious enough to merit a written warning, the relevant Centre Manager or Curriculum Lead can issue a verbal warning instead, following the guidance in Section 6.4.1 onwards. Conversely, should the evidence suggest the misconduct is more serious than Stage 2, proceeding to Stage 3 should be considered, following the guidance in 6.6 onwards.
- 6.5.7 At the point of issuing a formal warning the relevant Centre Manager or Curriculum Lead should arrange to meet with the student to discuss their conduct, outlining the impact on others and emphasizing the need to change. The Centre Manager or Curriculum Lead should discuss and agree steps with the student that will lead to improvement of the student's conduct and a note taken of these steps. The student should be informed that repeated misconduct may lead to the Stage 3 Disciplinary Procedure being initiated.
- 6.5.8 When issuing the written warning, the relevant Centre Manager or Curriculum Lead should complete all appropriate paperwork and store it in the student's disciplinary record in SharePoint. This paperwork will include any investigation and discussion notes, a copy of the written warning notification and any improvement action plan given to the student. The Head of Curriculum Lead and the Head of Student Services should be informed of the outcome of the disciplinary action and that all the relevant paperwork is in the student's disciplinary folder. If the student is a school pupil then the Apprenticeship and Schools Link Officer must also be informed.
- 6.5.9 The written warning will remain in place for twelve months. Students who re-enrol on a course within twelve months should have the written warning retained in their disciplinary file in SharePoint for the remainder of the twelve months. If concerns about the student's conduct have passed the written warning will normally be expunged after twelve months, but if concerns remain around the student's conduct then further disciplinary action should be considered and discussed with the student.
- 6.5.10 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 7.

## 6.6 Stage 3 Formal Disciplinary (including gross misconduct)

### Context

6.6.1 A Stage 3 Formal Disciplinary will be initiated where:

- Repeated breach of the Student Code of Conduct for which the student has previously received warnings
- A single instance of suspected gross misconduct e.g. conduct serious enough that if proven it may lead to exclusion or withdrawal from UHI Argyll. Gross misconduct includes the most serious breaches of the Student Code of Conduct. Gross misconduct is not precisely defined as it is contextual but is likely to involve serious criminal misconduct, serious damage to property, substance misuse, verbal abuse, physical and/or sexual violence and gender based violence.

6.6.2 Should the relevant Centre Manager or Curriculum Lead believe Stage 3 Formal Disciplinary Procedure may be appropriate, the issue should be discussed with the Head of Curriculum and Head of Student Services. These members of staff should make a decision about whether to proceed to Stage 3 Formal Disciplinary procedure.

### Investigation

6.6.3 Following initial investigations into the suspected breach of the Student Code of Conduct, consideration should be given by the Head of Curriculum and Head of Student Services as to whether precautionary action should be taken (see Section 5.1).

6.6.4 The Head of Curriculum or Head of Student Services will appoint a member of staff to be the Investigating Officer, taking care to avoid any potential conflicts of interest.

6.6.5 All investigations should be conducted within a timeous period once the incident becomes known by staff. For example, it is recommended that an investigation should not normally take more than 10 working days, however holidays and staff absence during this period must be taken into account and allowed for. If there are any delays this will be communicated to all parties and an alternative Investigating Officer appointed if absence is likely to prevent the investigation progressing.

6.6.6 Before meeting with a student as part of a formal investigation, it should be checked whether the student has a Personal Learning Support Plan (PLSP) 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 procedure. This also applies to any witnesses that may be interviewed.

6.6.7 The student who is the subject of the disciplinary investigation must be provided with a copy of the Disciplinary Procedures prior to interviews taking place.

6.6.8 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 independent notetaker appointed by the Investigating Officer. A copy of the notes should be given to the parties interviewed to be signed for verification of accuracy.

6.6.9 All students interviewed, including the student who is suspected of breaching the Student 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). The student can approach HISA to find out more about the type of support they can offer.

- 6.6.10 Where the student suspected of misconduct declines to attend an interview or not attend an interview without a valid reason for absence they should be advised that the investigation will carry on regardless and may proceed to a disciplinary hearing which they will be requested to attend.
- 6.6.11 At the end of the investigation the Investigating Officer will complete the Stage 3 Disciplinary Checklist and provide a recommendation on whether there is a disciplinary case to answer to the Head of Curriculum and Head of Student Services. 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.
- 6.6.12 The recommendation will include details of any previous disciplinary action and an overview of the student's engagement with studies to date.
- 6.6.13 The Head of Curriculum and Head of Student Services 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.
- 6.6.14 Should the Head of Curriculum and Head of Student Services choose not to proceed to a Disciplinary Hearing, their rationale should be recorded and all records retained in the student's disciplinary file as per the retention schedule for the relevant level the disciplinary process is considered to merit.

