

# DISCIPLINARY PROCEDURE

## 1. Introduction

### 1.2 Purpose

1.2.1 This disciplinary procedure aims to maintain a safe and inclusive environment within the Highlands and Islands Students' Association clubs and societies, ensuring compliance with the established Student Groups Code of Conduct.

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

### 1.3 Scope

1.3.1 This procedure applies to all Student Groups and sports members and governs handling reported violations and subsequent disciplinary actions. This process pertains to potential violations of the Student Groups Code of Conduct, whether in person or online, including on social media platforms and messaging apps.

1.3.2 Both student association staff and members of student groups can report suspected breaches.

## 2. Student Groups Code of Conduct

2.1 The established comprehensive code of conduct outlines expected behaviour and standards for all student group members. 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 members 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 believe someone has violated the Code, there are several ways to report it:

- a) Email: Concerns can also be emailed by detailing the issue and attaching evidence to [HISAactivities@uhi.ac.uk](mailto:HISAactivities@uhi.ac.uk).
- b) In person: Concerns can be raised to any student 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 & Privacy

3.2.1 At the Highlands and Islands Students' Association, the trust and confidence of our members are highly valued. 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 Reporters 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 be easier to proceed with an investigation.

3.2.4 Please see the Privacy Notice at the [link here](#).

## 4. Acknowledgement

4.1 Once a report is submitted, it will be acknowledged within five working days (excluding bank holidays and days the student association offices are closed). If an acknowledgement is not received in that time frame, please email [HISA@uhi.ac.uk](mailto:HISA@uhi.ac.uk), and someone will return to you with a reply.

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 student association understands that raising a concern or being investigated under the Student Group Disciplinary Procedure can be stressful. Support is available from Student Support at your local Academic Partner and the HISA Advice Service.

## 6. Exceptions

6.1 There are separate procedures for misconduct outside of student association activities, 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 HISA Complaints Handling Procedure, which is accessed [here](#). The HISA Complaints Handling Procedure can investigate matters like complaints about officers, policies created by the student association, etc., but cannot investigate Student Groups Code of Conduct breaches.

## 7. Investigations – First and Second Stages

### 7.1 Initial Investigation – Stage One

7.1.1 The student association aims to ensure that any concerns are resolved promptly. The student association will usually deal with suspected breaches of the Student Groups Code of Conduct 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 leader of the Student Group. The group leader will review the report unless there is a conflict of interest; then, the next officer holder in the Student Group will review it instead. If there is a further conflict, the report will be given to Community Engagement Manager to consider.

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

7.1.4 Informal action would typically involve the group leader or student association staff member discussing any conduct causing concern with the student and setting out the expectations around behaviour. While 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 to have breached the Student Groups Code of Conduct, 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 HISA 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 reporter 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 member 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 violates the Student Code of Conduct through a single instance of gross misconduct or disregards any previous informal discussions, verbal warnings, or sanctions, the Stage 2 Formal Disciplinary Procedure will be implemented.

7.2.2 Following initial investigations into the suspected breach of the Student Groups Code of Conduct, consideration should be given by the Community Engagement as to whether precautionary action should continue, such as suspension from all group activities hosted by the student association.

7.2.3 The Community Engagement Manager will appoint an appropriate staff member as Investigating Manager. 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, it is advised that 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 member 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, an assigned minute taker 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 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 that the investigation will continue.

7.2.9 At the end of the investigation, the Investigating Manager will provide a recommendation on whether there is a disciplinary case to answer to the Community Engagement Manager. The recommendation will be accompanied by evidence of the suspected breach of the Student Groups Code of Conduct 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 Community Engagement Manager will determine whether to move forward 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 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 decides to proceed with a disciplinary hearing, it will take place within ten working days or a reasonable period of the Investigating Manager's recommendation.

7.3.2 The disciplinary hearing panel should consist of three members plus a scribe. At least one of the panel members should be a student representative 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 member is committed to correcting their conduct;
- Explore how the member can be supported if they continue in the student group;
- 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 the student group or membership to other student groups to 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 member 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 of the outcome of the disciplinary hearing in writing 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 all student association groups and activities

7.4.3 The student has the right to make an appeal against the outcome under specific circumstances. Further information is included in Section 8.

## 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 Regional Student President. 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 other reason or through any other means than those outlined above.

8.4 The appeal will be considered by the Regional Student President, who will respond to the student within five working days of receiving the appeal. Once the outcome has been decided, there is no recourse to appeal further.

