



University of
St Andrews

Student Conduct Policy

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1. Introduction

This Policy deals with reports involving 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 Police. It also sets out expected behaviours that students of the University are expected to adhere to (see Section 2), and sets out activity that may be considered to be misconduct (See Annex A).

- 1.1 Any actions taken under this Policy may be taken in respect of other University policies. The types and examples of non-academic misconduct and outcomes set out in this Policy are not exhaustive, and the University may take disciplinary action in relation to other behaviour if it deems this to be contrary to the student responsibilities set out in Section 2.
- 1.2 This Policy deals with non-academic conduct matters. Academic matters of conduct are subject to the [Good Academic Practice Policy](#).
- 1.3 The University reserves the right, with the appropriate notification of all parties involved, to make practical/operational changes to these documented procedures to suit individual case requirements or changes in legislation or sector good practice.
- 1.4 The University will make every reasonable effort to meet the time limits expressed in this document. Where they are not met, the University will 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, police enquiries or investigations may also affect time limits.

- 1.5 For advice and support on any aspect of this Policy, please contact the Student Conduct Team, Student Services or the Student Advocacy Co-ordinator in the Students' Association.

2. Student Responsibilities

2.1 The University of St Andrews is a diverse, welcoming and supportive community. We are committed to promoting the highest standards of behaviour and expect all students to treat others with due care, consideration, respect and dignity.

2.2 The principle of respect for others and for the values of the University is recognised in the *Sponsio Academica* and the [Honour Code](#) which students agree to when they matriculate. In doing so, students agree to uphold the following promises in their studies and in all aspects of their daily lives:

- We shall hold true to the principles of **honesty** and **integrity** in all our dealings with others in this community.
- We shall conduct ourselves in a **reliable** and **punctual** fashion.
- We shall be mindful of others' circumstances, interacting with **tolerance**, **politeness** and in a spirit of **mutual support** within this community.

2.3 All students of the University are required at all times to conduct themselves in an appropriate manner, including in their dealings with other students, staff, the local community and external organisations. Students are required to abide by and submit to the University's [Terms and Conditions of Study](#) and all relevant University Policies and Procedures, as amended from time to time. University Policies and Procedures are available on the University's [Policies, Procedures and Guidance web pages](#).

2.4 Where a student's behaviour falls short of these standards this may result in the University taking disciplinary action, as outlined in this Policy. Examples of behaviour which may result in disciplinary action are set out in Annex A (please note that the list in Annex A is not exhaustive).

3. University Responsibilities

3.1 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 non-academic misconduct matters with appropriate confidentiality.

3.2 The University aims to deal with all non-academic misconduct issues in a fair and consistent manner, ensuring that those involved are made aware of appropriate support and guidance, and that issues referred for disciplinary action are dealt with in a reasonable period of time, allowing for the specific circumstances of the case.

3.3 The role of the Student Conduct Team is to investigate reports and, where appropriate, initiate disciplinary proceedings in line with this Policy. Students

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interacting with the Student Conduct Team in this capacity will be signposted to relevant sources of support, including Student Services. All students involved in disciplinary action, both reported and reporting students, can seek wellbeing support from Student Services. In cases where the Student Conduct Team identify a wellbeing concern, they may refer a student to Student Services to identify current or ongoing support needs.

3.4 The University's approach in dealing with non-academic misconduct issues is to be educative and corrective rather than punitive, where possible.

3.5 The University has duties and obligations to all students and staff involved in reported misconduct, including those reported, and will take steps it deems to be appropriate and reasonable to protect and provide support to all students and staff involved.

3.6 The University will inform students who have been reported for potential misconduct as soon as possible once the report has been reviewed and it has been identified that an investigation should commence. In some cases, it may be necessary to maintain confidentiality and postpone informing a reported student of a report until relevant actions have been identified and carried out (for example, but not limited to, when a report to the University is made concurrently with a report to the Police). In such cases, the University will take steps to inform the reported person of the report at the earliest opportunity.

4. Definitions

4.1 The policy makes reference to the following terms, which are defined as follows:

4.1.1 **Reported student(s).** This refers to the student who is reported to have committed an act of misconduct.

4.1.2 **Reporting party:** This refers to the party (person or persons) who has raised the report of misconduct against the reported student.

4.1.3 **Investigator.** This is the person(s) appointed to investigate the report of misconduct. This will normally be a Student Conduct Officer but may be (i) other member(s) of appropriately trained staff or (ii) appropriately trained external person(s) or organisation(s), at the discretion of the University.

4.1.4 **Determining Officer.** This is the member of staff appointed to make decisions at Level 1 of this Policy (see Section 20). The Determining Officer will normally be an alternate Student Conduct Officer not previously involved in the investigation, but other trained members of staff may also be appointed by the Deputy Academic Registrar to act as a Determining Officer.

