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Student Code of Conduct

Guidance and Procedures for Staff

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Version Control

Version	Author	Date	Changes
3.1	Team Leader, Student Experience	14/09/2023	Transferred to new template. Minor updates.

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1. INTRODUCTION

These procedures should be considered along with the Student Code of Conduct Policy and the Student Agreement.

Edinburgh College is committed to promoting a positive learning experience for all students, and a positive working environment for all.

Every student has the right to learn in a safe and supportive environment. We are committed to creating a culture of respect and responsibility that promotes positive behaviour. As part of our commitment to supporting all students we have developed a Student Code of Conduct and disciplinary guidance and procedure that is fair, consistent and aimed at helping students gain insight from errors and improve through reflection. We recognise that students who are Care Experienced or those who face mental health challenges may face unique challenges, and we are committed to providing them with the support and resources they need to succeed. Our Policy and Procedures emphasise the importance of restorative practices and seeks to address the underlying causes of misconduct.

2. DEFINITION OF BEHAVIOURS

Inappropriate conduct may occur within, and outwith, College premises, and could potentially compromise the College's reputation, and student and staff wellbeing. This procedure covers both academic and non-academic misconduct.

It should also be noted that some student behaviour can be related to additional support needs, medical or mental health conditions. In such instances this must be considered when addressing conduct, and reasonable adjustments applied. If a student is in receipt of learning support then they should be offered support to read through and respond to any disciplinary communications.

Below is a list (not exhaustive) of conduct that are contrary to the Student Agreement and the College's values.

- Disruptive behaviour likely to cause offence or have a negative impact on the learning experience. This includes inappropriate and/or offensive language, particularly in areas where learning/teaching is taking place, excessive noise in areas where classes are being held
- Smoking or vaping in non-designated areas, and indoors
- Persistent poor attendance/timekeeping without a valid reason being

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provided to staff

- Derogatory/offensive name calling/language
- Threatening, intimidating or abusive/violent behaviour including online bullying
- Breach of the College's Acceptable use of IT Policy
- Online/social media activity that is disrespectful or demeaning to other students and/or staff
- Students should not expose others to the negative effects of any substance misuse or second-hand smoke (e.g. clothes smelling strongly of cannabis)
- Carrying a weapon, or an item intended to be used as a weapon
- Bullying and/or harassment
- Displaying sexual images and /or material likely to cause offence in any form, including on mobile devices
- Theft and/or damage of property/vandalism
- Academic malpractice, including plagiarism
- Failure to adhere to any regulatory body's Code of Conduct, in terms of Fitness to Practice either in College or on placement
- Breach of Health and Safety policy and procedures

There may be certain cases when student behaviour relates to other College policies (for example, ICT Acceptable Use Policy, Safeguarding Policy, Fitness to Practice, Student Mental Health and Wellbeing Policy). In such instances, advice should be sought to agree which policy applies.

3. GROSS MISCONDUCT

Gross misconduct includes violence, possession of an offensive weapon, theft, sexual assault, vandalism, or aggression. In the event of such occurrences there may be a risk of immediate suspension pending the initiation of the disciplinary procedures, including the possibility of expulsion.

Involving the Emergency Services

On occasion, when serious behaviour is displayed and there is an imminent or actual serious threat to student, staff or public safety, the emergency services should be contacted via 999.

In addition, staff dealing with such situations should also refer to the College Critical Incident Management Policy and Procedure.

The procedure requires a member of the Executive team or Senior Management team to be informed as soon as possible, to assess whether or not the critical incident management procedure should be invoked.

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4. RESPONDING TO BEHAVIOURS

PROCEDURE TO ADDRESS MINOR DISRUPTIVE CONDUCT BEFORE MAKING IT MORE FORMAL

In most instances, student behaviour can be addressed using informal discussions with the student, often at the time of the behaviour. No notice period is required.

In such instances, there would generally be no need for specific meetings, and/or formal documentation of such behaviours. However, for some concerns there may be a need to document the conversation and pass this to the student concerned via tracked email, or in some instances, document the conversation on the student's Promonitor record. In most cases, such references must be removed after the end of the academic year.

