



University of
St Andrews

Non-Academic Misconduct Policy and Code of Student Conduct

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1. Introduction

- 1.1 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 the Code of Student Conduct. (See Annex A.)
- 1.2 Any actions taken under this Policy may be taken in respect of other University policies, such as the University's Policy statement relating to sexual misconduct and Student bullying and harassment policy, etc. The types and examples of (i) non-academic misconduct and (ii) outcomes set out are not exhaustive, and the University may take disciplinary action in relation to other behaviour if it deems this to be unacceptable.
- 1.3 This Policy deals with non-academic conduct matters (such as the examples outlined in the annex). Academic matters of conduct are subject to the Good Academic Practice Policy.
- 1.4 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.
- 1.5 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, police enquiries or investigations may also affect time limits.

1.6 For advice and support on any aspect of this Policy, please contact the Student Conduct Officer, Student Services or the Education Advocate in the Students' Association.

2. Student Responsibilities: Code of Student Conduct

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 in their day-to-day activities, including in their dealings with other students, staff, the local community and external organisations. Students are required to abide by and submit 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 Undergraduate Rules and Regulations, and Policies, Procedures and Guidance web pages.

2.4 This Policy is designed to help and encourage students to achieve and maintain acceptable standards of conduct, and to protect the University community.

2.5 Where a student's behaviour falls short of these standards this may result in the University taking disciplinary action, as outlined in this Policy.

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

3.4 The University has duties and obligations to all students and staff involved in reported misconduct and will take appropriate steps to protect and provide support to all students and staff involved.

3.5 Should it become necessary to make practical/ operational changes to these documented procedures to suit individual case requirements or changes in legislation or sector good practice, the University will explain the detail of any changes to approach, and the reasons for this, to all concerned.

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 alleged to have committed an act of misconduct.

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

4.1.3 **Investigator**. This is the member of staff appointed to investigate the allegation of misconduct. The Investigator will normally be a Student Conduct Officer, but other trained members of staff may also be appointed by the Deputy Academic Registrar to conduct an investigation.

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 a named post-holder based within the Academic Registry. 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).

4.1.5 **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).

4.1.6 **Clerk**. The Clerk acts as Secretary to the relevant stage of the disciplinary process and is appointed in line with the relevant stage of the Policy (see Section 20).

4.1.7 **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 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.

5.2 Where a student withdraws from their studies while disciplinary action against them is outstanding, the University may note on their record that they withdrew with disciplinary action outstanding.

5.3 This Policy applies to cases of reported misconduct occurring on or off University premises, including virtually.

5.4 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).

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.
- 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.
- 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 rules relating to the use of University premises and services. Ignorance of these Regulations 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 related institutional 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 provided jointly between the University of St Andrews and another institution, the institutions will agree within relevant partnership arrangements the relevant process for dealing with non-academic misconduct allegations.
- 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.

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 An allegation of misconduct can only be upheld if there is sufficient evidence that the student has engaged in the misconduct alleged.

8. Misconduct and Criminal Proceedings

- 8.1 The University cannot make findings about an alleged criminal offence, only a criminal court can do this. 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, we encourage them to report it to the police and, if relevant, to the University.

- 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 by emailing the Student Conduct Team (studentconduct@st-andrews.ac.uk).
- 8.4 In cases that involve actions that are potentially criminal in nature, and which are being considered under a criminal process, the University will normally await conclusion of the criminal process before taking disciplinary action as it deems appropriate. In such cases, the University may take disciplinary action regardless of whether the criminal process results in a conviction. 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 delegate) and the Proctor (or their delegate). 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 will be treated as misconduct which may warrant disciplinary action under the Non-Academic Misconduct 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 alleged misconduct whatever the outcome of any external proceedings about the same matter.

9. Completion of Studies

- 9.1 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 (advint@st-andrews.ac.uk) as early as possible in the process to discuss the specifics of their case and to receive advice on potential visa implications.
- 9.2 Where there are disciplinary allegations against a student, the student will not be entitled to graduate until the outcome of such allegations have been determined. 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. These types and examples 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

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

10.2 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 (advint@st-andrews.ac.uk) as early as possible in the process to discuss the specifics of their case and to receive advice on potential visa implications.

10.3 Regulations and policies are published separately about, for example, the use of facilities and University managed accommodation. Breaches of any of these or other University regulations which amount to non-academic misconduct as outlined above, may be dealt with under this policy.

10.4 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 allegations locally and at an early stage via guidance. Staff who receive allegations 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 able 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 might, for example, be appropriate where:

- Other people have not suffered; and

- The loss (physical, material) is minor, and the student will be able to repair the damage quickly and effectively to compensate; and
- The student 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 10, or via the Student Conduct Team.

