



Student Positive Behaviour and Discipline Procedure

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Date: August 2024

Review Date: August 2027

Equality Impact Assessment Date: August 2024

History of Changes

Version	Description of Change	Authorised by	Date
1.1	Addition of History of Change log and update to 2.4 and 2.5 to include (viii)	J Stalker	30-3-17
1.2	Addition of direction towards letter templates in Guidance document	J Stalker	14-3-18
1.3	Amendment to extend no of days to conduct disciplinary investigation and disciplinary meeting to accommodate non-routine situations for distance/part time students	J Stalker	11-07-18
1.4	Amendment to 1/1.1 to clarify scope of the procedure and include table of examples. Amendment to 2.5 to clarify where students are given information on the procedure.	J Stalker	12-10-18
1.5	Addition of Inclusiveness statement, amendment to job role titles, and clarification on conduct relating to drug misuse.	S Fraser	13-8-2020
1.6	Addition of clarification on what information can be shared where a police investigation has been initiated.	B Brownlee	18-2-2022
1.7	Refresh and reference to new Respect Policy.	B Brownlee	01-8-2024

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

We also acknowledge our responsibilities under The Human Rights Act 1998 to protect and promote fundamental human rights and freedoms, such as the right to life, personal liberty, an education, freedom of expression, and the prohibition of torture.

Please see end of this document for EIA.

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1. Aim

To create a safe, positive and productive learning environment which provides an equal opportunity for all to achieve their maximum learning potential.

2. Overview

This guidance must be read alongside the Respect Policy and Attendance and Fitness To Study Policy.

West Lothian College has laid out expectations for student behaviour in the Respect Policy, where we have established a set of boundaries to promote a positive and safe college experience. Staying within these boundaries is required for enrolment at the college. We will share these with each student during induction and ask them to agree to these by signing the College Learning Agreement.

When students have not been able to stay within these boundaries, there may be consequences. These notes are designed to support staff addressing any situations which arise, primarily to agree a way for students to continue their studies safely, although in a few instances, we may ask students to leave their studies until we can agree it is safe to continue at college.

Staff dealing with misbehaviour should address this with the student in a calm and respectful manner. They should explain the risks of such misbehaviours and/or the consequences of such misbehaviours on others.

Such discussions should take place in a quiet and confidential space.

The following table outlines the potential actions that college staff may take to address concerns and the possible consequences that the breach may have on the student and their ability to remain on course and attain their qualification:

Nature of Concern	Degree of Concern	Potential Actions to be taken/consequences to the student
Poor timekeeping	Minor	Verbal warning Written warning Non-attainment of the qualification
Poor attendance	Minor	Verbal warning Written warning Loss of student funding Non-attainment of the qualification
Continual non-attendance	Major	Withdrawal from course
Poor classroom/college behaviour that causes	Concerning/ Serious	Written warning Expulsion

disruption or upset to other students		Loss of student funding
Verbal and/or physical abuse of other students and/or college staff	Serious	Suspension Expulsion Loss of student funding
Plagiarism	Serious	Reassessment Written warning Withdrawal of the qualification
Misuse of social networks to abuse or harass other students and/or the college	Serious	Suspension Expulsion Loss of student funding
Misuse of Drugs and/or Alcohol	Serious	Suspension Expulsion Loss of student funding
Wilful damage to college property	Serious	Written warning Expulsion Loss of student funding

Actions taken will be recorded and reviewed annually to ensure fairness and a concern for consistency is being used in resolving concerns.

3. Student Right of Appeal

An individual or student group has the right of appeal at any stage of the disciplinary procedure. No member of staff who has been involved in an earlier stage of the disciplinary procedure will be present to hear an appeal, although they may be able to give evidence, if required, or to put the case for the college.

If the appeal is against expulsion, this will be made to the Principal.

There is no further right of appeal.

4. Record Keeping

A series of model letters have been prepared to be adapted to cover most situations. Acknowledgement of being issued with a disciplinary warning should be recorded on Staff Advantage on the Student Learning Profile along with a note of any warning letters issued to students. The model letters referred to are as follows:

Category	Model Letter
Suspension – Notification of	A
No further action – following suspension or disciplinary meeting	B

Calling a disciplinary meeting	C
Outcome of disciplinary meeting (written or final warning)	D*
Expulsion (only to be issued by Vice Principal – Learning and Attainment)	E

*Adapt Model Letter D for written or final warning as appropriate

When Learning and Skills Managers require any disciplinary letter to be sent, a request is sent to the Faculty Administrator giving:

- The student name and matriculation number
- The relevant incident details
- The details of any meetings or actions.