Classroom management/Persistent conduct issues

It is the responsibility of the member of staff to manage their classes. Any instance of misconduct should be addressed at the earliest opportunity by staff to ensure a positive learning experience for the individual student(s) and the wider group. This applies to on site as well as online learning. If a staff member feels the students conduct is disrupting the learning of others, they may ask the student to leave the class and arrange to speak to them at a suitable time. However, if the staff member is concerned a student is posing a risk to themselves or others, they can request support from another member of staff.

Where the student is a school pupil the member of staff should liaise with the Schools College Partnership (SCP) team to ensure appropriate supervision.

PROCEDURE TO ADDRESS CONCERNING CONDUCT

Any instances of concerning/serious behaviour, must be reported in the first instance to the student's Learning Development Tutor (LDT), or other relevant staff member, who will then take responsibility for leading on any consequent action.

If more formal action is required, the LDT/relevant staff member should initiate a disciplinary investigation. A critical part of this investigative process will be to meet

with the student in question to gather information about their views relating to their conduct.

This letter must indicate the details of the incident, and be sent via tracked email as soon as possible after the incident.

It is important that the student is offered the opportunity for representation at this meeting. Edinburgh College Students' Association (ECSA) can assist with this if required.

One such action could be to agree a 'Learner Contract' with the student, to clearly define expected behaviours in the future, and outline what support the College or other agencies can provide, to ensure the student is successful at College. This should all be recorded on the student's Promonitor record.

However, if a student chooses not to engage in meeting, or persists in engaging in minor or concerning behaviour, then more formal proceedings may be initiated

PROCEDURE TO ADDRESS SIGNIFICANT/GROSS MISCONDUCT

Any instances of continued concerning/serious behaviours or Gross Misconduct must be reported in the first instance to the student's LDT/relevant staff member, who will then take responsibility for leading on any consequent action.

If more formal action is required, the LDT/relevant staff member should initiate a disciplinary investigation. A critical part of this investigative process will be to meet with the student in question to gather information about their views relating to their conduct.

The process for organising a disciplinary meeting should follow the steps described below:

1. Inform the student by letter via tracked email, using the standard letter template, providing at least two working days' notice, to attend a disciplinary meeting with a representative (if appropriate).
2. All attempts must be made to provide the student with sufficient time to prepare for such a meeting and to seek and secure appropriate representation (ECSA staff member or class representative). In addition, meetings should ideally be scheduled during a student's normal timetabled hours and at an appropriate campus.

3. Initiate an investigation into the incident to collect evidence to inform the disciplinary meeting (this should ideally take no longer than five working days).
4. Arrange for the meeting to be chaired by an appropriate Head of School/Curriculum Team Manager or relevant staff member if the H of S/CTM is unavailable.
5. The letter to student should clearly state the behaviour being investigated, when and where the meeting will be held, and who will chair the meeting.
6. Seek an alternative meeting date and time if the student is unable to attend the first meeting. If the student does not attend the second meeting date offered, the disciplinary hearing may take place in their absence.
7. Document the meeting with the agreed outcomes, note this on the student's Promonitor record, and inform the student and their representative of the outcome of the meeting within five working days (using the standard letter template). In such instances it is likely that this information will be retained on the student's Promonitor record.

Guidance for staff conducting a Disciplinary Hearing

The LDT/relevant staff member will delegate the chairing of the meeting to a Head of School or Curriculum Team Manager or relevant staff member if the H of S/CTM is unavailable.

Whoever chairs the meeting must offer introductions and explain the reason for the meeting, including details of evidence gathered as part of any investigation.

The Chair must emphasise that the meeting is confidential, they must stick to the facts, be objective and impartial, and allow the student and their representative an opportunity to speak.

Disciplinary Meeting Outcomes

Below is a list of the potential outcomes from a disciplinary process:

A – No further action

B – Verbal warning, along with a Learner Contract if required

C – First written warning, along with a Learner Contract if required

D – Final written warning, along with a Learner Contract if required

E – Withdrawal from your course

Mental Health and Medical Conditions/Fitness to Study

Edinburgh College recognises that mental health issues can have a significant impact on a student's academic success and personal development. Therefore, when a student shares that there is a mental health issue it is essential to offer them appropriate support and resources, regardless of whether or not the behaviour violates the Student Code of Conduct. Staff should signpost students to appropriate mental health support depending on the needs and preferences of each student. Staff should also be aware of the potential impact of words and use language that is non-judgemental and non-stigmatising.

