

Procedure	Student Disciplinary Procedure 2020-21
Policy Area	Performance and Skills
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Responsible Senior Manager	Assistant Principal Performance and Skills

History of Amendments

Date	Version/Pages/Sections Affected	Summary of changes
February 2017	Update on Version 1	Change to document title. Includes reference to Student Attendance and Progress Procedures. Minor amendments to all sections.
July 2020	Version 2	Link to Student Behaviours Framework provided. Appeals procedure updated. Process templates removed to a separate guidance document

Policy Statement

This procedure supports the implementation of the Student Behaviours Framework and provides a consistent approach, across all modes of learning, to dealing with student behaviour which requires disciplinary action on behalf of the College.

All staff have a responsibility to assist in encouraging positive student behaviours in line with the framework.

Equality Statement

The College is committed to providing equal opportunities to ensure its students, staff, customers and visitors are treated equally regardless of gender reassignment, race, religion or belief; disability; age; marriage and civil partnerships; pregnancy and maternity; sexual orientation; sex.

This document is available in other formats on request: email info@wcs.ac.uk

Contents

Introduction.....	1
1. Student Behaviours.....	1
2. Disciplinary Procedure	3
2.1. Underlying Principles	3
2.2. Informal discussion	3
2.3. Formal Oral Warning.....	3
2.4. Formal Written Warning	4
2.5. Final Written Warning.....	4
2.6. Further or Gross Misconduct	5
2.7. Right to Suspend.....	5
2.8. Right to Permanently Exclude.....	6
2.9. Appeal against Oral, Formal Written, or Final Written Warning.....	6
2.10. Appeal against Permanent Exclusion	7
3. Further Guidance	7
3.1. Failure to attend Hearing	7
3.2. Student Correspondence.....	8
3.3. Fast Tracking Procedures.....	8
3.4. Retention of Student Record	8
4. Unsatisfactory Progress and Non-Achievement.....	8
4.1. General.....	8
Equality Impact Assessment	11
Appendix A – Record of Formal Action in relation to Student Behaviour	13
Appendix B – Notice of Student Behaviour Interview	14
Appendix C – Formal Written Warning	15
Appendix D – Final Written Warning.....	16
Appendix E – Notice of Expulsion / Suspension	17

Appendix F – Appeal against Oral, Formal Written / Final Written Warning	18
Appendix G – Appeal against Permanent Exclusion	19
Appendix H – Format for Conducting a Student Behaviour Hearing.....	20
Appendix I – Student Disciplinary Procedure	21

Introduction

West College Scotland expects its students to conduct themselves in a mature, responsible and respectful manner as outlined in the Student Behaviours Framework. This includes:

- maintaining an acceptable standard of behaviour, showing respect for others
- following and conforming to Health and Safety regulations and related codes of practice
- attending and engaging in learning and assessment as required in the programme of study
- positively embracing the College's ethos of equality and inclusion, and our appreciation of cultural diversity

The College is committed to supporting students throughout their course of study and to help resolve problems, as early as possible, that may impact on the student experience. It is anticipated that most cases where student behaviour is a cause for concern, will be dealt with by staff without the need to implement formal disciplinary action. In deciding when to formal disciplinary action, staff should be guided by the principles of transparency, fairness, and proportionality, and should ensure a sound evidence base supports their decision.

1. Student Behaviours

1.1. Unacceptable or Improper Behaviour

Unacceptable or improper behaviour includes, but is not limited to:

- failure to comply with College regulations (e.g. in relation to health and safety, littering, parking, smoking, use of IT, social media)
- behaviour that threatens the safety and wellbeing of students, staff and/or college visitors
- unacceptable behaviour (e.g. swearing, intimidation, threatening/aggressive/violent behaviour) towards students, staff or college visitors
- inappropriate behaviour during learning or assessment
- not engaging in progressing learning as advised/directed by the college
- bringing illegal substances into College

- being under the influence of alcohol or illegal substances when timetabled to engage in learning
- theft of, or damage to, College property or personal property belonging to staff, students or college visitors
- showcasing and/or distributing pornographic or offensive literature either physically or online
- inappropriate use of social media, including bring the college into disrepute

1.2. Non-attendance or non-engagement with learning

This section should be read in conjunction with the Student Attendance and Progress Procedure which provides guidelines on the procedures to address student attendance issues.

1.3. Assessment Malpractice

This section should be read in conjunction with the Malpractice procedure which provides guidance on malpractice involving plagiarism, cheating, copying, being assisted, or assisting others, with the preparation and/or completion of assessed work.

