



# Student Conduct Policy

POL147

Lead Officer (Post):	Vice Principal Students
Responsible Office/ Department:	Student Services
Responsible Committee:	Finance and General Purposes Committee
Review Officer (Post):	Dean of Students
Date policy approved:	08/09/2022
Date policy last reviewed and updated:	N/A
Date policy due for review:	08/09/2024
Date of Equality Impact Assessment:	01/06/2022
Date of Privacy Impact Assessment:	N/A

## Policy Summary

Overview	The policy aims to promote a positive learning environment. This is set within the context of the broader framework of policies and related procedures.
Purpose	The policy seeks to promote, encourage and recognise a positive learning environment, and engender a culture of equality, diversity and openness. We expect conduct that helps to create a positive and safe learning environment that reinforces our culture. This policy fits into a broader framework of policies related to culture, conduct and discipline.
Scope	This policy applies to all current and prospective students regardless of level or mode of study and applies to all areas of student engagement in their learning environment and/or which may affect other students and staff, including online activities.
Consultation	The policy has been developed by a group of practitioners from across the academic partners in the UHI to ensure that best practice is reflected in the policy and accompanying procedures.
Implementation and Monitoring	Academic partners are responsible for ensuring that the policy and procedures are followed in their own organisation.
Risk Implications	This policy will reduce risk for academic partners by ensuring that best practice from across the partnership is being shared and followed.
Link with Strategy	This policy supports the university's commitment to provide a safe and supportive learning and working environment for all, aligned with the strategic pillar 'tertiary education' in the Strategic Plan 2021-2025.
Impact Assessment	Equality Impact Assessment: Completed – no further action required.
	Privacy Impact Assessment: n/a

## 1. Policy Statement

- 1.1 The University of the Highlands and Islands aims to promote a positive learning environment. The Student Conduct Policy is part of a suite of documents, including:
- Academic Misconduct Policy
  - Fitness to Practise Guidelines (course-specific)
  - Gender Based Violence Policy (forthcoming 2022/23)
  - Mental Health Strategy
  - Mitigating Circumstances Procedure
  - Support to Study Procedure
  - Student Code of Conduct
  - Student Criminal Offence Data Disclosure Policy (forthcoming 2022/23)
  - Student Disciplinary Procedure
  - Student Mental Health and Counselling Policy
  - Suicide Intervention and Risk Management Policy and Guidance
  - Safeguarding Policy
  - University of the Highlands and Islands Academic Standards and Quality Regulations
  - University of the Highlands and Islands Academic Misconduct Guidance
- 1.2 The university recognises that the appropriateness, development and acceptability of certain conduct may be different depending on the background and maturity of the learner(s) involved, and that individuality and context will be recognised.
- 1.3 This policy sets out how we seek to promote and maintain acceptable student conduct in a positive learning environment, with reference to the Student Code of Conduct, and Student Disciplinary Procedure in the event of breach of the Student Code of Conduct.
- 1.4 This policy applies to UHI and all academic partners.

## 2. Definitions

- 2.1 **Behavioural misconduct:** Students are expected to conduct themselves in a professional and courteous manner, both on and off campus, in a manner which demonstrates respect for the university, its staff, fellow students and property, and for other members of the local community in general. Behavioural misconduct is a breach of this expected standard.
- 2.2 **Student Code of Conduct:** This is a document that is made available to and is applicable to all students that states the university 's expectations for student conduct. It gives examples of misconduct offences and the types of disciplinary action likely to occur.
- 2.3 **Academic misconduct/malpractice:** A generic term to describe any type of cheating or dishonest conduct in relation to a formal academic exercise. It may be deliberate or unintentional and may take different forms, including, but not limited to: plagiarism, cheating, collusion, falsification or fabrication of data, personation and bribery.
- 2.4 **Academic maladministration:** Any activity or practice which arises due to ignorance of awarding body requirements, or carelessness or neglect in applying the requirements. This results in non-compliance with an awarding body's requirements.
- 2.5 **Exclusion from campus:** the removal of the student's access to all sites constituting the University campus for a specified period of time in response to a disciplinary incident. In

some circumstances this exclusion may extend to all university and academic partner campuses. The student may continue to study remotely throughout this period.