- 4.1.5 **Deputy Academic Registrar.** The Deputy Academic Registrar is directly involved in the delivery of this Policy as described in Section 20 and may also hear appeals relating to Level 1 of the Non-Academic Misconduct Policy (see Section 19).
- 4.1.6 **Proctor.** The Proctor assumes responsibility for areas of the University related to learning and teaching, including oversight of the Non-Academic Misconduct Policy. The Proctor is directly involved in the delivery of this Policy as described in Section 20 and may also hear appeals relating to Level 2 of the Non-Academic Misconduct Policy (see Section 19).
- 4.1.7 **Clerk.** The Clerk acts as Secretary to the relevant level of the disciplinary process and is appointed in line with the relevant level of the Policy (see Section 20).
- 4.1.8 **Disciplinary Panel.** The Disciplinary Panel is responsible for determining whether non-academic misconduct has occurred and taking decisions on outcomes at the relevant Level of the Policy. Section 20 outlines which members of staff may be involved in Level 2 and Level 3 Panels.

5. Eligibility

- 5.1 This Policy applies to all students and learners 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. This Policy also applies to students who have completed their studies but continue to have an Associated Student status with the University, or where their studies are completed, and they have yet to graduate in person or in absentia.
- 5.2 Where a reported student withdraws from their studies while disciplinary action against them is outstanding, the University will note on their record that they withdrew with disciplinary action outstanding. The University reserves the right to continue to investigate matters, with or without the cooperation of the reported student(s). Where such an investigation finds that misconduct has occurred, this may result in a decision that a student should not be readmitted to study at the University.
- 5.3 This Policy applies to cases of reported misconduct occurring on or off University premises, including virtually.
- 5.4 This Policy covers not only cases of non-academic misconduct where the reported student is acting alone but also where the reported student is part of a group, including student clubs and student societies (whether affiliated or non-affiliated with the Students' Association).

6. Powers, Limitations and Exclusions

- 6.1 The Universities (Scotland) Act sets out that all students of the University are subject to the jurisdiction of the Senate for their studies and for their conduct, as indicated in the *Sponsio Academica* which all students agree to when they matriculate.

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- 6.2 The processes set out in this Policy are internal processes and they do not have the same degree of formality as proceedings in a court of law. They are not adversarial in nature but rather involve consideration of available evidence as set out in this Policy. The University reserves the right to seek expert advice, whether internal to the University or externally, in applying this policy (at all levels), and may share information as required with external parties.
- 6.3 This Policy should be viewed in the context of local and institutional rules, regulations, policies or Codes of Practice where these exist. Students should make themselves aware of the regulations and policies relating to the use of University premises and services. Ignorance of applicable regulations and policies does not excuse students from adherence to them. For students living in University managed accommodation, this includes the [Terms and Conditions of Occupancy](#).
- 6.4 When an issue is potentially relevant to other University procedures, the relevant staff will determine an appropriate sequence for the matters to be considered.
- 6.5 Where a student is registered on a programme of study which is delivered jointly between the University of St Andrews and another institution, the institutions will agree within their partnership arrangements the relevant process for dealing with non-academic misconduct reports.
- 6.6 Reference to a student's general record with the University, including academic performance, may be made at any stage of the disciplinary process.
- 6.7 Whilst the University cannot intervene in private agreements (including accommodation and other business arrangements), it may respond to any reports of misconduct involving students regardless of whether they happen in relation to private agreements or premises.
- 6.8 This Policy is intended to deal with reports of misconduct relating to students, not to resolve non-disciplinary related disputes between individuals. Students reporting individual disputes may be referred to the University's Mediation Service.

7. Standard of Proof

- 7.1 The standard of proof that will apply in the operation of these procedures is 'the balance of probability' as in civil justice rather than 'beyond reasonable doubt' as in criminal justice. This means that the relevant decision-maker as set out in this Policy will be satisfied that an event occurred if they consider that, on the basis of the evidence available, the occurrence of misconduct was more likely than not.
- 7.2 A finding of misconduct can only be upheld if there is sufficient evidence that the student has engaged in the misconduct reported.

8. Misconduct and Criminal Proceedings

8.1 The University cannot make findings about an alleged criminal offence. This policy therefore does not make reference to criminal offences, though the types of misconduct described could also constitute a criminal offence.

8.2 Where a student has been a victim of an alleged criminal offence, they are encouraged to report it to the Police and, if relevant, to the Student Conduct Team.

8.3 Where a student becomes aware that they are the subject of a Police investigation, they are required to report this to the University at the earliest opportunity by emailing the Student Conduct Team (studentconduct@st-andrews.ac.uk). Students need only report matters that fall under relevant criminal proceedings (as outlined in the [Terms & Conditions of Study](#)). Failure to disclose details of a relevant criminal conviction or proceedings may result in disciplinary action being taken.

8.4 Where the University becomes aware of criminal proceedings against a student, it may take disciplinary action as it deems appropriate. The University will normally await conclusion of the criminal process before taking such action. The University reserves the right to undertake a risk assessment under the University's [Student Conduct Risk Management Policy](#) and to take disciplinary action in advance of the resolution of criminal proceedings.

8.5 In cases where an internal investigation or disciplinary action has already commenced and an allegation is subsequently reported to the Police, the University may decide to suspend internal proceedings to await the outcome of any criminal proceedings. This decision will be taken collectively by the Deputy Academic Registrar (or their nominee) and the Proctor (or their nominee). The reporting party and reported student(s) will be informed of any decision to suspend an internal investigation or disciplinary action pending the outcome of a criminal investigation.

8.6 Where a student is arrested and receives a recorded police warning, or is charged with a crime, or convicted of a crime, available information about this may be relied upon as evidence in any University proceedings provided that the circumstances leading to the formal interaction with the Police are relevant to those proceedings.