#### **Disciplinary Hearing**

- 6.6.15 Should the Head of Curriculum and Head of Student Services decide to proceed to a disciplinary hearing, it will take place within ten working days of the Investigating Officer making their recommendation. If there are any delays this will be communicated to all parties and an alternative Investigating Officer appointed if absence is likely to prevent the investigation progressing.
- 6.6.16 The disciplinary hearing will be held by a member of the Senior management Team with a note taker in attendance.
- 6.6.17 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 conduct
  - Explore how the student can be supported if they continue with their studies
  - Consider any information that was not available during the investigation
  - 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)
- 6.6.18 All the evidence presented must be considered 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.

6.6.19 Where a student states their intention not to attend a disciplinary hearing or does not attend the hearing without a valid reason for absence, the hearing will take place in order to consider the investigation findings before coming to a conclusion as to the appropriate course of action. Should there be a valid reason for absence, a decision will be made in liaison with the student about reconvening the hearing.

#### **Outcome of Disciplinary Hearing**

6.6.20 The student must be informed of the outcome of the disciplinary hearing in writing within three working days of the meeting.

6.6.21 The disciplinary hearing panel has scope to take disciplinary action that may include one or more of the following:

- No further action
- Referred for consideration to the Support to Study Procedure and/or relevant fitness to practise procedures
- Verbal warning
- Written 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
- Final written warning
- Exclusion from campus
- Exclusion from their studies
- De-registration (postgraduate research students)
- Permanent exclusion from the university and all academic partners
- Removal of university award

6.6.22 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 7.

6.6.23 A copy of all documentation presented as evidence, the Disciplinary Hearing outcome letter, and the hearing report should be stored in the student's disciplinary record in SharePoint. The Head of Curriculum and Head of Student Services should be informed of the outcome if they were not the staff carrying out the Disciplinary Hearing. If the student is a school pupil then the Apprenticeship and Schools Link Officer must also be informed.

6.6.24 **If the issue is deemed to be gross misconduct** the outcome of the hearing will be attached to the student's record (SITS) permanently and remain in the student's disciplinary record in SharePoint. It may be taken into account determining any future university partnership applications. The decision to classify the issue as gross misconduct is at the discretion of the panel (see Section 6.6.1).

6.6.25 **If the issue is deemed not to be gross misconduct** the outcome of the hearing will remain in place for two years. Students who re-enrol on a course in the university partnership within two years should have the hearing outcome retained on the student's record (SITS) and the student's disciplinary record in SharePoint. If concerns about the student's conduct have passed the hearing outcome will normally be expunged after two years, but if concerns remain around the student's conduct the sanction can remain in place for an

additional year. The student must be notified of this extension and the reasons.

6.6.26 Exceptions to 6.6.24 and 6.6.25 are:

- A verbal warning (held on record for at least six months as per Stage 1)
- A written warning (held on record for at least twelve months as per Stage 2)
- Referral for consideration to the Support to Study Procedure and/or relevant fitness to practise procedure.

## 6.7 Police Investigations

As per section 3.5 of the Student Conduct Policy, the university/UHI Argyll will be unable to investigate any incidents whilst an official police investigation is underway, however precautionary actions may be taken to reduce risk, ensure the safety of others and protect the integrity of the police investigation and a potential future university/UHI Argyll investigation. The university/UHI Argyll will consult with the police during this period, and appropriate support will be provided to any students and staff involved.

## 7. Appeals

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

- a. That the Student Disciplinary Procedure 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, or new information about existing evidence, which could not have been made reasonably available during the original determination.

7.2 Appeals must be made in writing to the Centre Manager or Curriculum Lead if it concerns stage 1 or stage 2 disciplinary action, or to any member of the Senior Management Team if it concerns stage 3 disciplinary action. 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.

7.3 Appeals will not be considered for any other reason or through any other means than those outlined above.

7.4 The appeal will be considered by stage appropriate Senior Member of Staff or an appointed deputy who will respond to the student within five working days of receiving the appeal. Once the outcome has been decided there is no recourse to further appeal.

## 8. Students who are school pupils

8.1 School pupils enrolled on college courses and attending their course at UHI Argyll premises will follow the UHI Argyll Student Conduct Policy and disciplinary procedures.

8.2 Disciplinary procedures for school pupils enrolled on college courses but attending their course on school premises will follow the disciplinary process as agreed with the Local Education Authority.

8.3 The Apprenticeship and Schools Link Manager must be kept fully informed at all stages of any disciplinary issues and actions that relate to school pupils.