1.4. Misconduct outside of the college campus

The College reserves the right to take into consideration misconduct occurring outside of the College campuses [including posts on social media platforms] and which has a direct bearing on the student's conduct and ability to continue learning within the College, for example, misconduct by students while on placement. Any instance of misconduct out with the college should be addressed at the earliest opportunity by the member of staff engaged with the student/student group.

2. Disciplinary Procedure

2.1. Underlying Principles

The following principles are applicable at each stage of the process:

- Communication of decisions - The student has the right to be told what aspect of their behaviour is deemed unacceptable and to be kept informed as to actual or intended proceedings. Formal notification of disciplinary and appeals hearings will be made in writing to the most recent home address provided by the student.
- Evidence supports decisions - Any consequential actions must be based on evidence, and be fair and proportionate;
- Retention of records - Formal proceedings must be documented and evidence retained for an appropriate period

2.2. Informal discussion

Interviewing the student by the member of staff involved, when clarification is provided about the behaviour deemed to be inappropriate (This may be done separately or jointly where the conduct/incident involves more than one student). The member of staff should inform the student(s) that further inappropriate behaviour could result in **more serious disciplinary action** (i.e. the implementation of the formal proceedings outlined below). This first warning will not be recorded on the Record of Formal Action in relation to Student Behaviour (Appendix A).

2.3. Formal Oral Warning

If the advice given in the informal warning does not lead to enough improvement in behaviour, the student will be interviewed by the relevant Curriculum and Quality Leader. This interview may result in a formal, oral warning of the consequences of continuing misconduct. This warning will be recorded on the 'Record of Formal Action in relation to Student Behaviour' (Appendix A) and retained by the Sector Administration Team.

2.4. Formal Written Warning

If misconduct continues, or in cases where the seriousness of a first offence merits a formal written warning, the member of staff should report the incident to his/her Curriculum and Quality Leader who will schedule an interview, without undue delay, with the student. The evidence of staff member who reported the incident should be presented to the student either by the CQL or Head of Sector. Other members of staff or students may also be required to give evidence. The student will be given at least seven days' notice in writing of the Student Behaviour Interview (letter Appendix B). The student will have the right to call witnesses and to have a friend/relative present throughout the interview and to be supported by a Student Advisor or Student President/Student Vice President. Non-attendance by a student will not be taken as an admission of guilt.

The Curriculum and Quality Leader may **either** dismiss the case against the student **or** issue a formal written warning (letter Appendix C). Where this is issued, the detail is to be recorded in the 'Record of Formal Action in relation to Student Behaviour' (see Appendix A).

2.5. Final Written Warning

If misconduct continues, or in cases where the seriousness of a first offence merits a final written warning, the member of staff should report the incident to his/her Curriculum and Quality Leader who will schedule an interview, without undue delay, with the student. The evidence of staff member who reported the incident should be presented to the student either by the CQL or Head of Sector. Other members of staff or students may also be required to give evidence. The student will be given at least seven days' notice in writing of the Student Behaviour Interview (letter Appendix B). The student will have the right to call witnesses and to have a friend/relative present throughout the interview and to be supported by a Student Advisor or Student President/Student Vice President. Non-attendance at the interview by a student will not be taken as an admission of guilt.

The Curriculum and Quality Leader may either dismiss the case against the student or issue a Formal Final Written Warning (letter Appendix D). Where this is issued the detail is to be recorded in the 'Record of Formal Action in relation to Student Behaviour' form (see Appendix A).

2.6. Further or Gross Misconduct

If there is further alleged misconduct, or in a case of gross misconduct, the Curriculum and Quality Leader should report the incident to their Head of Sector, or an Assistant Principal should the Head be unavailable. Gross misconduct is determined by the gravity of the breach of the Student Behaviours Framework, for example, any serious misconduct and unacceptable behaviours listed in section 1.1 above, but not restricted to this list. Some examples are listed in section 2.6 below.

After discussion with the Curriculum and Quality Leader, the Head of Sector will conduct a hearing as described in 2.4 above. The Head of Sector may dismiss the action, suspend the student for a period, or permanently exclude the student. The decision should be communicated to the student by the Head of Sector (letter Appendix E). Where a student has been suspended for a period, these days should be regarded as self-supported study days, and coursework made available to enable the student to continue with the coursework and assessment.

A student may appeal against the decision through the procedures described in paragraph 2.9. A suspended or permanently excluded student shall not be reinstated pending the appeal.