The letter will be created, digitally signed and returned to Learning and Skills Manager and dispatched by email and/or post.

A brief record of all disciplinary outcomes should be created in the student's Learning Profile in Staff Advantage.

5. Discipline Procedure

- 5.1 The procedure encourages staff and students to address poor behaviour/attitudes informally before using the formal disciplinary procedure. This may be via the Attendance and Fitness to Study Policy.
- 5.2 The procedure is designed to ensure that a fair and consistent approach is adopted when disciplinary action is to be taken against a student.
- 5.3 The procedure is designed to cover situations which may require formal disciplinary action.
- 5.4 In the case of school pupils attending the college, it is important to involve the relevant Faculty Director, Schools and Community Planning Officer and advise the appropriate Schools Liaison contact. This includes involvement at the "suspension" stage.
- 5.5 A student has the right of appeal at each stage of the disciplinary procedure but may not attempt to circumvent the disciplinary procedure by lodging a written complaint. Complaints received while a student is part of a disciplinary action will not be accepted as valid.
- 5.6 A student would be deemed to be in breach of college discipline where they have breached their College Learning Agreement. Examples are given in the Student Respect Policy. Please note, all examples of actions are indicative and not exhaustive.
- 5.7 The student shall have the nature of the complaint fully explained to them and shall be given an adequate opportunity to prepare and present his/her case prior to any disciplinary action being taken. An investigation of a

contested allegation will be undertaken. The exception to this explanation is where a police investigation has been initiated, where detailed investigation may prejudice the investigation. Once the police investigation is concluded, the process can be concluded.

- 5.8 The student has the right to be accompanied at any disciplinary hearing by a student representative or any person of his/her choice. The student's employer/sponsor or school shall be invited to the meeting. No legal representation is permitted.
- 5.9 The student shall be notified in writing as to the findings of the hearing and what action, if any, is to be taken against them. A copy of this letter will also be sent to the student's employer/sponsor/school. The student will be advised of the right of appeal, if appropriate.
- 5.10 Where action is to be taken, the seriousness of the offence will determine this. Actions may include:
- (i) a verbal warning
 - (ii) a written warning
 - (iii) reduction of marks or zero marks
 - (iv) withdrawal of unit
 - (v) a final written warning
 - (vi) expulsion (which can only be exercised by the Principal, the appropriate Vice Principal or in exceptional circumstances by a person so designated by the Principal).
- 5.11 If the alleged incident involves serious misbehaviours, then the suspension procedure (see section 6) should normally be considered and an investigation organised (see section 7). It may also be appropriate to report the incident to Police Scotland.

For cases which are judged to be less serious, a combined investigation and disciplinary meeting arrangement may be more appropriate (see section 9).

The identified timescales should be such as to minimise anxiety and loss of learning.

6. Suspension Procedure

- 6.1 Alleged incident reported to Learning and Skills Manager.
- 6.2 Learning and Skills Manager arranges to interview parties concerned explains the purpose of the interview stating that it is not a disciplinary meeting and advises parties of representation rights.
- 6.3 Learning and Skills Manager informs Student Funds. Bursary will continue to be paid for the duration of the suspension.
- 6.4 Depending on the seriousness of the alleged incident, the Learning and Skills Manager will decide as to whether the circumstances warrant a

suspension pending investigation and inform all relevant parties including schools, parents and employers, if appropriate, of decision.

6.5 Learning and Skills Manager confirms decision to suspend in writing with copies to Vice Principal, and other interested parties.

6.6 Learning and Skills Manager arranges investigation.

7. Investigation Procedure Following Suspension

7.1 Learning and Skills Manager or other person nominated/appointed by them undertakes an investigation. Whoever conducts the investigation will be known as the “Investigating Officer”.

7.2 The Investigating Officer arranges to interview student, explains to student that it is not a disciplinary interview and reminds student of their rights to be represented.

7.3 Investigating Officer interviews and, wherever possible, obtains written statements from all other persons (staff and students) who are believed to have information about the alleged incident.

7.4 Investigating Officer checks Student Support and obtains views from other curriculum centres, if relevant.

7.5 Investigating Officer prepares report based upon the facts obtained together with an opinion on whether or not there is a case to answer.