8.7 Any activity which leads to a criminal conviction may be treated as misconduct which may warrant disciplinary action under the Student Conduct Policy.

8.8 If a student is subject to non-academic misconduct proceedings, any sentence or order pronounced by a court may be taken into account in the imposition of any disciplinary outcome if it is relevant to the misconduct being considered by the University.

8.9 The University may investigate and take disciplinary action on reported misconduct whatever the outcome of any external proceedings, including criminal proceedings, about the same matter.

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9. Completion of Studies

- 9.1. International students are advised 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 (advint@st-andrews.ac.uk) as early as possible in the process to discuss their situation and to request advice on potential visa implications.
- 9.2. Where a student is subject to an ongoing disciplinary investigation or unresolved misconduct proceedings, the student will not be entitled to graduate until the outcome of such reports or allegations have been determined, unless permission is given by the Proctor (or their nominee) as a result of a risk assessment process. In such cases, students will be notified of this accordingly.

10. Types of Non-Academic Misconduct

- 10.1. Non-academic misconduct of any type may warrant disciplinary action under this Policy. Annex A sets out in detail the types and examples of such misconduct. The types and examples of misconduct described are not exhaustive and may not reflect the language that a reporting party would use to describe their situation, but this should not deter anyone from reporting misconduct. The University may take disciplinary action in relation to other behaviour if it deems this behaviour to be unacceptable under the following non-exhaustive headings:

A. People

- A.1: Physical Misconduct
- A.2: Sexual Misconduct
- A.3: Abusive behaviour, harassment, bullying and victimisation
- A.4: Discourteous, unreasonable or disruptive behaviour

B. Property, Environment and Community

- B.1: Damage to property
- B.2: Unauthorised taking or use of property
- B.3: Anti-social behaviour

C. Health, Safety and Wellbeing

- C.1: Behaviour which causes risk of harm

D. University

- D.1: Operational obstruction
- D.2: Reputational damage or conduct with the potential to cause reputational damage

- 10.2. Non-academic misconduct may occur in person or through any medium such as online, through text or similar messaging services, or via social media.

- 10.3. The levels of action outlined in this Policy are not sequential. Multiple incidents of minor misconduct or acts of serious misconduct may lead to more serious disciplinary action being taken.

11. Frontline Resolution and Referral to Student Conduct

- 11.1. In some cases, it is possible to resolve minor misconduct reports locally and at an early stage via guidance. Staff who receive reports or observe poor behaviour may exercise discretion on whether to attempt to resolve matters locally via provision of appropriate guidance. This is appropriate where the matter can be resolved informally through the provision of guidance. Local areas are not permitted to impose disciplinary outcomes.
- 11.2. Heads of Schools and Unit Directors (or their delegate) will normally be responsible for making an initial assessment regarding reports of potential non-academic misconduct received within their area and will determine whether the matter can be handled locally with appropriate guidance. In cases where a matter cannot be handled locally with appropriate guidance, the case should be referred to the Student Conduct Team for investigation and potential disciplinary action.
- 11.3. If a member of staff is in doubt as to whether or not guidance or referral is appropriate, or if there is an indication that the misconduct may be part of a wider issue, they must discuss the situation with the Student Conduct Team and a joint decision will be taken as to the appropriate category of University response.

12. Guidance

- 12.1. Guidance may be offered where:
- Other people have not suffered; and
 - The loss (physical, material) is minor, and the reported student(s) will be able to repair the damage quickly and effectively to compensate; and
 - The reported student(s) is showing regret and is willing to cooperate with advice; and
 - Guidance is likely to put an end to this one-off issue.
- 12.2. Guidance can be applied locally as described in Section 11, or via the Student Conduct Team.
- 12.3. Where a student is given guidance locally, staff may share details of the misconduct and guidance given with the Student Conduct Team. Such information may be referred to in the event of a subsequent report of misconduct.

13. Disciplinary Action

13.1. Disciplinary action can only be considered and applied following an investigation completed by the Student Conduct Team. Disciplinary action, rather than guidance, will often be appropriate where:

- Someone or something has come to harm; or
- The loss or damage is significant and cannot be quickly repaired; or
- Where the misconduct is repeated; or
- Where the reported student(s) shows no real signs of regret and/or it is the opinion of the Head of School/ Unit or Student Conduct Officer that the reported student(s) does not understand the inappropriateness of his/her/their actions.

14. Initial Assessment

14.1. The University reserves the right to commence an investigation where it becomes aware of a potential breach of this Policy, either through a direct report (e.g. by a member of the public, a member of staff, a student or any other party affected, or by another external party such as the Police), or where the University has evidence to suggest there has been a breach.

14.2. In cases where it is suspected there has been misconduct, a Student Conduct Officer will assess the available initial information and determine whether guidance or further investigation and possible disciplinary action is appropriate. If a report does not require disciplinary action, a Student Conduct Officer may determine that it is appropriate to provide guidance to the reported student(s) or reporting party.

15. Student Conduct Investigation

15.1. When a report is received by the Student Conduct Team, or where evidence suggests there has been a breach of the Policy, it will be assigned to an Investigator for an investigation and, where appropriate a risk assessment.

