

**NORTH EAST  
SCOTLAND  
COLLEGE**



# **STUDENT DISCIPLINARY POLICY AND PROCEDURE**

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North East Scotland College is committed to providing a learning and working environment which advances equality, diversity and inclusion, where everyone is respected, valued and supported.

This ethos is reinforced by our values which apply to everyone who comes to the College to learn or work. Our values include:

- **Commitment and Excellence**
- **Understanding and responding to the needs of our students**
- **Empowerment and Engagement**
- **Creating an environment where innovation and creativity are encouraged and can flourish**
- **Giving recognition and praise**
- **Respect and Diversity**
- **Valuing the experience and talent of all**
- **Treating others with dignity and respect**
- **Creating an accessible, inclusive learning and working environment**
- **Being fair, open and transparent to ensure a culture of mutual trust and integrity.**

## PURPOSE OF THE POLICY & PROCEDURE

The purpose of this policy and the associated procedure is:

- **To support and encourage students to achieve and maintain acceptable standards of behaviour, conduct and academic performance and,**
- **To ensure consistent, proportionate and fair treatment of students in relation to any disciplinary action that may be taken in response to allegations of unacceptable behaviour, conduct or performance, and**
- **To clarify the rights of students in respect of any disciplinary action resulting from allegations and,**
- **To identify and describe staff responsibilities in relation to handling disciplinary issues.**

## SCOPE OF POLICY

This policy and procedure applies to all enrolled students. Material differences to the way in which the discipline of School Pupils enrolled on any agreed school-college links programme is managed, is outlined later in this document.

## PREVENT DUTY

Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on the College to help prevent people from being drawn into terrorism. This means that the College will balance its legal duties in terms of ensuring freedom of speech but will take steps to protect the welfare of students and staff.

## UNACCEPTABLE BEHAVIOUR

What is deemed to be unacceptable behaviour will often differ depending upon the individual(s) involved and their particular circumstances. However, in general terms, any **repeated** and **deliberate** failure to meet the requirements of the Students' Code of Conduct is considered unacceptable.

The following examples may constitute unacceptable behaviour (this list is not exhaustive):

- **Showing a lack of respect to any students, staff or visitors**
- **Failure to follow reasonable instructions of staff**
- **Use of unacceptable language**
- **Deliberate & repeated failure to complete and submit work to a deadline on a regular basis**
- **Persistent poor timekeeping with no reasonable or appropriate explanation**
- **Breach of attendance guidelines**
- **Inappropriate use of computers or any other technological device**
- **Smoking, including e-cigarettes during any learning activities or whilst on campus**

## GROSS MISCONDUCT

Some unacceptable student behaviours may be so severe that they threaten the immediate safety and welfare of other students and college staff. Other behaviours relate to academic dishonesty. Any instance of gross misconduct could result in permanent exclusion from College.

Examples listed below are for **guidance only** (the list is not exhaustive).

- **Bringing the College into disrepute**
- **Any form of bullying or discrimination**
- **Any form of physical, emotional or verbal threat or action**
- **Abusive, offensive, aggressive language or behaviour**
- **Any illegal/criminal activity whether carried out on College premises or not**
- **Participating in any behaviours that are covered by counter-terrorism legislation**
- **Carrying offensive weapons**
- **Actions that breach the College's Health and Safety Policy including wilful damage to property**
- **Drug, solvent or alcohol possession at College**
- **Deliberate acts of plagiarism or cheating**
- **Inappropriate use of IT including any activities related to cyberterrorism, cyberbullying or cyberstalking.**

In extreme cases of gross misconduct the College reserves the right to immediately withdraw an individual/s from their course of study and exclude them from the College. This decision will be made by the Associate Vice Principals. This will only be instigated if serious safeguarding concerns are associated with the instance of gross misconduct. Examples include (but again, are not limited to):

- **Illegal/criminal activity whether carried out on College premises or not**
- **Carrying of offensive weapons**

The right of the student to appeal will apply at Stages 3 and 4 of the procedure.

## RESPONSIBILITIES

**All College staff**, regardless of designation, are responsible for signposting the Student Code of Conduct, promoting positive behaviour and respect and directly challenging instances of inappropriate student behaviour, in and out of class.

**The Safeguarding Team are** responsible for providing specialist safeguarding advice and support to staff and students as per the Safeguarding Policy and Procedure.

