Non-Academic Misconduct Policy (Students)

1. Preface

1.1. This Policy deals with judgements against students in relation to non-academic misconduct and disciplinary matters, whether reports of such misconduct are received from other students, staff or from external sources such as members of the public or the Police.

1.2. The purpose of this policy is to be corrective if reasonably possible rather than punitive. It should be recognised that the existence of this policy is to help and encourage students to achieve and maintain acceptable standards of conduct, to ensure consistent and fair treatment for all, and to protect the University community.

1.3. There is a distinction between non-academic matters (for example, misconduct involving damage to the University’s property or reputation) and academic matters (for example, allegations of plagiarism). Academic matters in relation to misconduct are subject to the Good Academic Practice Policy.
1.4. There are three stages of disciplinary action. The University reserves the right to take action at any stage, or to omit stages, depending on the gravity of the offence or where a conflict of interest exists. However, the University will normally seek to resolve matters of concern as close as possible to the level at which they arise. Only when such channels are closed or where the incident is serious in nature will procedures be initiated to escalate the consideration of an offence to a higher level.

1.5. When an issue is potentially relevant to other related institutional procedures, the relevant staff will determine an appropriate sequence for the matters to be considered.

1.6. The standard of proof that will normally apply in the operation of these procedures is ‘the balance of probability’ of civil justice rather than ‘beyond reasonable doubt’ as in criminal justice.

1.7. In a case that involves actions that are potentially criminal in nature, the University will normally refer the matter to the Police in the first instance. The University reserves the right, however, to undertake a risk analysis or disciplinary action in advance of the resolution of criminal proceedings.

1.8. The University will make every reasonable effort to meet the time limits expressed in this document. Where they are not met the University will be expected to provide a justifiable explanation. Students should however be aware that timescales may be reasonably extended during University vacations when students themselves and/or appropriate staff may not be available. The pace of any criminal proceedings may also affect time limits.

1.9. Students should be aware that in the event of their non-attendance at any disciplinary meeting, the meeting convener reserves the right to proceed in their absence. Failure to attend a disciplinary meeting without good reason may result in further disciplinary action.

1.10. Students should be aware that other information thought to be relevant to the consideration of a disciplinary offence may be requested from University Schools and Service Units, including the Deans, Registry, Finance and Student Services.

1.11. The University’s aim during an investigation or disciplinary procedure is to deal with matters sensitively and with due respect for the privacy of any individuals involved. All staff and students must treat any information communicated to them in connection with a disciplinary matter with appropriate confidentiality.

1.12. If a student has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with the Student Discipline Officer, in conjunction with a University Disability Adviser.

1.13. International students should be aware that outcomes within this Policy may affect their existing permission to stay in the UK, and therefore their ability to complete their programme of study under the terms of their current visa. International students should contact the University’s International Student Advisers (studentservices@st-andrews.ac.uk) as early as possible in the process to discuss the specifics of their case.
1.14. The University reserves the right, with the agreement of all parties involved, to make practical/operational changes to these documented procedures to suit individual case requirements or changes in legislation.

1.15. A request for the review of a disciplinary decision is admissible only where new evidence exists of which the University was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required). A request for review must be made in writing within 10 working days of the date of the decision subject to review.

2. Eligibility

2.1. This Policy applies to all students in the University of any category whose studies have not been completed or terminated, and any individual who has formally accepted an offer to study at the University.

2.2. The Policy covers not only individual cases of non-academic misconduct, but also may be applied collectively to a group of students, including student clubs and student societies (whether affiliated or non-affiliated).

3. Powers, limitations and exclusions

3.1. All students agree to the Sponsio Academica when they matriculate. The Sponsio indicates that students are subject to the jurisdiction of the Senatus Academicus in respect of their conduct in so far as it affects the University. In practice, the authority and powers in nonacademic disciplinary matters are delegated to the relevant Disciplinary Officer.