15.2. The investigation may include (but is not limited to) analysis of the following, where deemed appropriate by the Investigator:

- A review of CCTV footage; recordings of classes and access control logs if available;
- Interviews with the reporting party, students, relevant staff, members of the public or members of the emergency services who may have information.
- Review of correspondence or media, which includes email, text, social media, voice notes, and other forms of communication;
- Requesting information from the Police or other relevant agencies or parties;
- Contacting other students to ask for information (if appropriate, e.g., in a University Residence).
- A review of social media posts or similar.
- Review of any other relevant information.

- A review of communications sent/received via University ICT (Information and Communications Technology) facilities may be undertaken to establish content, or where possible whether specific communication(s) had/had not been sent or received.
- Information from Student Services or other relevant University units or schools.

15.3. Where the Investigator identifies a reported student(s) potentially responsible for non-academic misconduct, they will check for previous cases of misconduct involving the student (this may include academic and non-academic misconduct). This also includes cases where guidance was issued at a local level.

15.4. Following investigation, the Investigator will assess whether formal disciplinary action may be appropriate. Where the Investigator considers that disciplinary action may be appropriate, they will, in consultation with the Deputy Academic Registrar, determine the appropriate next steps in line with this Policy. Where disciplinary action is not appropriate, guidance or risk assessment (with identification of necessary associated precautionary measures) may be appropriate.

15.5. Where it is deemed that guidance is appropriate, the Investigator may deliver guidance to the reported student(s).

16. **Managing Risk**

16.1. The University has a responsibility to manage risk to staff, students, and its reputation. The following situations are likely to result in a risk assessment:

- A report of misconduct indicating a potential risk to a student/s or to others; or 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;
- Where disciplinary proceedings are suspended for any reason;
- Where there is no finding of misconduct but there is a need to implement precautionary measures, for example to limit future risk of contact.

16.2. Further information is available in the [Student Conduct Risk Management Policy](#).

17. **Disciplinary Action**

17.1. There are three levels of disciplinary action. The University reserves the right to take action at any level, or to omit levels, depending on the gravity of the offence. It is anticipated that most reports of misconduct will be handled at Level 1, with only serious or repeated cases being escalated to higher levels.

17.2. Cases of misconduct involving prospective students holding an offer of a place will always be referred to Levels 2 or 3.

- 17.3. At every level in the disciplinary process the reported student(s) will have the right to be accompanied to meetings by a member of the University. A member of the University is a person who is either presently matriculated as a student (but who is unrelated to the case) or is an employee of the University or who is elected as a Students' Association Executive Officer or is an employee of the Students' Association of the University of St Andrews. The accompanying supporter may provide support to the student during the meeting but may not answer questions on their behalf.
- 17.4. Students should be aware that there is no automatic right to legal representation in disciplinary proceedings, and any such request if made will be considered in line with the University's Legal Representation Policy.
- 17.5. In cases involving multiple reported students, the University will decide whether to meet with each student individually or as a group. If a student wishes to request an individual meeting, they should email the Student Conduct Team (studentconduct@st-andrews.ac.uk). The request will be considered in the context of the case, and the student will be notified of the decision.
- 17.6. If a reported student(s) requires reasonable adjustments to the prescribed process because of a disability, health condition or other relevant circumstances, they should discuss the situation at the earliest opportunity with the Student Conduct Team, in conjunction with a University Disability Adviser. The University will assess such requests on an individual basis and put in place reasonable adjustments if it deems it necessary to do so.
- 17.7. In exceptional circumstances where it is not possible for a reported student(s) to attend a disciplinary meeting, the student will be encouraged to submit written or recorded statements and evidence as appropriate to the matter under review. Reasonable time frames will be implemented for the provision of such material.
- 17.8. Meetings conducted in line with this Policy may take place either in person or remotely via Microsoft Teams or equivalent, secure technologies. Students (reporting and reported) will be advised of the meeting format in advance. Requests to amend the format of the meeting (e.g. to change the meeting from in-person to remote, or vice versa) will be considered. The University reserves the right to insist upon an in-person meeting where it deems this to be appropriate, unless an adjustment is required because of a disability.
- 17.9. Students (reporting and reported) are expected to make every reasonable effort to engage with disciplinary proceedings. Failure to attend a disciplinary meeting without prior notification and good reason may itself result in disciplinary action. The University reserves the right to proceed with the appropriate disciplinary steps in the reported student(s) absence.

18. **Appeals**

- 18.1. Reported students have the right to appeal against disciplinary decisions related to this Policy. Reporting parties do not have the right to appeal any decision taken as a result of an investigation but may refer to the University Complaints Handling
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Procedure (see Section 20.2) should they be dissatisfied with the application of processes under this Policy.