Stage 1	
<p><b>Teaching staff</b> are responsible for managing <b>Stage 1</b> of the procedure by adhering to Programme Delivery Guidelines and promoting a respectful and inclusive learning environment and positive behaviours.</p>	<p>Where the misconduct is minor, the first stage is always for the member of staff witnessing the behaviour to tackle it. In a teaching environment this should be based on sound classroom management and application of team <b>Programme Delivery Guidelines</b> to ensure consistency. Only where the behaviour deteriorates, or the student fails to respond without reasonable cause, should the behaviour be escalated to the next level.</p> <p>In this instance, the relevant lecturer will discuss the problem with the student, and update SIP with a summary of the discussions and agreed outcome.</p> <p>In exceptional circumstances, a student may be removed from class at the discretion of the Lecturer. If necessary, for example if the student is overly upset as a result of an incident, staff may ask the student to leave the class. The student should be allowed time to recover from the initial upset but can then re-engage in College activities on the next timetabled day (<b>only students over the age of 16 can be asked to leave class</b>).</p> <p>In any instance a good conduct bond may be issued where necessary – <b>Appendix 1</b>.</p>
Stage 2	
<p><b>Academic Tutors</b> Are Responsible For Managing <b>Stage 2</b> Of The Procedure, Co-Creating, In Agreement With A Student(S) And Relevant Colleagues, Action Plans Designed To Encourage Positive Behaviour.</p>	<p>If a student’s behaviour continues to be unacceptable, or where the unacceptable behaviour is of a more serious nature, this matter may be referred to the Academic Tutor who will meet with the student to discuss the next steps which could include the creation of an action plan for improvement – <b>Appendix 2</b>. After the meeting, the Academic Tutor will write to the student summarising the discussion at the meeting and attaching a completed copy of the action plan – <b>Appendix 3</b>.</p> <p>Referral to Stage 3 will be made if there is no evidence of improvement.</p>

Stage 3	
<p><b>Curriculum Managers</b> are responsible for managing <b>Stage 3</b> of the procedure, which includes facilitating disciplinary meetings with students and can include precautionary suspensions.</p>	<p>If a student's behaviour continues to be unacceptable, or where the unacceptable behaviour is of a more serious nature, this matter should be referred to the Curriculum Manager.</p> <p>The Curriculum Manager must review the information on SIP relating to the previous intervention (unless the issue warranted immediate intervention) and arrange to meet with the student either in-person, via telephone or via Teams to discuss the unacceptable behaviour and can then take two actions:</p> <ul style="list-style-type: none"> <li>· Issue a <b>Stage 3</b> written warning Appendix 4 explaining the nature of the unacceptable behaviour and actions agreed along with reasonable timescales to improve. This written warning will remain active for the remainder of the academic year and the student should be informed that should there be no improvements, this will lead to escalation to <b>Stage 4</b>. There will be a right of appeal to the Head of Sector within 5 working days.</li> <li>· Where the unacceptable behaviour is of a more serious nature (eg gross misconduct), the Curriculum Manager will meet with the student and may issue them with a precautionary suspension <b>Appendix 5</b> if appropriate (see below) and move to <b>Stage 4</b>.</li> <li>· When a Curriculum Manager refers a student to <b>Stage 4</b> they must include a detailed summary of the allegations and timeline of the process that has been carried out to date.</li> </ul>
Stage 4	
<p><b>Heads of Sector</b> are responsible for managing <b>Stage 4</b> of the procedure, conducting a full, fair and timely investigation regarding allegations of serious or repeated unacceptable behaviour.</p>	<p><b>Stage 4</b> is initiated when a student is referred to the relevant Head of Sector by a Curriculum Manager.</p> <p>In this stage the Head of Sector will undertake an investigation in to the allegations of serious or repeat unacceptable behaviour and collate and review all appropriate evidence and may either:</p> <ul style="list-style-type: none"> <li>· Refer back to <b>Stage 3</b> if there is no case to answer at this time (including removal of suspension if one is in place).</li> <li>· Issue a <b>Stage 4</b> Final Written Warning – <b>Appendix 6</b>. There will be a right of appeal (Appendix 8) to the Associate Vice Principal within 5 working days.</li> <li>· Referral to the Disciplinary Committee.</li> </ul>
The Disciplinary Committee	
<p><b>Associate Vice Principals</b> are responsible for managing <b>The Disciplinary Committee</b>.</p>	<p>The Disciplinary Committee will comprise:</p> <ul style="list-style-type: none"> <li>· The Associate Vice Principal (if the student has appealed it will be the alternative Associate Vice Principal) who will act as Chairperson;</li> <li>· Two members of the College's staff (unconnected with the alleged breach of discipline), including member of the College's Student Advice &amp; Support Team; and</li> <li>· One representative of the Students' Association.</li> </ul> <p>Three constitutes a quorum, and the Chairperson has a vote. Cases will be decided by a simple majority of those present and voting (the Chair will have deciding vote if necessary).</p>

**The Vice Principal, Curriculum and Quality** is responsible for reviewing and adjudicating on final appeals against permanent exclusions.