In such situations, it is also worth considering if the safeguarding team need to be advised/a Top desk report made. The student should be made aware if this happens.

Link to student mental health/fitness to study policy and procedure [HERE](#)

Guidance on suspending students

In certain circumstances it may be necessary to suspend a student. This includes violent/abusive behaviour, situations where the student is placing themselves or others at risk, and conduct that can cause extreme stress to staff/students. Suspension is a neutral position designed to protect all parties and must not be considered supporting evidence of misconduct.

The LDT/relevant staff member should consult with the Head of School/Curriculum Team Manager in such instances.

Preferably, in the first instance, the student should be informed of the reasons for their suspension in person or via phone call.

The student should then be notified by letter using the standard letter template via tracked email. Again, the reasons for the suspension must be made clear in the letter.

Suspension should be no longer than five working days. At times, suspension may last longer than five working days (in line with the investigation period). Again, the student must be informed of the reasons for this.

It is important to indicate to the student what they can and cannot do during this time with regard to learning activities, and any course requirements.

They should be marked as approved absent during the suspension period so funding is not affected.

A note of the suspension must be documented on the student's Promonitor record. This information should be retained on the student's record.

Guidance regarding Fitness to Practice

For students who engage in persistent concerning behaviours, or serious behaviours, and who are on programmes of study leading to professional registration with a professional body, such cases should refer to the relevant Fitness to Practice (FTP) rules of the relevant professional body.

Fitness to Practice guidelines at the Scottish Social Services Council [What is fitness to practise? - Scottish Social Services Council \(sssc.uk.com\)](https://www.sssc.uk.com/what-is-fitness-to-practise/)

It is important that curriculum staff, who are well versed in FTP rules, take the lead role in investigating and responding to such matters. The results of such investigations, and any consequent action, should be fed into the disciplinary investigation process.

Procedure for dealing with appeals against student withdrawal

The student has a right to appeal a decision to withdraw them from their course(s) of study.

There are three grounds for an appeal which are indicated below:

1. Medical, personal or other circumstances which affected the student which the original panel were not aware of.
2. Procedural irregularities (i.e. the process not being followed correctly).
3. New Evidence which was not considered at the time of the original panel.

The student must email their Head of School (HoS) within five working days of receiving their disciplinary meeting outcome letter, indicating which of the three grounds they are basing their appeal on.

Once the HoS has received the appeal notification from the student, the following procedure must be applied:

1. The appropriate staff member will collate information relating to the alleged behaviour, and action taken leading to the proposed withdrawal. This will be passed to the HoS.

2. The HoS will set up an Appeal Panel and will share the information with the panel members. It is important that the HoS clarifies the primary role of panel members, namely, to come to a fair and impartial judgement based on the evidence at hand.
3. The HoS will write to the student in question via letter / tracked email (using the standard letter template) within five working days of receiving the written appeal.
4. An Appeal Panel is formed to make a judgement on the appeal. The Panel must comprise of Head of School, Curriculum Team Manager (not previously involved in the case) and an ECSA Elected Officer.
5. The student is entitled to bring one representative to the appeal, for example a Class Representative or ECSA staff member. The role of the representative is to provide support to the student, but not to speak on their behalf unless prior notice has been given to the Appeal Panel by the student.
6. A panel member is nominated to take a note of the meeting, which would be required as evidence should the student later complain about the panel's decision.
7. An alternative meeting date and time and venue, if required, should be offered to the learner.
8. At the Appeal Panel meeting, the Head of Faculty chairs the meeting and provides the student with all information pertaining to their withdrawal.
9. The Chair invites the student to provide the panel with detail of their appeal. When the meeting is concluded, the panel will consider the outcome.
10. The Panel Meeting outcome must be communicated to the student by LDT and H o S within five working days.

The decision of the Panel is final.

The student's remaining right of appeal must then be directed to the Scottish Public Service Ombudsman.

5. FURTHER INFORMATION

Further information on this policy can be obtained from:

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