- 18.2. An appeal against a disciplinary decision at any level is admissible only where one of the following grounds apply:
- a) 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 reported student(s) (an explanation for earlier non-disclosure is always required).
 - b) evidence exists of a material procedural error or irregularity taking place during the disciplinary process, which may have had a significant impact on the outcome.
- 18.3. An appeal must be made in writing within 10 working days of the date of the decision subject to review.
- 18.4. Appeals corresponding to each level may be made to the following office holders:
- 18.5. An appeal against a decision made at Level 1 based on either of the above grounds must be made in writing to the Deputy Academic Registrar by email to deputyregistrar@st-andrews.ac.uk . The subsequent decision of the Deputy Academic Registrar is final.
- 18.6. An appeal against a decision made at Level 2 based on either of the above grounds must be made in writing to the Proctor by email to proctor@st-andrews.ac.uk. The subsequent decision of the Proctor is final.
- 18.7. An appeal against a decision made at Level 3 based on either of the above grounds must be made in writing to the Vice-Principal, Governance by email to vpgov@st-andrews.ac.uk . The request will be considered by a member of the Principal's Office, with the exception of the Vice Principal Education (Proctor), or another member of senior staff that has not been involved in the original panel. The subsequent decision of the reviewer is final.
- 18.8. The following are NOT considered valid grounds for requesting a review of a disciplinary decision and appeals based on such reasons will be rejected:
- Questioning a decision which the University is entitled to make.
 - Dissatisfaction with the outcome of a disciplinary process;
 - The retrospective reporting of extenuating personal circumstances that could have been reasonably made known at the time;
 - Lack of awareness of the relevant University procedures or regulations.
- 18.9. Students should note that the outcomes of disciplinary action may be shared with reporting parties and/or other relevant parties (see Section 21), in cases where the University of St Andrews is a charity registered in Scotland, No: SC013532

Student Conduct Officer or Disciplinary Panel Convenor deems this appropriate. Information will be shared where the University has a legal obligation to provide a duty of care or there is another duty in law to disclose. In such cases, students will be advised that outcomes about them may be shared, and students may, under certain circumstances, object to the data being shared. The University Data Protection Officer will separately consider any objections made and will advise on the outcome. The right of others to understand the outcome of a disciplinary process may sit alongside students' right to privacy. Where information is shared with the reporting parties, they will be informed that the outcomes are provided in confidence, and there will be restrictions in how that information can be used.

19. Levels of Disciplinary Action

19.1. Level 1

Responsible Staff

19.1.1 The Investigator, in consultation with the Deputy Academic Registrar, is responsible for the decision to deal with a misconduct case at Level 1, and for managing Level 1 disciplinary cases.

Procedure

19.1.2 The Investigator will produce a report on the reported misconduct, including an account of the incident, any action taken to date, along with any appropriate supporting documentation, any mitigating circumstances provided by Student Services, and any previous incidents of misconduct.

19.1.3 The Investigator will refer the report to the Determining Officer who will be responsible for taking forward Level 1 proceedings and determining the relevant outcome(s).

19.1.4 When the outcome has been determined, this will be communicated to the student. This may be via email or in a meeting, as indicated by the Determining Officer. Where a meeting takes place, the student(s) may be accompanied to the meeting by a supporter (see definition at 17.3) The meeting may involve other members of staff from relevant areas of the University as appropriate to the case.

Outcomes

19.1.5 Outcomes of Level 1 action can include one or more of the following, as appropriate (this list is not exhaustive):

- A formal warning;
- A fine of up to £500;
- A requirement to pay for any damages or cleaning charges incurred;
- A ban from or restriction on the use of a University building or service;
- A no contact order;
- Confiscation of equipment causing unreasonable disturbance to people or damage to property;

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- A requirement to provide an apology to those affected by the misconduct;
- A requirement to pay for and attend appropriate training;
- A requirement to complete a reflective project/report;
- Referral to Student Services or other appropriate service to discuss support needs;
- Referral to Residential and Business Services to request review of the accommodation contract where the misconduct involves a breach of the Terms and Conditions of Occupancy;
- Referral to the Deputy Academic Registrar for Level 2 disciplinary action;
- Referral to the Police.

19.1.6 A record of the outcome will be held by Registry, and this record will be checked in the event of further misconduct. Records of level 1 proceedings are not recorded on transcripts or degree certificates.

19.1.7 Where the Determining Officer or Deputy Academic Registrar deems appropriate, the relevant Heads of School or Section Heads (e.g., the Director of Sport) may be notified about the outcome of disciplinary action.

19.2 Level 2

Responsible Staff

19.2.1 The Deputy Academic Registrar (or delegate) will manage any case which has been referred from Level 1 or is sufficiently serious to warrant a higher level of disciplinary action. The decision to act at Level 2 or refer to Level 3 will be determined by the Deputy Academic Registrar, who may consult as necessary.

19.2.2 A Level 2 panel is convened by the Deputy Academic Registrar (or delegate) and includes one of:

- the University Security Manager; or
- a Unit Director (or their delegate); or
- an Associate Provost or Associate Dean

19.2.3. Where the Deputy Academic Registrar identifies that it is appropriate to involve an additional Panel member to enable decision-making, for example a subject matter expert, they may do so, with prior notification to the reported student.

Procedure

19.2.3 The Investigator will submit a report of the reported misconduct to the Deputy Academic Registrar (or delegate), including a report of the incident, details of action taken to date, along with any appropriate supporting documentation, any mitigating circumstances provided by Student Services, and any previous incidents of misconduct. The report will be shared with the panel and the reported student at least 5 working days prior to the reported student's Level 2 disciplinary meeting. The reported student(s) will be invited to submit any additional information relevant to their case to Student Conduct. Any additional submission by the student must be provided no later than 2 working days prior to the date of the disciplinary meeting.

19.2.4 The reported student(s) will be required, receiving no less than 5 days' notice (except when time critical constraints apply), to meet with the panel. Other members

of staff may be invited to attend the meeting as appropriate to the case. A Student Conduct Officer or other appropriate member of staff will act as clerk to the meeting. The reported student(s) may be accompanied to the meeting by a member of the University (see definition at 17.3).