3.2. Disciplinary Officers at University level include:
   - the Vice-Principal (Proctor) or equivalent or delegate;
   - the Director of Student Services;
   - the Student Discipline Officer;

Local Disciplinary Officers include:
   - Wardens of Residences;
   - the Assistant Director of Residential & Business Services.

Additionally, in consultation with the Student Discipline Officer, other local Disciplinary Officers may include:
   - Unit Directors (for instance, from the Library, IT, Sport & Exercise);
   - the University Security Manager;
   - the University Telephone System Administrator;
   - Heads of Schools.

3.3. All cases of non-academic misconduct are reported and held centrally by the Student Discipline Officer within Student Services. Disciplinary Officers should consult this record to consider previous incidents of misconduct.
3.4. At every stage in the disciplinary process the student will have the right to be accompanied to meetings with staff by a member of the University. A member of the University is a person who is either presently matriculated as a student, or is an employee of the University Court of the University of St Andrews or who is elected as a sabbatical officer of or is an employee of the Students’ Association of the University of St Andrews. Students should be aware that no other persons may accompany or represent them during disciplinary meetings, including legal representation.

3.5. In some cases, students who have outstanding disciplinary procedures against them may not graduate in person or in absentia until the outcome of the disciplinary procedures is decided. In such cases students will be notified of this at the onset of disciplinary procedures.

3.6. This Policy should be viewed in the context of local rules, regulations, policies or codes of practice where these exist. Students should make themselves aware of the rules relating to the use of University premises and services. Ignorance of these regulations does not excuse students from adherence to them.

4. Types of non-academic misconduct

4.1. Non-academic misconduct of any type may warrant disciplinary action under this Policy.

4.2. For cases of minor misconduct, recourse to formal disciplinary procedures will normally only be taken once reasonable efforts have been made to remedy the difficulties by informal means.

4.3. The following types of misconduct (these types not being exhaustive) may lead the University to invoke formal disciplinary procedures:

- Unacceptable behaviour, towards students, staff or members of the public, for example:
  - verbal and written abuse in any medium, including social media;
  - bullying, harassment (sexual or otherwise) and victimisation, including initiations or hazing;
- Misuse of University facilities or name;
- Repeated or serious failure to follow regulations or instructions, including failure to clear debts against the University;
- Infringement of University health and safety rules;
- Theft, fraud, deliberate falsification of records or other documents;
- Fighting or assault;
- Damage to University property;
- Supplying or consuming controlled drugs;
- Inappropriate behaviour caused by excess consumption of alcohol;
- Conviction of a criminal offence;
- Any action liable to bring the University into disrepute.
4.4. Multiple incidents of misconduct or acts of serious misconduct may lead to higher disciplinary action being taken.

5. Managing risk

5.1. The University has a responsibility to manage risk to staff, students, and its reputation. A Risk Assessment may be required at any time under the following circumstances:
   - A report of misconduct indicating a risk to the student responsible or to others;
   - A report of misconduct indicating serious risk to the reputation of the University;
   - Incidents reported to the University by the Police, or involving the Police, including those where a student is being investigated or has been reported to the Procurator Fiscal.

5.2. Risk Assessments should be carried out in a timeframe appropriate for the perceived risk, with serious cases dealt with as a matter of urgency. All other cases should normally be assessed within five working days.

5.3. Where a student has outstanding criminal proceedings, the University will carry out a Risk Assessment and initiate appropriate interim actions to mitigate any significant risks.

5.4. A University-Level Discipline Officer or Local Disciplinary Officer will determine whether a Risk Assessment is required.

5.5. If a Risk Assessment is required, a University-Level Discipline Officer or Local Disciplinary Officer will send a report, including all relevant details, to the Director of Student Services.

