



**Dumfries and
Galloway College**

One step ahead

STUDENT DISCIPLINARY PROCEDURE

Responsibility: Director of Curriculum

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Student Disciplinary Procedure

1. Purpose

The College promotes an ethos of Learning Together where every member of staff and all students are expected to work together to achieve a supportive and mutually respectful learning environment. All staff have a responsibility to promote and maintain a safe and secure environment and to correct behaviour where there are minor breaches and report behaviour where there are serious breaches. Teaching staff must establish and maintain a safe, supportive, respectful and disciplined learning environment.

Dumfries and Galloway College expects that all students will behave considerately at all times and treat other students, staff and members of the public with respect, regardless of background, both on and off campus.

- 1.1.1 The Student Disciplinary Procedure is designed to provide an open and fair process for dealing with student misconduct, student misbehaviour or course related student performance. The College has the right to report any offence it believes to be criminal to the Police.

2. Scope

All College staff have a responsibility to challenge students acting in a way that is in breach of the Student Behaviour Policy, is disruptive or causes a nuisance to others. The Procedure applies to:

- 2.1.1 All students while studying at or registered with Dumfries and Galloway College and while on College premises, on work placement, on College Trips including residential, at College events off-campus, while travelling on College transport, when using Social Media and at any time or place which directly relates to being a College student.
- 2.1.2 In circumstances where students have a physical, mental or other disability, which may manifest itself in behaviour, which in usual circumstances would be misconduct, reasonable adjustments will be made, and appropriate support provided.
- 2.1.3 In circumstances where students have a language or communication difficulty, for example where English is not their first language, additional support may be provided and where appropriate reasonable adjustment made.
- 2.1.4 It is the College's normal practice to notify a student's employer, managing agent and school if studying via any of these routes.
- 2.1.5 If the student is under 16, a looked after young person or classed as a Vulnerable Adult, the legal parent or guardian must also be copied in on all correspondence and invited to attend discussions.
- 2.1.6 Disciplinary records will be kept live on the student's file for the remainder of their course. If the student is excluded beyond the end of this time the record will be kept on file in accordance with the offence.

3. *References*

- 📌 Learning and Achieving Together Document
- 📌 Student Behaviour Policy
- 📌 Learner Support and Guidance Procedure
- 📌 ICT Acceptable Use Policy
- 📌 Malpractice and Maladministration of Assessment Procedure
- 📌 Safety on Study Trips Procedure

4. *Definitions*

GDPR General Data Protection Regulation

SDPREC Student Disciplinary Procedure Record (Appendix 1)

This list is not exhaustive

Minor Misconduct – in the first instance, this will be dealt with by tutors to try to support students to achieve on their course.

- ✦ Failure to be prepared for class.
- ✦ Unacceptable behaviour in class.
- ✦ Failure to follow reasonable instructions of staff.
- ✦ Unacceptable language.
- ✦ Failure to complete and submit work on time.
- ✦ Poor timekeeping.
- ✦ Breach of attendance requirements.
- ✦ Smoking or vaping outwith designated areas.
- ✦ Repeated inappropriate use of mobile phones.
- ✦ Misuse or unauthorised use of College premises, property or services.

Serious Misconduct

- ✦ Repeated minor misconduct.
- ✦ Breach of agreement set following minor misconduct.
- ✦ Cheating or plagiarism in academic course work or in examinations.
- ✦ Failure to disclose personal details to a member of staff of the College in circumstances in which it is reasonable to require that such information is given.
- ✦ Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the College, or any visitor to the College.

Gross Misconduct – will be dealt with at Stage 3 and may result in a final warning or exclusion from the College for the remainder of the academic year or longer depending on the nature of the incident.