19.2.5 At the meeting, the panel convenor will explain the details of the reported misconduct to the reported student(s), who will be invited to comment. Any previous disciplinary action, remedial action taken by the student(s) prior to the meeting or other relevant information will also be discussed.

Outcomes

19.2.6 The Level 2 panel will determine an appropriate outcome and communicate this to the reported student(s) either at the meeting or afterwards. The reported student(s) will normally receive notification of the outcome in writing within 5 working days of the meeting.

19.2.7 Outcomes of Level 2 action can include one or more of the following, as appropriate (this list is not exhaustive):

- A reprimand or formal warning;
- A fine of up to £1000;
- A requirement to pay for any damages or cleaning charges incurred;
- A ban from or restriction on the use of a University building or service;
- A no contact order;
- Confiscation of equipment causing unreasonable disturbance to people or damage to property;
- A requirement to provide an apology to those affected by the misconduct;
- A requirement to pay for and attend appropriate training;
- A requirement to complete a reflective project/report;
- Referral to Student Services or other appropriate service to discuss support needs;
- For prospective students holding an offer of a place, conditions to be fulfilled on entry to the University;
- Referral to Residential and Business Services to request review of the accommodation contract where the misconduct involves a breach of the Terms and Conditions of Occupancy;
- Referral to the Proctor (or equivalent) for Level 3 disciplinary action.
- Referral to the Police

19.2.8 A record of the outcome will be held by Registry, and this record will be checked in the event of further misconduct. Records of Level 2 proceedings are not recorded on transcripts or degree certificates.

19.2.9 Where the panel deems appropriate, the relevant Heads of School or Section Heads (e.g., the Director of Sport) may be notified about the outcome of disciplinary action.

19.3 Level 3

Responsible Staff

19.3.1 The Proctor (or delegate) will manage any case which has been referred from Level 2 or is sufficiently serious to warrant the highest level of disciplinary action.

19.3.2 A Level 3 panel is convened by the Proctor (or delegate) and includes **two** other members, including:

- Another member of the Principal's Office; and/or
- A Dean or Provost; and/or
- A Head of School or a Unit Director (or their delegate); and/or
- A member of University staff (for example, a colleague who has specific expertise relevant to the matter under discussion)

Procedure

19.3.3 The Investigator will normally submit a report of the reported misconduct to the Proctor, including a report of the incident, details of action taken to date, along with any appropriate supporting documentation, any mitigating circumstances provided by Student Services, and any previous incidents of misconduct. The report presented to the Proctor will be shared with the reported student(s) at least 5 working days prior to the Level 3 disciplinary meeting (except where time critical constraints apply). The reported student(s) will be invited to submit any additional information relevant to their case to the Proctor's Office. Any additional submission by the student must be provided no later than 2 working days prior to the date of the disciplinary meeting.

19.3.4 The reported student(s) will normally be required, giving no less than 5 days' notice (except when time critical constraints apply), to meet with the panel. Other members of staff may be invited to attend the meeting as appropriate to the case. The Deputy Academic Registrar (or their delegate) will act as clerk to the meeting. A reported student may be accompanied to the meeting by a member of the University (see definition at 17.3).

19.3.5 At the meeting, the panel convenor will explain the details of the misconduct to the reported student(s). The reported student(s) 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 reported student(s) prior to the meeting or other relevant information will also be discussed.

Outcomes

19.3.6 At the meeting, the panel convenor will explain the details of the misconduct to the reported student(s). The reported student(s) 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 reported student(s) prior to the meeting or other relevant information will also be discussed.

19.3.7 Outcomes of Level 3 action can include one or more of the following, as appropriate (this list is not exhaustive):

- A reprimand or 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 or limitation on the use of a University building or service;
- A no contact order;
- Confiscation of equipment causing unreasonable disturbance to people or damage to property;
- A requirement to provide an apology to those affected by the misconduct;
- A requirement to pay for and attend appropriate training;
- A requirement to complete a reflective project/report;
- Referral to Student Services or other appropriate service to discuss support needs;
- For prospective students holding an offer of a place, conditions to be fulfilled on entry to the University;
- Referral to Residential and Business Services to request review of the accommodation contract where the misconduct involves a breach of the Terms and Conditions of Occupancy;
- Suspension of the assessment and/or reporting of academic work;
- Suspension of studies for a defined period;
- Amendment, deferral, or withdrawal of an offer of a place (for individuals holding an offer of a place);
- Restriction from graduating in person (requirement to graduate in absentia);
- Expulsion from the University;
- Referral to the Police.

19.3.8 A record of the outcome will be held by Registry, and this record will be checked in the event of further misconduct. Students should note that only suspensions from study and expulsions will be recorded on the student's transcript. If the University is asked for a reference or details that a person was in good standing, information as relevant may be disclosed.

19.3.9 Where the Proctor or delegate deems appropriate, the relevant Heads of School or Section Heads (e.g., Director of Sport) may be notified about the outcome of disciplinary action.

19.3.10 International students should note that their Student visa will normally not be valid during 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.

19.3.11 Any financial or other consequences of a suspension of studies, such as the need to vacate University accommodation, will be the sole responsibility of the student.