5.6. The student will be required to meet with the Director of Student Services (or delegate) for a Risk Assessment Meeting. The Director of Student Services may also request relevant staff to attend (e.g. Local Disciplinary Officer, an appropriate adviser from Student Services). In particularly serious cases, a Risk Assessment may be conducted by a member of the Principal’s Office. At the meeting, the potential risks will be discussed, alongside any measures to address these risks. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

5.7. Outcomes of a Risk Assessment can include, but are not limited to, one or more of the following:
   - Limiting the use of a particular University building/service;
   - Involvement of Student Services support advisers;
   - Relocation or alteration of accommodation contract (in the case of students living in University accommodation);
   - Suspension of the assessment and/or reporting of academic work;
   - Referral to the Local Disciplinary Officer or University-Level Discipline Officer for formal disciplinary action;
• Compulsory Leave of Absence from the University;
• No further action required.

5.8. A Compulsory Leave of Absence equates to temporary suspension from the University. International students should be aware that their visa will normally not be valid during such a period of suspension and, depending on individual circumstances, it may not be possible to extend a visa to cover the remaining period of study. Any potential detrimental effect upon a student’s immigration status will not normally be considered as mitigating circumstances in determining a penalty or in reviewing a disciplinary decision, but it may form part of the considerations (even if not being wholly determinative) in deciding a Risk Assessment outcome. Any financial or other consequences of a suspension of studies will be the sole responsibility of the student.

5.9. Where necessary the Director of Student Services (or delegate) may wish to consult with other relevant staff after the meeting, thereafter setting in place any appropriate measures to manage those risks: for example, it may be necessary to consult others regarding the student’s continued use of a University building or service, or a student’s contact with other members of the University, in order to determine any on-going risk that may arise.

5.10. A brief report of the Risk Assessment will be recorded by the Director of Student Services (or delegate). He/she will send the outcomes of the Risk Assessment in writing to the student and relevant staff. Such assessments are without prejudice to any future disciplinary action.

6. Dealing with non-academic misconduct

6.1. Stage 1: Frontline Resolution

Initial assessment
6.1.1. The Local Disciplinary Officer will normally be responsible for investigating all reports of misconduct and will make an initial assessment based on whether the matter can be handled locally, or whether the case should be referred for either a Risk Assessment or a higher stage of disciplinary action.

6.1.2. In cases involving multiple students, the Local Disciplinary Officer will decide whether to meet with each student individually or as a group.

6.1.3. Where misconduct has been reported but the person responsible is unknown, the Local Disciplinary Officer will investigate. The investigation may include (but is not limited to): Interviews with relevant staff;
• A check of CCTV and swipe access records if available;
• Interviews with students, staff, members of the public or members of the emergency services who may have information;
• Emailing other students to ask for information (if appropriate, e.g., in a University Residence);
• Review of any other relevant information;
• Consultation with the Student Discipline Officer and/or Director of Student Services.

**Misconduct in residences**

6.1.4. The Wardens are the Local Disciplinary Officers in University Residences and are normally responsible for investigating misconduct and taking any disciplinary action required in their residence.

6.1.5. In addition, Residential Services Managers and Wardens, under the authority of Student Accommodation Services, may take action where misconduct in residences includes failure to comply with Health & Safety Regulations or any other clause listed in the Terms and Conditions of Let.

6.1.6. Where the Warden identifies a student responsible for misconduct in their residence, they must check for previous incidents of misconduct, and determine whether it is appropriate for the case to be handled locally.

6.1.7. If the case is handled locally, the student will normally be required, giving at least 48 hours’ notice (except when time-critical constraints apply), to meet with two members of the Wardennial Team. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

6.1.8. At the meeting, the representatives of the Wardennial Team will explain the details of the misconduct to the student, who will be invited to comment. Any remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

6.1.9. The representatives of the Wardennial Team will determine an appropriate outcome and communicate this to the student, either at the initial meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within five working days of the meeting.

6.1.10. If the representatives of the Wardennial Team require guidance on appropriate outcomes, they may close the meeting and consult with other members of the Wardennial Team or the Student Discipline Officer to determine an appropriate outcome. In such cases, the student will be notified that further consultation has been required, and the outcome will be communicated to the student in writing within ten working days of the initial meeting.