2.7. Right to Suspend

In cases of alleged gross misconduct, for example, bullying, harassment, alcohol, drugs, assault or behaviour which is dangerous to the physical and psychological well-being of staff or students, or is affecting College property, the Curriculum and Quality Leader has the right to suspend students from the College immediately until the case has been heard. In all cases, (immediate or otherwise) the Curriculum and Quality Leader **must** notify the Head of Sector, or an Assistant Principal, within 24

hours of giving the notice of suspension. The decision should be communicated by letter and email to the student by the Head of Sector (letter Appendix E).

2.8. Right to Permanently Exclude

Once the case for suspension has been investigated, the Head of Sector has the right to permanently exclude the student from the College. The Head of Sector **must** notify an Assistant Principal/Vice Principal within 24 hours of notice of exclusion. The decision should be communicated by letter and email to the student by the Head of Sector (letter Appendix E).

2.9. Appeal against Oral, Formal Written, or Final Written Warning

Appeals should only be permitted on the following grounds:

- a) new evidence has emerged that could not reasonably have been produced at a prior stage;
- b) there has been a defect or error in the procedure at a prior stage;
- c) the penalty or condition imposed by the Head of Sector, or the disposal of an appeal at a prior stage, is deemed disproportionate or unreasonable.

An appeal against an oral, formal written, or final written warning must be lodged in writing with the Head of Sector within seven days of receiving the decision letter.

The Head of Sector will establish an Appeals Committee comprising:

1. the Assistant Principal for the Sector or nominated Assistant Principal
2. the Head of Quality and Professional Standards or another Head of Sector where the former is unavailable
3. Student Association President or Student Association Vice President

The Appeals Committee may:

1. confirm the original decision
2. uphold the appeal and clear the student of misconduct

3. Impose an alternative course of action. If this results in a suspension, then these days should be regarded as self-supported study days, and coursework made available to enable the student to continue with the course

The Appeals Committee will conduct a hearing within fifteen days of receipt of an Appeal. The decision of the Appeals Committee will be final (letter Appendix F).

2.10. Appeal against Permanent Exclusion

An appeal against permanent exclusion must be lodged in writing with the Head of Sector within seven days of receiving the letter. The Head of Sector will establish an Appeals Committee comprising:

- the Assistant Principal of the Sector, or a nominated other Assistant Principal
- Student Association President or Student Association Vice President
- the Assistant Principal, Performance and Skills, or another Assistant Principal where the former is unavailable.

The Appeals Committee will conduct a hearing within fifteen days of receipt of an Appeal. The decision of the Appeals Committee will be final and communicated to the student by the Head of Sector (see letter Appendix G).

The Appeals Committee may:

1. confirm the original decision
2. uphold the appeal, clear the student of misconduct and restate the student
3. impose an alternative course of action

3. Further Guidance

3.1. Failure to attend Hearing

A student is expected to inform the College if he/she cannot attend a Hearing at least 24 hours prior to the Hearing (unless there is a justifiable and reasonable cause for being unable to perform this action on the part of the student.) If a student fails to attend the Hearing, a further Hearing will be convened within seven days. This information will be

communicated to the student in writing. Failure to attend this second Hearing without reasonable explanation may result in the Hearing being held in the student's absence.

The Chair of the Hearing may adjourn proceedings on request of either side. During any period of adjournment, where possible, the student should be given these days off as self-supported study days, and coursework made available to continue his/her studies.

3.2. Student Correspondence

All letters to students should be sent to their home address by recorded delivery. A copy of each letter should be lodged in their file and retained by the Sector Administration team.

3.3. Fast Tracking Procedures

In cases of gross misconduct (see 2.6), steps 2.1, 2.2, 2.3 and/or 2.4 may be omitted and the procedure may commence at 2.4 or 2.5. Such a decision should be taken by the Curriculum and Quality Leader in conjunction with the Head of Sector.

3.4. Retention of Student Record

Verbal and written warnings will be disregarded and expunged from the record at the end of the academic year in which the incident occurred. Where a student has been permanently excluded, and wishes to return to college in future sessions, then an interview will be arranged with the Head of Sector to assess the suitability of a return to study.