- 2.6 **Exclusion from studies:** the removal from the student's course of study in response to a disciplinary incident, resulting in the loss of registered student status and loss of access to all facilities. If a student is excluded from studies, they can also expect to have their university-operated residence contract terminated.

In some circumstances this exclusion may apply to the university and all academic partners for a period of time deemed appropriate by the disciplinary process. In some cases this may result in any future applications from the student being rejected.

- 2.7 **Suspension of Studies:** A suspension of studies is not a disciplinary measure. When a student chooses to take a period of time out from their studies because of a change in their personal circumstances, with the intention to return at a later date. The option of suspension of studies is dependent on what the student's course allows.

- 2.8 **Precautionary Action:** In the event of an allegation of misconduct, a student may be excluded from the University until the investigation is completed if there is risk of harm to themselves, other students or staff. During this time they will be able to continue to study remotely and will continue to receive student support funds. Precautionary action is not a punishment but is intended to protect the interests of all parties.

Where precautionary action is to be used the Head of Student Services should inform the student by letter explaining that they are being excluded to allow an investigation to occur.

Precautionary action may also include measures up to complete exclusion from the University, e.g. removal of access to a course of study or specific building. Consideration should also be given to removing access to other university and academic partner facilities.

### 3. Purpose

- 3.1. The university seeks to promote, encourage and recognise acceptable conduct in a positive learning environment, and engender a culture of equality, diversity and openness.
- 3.2. We expect conduct that helps to create a positive and safe learning environment that reinforces our culture. Examples of unacceptable conduct can be found in the Student Code of Conduct.
- 3.3. This policy fits into a broader framework of policies related to culture, conduct and discipline. Please refer to Section 1.1 and Section 9 for further information.
- 3.4. All breaches of the Student Code of Conduct will be investigated in accordance with the Student Disciplinary Procedure. Any such instance which may also constitute a criminal offence will be reported to the police and may lead to separate criminal proceedings.
- 3.5. In the event of a police referral, the university will be unable to investigate any incidents whilst an official police investigation is underway however precautionary actions may be taken to reduce risk, ensure the safety of others and protect the integrity of the police investigation and a potential future university investigation. The university will consult with the police during this period, and appropriate support will be provided to any students and staff involved.

- 3.6 All disciplinary matters will be dealt with in strict confidence and all personal data will be dealt with following legislative guidelines. Should any queries arise regarding data protection and GDPR, the local Data Protection Officer should be consulted.

## 4. Scope

- 4.1 This policy applies to all current and prospective students regardless of level or mode of study.
- 4.2 This policy applies to all areas of student engagement in their learning environment (physical or virtual) and/or which may affect other students and staff, including online activities.
- 4.3 This policy applies to students in accommodation managed by the university but may be brought into effect where a student residing in privately managed accommodation conducts themselves in a manner which brings the university and/or academic partner into disrepute.
- 4.4 **Senior phase programmes:** Senior phase programme students fall within the scope of the Student Conduct Policy when they are studying on university/academic partner campuses and are expected to observe the Student Code of Conduct.
- 4.5 The Support to Study Procedure and course specific Fitness to Practice Guidelines are not explicitly within the scope of this policy but are linked and as such are signposted within the Student Disciplinary Procedure and the Student Code of Conduct.

## 5. Exceptions

- 5.1 HISA has its own Code of Conduct, to which all HISA members are subject to. Behavioural misconduct by a student that constitutes both a breach of the Student Code of Conduct and the HISA Code of Conduct may be investigated by both organisations. Should the incident(s) occur as part of a HISA event or business, HISA should conclude their investigation before the university begins their own investigation or vice-versa. The outcome of the HISA investigation or university investigation should not prejudice one another, and university reserves the right to take precautionary action pending the outcome of both investigations.
- 5.2 In some circumstances a disciplinary issue may involve an externally stipulated process, such as complaints or a safeguarding referral. In these circumstances, careful consideration should be given to how the issue should be managed and the other key staff e.g. complaints manager or safeguarding lead, involved at the earliest opportunity.
- 5.3 Student attendance and engagement is not normally managed using the Student Conduct Policy and Student Disciplinary Procedure.