## 9. Appendices

Appendix 1: Disciplinary Procedure Overview

Appendix 2: Informal Stage Flowchart

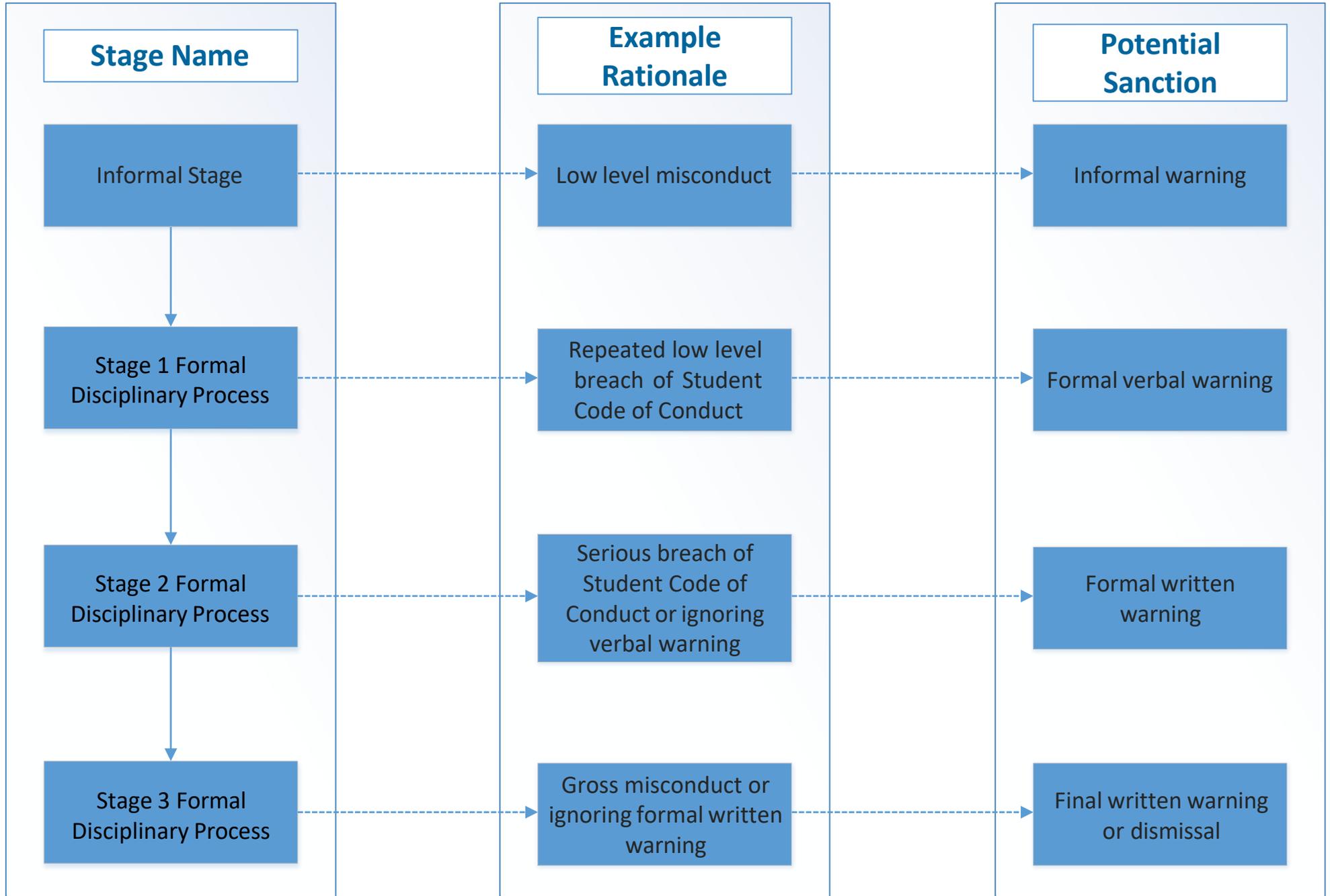
Appendix 3: Stage 1 Flowchart

Appendix 4: Stage 2 Flowchart

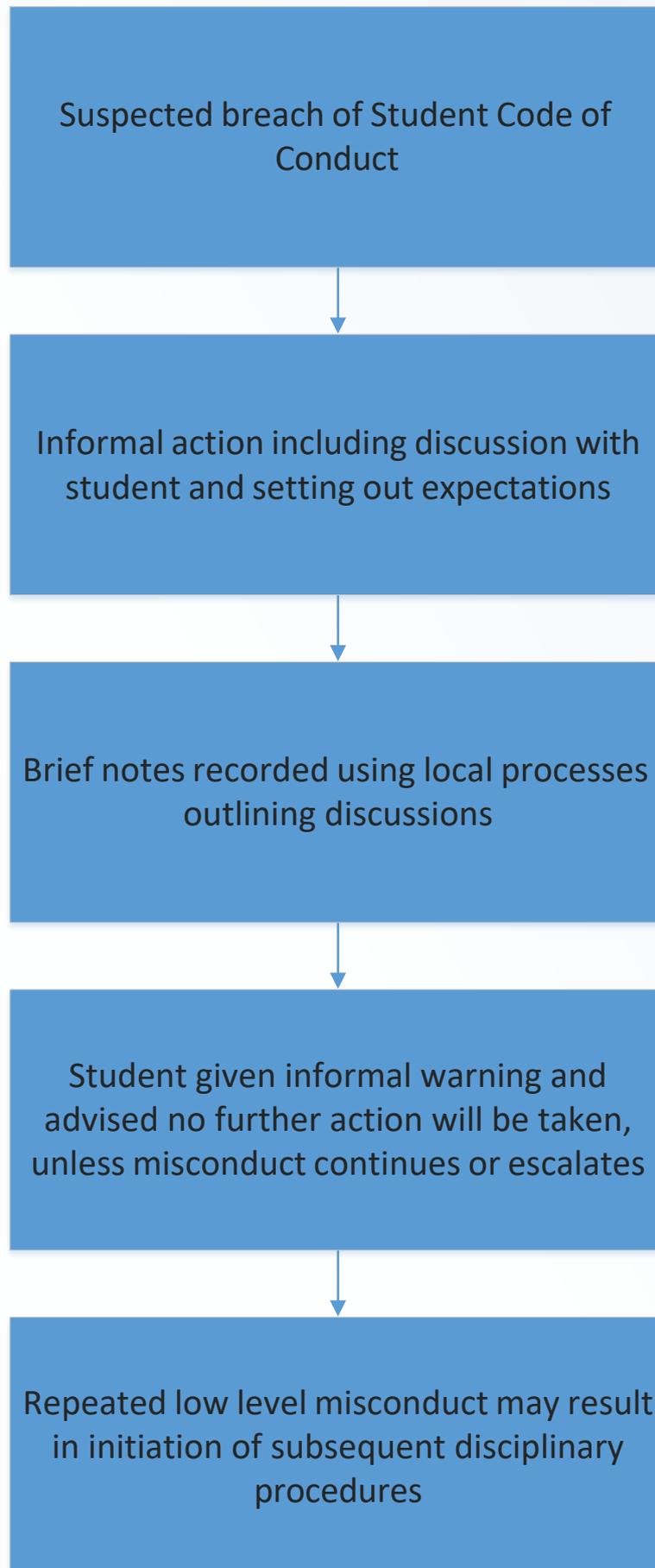
Appendix 5: Stage 3 Flowchart

Appendix 7: Appeals Flowchart

# Appendix 1 – Disciplinary Procedure Overview



## Appendix 2 - Informal Stage



### Appendix 3: Stage 1 Formal Disciplinary Process

Suspected breach of Student Code of Conduct or student has ignored previous informal warnings



Student suspected of breach of Student Code of Conduct given copy of Student Disciplinary Procedure



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 verbal warning to the student 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 2



Student will receive official notification of the formal verbal 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 has the right to appeal under specific circumstances

## Appendix 4 - Stage 2 Formal Disciplinary Process

Suspected serious breach of Student Code of Conduct or student has ignored formal verbal warning



Student suspected of breach of Student Code of Conduct given copy of Student Disciplinary Procedure



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 reporter of the suspected breach will receive feedback from the PAT or equivalent



Student has 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



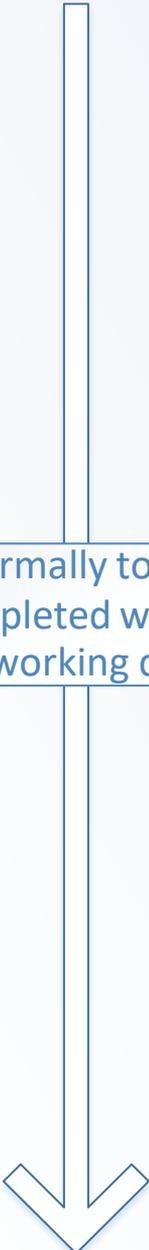
Investigating Officer collects evidence and interviews all relevant parties. Copy of interview notes to be signed by interviewee for verification



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



Normally 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 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.