7.6 Investigating Officer forwards report to the Faculty Director who decides on the basis of the report

- that there is no case to answer and arranges for all information to be destroyed and for the students to be informed accordingly (model letter B), or
- to arrange a disciplinary meeting (model letter C).

7.7 Learning and Skills Manager conducts the disciplinary meeting (see section 8).

8. Arranging a disciplinary meeting following suspension and investigation

8.1 Following the investigation, the Learning and Skills Manager writes (model letter C) to the student asking them and a representative to attend a disciplinary meeting, giving at least three clear college days’ notice, or decides whether to refer the case to the Vice Principal with a view to expulsion.

8.2 Depending on the course of action to be taken, the Learning and Skills Manager arranges for the letter to be sent by email and/or recorded delivery.

- 8.3 The letter should provide a summary of the allegation to enable the student to prepare a case and/or arrange witnesses.
- 8.4 The letter should advise the student of representation rights.
- 8.5 The letter should advise the student of the date, time and location of the meeting.
- 8.6 The letter should be copied, if appropriate, to other legitimate parties, e.g. employer

9. Combined investigation and disciplinary meeting arrangements

Please note this should be reserved for less serious incidents.

- (a) Alleged incident, evidence, difficulty or problem reported to the lecturer or Learning and Skills Manager.
- (b) Learning and Skills Manager gathers evidence, if required.
- (c) Learning and Skills Manager interviews witnesses, if required.
- (d) Learning and Skills Manager decides whether there is a case to answer and, if so, arranges to interview student immediately (model letter 3) or, if this is considered insufficient time for the student to prepare a case, within three college days.
- (e) Learning and Skills Manager conducts disciplinary meeting in line with 10 below.

10. Conducting the Disciplinary Meeting

In line with the rules of natural justice, and keeping the Vice Principal informed, the Learning and Skills Manager should not pre-judge the case and should:

- (a) explain the purpose of the meeting;
- (b) identify those present;
- (c) remind student of representation rights;
- (d) inform student of the allegation(s);
- (e) present relevant evidence;
- (f) refer to any previous warning(s) which has/have been considered;
- (g) allow student or representative to ask questions;
- (h) allow student or representative to call witnesses;
- (i) allow student or representative to explain his/her case;
- (j) listen carefully to the argument from both sides including any mitigating circumstances;
- (k) ask student or representative whether there is any further evidence which should be considered;
- (l) after an adjournment for deliberation (if appropriate) and after weighing up all factors decide whether to:
 - take no further action
 - issue verbal warning (Lecturer)
 - issue written warning (Learning and Skills Manager)
 - issue final warning (Learning and Skills Manager)
 - expel student (Vice Principal only).

Inform student verbally of decision and, if appropriate, “Rights of Appeal”. Both the student and chair of the disciplinary meeting must sign the student disciplinary record of warning sheet.

Confirm outcome (if more serious than a verbal warning) in writing within 5 college days by hand or recorded delivery and record a note of any warning letters issued to students in Staff Advantage.

Send copies of letter to other relevant parties and record the outcome on Staff Advantage as follows:

No Further Action

Following the disciplinary meeting the Learning and Skills Manager may decide to take no further action in which case all records, information and references to the case must be destroyed and the student is informed accordingly (model letter B).

Verbal Warning – Stage 1

Following the disciplinary meeting the Learning and Skills Manager may consider a verbal warning would be appropriate. This will be recorded on file. Circumstances under which a verbal warning may be appropriate would be for a first breach of the learning agreement.

Timescale for “disregard” purposes normally six months.

Written Warning – Stage 2

Following the disciplinary meeting, the Learning and Skills Manager may consider a written warning would be appropriate. This will be recorded on file. A written warning may be appropriate in the following circumstances:

- (a) Failure to improve standards/behaviour following a verbal warning
- (b) Minor vandalism
- (c) Minor breach of health and safety
- (d) Use of foul/abusive language towards staff or other students, which includes the misuse of social networks
- (e) Second breach of the learning agreement.

Timescale for “disregard” purposes normally twelve months.

Final Written Warning – Stage 3

Following the disciplinary meeting the Learning and Skills Manager may consider a final written warning would be appropriate. This will be recorded on file. A final written warning may be appropriate in the following circumstances:

- (a) Failure to improve standards/behaviour following previous warning(s)
- (b) Serious breach of health and safety to the endangerment of others

- (c) Wilful damage to college property or the property of others on college premises
- (d) Serious use of foul/abusive language, including through social networks, towards staff or other learners
- (e) Third breach of the learning agreement.