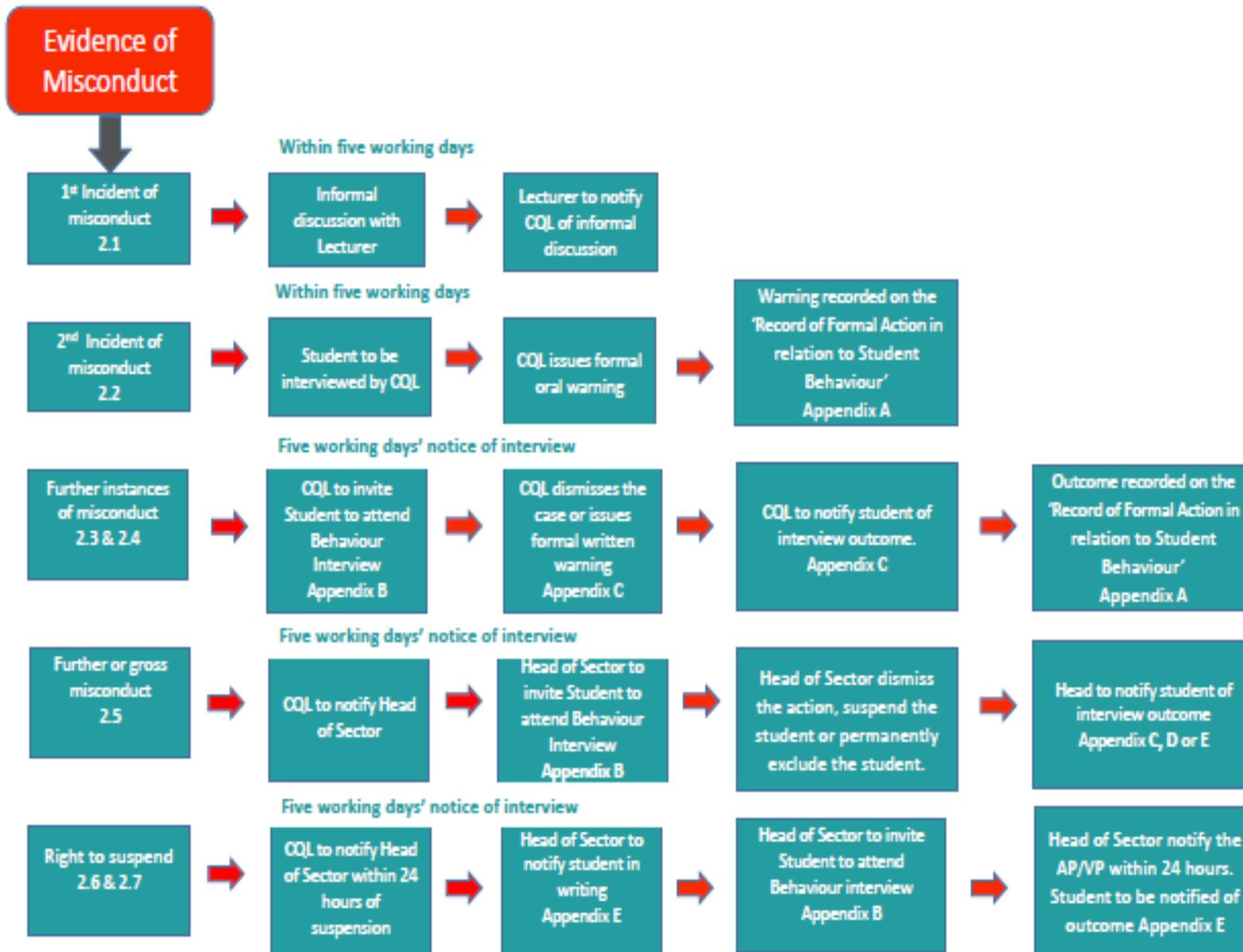
4. Unsatisfactory Progress and Non-Achievement

4.1. General

This section should be read in conjunction with the College Student Attendance and Progress Procedure.

When a Curriculum and Quality Leader considers that a student's level of progress and attainment is unacceptably low, the student will be interviewed by the Curriculum and Quality Leader and informed that an improvement must be demonstrated (records of

this interview should be retained). Appropriate student support must be made available and offered to the student. If there is no improvement performance, the administrative procedures detailed above from 2.2 should be followed.



Equality Impact Assessment

Name of Procedure: Student Disciplinary

Responsible Person: Assistant Principal Performance and Skills **Date:** 31 August 2020

Provide a brief summary of the aims of the policy/procedure/decision and main activities:

This Policy has been developed to ensure a consistent process across all campuses; to support staff in the maintenance of good classroom conduct; and to provide a fair and transparent system for dealing with any situation that may arise in the classroom or on campus. Categories of student misconduct are identified and the procedure to be implemented where student behaviour is deemed to be unacceptable or improper is detailed.