At all stages of this policy, details of all communication are to be recorded on templates provided and recorded on SIP. Information on how to appeal the outcomes of Stages 3 and 4 will be detailed in the communication with the student.

## CONDUCT OF HEARINGS

### The Student:

- Will be issued with a precautionary suspension.
- Will be given at least 5 working days' notice of the date, time and place of the hearing.
- Will be provided with, in advance of the hearing, any material evidence the Disciplinary Committee will be considering at the hearing (suitably redacted if necessary).
- May choose not to attend the hearing in which case it will be held in their absence and the Committee will only be able to rely on the evidence available.
- May submit a written statement containing matters which they wished to be discussed, regardless of whether they choose to attend the hearing.

### At the hearing:

- The Student may be accompanied by someone for support, this may be a relative/carer or friend or representative of the Students' Association.

**NB:** Formal legal representation is not permitted as part of this process.

- The Head of Sector will present the evidence that led to the formal action being taken and may call witnesses as applicable.
- The Student will have the opportunity to present their version of events and any mitigating circumstances. Subject to the agreement of the Disciplinary Committee they can question witnesses called by others.

### Outcome of Hearing

Following the hearing the Disciplinary Committee will confirm one of 2 outcomes:

- Exclusion from the College.
- Issuing of alternative sanctions.
- Case Dismissed and referral back to a previous stage.

The Student will receive written notification of the outcome within 10 working days of the hearing.

### Right of Appeal

- The Student has the right to appeal to the Vice Principal – Curriculum and Quality against the decision of the Disciplinary Committee. The appeal must be sent in writing within 10 working days of written notification of the hearing outcome. The only permitted grounds of appeal are that the process by which the hearing was conducted was flawed, or that the penalty imposed was disproportionate.
- The Vice Principal – Curriculum and Quality will consider the appeal, however, there is no right to a further hearing.
- The Vice Principal – Curriculum and Quality will respond within 10 working days.

## **Student Disciplinary Records**

Any records of hearings or of disciplinary action taken against the student will be retained by the College under confidential cover and will not be provided to any third parties except where the College is required to comply with statutory and other legal provisions.

Disciplinary decisions will be communicated in confidence to relevant College staff.

## **Additional Support**

If you require additional support or any reasonable adjustments at any stage of this procedure, you should notify the relevant member of staff as soon as possible.

## **Fitness to Study**

If a student presents serious and/or pressing concerns regarding their behavior or engagement due to disability, mental or physical ill-health, emotional disorders or substance abuse which impacts their capacity to remain on their course, staff will apply the Fitness to Study Procedure as an alternative to the Student Disciplinary Procedure. The decision of which procedure applies lies with the relevant Head of Sector.

## **School Links**

Details of expected behaviours are highlighted in the School Pupils Code of Commitment. Any repeated and deliberate failure to meet these requirements will be considered unacceptable by College staff. Expectations of classroom management as defined in Programme Delivery Guidelines, should be adhered to for the duration of a School Link course. Any reports of (alleged) pupil misconduct should, wherever possible, be dealt with immediately between the pupil and the member of staff concerned. If negative behaviours or attitudes persist, it is important for staff to refer by email the matter to the Schools-College Partnership Team and copy in the Curriculum Manager. A member of the Schools- College Partnership Team will contact the Head Teacher of the school.

## **Employed Students**

Where students are sponsored by employers to attend College, they may be subject to employer disciplinary procedures. For the duration of their programme, NESCol's Disciplinary Policy and Procedure will carry precedence. The relevant Administrator will notify employers of disciplinary action the College has taken against students they are supporting. Necessary data will be shared with employers in line with the principles of the General Data Protection Regulation (GDPR) with an identified lawful basis for processing. The sharing of student data with employers is referenced, for transparency, in the Enrolled Student Privacy Notice.