20. The University's Complaints Handling Procedure

- 20.1 Any student who is dissatisfied with the University's procedures following the conclusion of the formal disciplinary process and any subsequent request for an appeal, should consult the [University's Complaints Policy](#).
- 20.2 Grounds for raising complaints surrounding the Non-Academic Misconduct Policy ("the Policy") are limited to issues of concern in connection with procedural error or irregularities in the application of the Policy. Complaints will be managed according to the framework laid out in the University Complaint Handling Procedure, and in the first instance, issues of complaint should normally be addressed to the Academic Registrar. Unless maladministration against a decision is claimed, the University will not investigate complaints that question any decision, which the University is entitled to make under this policy. Where the University opts not to investigate an issue of complaint, that will be confirmed in writing, along with an individual's option to seek assistance from the Scottish Public Services Ombudsman.

21. Use of Non-Academic Misconduct Data

- 21.1 Details of non-academic misconduct investigations and outcomes are recorded and held as part of the student record, subject to the provisions of European and UK data protection legislation, by the Student Conduct Officer within Registry. In addition to the purposes set out in this policy, details of how the University will make use of and on occasion share personal data are set out within the relevant Student privacy notices.
- 21.2 Details of non-academic misconduct may be made available for consideration in the following circumstances inter alia:
- a student is subject to another disciplinary process of any kind;
 - a student is seeking a review of or is appealing against Termination of Studies;
 - a student is appealing against an academic decision on related grounds;
 - a student is applying for a Study Abroad placement;
 - a student is requesting a reference for private accommodation, further study, or employment;
 - a student is requesting a statement of good standing for student elections;
 - a student requires to engage with Student Services as an outcome of a risk assessment, Support to Study, or disciplinary process.
 - Future application to study at the University is made.

Annex A: Examples of Non-Academic Misconduct and Disciplinary Outcomes (Please note: these examples are illustrative and not exhaustive)

A. People

Type of Misconduct	Examples of Misconduct	Examples of outcomes
A.1 Physical Misconduct	<ul style="list-style-type: none"> Fighting Punching Slapping Kicking Pulling hair Choking Causing injury or death 	<ul style="list-style-type: none"> Expulsion Suspension A no contact order A ban from/restriction on use of University buildings or services Referral to police A requirement to pay for and attend appropriate training
	<ul style="list-style-type: none"> Pushing Shoving Grabbing Spitting 	<ul style="list-style-type: none"> Formal Warning A requirement to pay for and attend appropriate training A no contact order A requirement to provide an apology Completion of a reflective project/report
A.2 Sexual Misconduct (Please also refer to the University's policy statement relating to sexual misconduct)	<ul style="list-style-type: none"> Sexual intercourse or engaging in a sexual act without consent Attempting to engage in sexual intercourse or engage in a sexual act without consent Sharing, or threatening to share intimate images of another person without consent Kissing without consent Touching inappropriately through clothes without consent Inappropriately showing sexual organs to another person Repeatedly following another person without good reason 	<ul style="list-style-type: none"> Expulsion Suspension A no contact order A ban from/restriction on use of University buildings or services Referral to police A requirement to pay for and attend appropriate training
	<ul style="list-style-type: none"> Making unwanted remarks of a sexual nature via any medium 	<ul style="list-style-type: none"> Formal Warning A requirement to pay for and attend appropriate training A no contact order A ban from/restriction on use of University buildings or services Referral to police A requirement to provide an apology Completion of a reflective project/report

Type of Misconduct	Examples of Misconduct	Examples of outcomes
A.3 Abusive behaviour, harassment, bullying and victimisation	<ul style="list-style-type: none"> • Threats to hurt or harm another person • Verbal or written abuse in any medium including online, including making abusive or derogatory comments relating to sex/gender, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age • Acting in an intimidating, hostile, degrading, humiliating, coercive or threatening manner • Use of power or position to undermine a person, their self-esteem or dignity • Initiations or hazing and putting others at risk of harm 	<ul style="list-style-type: none"> • Termination of Studies • Suspension • A no contact order • A ban from/restriction on use of University buildings or services • Referral to police • A requirement to pay for and attend appropriate training
	<ul style="list-style-type: none"> • Use of inappropriate language in any medium • Repeatedly contacting another person in person or via any medium/channel against the wishes of the other person • Violating privacy, including releasing personal information 	<ul style="list-style-type: none"> • Formal Warning • A requirement to pay for and attend appropriate training • A no contact order • A ban from/restriction on use of University buildings or services • Referral to police • A requirement to provide an apology • Completion of a reflective project/report
A.4 Discourteous, Unreasonable or Disruptive behaviour	<ul style="list-style-type: none"> • Acting in a way that is discourteous, disrespectful, or deliberately uncooperative • Acting in a way that disrupts, impedes or interferes with another person's ability to carry out their duty or proper function 	<ul style="list-style-type: none"> • Formal Warning • A requirement to pay for and attend appropriate training • A no contact order • A ban from/restriction on use of University buildings or services • Referral to police • A requirement to provide an apology • Completion of a reflective project/report