- ✦ Repeated serious misconduct.
- ✦ Breach of agreement for serious misconduct.
- ✦ Any conduct which constitutes a criminal offence.
- ✦ Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language.
- ✦ Sexual or racial harassment or any bullying of any kind of any student, member of College staff, or visitor to the College.
- ✦ Fraud, deceit, deception or dishonesty in relation to the College or its staff, students or visitors
- ✦ Theft, misappropriation or misuse of College property, or the property of the College’s staff, students or visitors, including computer misuse.
- ✦ Damage to College property, or the property of the College’s staff, students or visitors, caused intentionally or recklessly.
- ✦ Action likely to cause injury or impair safety on College premises.
- ✦ Failure to respect the rights of others to freedom of belief and freedom of speech.
- ✦ Discrimination against any student, member of College staff or any visitor to the College on grounds of disability, ethnicity, gender, age, culture, sexual orientation, religion or any other protected characteristics.
- ✦ Drug related incidents – DGC operates a zero tolerance towards drugs and the following will result in exclusion from College and any College related activities for the remainder of the academic year.
 - The possession and/or consumption of alcohol, drugs or illegal substances on the College premises or other related areas/activities (unless being used strictly in accordance with a valid prescription).
 - Participation in any College activity under the influence of illegal or controlled drugs and alcohol.

5. Procedure

5.1 Absence

Students who have been absent and have not responded to contact from the College will be sent a 5-day withdrawal letter (see Appendix 2). The student is given 5 working days to appeal the decision to withdraw them. Appeals should be made to a Curriculum Manager who does not have direct line management of the associated curriculum area. The Curriculum Manager to hear the appeal for the Curriculum Areas will be agreed at the start of each Academic Year.

5.2 Misconduct

Any stage of the procedure for misconduct may be invoked immediately, depending on the nature and severity of the behaviour. It does not need to be progressive. It is expected that many cases of misconduct may be dealt with internally.

In certain circumstances, a student may be sent home at the discretion of the Curriculum Manager. This is not a formal suspension but a short-term step to allow consideration of whether further action is appropriate or not.

Where appropriate, suspension may be imposed on a student by the Curriculum Manager or member of the Senior Leadership Team. Suspension should only be imposed where the student presents a risk to the College's staff, students, visitors or property or where the student's presence in the College would inhibit a proper investigation of the alleged misconduct. The student will be notified immediately of the reason that this decision has been made, which will then be followed by a letter and/or electronic communication.

Any documents connected with a disciplinary or appeal hearing shall be treated as confidential, in accordance with current GDPR.

At any stage of this procedure, the student may be accompanied by a friend or representative. Such representation will not include a legal advisor or official appointed by advocacy agencies such as Citizen's Advice Bureau. If the student is under 16, the legal parent or guardian must be copied in on all correspondence and

invited to attend the meeting. A school/employer representative may also be invited to attend, as appropriate. If the student is a looked after young person or classed as a Vulnerable Adult, please check the notes in AdminNet/Student Viewer 'Requires 3rd Party Consent' section. A school/employer representative may also be invited to attend, as appropriate.

Care should be taken when involving parents especially where the student may be estranged from the family. Tutors should seek advice from their Curriculum Manager if in doubt. For College Academy Students, schools should always be immediately contacted and informed of any disciplinary issues at any stage of the procedure.

5.2.1 Informal stage

It is expected that most instances of unacceptable behaviour may be dealt with in an informal manner, verbally. This will be recorded on a referral by the relevant member of staff.

5.2.2 **Stage One Meeting**

If the student's conduct and/or academic performance gives cause for concern the matter will be referred to the Personal Tutor.

The student will be invited to the Stage 1 meeting with their Personal Tutor using the letter in Appendix 3a, receiving a written statement of the nature of the problem and confirmation that the meeting is part of the procedure. The Personal Tutor will explain the nature of the problem/concern, and that this meeting is the first stage of a formal procedure and there is a possibility of further stages should there not be a satisfactory outcome.

The Personal Tutor will explore possible reasons for the problem/concern and discuss ways in which the student can correct matters, with support as appropriate, within an agreed period.

The Personal Tutor will record the outcome of the discussion on the Student Disciplinary Record (SDPREC), ensuring that the student signs or acknowledges via

email to verify the record of the interview. The SDPREC should be uploaded to the student's referral on AdminNet.

A further referral may escalate the matter to the next stage of the procedure.

5.2.3 **Stage Two Meeting**

If the student's conduct and/or academic performance continues to give cause for concern the matter will be referred to the Curriculum Manager.