Timescale normally twelve months (same as staff).

Expulsion – Stage 4

The power to expel rests with the Vice Principal or another Senior Manager. The Learning and Skills Manager who considers this to be the most appropriate action to take following the disciplinary meeting (1.4) and (1.5) must refer the matter to the Vice Principal in the form of a written report. Expulsion may be appropriate in the following circumstances:

- (a) Failure to improve standards/behaviour following repeated warnings
- (b) Fighting with or assaulting other persons on college premises
- (c) Theft of college property or the property of others on college premises
- (d) Major and wilful vandalism
- (e) Wilful breach of health and safety to the endangerment of others
- (f) Sexual abuse or sexual assault on other persons
- (g) Harassment (sexual and/or racial), including harassment through social networks
- (h) Aggressive behaviour, including the use of foul, offensive or abusive language, towards others on college premises and through the misuse of social networks,
- (i) Behaviour, including that exhibited through social networks, which would bring into disrepute the reputation of the college - this may include criminal charges and/or criminal convictions
- (j) Alcohol/solvent/drug abuse.
- (k) Fourth breach of learning agreement.

A record of excluded students will be kept in the executive office, and copied to MIS. No limit to time.

A reminder - following the investigation and without prejudice to the outcome of the Disciplinary Meeting the following options would be available:

- (a) No further action
- (b) Verbal warning
- (c) Written warning
- (d) Final written warning
- (e) Expulsion.

10.5 Procedural Timetable

The following table identifies actions and disciplinary stages which are progressive in nature. However, it should be noted that disciplinary action does not have to progress through each stage, but is subject to the seriousness of breach of conduct. Should any stage take longer than the prescribed time, then all parties concerned should be informed of the delay with a new date for action/meeting.

Action	By Whom	To be completed within X college days where X =	Model Letter	Student's Right of Appeal submitted in writing within Y college days following receipt of warning where Y =	Appeal heard by
Suspension	Learning and Skills Manager		A	N/A	
Investigation Procedure following suspension	Learning and Skills Manager	5		N/A	
Disciplinary meeting, following suspension and investigation, if applicable	Learning and Skills Manager	3	B or C		
Stage 1 - Verbal Warning	Lecturer	3	n/a	3	Learning and Skills Manager
Stage 2 - Written Warning	Learning and Skills Manager	5	D or E	5	Alternative Manager
Stage 3 - Final Warning	Learning and Skills Manager	5	D or E	10	ELT
Stage 4 - Expulsion	Vice Principal	5	E	10	Principal

MODEL LETTER A: Notification of Suspension

Dear

Notice of Suspension

I refer to our meeting held on _____ (in the presence of _____) in relation to the undernoted allegation/alleged incident.

The allegation/incident to which I refer is that at (insert approximate time) on (insert date) it is alleged you (insert alleged incident details and where incident occurred)

In view of the seriousness of the allegation/incident I have to inform you that I have decided to suspend you from college until further notice while a full investigation into the allegation/incident is undertaken. Once the outcome of the investigation is known I shall contact you again to advise you how I intend to proceed with regard to the matter.

I should also emphasise that suspension is not disciplinary action.

Yours sincerely

Learning and Skills Manager

MODEL LETTER B: No further action following suspension or disciplinary meeting

Dear

I refer to my letter to you of _____ (insert date).

Following an investigation into the allegation/incident I have to inform you that I have decided not to take any further action with regard to the matter. You may, therefore, return to college with immediate effect.

In the light of this decision, all information, references and documents relating to the case have been destroyed.

Yours sincerely

Learning and Skills Manager

MODEL LETTER C: To call a disciplinary meeting

Note: Only include italics if student was initially suspended, otherwise delete.

Dear

I refer to my letter of _____ regarding your suspension.

Following the investigation into the alleged incident, I write to ask you to attend a disciplinary meeting (insert day, date, time and venue).

The purpose of the meeting is concerned with an allegation that on:

<p>Details of Allegation</p> <p>Date</p> <p>Time</p> <p>Location</p> <p>Description</p>
--

I attach a copy of the Student Positive Behaviour and Discipline Procedures and would draw your attention in particular to paragraph 2.7 of the Student Positive Behaviour and Discipline Procedure, which gives you details of your representation rights. I should also advise you that you have the right to call witnesses and/or present evidence in support of your case.