6.1.11. Outcomes of Local Action can include one or more of the following, as appropriate (this list is not exhaustive):

• A formal warning;
• A fine of up to £150;
• A requirement to pay for any damages or cleaning charges incurred;
• A ban from a communal area of the residence;
• Confiscation of equipment or items causing unreasonable disturbance to people or damage to property;
• A requirement to submit a written apology to those affected by the misconduct;
• Referral to the Director of Student Services for a higher stage of disciplinary action;
• Referral to Student Accommodation Services to request review of the accommodation contract where the misconduct involves a breach of Terms and Conditions of Let.
6.1.12. A record of the outcome will be held by Student Services, and this record will be checked in the event of further misconduct. It will also be checked if the student requests a reference from the Warden, or reapplies for entry to Student Accommodation in the future.

**Misconduct in Schools or non-residential Units**

6.1.13. Local Disciplinary Officers in Schools and non-residential Units are responsible for investigating misconduct and taking any disciplinary action required in their area of responsibility.

6.1.14. For some premises and services there are local rules which should be consulted by the Local Disciplinary Officer to determine appropriate action.

6.1.15. Where the Local Disciplinary Officer identifies a student responsible for misconduct in their area of responsibility, they must consult the Student Discipline Officer for previous incidents of misconduct, and to determine whether it is appropriate for the case to be handled locally.

6.1.16. If the case is handled locally and it is necessary to hold a meeting, the student will normally be required, giving no less than 48 hours’ notice (except where time-critical constraints apply), to meet with the Local Disciplinary Officer and another member of staff (either from the relevant area or the Student Discipline Officer). A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

6.1.17. At the meeting, the Local Disciplinary Officer will explain the details of the misconduct to the student, who will be invited to comment. Any remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

6.1.18. The Local Disciplinary Officer will determine an appropriate outcome and communicate this to the student either at the initial meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within five working days of the meeting.

6.1.19. If the Local Disciplinary Officer requires guidance on appropriate outcomes, they may close the meeting and consult with the Student Discipline Officer to determine an appropriate outcome. In such cases, the student will be notified that further consultation has been required, and the outcome will be communicated to the student in writing within ten working days of the initial meeting.

6.1.20. Outcomes of Local Action can include one or more of the following, as appropriate (this list is not exhaustive):

- A formal warning;
- A fine of up to £150;
- A requirement to pay for any damages or cleaning charges incurred;
- A ban from a University building or service;
- Confiscation of equipment or items causing unreasonable disturbance to people or damage to property;
- A requirement to submit a written apology to those affected by the misconduct;
- Referral to the Director of Student Services for a higher stage of disciplinary action.
6.1.21. A record of the outcome will be held by Student Services, and this record will be checked in the event of further misconduct.

**Misconduct outwith the University**

6.1.22. The Student Discipline Officer is responsible for investigating reports of misconduct which occur outwith the University and for taking any disciplinary action required. This includes both misconduct occurring in St Andrews and also misconduct occurring elsewhere if there is a reasonable expectation that the behaviour will reflect upon the University.

6.1.23. Reports of misconduct may be received via staff, students, St Andrews residents, the Police or any other party affected by the misconduct.

6.1.24. Where the Student Discipline Officer identifies a student responsible for misconduct, they must check for previous incidents of misconduct, and determine whether the case can be handled locally.

6.1.25. Whilst the University cannot intervene in private agreements (including accommodation and other business arrangements), it must respond to all reports of misconduct involving students.

6.1.26. If the report does not require formal disciplinary action, the Student Discipline Officer will contact the student to inform them of the report and advise them of any relevant regulations.

6.1.27. If the case requires formal disciplinary action and it is appropriate that it should be handled by the Student Discipline Officer, the student will normally be requested, giving no less than 48 hours’ notice (except where time-critical constraints apply), to meet with the Student Discipline Officer and another staff member. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

6.1.28. At the meeting, the Student Discipline Officer will explain the details of the misconduct to the student, who will be invited to comment. Any remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

6.1.29. The Student Discipline Officer will determine an appropriate outcome and communicate this to the student either at the initial meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within five working days of the meeting.

