

NON-ACADEMIC MISCONDUCT POLICY AND PROCEDURE

Incidents of non-academic misconduct will normally be dealt with by the enrolling academic partner's Student Disciplinary Code. In addition, UHI reserves the right to investigate incidents where it has a legitimate interest, including those which:

- are related to the academic or other work of the University;
- occur on the campus or other University property or on field trips, work placements and visits to other institutions;
- involve other students or staff of the University;
- result in complaints concerning noise or other inconsiderate behaviour from local residents or others;
- jeopardize the good name and reputation of the University or its staff
- raise questions about whether the student should remain a member of the University because he/she poses, or may in the future pose, a danger to other members of the University community or its good order.

This investigation could run subsequent to any previous process and might not result in the same outcome.

In such incidents, the UHI VP (Academic), or their appointed delegate, will seek to resolve the issue through an interview process in the first instance. They will appoint an investigating officer who will liaise with the student, relevant staff and others, and prepare an incident report.

The student may request to have the incident considered by a Disciplinary Panel at any point in the interview process, including when a resolution is proposed that they find unacceptable, but should be made aware that a Disciplinary Panel may result in a more severe outcome.

Disciplinary Panel

If the allegation is not admitted or resolved through the interview process, within 5 working days of receipt of the incident report, the VP Academic or their appointed delegate will set a future date for the Disciplinary Panel. Notification of the date, time and place of the hearing will be provided, in writing, to members of the Panel and the student(s) concerned at least five working days prior to the hearing. Both the Panel and the student will be provided with full details of the alleged misconduct and any supporting documentation.

The Panel will normally comprise:

- the UHI Dean of Students, acting as Chair
- two other members of staff not involved with the incident or student
- the President of UHI students' association (or nominee)

The Disciplinary Panel is charged with establishing whether a breach of discipline has taken place and, thereafter, to determine what penalty should be imposed.

The student will be advised of their rights and, if attending the hearing, that they may be accompanied by a friend. Under this procedure, the definition of 'friend' does not include members of the legal profession engaged to act in their professional capacity.

The student may submit a written statement of mitigation concerning the alleged misconduct.

The Panel will hear the student(s), staff, and witnesses as appropriate, and consider the student's statement. In reaching their conclusion, the Panel will also recommend the penalty to be imposed. The recommendation and report will be passed to the UHI VP (Academic) who will report the outcome in writing to the student within two working days following the Panel's decision, and will liaise with appropriate Academic Partner staff dependent on the circumstances of the case.

It is not necessary that the student attends the hearing. However the student should be aware that if they do not attend, and without good reason, they should expect that a decision may be taken in their absence which may not be to their advantage. Students will not be permitted to withdraw from their studies to avoid this disciplinary process. Any instances of misconduct on the student's record should detail the period that it is to remain on record and should be recorded on the student records system.

Sanctions for Non-Academic Misconduct

The general principle is that the penalty should be appropriate to the scale of the offence:

A student who is deemed to have performed non-academic misconduct may be liable to one or more of the following penalties:

- an admonition (informal warning)
- a reprimand (likely to be a written warning specifying the length of time the reprimand will remain on record)
- removal of registration as HE student within the UHI partnership.

Students' Right of Appeal

The student has a right of appeal against the decision of the Disciplinary Panel. A student may appeal, in writing, to the UHI Secretary against the decision of the Disciplinary Panel. The appeal must be submitted within ten working days of the receipt of the decision and may be made on the following grounds:

- the penalty was outwith the scope of the non-academic disciplinary policy and procedures
- there was a procedural irregularity in the process
- the decision reached was unreasonable as a result of actions or omissions
- the penalty imposed was unreasonable or in excess of the penalties specified for non-academic misconduct
- new evidence is now available which might have caused the hearing to reach a different conclusion, but could not have been made available at the time of the hearing.

The UHI Secretary, in liaison with other UHI officers as appropriate, will consider the written appeal together with the documented reasons for the finding and shall notify their decision within 15 working days of receipt of the appeal.

If the UHI Secretary allows the appeal, they may review or quash the penalty imposed. The decision of the UHI Secretary will be final in this regard. The student has a further right of appeal through the Scottish Public Services Ombudsman (www.scottishombudsman.org.uk).

Reporting Procedure and Confidentiality of Panel

The proceedings and report of the Disciplinary Panel shall be confidential to the parties involved. A report of the outcome and decision shall be communicated to the next formal meeting of the board of examiners, together with any specific recommendations or observations that the Panel decides to make.