B. Property, Environment and Community

Type of Misconduct	Examples of Misconduct	Examples of outcomes
B.1 Damage to property	<ul style="list-style-type: none"> Causing significant damage to property of the University, students, staff, or members of the public 	<ul style="list-style-type: none"> Termination of Studies Suspension A no contact order A ban from/restriction on use of University buildings or services Referral to police A requirement to pay for and attend appropriate training Confiscation of equipment causing damage
	<ul style="list-style-type: none"> Causing minor damage to property of the University, students, staff, or members of the public 	<ul style="list-style-type: none"> Formal Warning A requirement to pay for and attend appropriate training Requirement to pay for any damages or cleaning charges incurred Confiscation of equipment causing damage A requirement to provide an apology Completion of a reflective project/report
B.2 Unauthorised taking or use of property	<ul style="list-style-type: none"> Unauthorised entry onto or use of University or private premises, including ICT systems Taking property belonging to another without permission Acts/omissions/statements, intended to deceive others for the purposes of financial or personal gain, including forging documentation Misuse of materials protected by copyright and/or intellectual property law 	<ul style="list-style-type: none"> Termination of Studies Suspension A no contact order A ban from/restriction on use of University buildings or services Referral to police
	<ul style="list-style-type: none"> Misuse or interference with University property or facilities Misuse of University name 	<ul style="list-style-type: none"> Formal Warning A requirement to pay for and attend appropriate training A requirement to provide an apology Completion of a reflective project/report

Type of Misconduct

Examples of Misconduct

Examples of outcomes

B.3 Anti-social behaviour

- Disposing of litter inappropriately / failure to dispose of litter appropriately
- Creating, or causing to be created, unreasonable noise
- Inappropriate behaviour caused by excess consumption of alcohol
- Urinating or defecating in a place that causes, or is likely to cause annoyance to others

- Formal Warning
- A requirement to pay for and attend appropriate training
- Requirement to pay for any damages or cleaning charges incurred
- Confiscation of equipment causing damage
- A requirement to provide an apology
- Completion of a reflective project/report
- Fine

C. Health, Safety and Wellbeing

Type of Misconduct

Examples of Misconduct

Examples of outcomes

C.1 Behaviour which causes risk of harm

- Possessing, consuming or supplying controlled drugs or legal highs
- Putting alcohol or drugs into another person's drink or directly into their body without their knowledge or consent
- Possessing an offensive weapon on University premises or in public
- Repeated or serious breaches of (i) government and (ii) University regulations, rules or guidance relating to COVID-19 or any other matter of health and safety

- Termination of Studies
- Suspension
- A ban from/restriction on use of University buildings or services
- A requirement to pay for and attend appropriate training
- Fine
- Referral to police

- Misuse of or interference with fire detection or prevention equipment or fire-fighting appliances
- Minor breaches of (i) government and (ii) University regulations, rules or guidance relating to COVID-19 or any other matter of health and safety

- Formal Warning
- A requirement to pay for and attend appropriate training
- A requirement to provide an apology
- Completion of a reflective project/report

D. University

Type of Misconduct	Examples of Misconduct	Examples of outcomes
D.1 Operational obstruction	<ul style="list-style-type: none"> • Acts / omissions / statements / misrepresentations intended to deceive the University or a member of staff • Covert recording of audio or video of any activities of the University • Disruption of the activities of the University (including academic, administrative, sport and social) • Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Repeated or serious failure to follow regulations or instructions, including failure to clear debts against the University • Making false, vexatious or malicious complaints • Failure to clear debts to the University • Use of ICT facilities/services which result in disruption to ICT facilities provided by or through the University to the detriment of others 	<ul style="list-style-type: none"> • Termination of Studies • Suspension • A requirement to pay for and attend appropriate training • A ban from/restriction on use of University buildings or services • Referral to police
	<ul style="list-style-type: none"> • Improper interference with the activities of the University (including academic, administrative, sport and social) • Improper interference with of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University 	<ul style="list-style-type: none"> • Formal Warning • A requirement to pay for and attend appropriate training • A requirement to provide an apology • Completion of a reflective project/report

Type of Misconduct	Examples of Misconduct	Examples of outcomes
D.2 Reputational Damage	<ul style="list-style-type: none"> Behaviour which has brought the University into serious disrepute or could have brought the University into serious disrepute Being convicted of a criminal offence 	<ul style="list-style-type: none"> Termination of Studies Suspension A ban from/restriction on use of University buildings or services A requirement to pay for and attend appropriate training A requirement to provide an apology
	<ul style="list-style-type: none"> Behaviour which has brought the University into disrepute or could have brought the University into disrepute Receiving a Fixed Penalty Notice or Recorded Police Warning 	<ul style="list-style-type: none"> Formal Warning A requirement to pay for and attend appropriate training A requirement to provide an apology Completion of a reflective project/report

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.1	Migration to governance zone	Approved	Claire Hillson, Student Conduct Officer, Registry	05/09/2019
1.2	Policy review	Published	Lucy McMaster, Student Conduct Officer, Registry	13/05/2020
1.3	Policy review	Published	Helen Boyd, Deputy Academic Registrar	24/07/2020
1.4	Policy Review	Published	Helen Boyd, Deputy Academic Registrar	02/08/2021
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1.7	Policy Review	Published	Heather McNeill, Deputy Academic Registrar	13/09/23
1.8	Policy Review	Published	Heather McNeill, Deputy Academic Registrar	01/08/24

1.9	Amendment to wording in section 20.1.	Published	Claire Hillson, Student Conduct Officer	26/11/24
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