This stage establishes whether a policy, procedure or decision will have a differential impact from an equality perspective on people who share protected characteristics or whether it is “equality neutral” (i.e. have no effect either positive or negative).

1. Who will benefit from this (students/staff/stakeholders)? Is there likely to be a positive impact on people who share protected characteristics, and if so, how? Or is it clear at this stage that it will be equality “neutral”? i.e. will not have a differential impact on any equality group/s?

This Policy should positively impact protected groups as it clearly states that unacceptable behaviour will not be tolerated and that action will be taken to address conduct issues. It is known that some protected groups are more likely to suffer harassment and discrimination, for example, people with a disability or black and minority ethnic groups. Implementation of this Policy should enable proportionate effective action in the event that harassment occurs.

2. Is there likely to be an adverse impact on people who share protected characteristics? If so, who may be affected and why? Or is it clear at this stage that it will be equality “neutral”?

It is not anticipated that there will be an adverse impact on people who share protected characteristics. The Policy and its accompanying procedures are clearly set out and support will be available for those who require it if they are involved in behaviour issues.

3. What action will you take to ensure that you are monitoring the impact of this Policy?

Student conduct data is collected and analysed annually. In the event that there is evidence of disproportionate impact on protected groups the College's Equality, Diversity and Inclusion Manager will be involved in taking measures to address any issues.

Appendix A – Record of Formal Action in relation to Student Behaviour

Student's Name _____ Sector _____

Class _____ Department _____

Oral Warning (Date)	Formal Written Warning (Date)	Final Written Warning (Date)	Suspended (Date)	Permanently Excluded (Date)	Reason for Action	Other Persons Notified	Staff Signature	Student Signature

Student and relevant staff member must sign the Record every time an entry is made.

Record to be stored electronically by the Senior Curriculum Administrator

Appendix B – Notice of Student Behaviour Interview

Specimen Letter

Dear

Notice of Student Behaviour Interview

I am writing in connection with your involvement in an incident which occurred on (date) and which was reported to me by X who was involved in/witnessed the incident.

**

In the circumstances I must inform you that a Student Behaviour Interview will be held on (date) at (hours) in my office. X and Y will be attending as witnesses.

You have the right to call witnesses and to have a friend and a Student Advisor or Student President / Student Vice President present throughout the interview.

The result of the Student Behaviour Interview will be communicated to you by me, and will involve either a dismissal of the case or (insert appropriate action).

Yours sincerely

Curriculum and Quality Leader

**** insert or delete as appropriate**

Due to the seriousness of the allegation I wish you to note your suspension from the College until a Student Behaviour Interview is held. This means that you must NOT attend classes or enter the College grounds/campus. Failure to comply with the suspension is likely to lead to further action and may result in your permanent exclusion from the College.

Head of Sector/Curriculum and Quality Leader

Appendix C – Formal Written Warning

Specimen Letter

Dear

Formal Written Warning

I refer to the Student Behaviour Interview which you attended in my office on (date) and at which you were accompanied by (...).

The Student Behaviour Interview was held in compliance with West College Scotland Student Behaviour Policy and Procedure to discuss an incident which occurred on (...).

At the interview you were given the opportunity to explain the incident and to call witnesses. However, as I stated at the interview, I consider your explanation to be unsatisfactory.

I have considered all the information available to me concerning this matter, and have taken into account previous warnings issued to you on (dates). In the circumstances I am issuing this formal written warning, a copy of which will be placed on your personal file. You should also note that any further misconduct may ultimately result in your suspension or permanent exclusion.

You have the right to appeal against this formal written warning. If you wish to exercise your right of appeal, you should write to the Head of Sector, within five days of the delivery of this letter, indicating the grounds of your appeal. You have the right to call witnesses and to have a friend and a Student Advisor or Student President/Student Vice President present at the appeal hearing. An Appeals Committee will conduct a hearing within fifteen days of receipt of an appeal.

Yours sincerely

Curriculum and Quality Leader

Appendix D – Final Written Warning

Specimen Letter

Dear

Final Written Warning

I refer to the Student Behaviour Interview which you attended in my office on (date) and at which you were accompanied by (.....).

The Student Behaviour Interview was held in compliance with West College Scotland Student Behaviour Policy and Procedure to discuss an incident which occurred on (.....).

I have considered all the information available to me concerning this matter, and have taken into account previous warnings issued to you on (dates). In the circumstances I am issuing this final written warning, a copy of which will be placed on your personal file. You should also note that any further misconduct may ultimately result in your suspension or permanent exclusion.