6.1.30. If the Student Discipline Officer requires clarification on appropriate outcomes, he/she may close the meeting and consult with appropriate staff to determine an outcome. In such cases, the student will be notified that further consultation has been required, and the outcome will be communicated to the student in writing within ten working days of the initial meeting.

6.1.31. Outcomes of disciplinary action by the Student Discipline Officer can include one or more of the following, as appropriate (this list is not exhaustive):

- A formal warning;
- A fine of up to £150;
• A requirement to pay for any damages or cleaning charges incurred;
• A ban from a University building or service;
• Confiscation of equipment or items causing unreasonable disturbance to people or damage to property;
• A requirement to submit a written apology to those affected by the misconduct;
• Referral to the Director of Student Services for a higher stage of disciplinary action.

6.1.32. A record of the outcome will be held by Student Services, and this record will be checked in the event of further misconduct.

6.1.33. A request for a review of a local disciplinary decision is admissible only where new evidence exists of which the University was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required) A request for review must be made in writing to the Student Discipline Officer within 10 working days of the date of the decision subject to review. The subsequent decision of the Student Discipline Officer is final.

6.2. Stage 2: Director-level action
6.2.1. The Director of Student Services (or delegate) will deal with any case which has been referred from Stage 1, or is sufficiently serious to warrant a higher level of disciplinary action.

6.2.2. For referrals, the Local Disciplinary Officer will normally submit a report of the misconduct to the Director of Student Services, including therein an account of any action taken thus far, along with any appropriate supporting documentation. On receipt of a report, the Director of Student Services will check for previous incidents of misconduct.

6.2.3. The student will normally be required, giving no less than 48 hours’ notice (except when time-critical constraints apply), to meet with the Director of Student Services (or delegate) and another staff member. The written report or referral (if any) will normally be shared with the student in advance of the meeting. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

6.2.4. At the meeting, the Director of Student Services will explain the details of the misconduct to the student, who will be invited to comment. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

6.2.5. The Director of Student Services will determine an appropriate outcome and communicate this to the student either at the initial meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within five working days of the meeting.

6.2.6. Outcomes of Director-level action can include one or more of the following, as appropriate (this list is not exhaustive):
• A formal warning;
• A fine of up to £300;
• A requirement to pay for any damages or cleaning charges incurred;
• A ban from a University building or service;
- Confiscation of equipment or items causing unreasonable disturbance to people or damage to property;
- A requirement to submit a written apology to those affected by the misconduct;
- Referral to Local Disciplinary Officer for a lower stage of disciplinary action;
- Referral to the Vice-Principal (Proctor) (or equivalent) for a higher stage of disciplinary action;
- Referral to Student Accommodation Services to request review of the accommodation contract where the misconduct involves a breach of Terms and Conditions of Let.

6.2.7. **A record of the outcome will be held by Student Services, and this record will be checked in the event of further misconduct.**

6.2.8. **A request for a review of a disciplinary decision made at Director Level is admissible only where new evidence exists of which the University was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required).** A request for review must be made in writing to the Director of Student Services within 10 working days of the date of the decision subject to review. The subsequent decision of the Director of Student Services is final.

**6.3. Stage 3: Vice-Principal (Proctor) action**

6.3.1. The Vice-Principal (Proctor) (or equivalent) will deal with any case that has been referred from Director level or is sufficiently serious to warrant the highest level of disciplinary action. This may include failure to clear debts against the University.

6.3.2. If a risk assessment is required prior to a student’s formal disciplinary meeting with the Vice-Principal (Proctor), the student will normally be required, giving no less than 48 hours’ notice (except when time-critical constraints apply), to meet with the Director of Student Services (or equivalent) and another staff member. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4). The purpose of such a risk assessment may be to determine appropriate interim action to mitigate risk, pending formal consideration of a student’s case by the Vice-Principal (Proctor).

