

**Schedules review – Schedule 5: Disciplinary procedure**

<b>PURPOSE OF PAPER</b>	To approve the proposed Schedule 5: Disciplinary procedure
<b>AUTHOR</b>	Elena Semple, Advice Service Coordinator
<b>ACTION REQUIRED</b>	To approve
<b>LENGTH OF PAPER</b>	This report contains 6 pages

**1. Purpose and scope**

1.1 This Disciplinary Procedure aims to maintain a safe and inclusive environment within the Highlands and Islands Students' Association (SA), ensuring compliance with the University of Highlands and Islands' (UHI) Student Code of Conduct.

1.2. The Disciplinary Procedure seeks to act without bias and provide all involved with the right to a fair hearing.

1.3.This procedure applies to all Students (those without officeholder duties within the Association) and governs handling reported violations and subsequent disciplinary actions. This process pertains to potential violations of the UHI's Student Code of Conduct, whether in person or online, including on social media platforms and messaging apps.

1.4 Students' Association staff, Student Officers, and other Students can report suspected breaches.

**2. The Student Code of Conduct UHI**

2.1 The established comprehensive Code of Conduct outlines expected behaviour and standards for all Students. The Code includes rules regarding discrimination, harassment, hazing, financial transparency and any other relevant guidelines.

2.2 The Code is published and available to all students to ensure their understanding and agreement to abide by it. A copy can be found via this [link](#).

**3. Reporting mechanism**

3.1 If you witness suspicious behaviour or wish to make a complaint about the conduct of a Student there are several ways to report it:

a) **Online form:** Concerns can be submitted via the secure online form that allows Students to submit reports anonymously or with their contact information. The link to the form is available [here](#).

b) **Email:** Concerns can also be emailed by detailing the issue and attaching evidence to and addressing it with the subject line "Misconduct Complaint" via [hisa@uhi.ac.uk](mailto:hisa@uhi.ac.uk).

c) **In person:** Concerns can be raised to any Students' Association staff member or Officer, and they will ensure an accurate account is taken, along with any evidence and passed to the investigatory parties.

## **3.2 Confidentiality and privacy**

3.2.1 Trust and confidence of our members are highly valued within the Association. We take all disclosures seriously and handle them with the utmost respect and discretion. It is essential to understand that retaliation against individuals who make reports in good faith is strictly prohibited and will not be tolerated. Any information shared during the reporting process will be kept confidential and in compliance with the relevant privacy laws and regulations.

3.2.2 Only authorised individuals involved in the disciplinary process will have access to the relevant information, and all personal data will be protected and used solely to address the concern. We prioritise the privacy of individuals involved and strive to create a safe and supportive environment for addressing their concerns.

3.2.3 Those raising concerns should make it known if they do not wish to consent to the information they provide being used during a disciplinary investigation when raising a concern. The reporter should also understand that sharing evidence may make it easier to proceed with an investigation.

3.2.4 The procedure has an accompanying privacy notice which should be considered by staff and Students and it can be accessed via this link <https://www.hisa.uhi.ac.uk/about/policies/privacy>.

## **4. Acknowledgement**

4.1 Once a report is submitted, it will be acknowledged within five working days (excluding bank holidays and additional closure days). If an acknowledgement is not received in that time frame, please email [hisa@uhi.ac.uk](mailto:hisa@uhi.ac.uk), and someone will reply to you.

4.2 If contact information is disclosed, an option for follow-up communication may be offered to provide updates or gather additional information if necessary.

## **5. Support**

5.1 The Students' Association understands that raising a concern or being investigated under this Disciplinary Procedure can be stressful. Support is available from Student Support at your local Academic Partner and the Students' Association's Advice Service.

## **6. Exceptions**

6.1 There are separate procedures for misconduct outside of activities organised by the Students' Association, e.g. UHI events or courses. Concerns, such as academic misconduct or damage to university property, can be raised using the UHI Student Code of Conduct, found [here](#).

6.2 This procedure is distinct from the Students' Association Complaints Handling Procedure, which is accessed [here](#). The Complaints Handling Procedure can investigate matters like complaints about Officers, policies created by the Students' Association, etc., but cannot investigate UHI Student Code of Conduct breaches.

## **7. Investigations – First and Second Stages**

### **7.1 Initial Investigation – Stage One**

7.1.1 The Students' Association aims to ensure that any concerns are resolved promptly. The Students' Association will usually deal with suspected misconduct informally first and only use the formal disciplinary procedure when this proves unsuccessful or inappropriate in the circumstances, e.g., gross misconduct.

7.1.2 In the first instance, the concerns will be dealt with by the region's Development Manager with the Local Coordinator's support, if necessary. The Manager will review the report unless there is a conflict of interest; if this is the case another Development Manager will be assigned to review this. If there is a further conflict, the report will be given to the Director of Student Engagement and Representation to consider.

7.1.3 The party that considers the report shall respond to the complainant within five working days of receiving the report (excluding bank holidays and additional closure days). A short extension to this is permitted if there is a real likelihood of the concern being resolved within that time. The complainant will be kept informed of any delay in the process.