You have the right to appeal against this final written warning. If you wish to exercise your right of appeal you should write to the Head of Sector, within five days of the delivery of this letter, indicating the grounds of your appeal. You have the right to call witnesses and to have a friend and a Student Advisor or Student President/Vice President present at the appeal hearing. An Appeals Committee will conduct a hearing within fifteen days of receipt of an appeal.

Yours sincerely

Curriculum and Quality Leader

Appendix E – Notice of Expulsion / Suspension

Specimen Letter

Dear

Notice of Expulsion / Suspension

I refer to the Student Behaviour Interview which you attended on (date). Also present were (.....). You were accompanied by (.....).

The purpose of the Student Behaviour Interview was to discuss an incident of alleged misconduct / gross misconduct / continued misconduct, which occurred on (date).

I have considered all the information available to me concerning this matter, and have taken into account previous warnings issued to you on (dates). In the circumstances I am left with no option but to expel/suspend you from the College, with immediate effect.

You have the right of appeal against this expulsion notice. If you wish to exercise your right of appeal, you should write to the Assistant Principal, within five days of the delivery of this letter, indicating the grounds of your appeal. You have the right to call witnesses and to have a friend/relative present at the appeal hearing. The appeal will be heard by the Appeals Committee, within fifteen days of receipt of your Appeal. The decision of the Appeals Committee will be final.

Yours sincerely

Head of Sector

cc: CQL

cc: Assistant Principal

Appendix F – Appeal against Oral, Formal Written / Final Written Warning

Specimen Letter

Dear

Appeal against Oral, Formal Written/Final Written Warning

I refer to the Appeal Hearing conducted by an Appeals Committee comprising (insert detail), which was requested by you in your letter of (date). I have to advise you that:

a) Your Appeal was upheld, and the oral/ formal written/final written warning will be removed from your file forthwith.

or

b) Your Appeal was not upheld, and the oral/ formal written/final written warning will remain on your file in accordance with the time limit specified.

or

c) Other option

Yours sincerely

Head of Sector

Appendix G – Appeal against Permanent Exclusion

Specimen Letter

Dear

Appeal against Permanent Exclusion

I refer to the Appeal Hearing conducted by an Appeals Committee comprising (insert detail), which was requested by you in your letter of (date). I have to advise you that:

a) Your Appeal was upheld, and the permanent exclusion will be removed from your file forthwith.

or

b) Your Appeal was not upheld, and the permanent exclusion will remain on your file in accordance with the time limit specified.

or

c) other course of action

Yours sincerely

Head of Sector

cc: CQL

cc: Assistant Principal

Appendix H – Format for Conducting a Student Behaviour Hearing

Format for Conducting a Student Behaviour Hearing

The Chair of the Hearing will introduce everyone present.

The Chair of the Hearing will explain the purpose of the meeting and the manner in which it will be conducted.

The investigating Head of Sector will present the College case and will call upon relevant witnesses if necessary.

The student or his/her representative (if in attendance) may ask questions of any of the above. The student or his/her representative (if in attendance) will present his/her case. The investigating Head of Sector may ask the student or his/her representative (if in attendance)

Questions:

The Chairperson may ask questions of either side, at any time during the hearing. The investigating Head of Sector will sum up their case.

The student or his/her representative (if in attendance) will sum up their case.

The Hearing will be concluded pending a decision by the Chairperson to be made in writing to both parties within 5 days.

Appendix I – Student Disciplinary Procedure

Student Disciplinary Procedure

Stage	Method/Action	Person(s) responsible	Timescale for action	Person to appeal to	Notes
Informal Action	Informal discussion with student. Progress/conduct concerns may be noted and	Any member of staff	Within five working days	Not applicable	The Progress Report should be forwarded to the Curriculum and Quality Leader
Oral Warning (stage 1)	Brief note retained on file and copy sent to student (spent after 6 months)	Curriculum and Quality Leader	Within five working days	Head of Sector	
Written Warning (stage 2)	Provides written details (spent after 12 months)	Curriculum and Quality Leader	Five working days' notice of interview	Head of Sector	
Final Written Warning (stage 3)	Provides written details (spent after 12 months)	Curriculum and Quality Leader	Five working days' notice of interview	Head of Sector	
Student Conduct Hearing (stage 4)	Hearing which may lead to dismissal or other sanctions	Head of Sector	five working days' notice of Hearing	Assistant Principal	
Appeals Hearing	Hearing which may uphold/reverse/alter original sanction	Assistant Principal	Informed of result within five working days		