The student will be invited to the Stage 2 meeting with their Curriculum Manager using the letter in Appendix 3b receiving a written statement of the nature of the problem and confirmation that the meeting is part of the procedure.

The Curriculum Manager will explain the nature of the problem/concern, and that this meeting is the second stage of a formal procedure and there is a possibility of a further stage should there not be a satisfactory outcome.

The Curriculum Manager will explore possible reasons for the problem/concern and discuss ways in which the student can correct matters, with support as appropriate, within an agreed period.

The Curriculum Manager will record the outcome of the discussion on the SDPREC, ensuring that the student signs the SDPREC or acknowledges via email to verify the record of the interview. The SDPREC should be uploaded to the student's referral on AdminNet.

A further referral may escalate the matter to the next stage of the procedure.

5.2.4 **Stage 3 Meeting**

If the student's conduct and/or academic performance continues to give cause for concern the matter will be referred to a Curriculum Manager outwith the Curriculum Area. The Curriculum Manager will decide if it is necessary to conduct a Stage 3 meeting which may include the student being suspended.

The student will be invited to the Stage 3 meeting with the Curriculum Manager using the template by letter or email in Appendix 4a receiving a written statement

of the nature of the problem and confirmation that the interview is part of the procedure. The student shall be given no less than ten working days' notice of the date, time and place of the Disciplinary meeting. The student shall be provided with copies of any relevant documentary evidence in advance of the hearing. The student may waive their right to a minimum of ten days' notice, but this should be recorded on the record of meeting on the SDPREC and is at the discretion of the Curriculum Manager. Prior to the meeting, an investigation will take place to establish facts surrounding the matter concerned.

A student who is suspended is prohibited from entering College premises and from participating in College activities. The student will be invited to the Stage 3 meeting with the Curriculum Manager using the letter in Appendix 4b receiving a written statement of the nature of the problem and confirmation that the interview is part of the procedure.

The Curriculum Manager will explain the nature of the problem/concern, and that this meeting is the third stage of a formal procedure.

The Curriculum Manager will explore possible reasons for the problem/concern and discuss ways in which the student can correct matters, with support as appropriate, within an agreed period.

At the start of the meeting the Curriculum Manager will explain the potential outcomes of the meeting to the student.

After discussion, a strategy with a final warning may be agreed whereby the student agrees to correct matters, with support as appropriate, within an agreed period.

The Curriculum Manager will record the outcome of the discussion on the SDPREC, ensuring that the student signs the SDPREC or acknowledges via email to verify the record of the interview. The SDPREC should be uploaded to the student's referral on AdminNet. A copy of the signed record is offered to the student.

The final decision of the Stage 3 meeting will be confirmed to the student in writing using Appendix 4c by recorded delivery to the student's address that is held on the College system and, if appropriate, to their employer. Students will also be advised in writing of the appeal process and their right to appeal.

Any proposal to exclude a student will be decided by the Director of Curriculum. The exclusion could be for a period of time or be permanent. Any return will be agreed by the Director of Curriculum. A student who is excluded from the College will usually have no rights to participate in any College related activities. The terms of the exclusion will be notified in writing to the student.

6.0 Appeals

Students may appeal to the Director of Curriculum if they disagree with the outcome of a Stage 3 Disciplinary meeting.

6.1 The complaints procedure to be followed only when the appeals procedure has not been followed correctly.

7.0 Distribution

All Students

All Staff

Repository

Revision Log		
Date	Section	Description
16.11.2020	5.2.2, 5.2.3, 5.2.4, Appendices 1, 3, 4a, 4b	Amendment of wording to include option for student acknowledgment email as well as student signature.
16.11.2020	Throughout the Document	Change of job title from Vice Principal, Learning, Teaching and Student Experience to Vice Principal, Learning, Skills and Student Experience.
16.11.2020	Throughout the Document	Change of job title from Head of Curriculum to Director of Curriculum Manager.
26.05.21	Distribution	Changed Quality Manual to RPP
31.8.21	Throughout the Document	Change of job titles

	5.2.4 Appendix 4a, 4b, 4c	~ Director of Curriculum to Curriculum Manager ~ VP Learning, Skills and Student Experience to Director of Curriculum Amended text relating to exclusion. Change of job title of signatory from Director of Curriculum to Curriculum Manager
13.09.21	4.0 Appendices	Additional text noting how Minor Misconduct will be addressed Programme changed to course
29.11.21	5.2 Paragraph 5 and relevant Appendices	Amendment to wording to note that for students under 16 the legal parent/guardian to be copied in on all correspondence. For students who are a Looked After Young Person/Vulnerable Adult AdminNet/Student Viewer notes to be checked.