7.1.4 Informal action would typically involve the Students' Association staff member reviewing the matter to discuss any conduct causing concern with the Student and setting out the expectations around behaviour. Whilst a discussion is arranged, the member will be temporarily suspended from participating in group activities, online or in person.

7.1.5 All members interviewed, including the member alleged of misconduct, 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). This can include a representative from the Association's Advice Service.

7.1.6 If the report is more complex and requires fuller investigation, it shall be deemed a Stage 2 Investigation and examined under the Stage 2 procedure outlined below. Likewise, if the complainant is dissatisfied with the outcome at Stage 1, they may proceed to Stage 2.

7.1.7 At any stage during the disciplinary procedure, if a Student is found not responsible for any suspected misconduct, the investigation will be closed, and no further action will be taken.

### **7.2 Stage Two Formal Disciplinary**

7.2.1 If a Student engages in gross misconduct or disregards previous informal discussions, verbal warnings or sanctions, the Stage 2 Formal Disciplinary Procedure will be implemented.

7.2.2 Following initial investigations into the misconduct, consideration should be given by the reviewing Manager as to whether precautionary action should continue, such as suspension from all activities hosted by the Students' Association.

7.2.3 The Development Manager will appoint an appropriate staff member as Investigating Officer. Any potential conflicts of interest should be avoided when appointing an Investigating Officer.

7.2.4 Conducting investigations promptly once staff become aware of an incident is important. As a best practice, incidents should generally be completed within ten working days. Nonetheless, it is important to consider holidays and staff absences during this time. All parties will be communicated with regarding any delays, and alternates will be appointed promptly if an absence is likely to prevent the investigation from progressing.

7.2.5 Before meeting with a Student as part of a formal investigation, it should be ascertained whether the Student requires reasonable adjustments due to disability, as it means they may need extra support in the inquiry. This support should be arranged before any formal disciplinary meeting. The Investigating Officer needs to consider how the Student's accessibility needs may affect their participation in the disciplinary process and any witnesses who may be involved.

7.2.6 The Student who is the subject of the disciplinary investigation should be provided with a copy of the Disciplinary Procedures before interviews.

7.2.7 The Investigating Officer will identify all witnesses and individuals involved in the suspected misconduct and collect any relevant evidence. If it is deemed necessary to interview a witness or those involved, it is recommended that the Investigating Officer meet with each person separately. During the interviews, minutes will be noted that will summarise the discussion. It is important to provide a copy of these notes to the individuals interviewed to confirm the accuracy by signing them.

7.2.8 The investigation will continue if a Student suspected of misconduct chooses not to attend an interview or fails to provide a valid reason for their absence, they will be informed of this when invited to attend.

7.2.9 At the end of the investigation, the Investigating Officer will provide a recommendation on whether there is a disciplinary case to answer to the Development Manager. The recommendation will be accompanied by evidence of the misconduct collected during the investigation, including statements from staff and/or Students.

7.2.10 After consulting with the CEO of the Highlands and Islands Students' Association, the Development Manager or, in the case of conflicts where it has not been possible to assign a Development Manager, the Director of Student Engagement and Representation will determine whether to proceed with a Disciplinary Hearing. This decision will be based on the Investigating Officer's recommendation and the evidence gathered during the investigation.

7.2.11 If the Manager, or Director, decides not to proceed with a disciplinary hearing, they must document their reasoning and keep all records in accordance with the retention schedule.

### **7.3 Disciplinary Hearing**

7.3.1 If the Manager, or Director, decides to proceed with a disciplinary hearing, it should ideally take place within ten working days of the Investigator's recommendation; should this take longer, the Student will be informed.

7.3.2 The disciplinary hearing panel should consist of three members plus a minute taker. At least one of the panel members should be a Student Officer to ensure balance and student perspective.

7.3.3 The purpose of the hearing is to:

- Establish whether the alleged incident took place;
- Explore the reasons for the alleged incident;
- Establish whether the Student is committed to correcting their conduct;
- Explore how the Student can be supported if they continue as an Ordinary Member, if appropriate;
- 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 or membership be suspended for one / remainder of the academic year.

7.3.4 The panel must consider all the evidence presented before arriving at a conclusion. The conclusion may be reached at the end of the meeting or through further discussion after the meeting.

7.3.5 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.

## **7.4 Outcome of Disciplinary Hearing**

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

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

- No further action
- 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
- Exclusion from all student association-organised groups and activities for one full academic year
- Permanent exclusion from the Students' Association

7.4.3 The Student has the right to make an appeal against the outcome under specific circumstances. Further information is included in below.

## **8. Appeals**

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

- a. That the disciplinary 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. The disciplinary action imposed is considered 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.

8.2 Appeals must be made in writing to the CEO. The appeal must be made within five working days of receiving the outcome of disciplinary action and must state the grounds for the appeal.

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

8.4 The CEO will consider the appeal and will respond to the student within five working days of receiving the appeal. Once the outcome has been decided, there is no further right to appeal.