## 6. Notification

- 6.1 All staff members will be notified of changes to the policy and Student Disciplinary Procedure through the normal channels.
- 6.2 Staff responsible for overseeing the process should have a detailed knowledge of the policy and Student Disciplinary Procedure.
- 6.3 Students will be made aware of the policy, Student Code of Conduct and Student Disciplinary Procedure within four weeks of commencing their course. Students have the opportunity to read the Student Code of Conduct before agreeing to it as part of the enrolment process.

- 6.4 The policy and Student Disciplinary Procedure will be publicly available on the university's website.

## 7. Roles and Responsibilities

- 7.1 Academic Council is responsible for approving the policy and ensuring that it is followed. Academic Council are also responsible for ensuring the strategic effectiveness of the policy.
- 7.2 The Principal and Senior Management Team are responsible for operational compliance with the policy. The Principal and Senior Management Team are also responsible for ensuring the operational effectiveness of the policy and making provision for training for all staff.
- 7.3 Line managers are responsible for ensuring staff participate in training and follow the policy and procedure in their day-to-day role.
- 7.4 All staff are responsible for familiarising themselves with the policy and procedure.
- 7.5 A practitioner group, made up of representatives from across the partnership and HISA, are responsible for periodic review of the policy and providing operational feedback.

## 8. Legislative Framework

Data Protection:

- [Data Protection Act 2018](#)
- [General Data Protection Regulation \(GDPR\) 2018](#)

General:

- [Equality Act 2010](#)

Protection of Vulnerable People:

- [Adults with Incapacity \(Scotland\) Act 2000](#)
- [Adult Support and Protection \(Scotland\) Act 2007](#)
- [Children and Young People \(Scotland\) Act 2014](#)
- [Post-16 Education Act \(Scotland\) \(2013\)](#)
- [Protection of Children \(Scotland\) Act 2003](#)
- [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)

## 9. Related Policies, Procedures, Guidelines and Other Resources

- Academic Misconduct Policy
- Fitness to Practise Guidelines (course-specific)
- Gender Based Violence Policy (forthcoming 2022/23)
- Mental Health Strategy
- Mitigating Circumstances Procedure
- Support to Study Procedure
- Student Code of Conduct
- Student Criminal Offence Data Disclosure Policy (forthcoming 2022/23)
- Student Disciplinary Procedure
- Student Mental Health and Counselling Policy

- Suicide Intervention and Risk Management Policy and Guidance
- Safeguarding Policy
- University of the Highlands and Islands Academic Standards and Quality Regulations
- University of the Highlands and Islands Academic Misconduct Guidance

## 10. Version Control and Change History

Version	Date	Endorsed by	Amendment(s)	Author
0	Sep 2019 TBC	Academic Council	n/a	PPLE Policy Ownership Group
1	May 2022	TBC	Name change from Promoting a Positive Learning Environment to Student Conduct Policy; removed references to Disciplinary Framework Decision Tree due to removal of that document; 1.1: added suite of documents list for consistency; 2.7: added ' If a student is excluded from studies, they can also expect to have their university-operated residence contract terminated'; 2.8: added 'The option of suspension of studies is dependent on what the student's course allows'; 2.9: new section on precautionary action to align with Student Disciplinary Procedure; 3.3: Second sentence changed to 'Please refer to Section 1.1 and Section 9 for further information'; 3.5: new section on involvement of police in investigations; 4.2: 'physical or virtual' added; 4.4: 'schools link' updated to 'senior phase'; 5.1: added 'code of conduct' and new paragraph regarding HISA; 5.2: new section regarding externally stipulated processes running in parallel; 5.3: added for clarity regarding policy and attendance; various grammatical amendments; 6.3: 'Students have the opportunity to read the Student Code of Conduct before agreeing to it as part of the enrolment process' added; 7.5: added for clarity around policy creation and revision; 8: Post-16 Education (Scotland) Act 2013 added; updating the names of related policies, procedures and guidelines. 9: List updated to reflect 1.1	Student Conduct Policy Ownership Group