6.3.3. Following such a risk assessment (if any), the Director of Student Services (or Director of Finance, if the referral involves a student’s outstanding debt) will normally submit a written report of the alleged misconduct to the Vice-Principal (Proctor) (or equivalent), including an account of any action taken thus far and/or previous incidences of misconduct, along with any appropriate supporting documentation. Where a written report to the Vice-Principal (Proctor) is prepared, it will be shared with the student at least 5 working days prior to the student’s formal disciplinary meeting with the Vice-Principal (Proctor) and another member of the University. The Vice-Principal (Proctor) will invite the student to submit any additional information relevant to their case, to be submitted to the Proctor’s Office no later than 2 working days prior to the date of the disciplinary meeting. A student may be accompanied to the meeting by a member of the University (see definition at clause 3.4).

6.3.4. **At the formal disciplinary meeting, the Vice-Principal (Proctor) (or equivalent) will explain the details of the misconduct to the student. The student will be invited to make a statement in**
response and to add anything to the written submissions previously circulated. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

6.3.5. Once satisfied that the student has had a full opportunity to convey any relevant information, the Vice-Principal (Proctor) (or equivalent) will reach a decision, normally in discussion with another senior member of the Principal’s Office. The student will normally receive formal notification of the meeting outcome in writing within five working days of the meeting.

6.3.6. Outcomes of Vice-Principal (Proctor) (or equivalent) action can include (but are not limited to) any one or more of the following, as appropriate:
  - A formal warning;
  - A fine of up to £500;
  - A requirement to pay for any damages or cleaning charges incurred, or any outstanding debts to the University within a defined period;
  - A ban from a University building or service;
  - Confiscation of equipment or items causing unreasonable disturbance to people or damage to property;
  - A requirement to submit a written apology to those affected by the misconduct;
  - Referral to the Director of Student Services for a lower stage of disciplinary action;
  - Referral to Student Accommodation Services to request review of the accommodation contract where the misconduct involves a breach of Terms and Conditions of Let;
  - Suspension of the assessment and/or reporting of academic work;
  - Suspension of studies for a defined period;
  - Expulsion from the University.

6.3.7. Where the outcome includes a suspension from the University for a fixed duration, international students should be aware that their visa will normally not be valid during such a period of suspension and, depending on individual circumstances, it may not be possible to extend a visa to cover the remaining period of study. Any such detrimental effects to a student’s immigration status will not normally be considered as mitigating circumstances in determining a penalty or in any subsequent review of a disciplinary decision. Additionally, any financial or other consequences of a suspension of studies will be the sole responsibility of the student.

6.3.8. A record of the outcome will held by Student Services, and this record will be checked in the event of further misconduct.

6.3.9. A request for a review of a disciplinary decision made by the Vice-Principal (Proctor) is admissible only where new evidence exists of which the University was not aware when the original disciplinary decision was taken and which could not reasonably have been disclosed by the student (an explanation for earlier non-disclosure is always required). A request for review must be made in writing to the Vice-Principal (Proctor) within 10 working days of the date of the decision subject to review. The decision of the Vice-Principal (Proctor) after any such review is final.
7. **The University’s Complaint Handling Procedure**

7.1. Any student who is dissatisfied with the University’s procedures following the conclusion of the formal disciplinary process and any subsequent request for a review should consult the University’s Complaints Policy at [http://www.st-andrews.ac.uk/administration/complaints](http://www.st-andrews.ac.uk/administration/complaints)

8. **Use of Non-Academic Misconduct data**

8.1. Details of non-academic misconduct are reported and held centrally, subject to the constraints of the Data Protection Act, by the Student Discipline Officer within Student Services and in accordance with the Student Confidentiality Code.

8.2. Details of non-academic and academic misconduct offences may be made available for consideration in the following circumstances *inter alia*:

- where a student is subject to another disciplinary process of any kind;
- where students are seeking a review of or are appealing against Termination of Studies;
- where students are requesting deletion of semester/year;
- where students are appealing against an academic decision on related grounds.