THIS FORM TO BE UPDATED WHENEVER THERE IS A CHANGE IN ANY SYSTEM DOCUMENT				
Document Name	Document Owner	Revision Number	Date of Issue	Date of Withdraw
Student Disciplinary Procedure	Director of Curriculum	1	02.06.21	
Student Disciplinary Procedure	Director of Curriculum	2	13.09.21	
Student Disciplinary Procedure	Director of Curriculum	3	24.01.22	

Appendix 1 Student Disciplinary Procedure

RECORD OF INTERVIEW (SDPREC)

Stage 1 2 3 (circle as appropriate)

Date:	Time:	Room or Via Microsoft Teams
Student Name:		
Course Code:		
Name of other attendees:		
Inform Employer (required)	Inform Managing Agent	Inform school if under 16 (circle if required)
Nature of Problem:		
Outcome:		
Staff signature: Personal Tutor/Curriculum Manager delete as appropriate)		
Student signature/Acknowledgement email:		

Appendix 2 Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

Continued Absence

We have tried to contact you or may have spoken to you to discuss your absence, but this continues to be a cause for concern. We appreciate there can be many reasons for non-attendance, but as we have not been able to make contact, we have been unable to consider the offer of support. As a result, we have made the decision to withdraw you from your course. Please return any college issued clothing or equipment and your ID card. We will also inform funding staff of this decision.

You may wish to contact your local office of Skills Development Scotland where you can be provided with further details of career or training opportunities. Details are as follows:

Skills Development Scotland
Loreburne Shopping Centre
High St
Dumfries
DG1 2BD

Tel: 01387 272500

If you feel that this decision is unfair or unreasonable, you have 5 working days in which to appeal this decision to the Curriculum Manager – ***(insert name and contact email)***. If you proceed with an appeal, you should note that you are able to attend classes until your appeal hearing.

Yours sincerely

(Insert name of Curriculum Manager)

Curriculum Manager

(Insert name of Curriculum Area)

Appendix 3a Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

ABSENCE/PROGRESS/BEHAVIOUR (delete as appropriate)

I have been notified that your ***(absence/progress/behaviour - delete as appropriate)*** is giving cause for concern.

As a result, I would ask you to attend a meeting with me as detailed below to discuss this and to consider recommendations and ways of supporting you to continue with your course.

Use either A or B

A If the student is under 16, a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support such as your primary carer, guardian or nearest relative but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

Or

B If the student is 16 or over, not a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support, but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

You should note that this letter and resulting interview is Stage 1 of the Student Disciplinary Procedure.

Should you fail to attend or contact me to rearrange your interview, I will assume you do not wish to discuss this issue and will withdraw you from the course. Please return any college issued clothing or equipment and your ID card. We will also inform funding staff of this decision.

Yours sincerely

(Insert name of Personal Tutor)

Date of interview

Time

Room Number/Via Microsoft Teams

Encs.

Copy of referrals

Student Disciplinary Procedure

Appendix 3b Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

ABSENCE/PROGRESS/BEHAVIOUR (delete as appropriate)

Your ***(absence/progress/behaviour - delete as appropriate)*** has not improved since this was discussed previously and cannot be allowed to continue unresolved.

As a result, I would ask you to attend an interview with me as detailed below.

Use either A or B

A If the student is under 16, a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support such as your primary carer, guardian or nearest relative but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

Or

B If the student is 16 or over, not a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support, but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

You should note that this letter and resulting interview is Stage 2 of the Student Disciplinary Procedure.

Should you fail to attend or contact me to rearrange your interview, I will assume you do not wish to discuss this issue and will withdraw you from the course. Please return any college issued clothing or equipment and your ID card. We will also inform funding staff of this decision.