Yours sincerely

Learning and Skills Manager

MODEL LETTER D: Confirmation of Written/Final Written Warning following Disciplinary Meeting

Select first **or** second paragraph

Dear

Disciplinary Meeting

I refer to our meeting held on _____ in the presence of _____ and at which you were represented/accompanied by _____ with regard to the above.

I refer to our meeting on _____. You were reminded of your right to be represented or accompanied at the meeting but declined to be so represented or accompanied.

Following careful consideration of your case together with all the available information and evidence put forward by both parties I am satisfied that you were in breach of discipline and I have to advise you therefore that in accordance with the Student Positive Behaviour and Discipline Procedure, I decided to issue you with a recorded written/final written warning.

This warning is given in respect of (insert details of incident) which occurred at or around (insert time) on (insert date).

Insert details of corrective action and timescale for improvement

Without prejudice to the outcome of any appeal by you against this decision this warning will remain on file for a period of “x” months and may be referred to and taken account in the event of any future breaches of discipline by you.

You have the right to appeal against this decision and if you wish to exercise this right you may do so by writing to the Vice Principal, West Lothian College, Almondvale Crescent, Livingston, West Lothian EH54 7EP within **Y days** (see 10.5) of the date of this letter.

*delete as appropriate

Yours sincerely

MODEL LETTER E: Expulsion

The copy for this letter would be produced by the Executive Office only.

APPENDIX A: Additional guidance on procedures for suspected malpractice, plagiarism and academic misconduct (Refer to Assessment and Verification Policy and Procedures)

The lecturer suspecting minor misconduct should discuss the evidence with the course team as to whether the evidence constitutes a minor or serious breach of academic misconduct.

The lecturer should discuss the evidence with the student providing the opportunity for explanation or acceptance of academic misconduct.

If evidence exists to support academic misconduct an investigation will be conducted.

Minor Academic Misconduct

Examples of minor academic misconduct could include:

- Plagiarising a few sentences or diagrams from a textbook or sources without correct referencing.
- Downloading from the internet without acknowledgement of the source of a small section of an assignment.
- Infringing the assessment policy when the assessment is a formative assessment and does not contribute to the final assessment of the unit or award.

If minor misconduct is proven or acknowledged, and is a first offence, it is likely that one or more of the following penalties will be implemented:

- (a) A verbal warning
- (b) Marks deducted, or work returned to be resubmitted when, for example, plagiarism is addressed.

Students may also be referred to Student Support for guidance on academic writing.

Moderate Academic Misconduct

Examples of moderate academic misconduct could include:

- Copying from books without acknowledgement, which has the effect of making a significant contribution to the overall work
- Limited copying of another candidates' work
- Limited downloading of information from the internet without sourcing.
- Infringement of the assessment policy where the work in question is a summative assessment

If moderate academic misconduct or a second offence of minor misconduct is proven or acknowledged, the Learning and Skills Manager should be advised and disciplinary procedures implemented. It is likely that one or more of the following penalties will be implemented:

- (a) Mark/assessment grade will be reduced or awarded zero/fail
- (b) Student(s) withdrawn from the unit
- (c) Student(s) issued with a written warning

Serious Academic Misconduct

Examples of serious misconduct could include:

- Extensive copying of texts in one piece of work, which makes a major contribution to the work.
- Buying, selling or stealing work from other students
- Personation - pretending to be someone else
- Repeated evidence of plagiarism, collusion or cheating no matter how minor.
- Using exemplar answers or paper mill essays
- Unauthorised help from outside the college with a summative assessment.
- Repeated infringements of assessment policy where the work in question is a summative assessment
- Offensive content – inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence
- Use of unauthorised aids that allow physical possession of unauthorised materials (including mobile phones, smart watches, notes including those written on body)

If a serious case of academic misconduct is proven or acknowledged, the Learning and Skills Manager, or Vice Principal where appropriate, should be advised and disciplinary procedures implemented. It is likely that one of the following penalties will be implemented:

- (a) Student(s) withdrawn from the unit
- (b) Student(s) withdrawn from all remaining units
- (c) Student(s) withdrawn from programme
- (d) Student(s) expulsion from college (Vice Principal only)

In all stages of the process a formal record of the investigation, the outcome and any disciplinary procedures implemented will be kept in the student's file. Students should be made aware that the college, if asked to provide a reference may use the information.