**DATA PROTECTION IMPACT ASSESSMENT ASSESSEMENT (DPIA)**

<p><b>1. Does the activity that this policy or procedure relates to use personal data in any way?</b> (Use may refer to collecting and gathering; storing electronically; storing by paper; sharing with other parties (internal or external to college); use of images as well as written information; retaining and archiving; or erasing, deleting and destroying)</p>	<p>Yes</p>
<p><b>2. Does the activity that this policy or procedure relates to use special category personal data in any way?</b> (Special category data is data about: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation)</p>	<p>Yes</p>
<p><b>3. Does the activity that this policy or procedure relates to involve the use of social media or a third-party system?</b></p>	<p>Yes</p>

If the answer is 'yes' to one or more of the above questions, the Data Protection Officer must be consulted.

<p>Date of DPO consultation:</p>	<p>August 2022</p>
<p>Description of outcome and actions required (if any):  Full DPIA required to cover both the Student Disciplinary Policy and Procedure and Student Bullying Policy.</p>	
<p>DPIA screening/full DPIA required:</p>	<p>Yes</p>

**EQUALITY IMPACT ASSESSEMENT (EIA)**

<p><b>Title of Process</b></p>	<p><b>Student Disciplinary Policy &amp; Procedure</b></p>
<p>Person Responsible:</p>	<p>Associate Vice Principal – Curriculum &amp; Student Experience</p>
<p>Date of Assessment:</p>	<p>04/08/2022</p>
<p>What are the aims of the Process?</p>	<p>To ensure consistency in relation to the handling of alleged student misconduct and to ensure the maintenance of effective student discipline processes across the College.</p>
<p>Who will this Process impact upon?</p>	<p>All College students, teaching and student support staff</p>



## Part 2. Public Sector Equality Duty Comparison

(Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

Need	Impact	Evidence
Eliminating unlawful discrimination, harassment and victimisation	Negative	There is a potential for misunderstanding the Policy & Procedure by students whose first language is not English or as a result of an additional learning/support need.
Advancing Equality of Opportunity	Negative	<ol style="list-style-type: none"> <li>1. Students who are Care Experienced, Estranged Students or Student Carers may have higher levels of anxiety as a result of going through any stage of the procedure.</li> <li>2. Students may have higher levels of anxiety if they feel details of circumstances are being shared and discussed without their involvement.</li> <li>3. Being suspended or sent home may result in higher levels of concern about financial support being stopped which will impact on those most financially disadvantaged.</li> <li>4. Working remotely may exacerbate incidents of online misconduct that might impact on wellbeing of others &amp; their ability to study</li> </ol>
Promoting good relations	Positive	This revised Policy and Procedure strengthens the protection of students from unfair treatment during the process. It relies on creating clear expectations of behaviour that build a sense of community along with shared and individual responsibilities.

**Part 3. Action & Outcome** (Following initial assessment, describe any action that will be taken to address impact detected).

<ol style="list-style-type: none"> <li>1. The majority of students and staff are expected to benefit from having clearer procedures to follow. The need to apply measures consistently is reinforced throughout.</li> <li>2. For students with protected characteristics and those whose first language is not English, the Academic Tutor will go over the Policy and Procedure, offer explanations and check for understanding.</li> <li>3. Standards for working safely on line will be incorporated into induction and Academic Tutoring sessions.</li> <li>4. Students may have someone else in attendance who can support understanding at any stage of the procedure.</li> <li>5. The Policy &amp; Procedure has been created in partnership with the Students' Association and a range of curriculum and support staff, to ensure that as many views and suggestions as possible are considered.</li> <li>6. The right of appeal and the need for confidentiality are made clear in the policy and procedure.</li> <li>7. Financial support administered by the College will continue during any investigation of misconduct.</li> <li>8. An allegation of misconduct can only be upheld if there is clear evidence that the student has engaged in the alleged activity.</li> <li>9. Ongoing monitoring of compliance will be necessary to ensure no protected group is discriminated against when dealing with issues relating to student discipline.</li> </ol>
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Status:	Approved	<b>Summary of changes</b>  Clarification of referral to previous stages as part of 'case dismissed' option of hearing. Inclusion of Fitness to Study Procedure reference.
Approved by:	Executive Team	
Date of version:	August 2023	
Responsibility for Policy:	Vice Principal Curriculum and Quality	
Responsibility for Review:	Associate Vice Principal Curriculum and Student Experience	
Review date:	August 2024	
DPIA date:	August 2023	
EIA date:	August 2023	

Sign-off *	Alesia du Plessis
Name:	Alesia du Plessis
Position:	Associate Vice Principal - Curriculum & Student Experience
Date of original EIA:	18 May 2020
Date EIA last reviewed:	4 August 2023

\*Please note that an electronic sign-off is sufficient