Yours sincerely

Curriculum Manager
Enter Curriculum Area

Date of interview

Time

Room Number/Via Microsoft Teams

Encs.

Copy of referrals

Student Disciplinary Procedure

Appendix 4a Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

Notice of Stage 3 Disciplinary Meeting

You are asked to attend a Stage 3 Disciplinary Meeting as part of the investigation into ***enter allegation*** on ***enter date/time/place/ via an online Teams meeting***

Use either A or B

A If the student is under 16, a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support such as your primary carer, guardian or nearest relative but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

Or

B If the student is 16 or over, not a looked after young person or classed as a

Vulnerable Adult – You may wish to bring someone with you for support, but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

Should you fail to attend or contact me to rearrange your interview, I will assume you do not wish to discuss this issue and will withdraw you from the course. Please return any college issued clothing or equipment and your ID card. We will also inform funding staff of this decision.

Yours sincerely

Curriculum Manager

Encs.

Copy of referrals

Student Disciplinary Procedure

Appendix 4b Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

Notice of Stage 3 Disciplinary Meeting following your suspension from College

You are asked to attend a Stage 3 Disciplinary Meeting as part of the investigation into ***enter allegation*** on ***enter date/time/ via an online Teams meeting***.

You should report to Reception when you arrive in College and should not be on the premises until you attend your meeting.

Or

You should have received your Teams Meeting Invitation and you will not be able to join any Teams Classes or be on the College premises prior to your meeting or until after you have received the outcome of your meeting.

You may bring someone with you for support, but such representation will not include a Legal Advisor or Official appointed by Advisory Agencies such as Citizens Advice Bureau.

Should you fail to attend or contact me to rearrange your interview, I will assume you do not wish to discuss this issue and will withdraw you from the course. Please return any college issued clothing or equipment and your ID card. We will also inform funding staff of this decision.

Yours sincerely

Curriculum Manager

Encs.

Copy of referrals

Student Disciplinary Procedure

Appendix 4c Student Disciplinary Procedure

If phoning please ask for:

Direct Dial: 01387 734000

E-mail: ??@dumgal.ac.uk

Dear

Decision of Disciplinary Meeting

The Stage 3 Disciplinary Meeting held on (enter date/time), the following decision has been made

You have the right of appeal within 5 working days of receipt of this notification to **insert name of Senior Leadership Team member**, Dumfries and Galloway College, Bankend Road Dumfries, DG1 4FD.

Yours sincerely

Curriculum Manager

Appendix 5 Student Disciplinary Procedure

Appeals Committee Process

1 Purpose of Appeals Committee

The Appeals Committee is convened to decide whether the College has acted fairly and reasonably in the imposition of any disciplinary action it has taken against a student, whether the penalty that has been imposed is fair and reasonable and whether the provisions of this Disciplinary Procedure have been properly applied.

2 Composition

The Senior Leadership Team member who has received the appeal, will appoint the members of the Appeals Committee, and act as its Chair. The Committee will have four members. The members will include the member of staff presenting the reason for the decision, a member of College Management Team who has not had any involvement in the case, a member of the Student Association. A school representative will be invited to attend if the student is still at school.

The finding of the panel will be communicated in writing within 5 working days of the final panel meeting.

Further appeal can be made to the Appeal Committee of The Board of Management, by writing to the Secretary to the Board, only on the ground that College Management has not complied with the Student Disciplinary Procedure.

3 Representation for the student

The student may be present at all disciplinary hearings, and may be represented by an adviser, friend or other representative (but such representation will not include a legal advisor or official appointed by advocacy agencies such as Citizen's Advice Bureau). If a student is represented, should it become necessary to ensure good order in the hearing, the Committee may stipulate that the student may speak only when called upon to give evidence by his or her representative.

4 Assistance to the Committee

The Chair will arrange for a note of the proceedings to be taken.

5 Process

The Chair of the Committee will direct the order of proceedings. Members of the Committee may ask questions of any party by agreement with the Chair.

6 Presentation of the case

The Chair will ask the member of staff responsible for the decision made at the Stage 3 to present the allegation against the student. This will be presented orally.