13. Disciplinary Action

Disciplinary action can only be considered and applied as a result of 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 student shows no real signs of regret and/or it is the opinion of the Head of School/ Unit that the student does not understand the inappropriateness of his/her/their actions.

14. Initial Assessment

14.1 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 (advint@st-andrews.ac.uk) as early as possible in the process to discuss the specifics of their case and to receive advice on potential visa implications.

14.2 The University reserves the right to commence an investigation where it becomes aware of a potential breach of this Policy and Code, 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.

14.3 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 The University's Student Conduct Officers, based within the Student Conduct Team, are responsible for investigating allegations of non-academic misconduct.

15.2 When a report is received by the Student Conduct Team, it will be assigned to a Student Conduct Officer for investigation and, where appropriate, risk assessment. Where a Student Conduct Officer is not available, another appropriate member of University staff may investigate allegations of non-academic misconduct at the instruction of the Deputy Academic Registrar.

15.3 The investigation may include (but is not limited to):

- A check of CCTV footage; recordings of classes and swipe access records 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;
- Correspondence with the Police or other relevant agencies;
- Contacting other students to ask for information (if appropriate, e.g., in a University Residence).
- 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.

15.4 Where the investigating Student Conduct Officer identifies a student potentially responsible for non-academic misconduct, they will also check for previous cases of misconduct (academic or non-academic) involving the student.

15.5 Following investigation, the investigating Student Conduct Officer will assess whether formal disciplinary action may be appropriate. Where the Student Conduct Officer 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.

15.6 Where it is deemed that guidance is appropriate, the investigating Student Conduct Officer 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; and
- Where disciplinary proceedings are suspended for any reason.

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

17. Disciplinary Action

17.1 Process

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. However, 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.

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

17.1.2 At every level 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 (but who is unrelated to the case) or is an employee of the University or who is elected as a Sabbatical 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 or serve as a witness to the case.

17.1.3 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 taking into account all of the circumstances of the case.

17.1.4 In cases involving multiple students, the designated Student Conduct Officer or the Level 2 and 3 panels will decide whether to meet with each student individually or as a group. If a student wishes to request an individual meeting, they should write to the Student Conduct

Officer. The request will be considered in the context of the case and the student will be notified of the decision.

17.1.5 If a student requires reasonable adjustments to the prescribed process because of a disability, they should discuss the situation at the earliest opportunity with the Student Conduct Officer, in conjunction with a University Disability Adviser.

17.1.6 In exceptional circumstances where it is not possible for a student to attend a disciplinary meeting, every attempt will be made to allow the student to submit written or recorded statements and evidence as appropriate to the matter under review. Reasonable time frames will be respected for the forwarding of such material. The University may choose to conduct the meeting remotely via Microsoft Teams or equivalent, secure technologies.

17.1.7 As members of the University, students are expected to make every reasonable effort to engage with disciplinary proceedings. Failure to attend a disciplinary meeting without good reason may result in disciplinary action. Students should be aware that in the event of their non-attendance at any investigatory or disciplinary meeting, the University reserves the right to proceed with the appropriate disciplinary steps in the student's absence.

18. Appeals

18.1 An appeal against a disciplinary decision at any level (1, 2, or 3) is admissible only where one of the following grounds are alleged to 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 student (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.

18.2 An appeal must be made in writing within 10 working days of the date of the decision subject to review.

18.3 Appeals corresponding to each level may be made to the following office holders:

18.4 An appeal against a decision made at Stage 1 based on either of the above alleged grounds must be made in writing to the Deputy Academic Registrar. The subsequent decision of the Deputy Academic Registrar is final.

18.5 An appeal against a decision made at Stage 2 based on either of the above alleged grounds must be made in writing to the Proctor. The subsequent decision of the Proctor is final.

18.6 An appeal against a decision made at Stage 3 based on either of the above alleged grounds must be made in writing to the Vice-Principal, Governance. 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. The subsequent decision of the reviewer is final.

18.7 The following are NOT considered valid grounds for requesting a review of a disciplinary decision and appeals based on such reasons will be rejected:

- Dissatisfaction with the outcome of a disciplinary process;
- The retrospective reporting of extenuating personal circumstances that might have been reasonably made known at the time;
- Lack of awareness of the relevant University procedures or regulations.

18.8 Students should note that the outcomes of disciplinary action may be shared with complainants or relevant parties, in cases where the Student Conduct Officer or Panel Convenor deems this appropriate. Information will be shared where the University has a legal obligation to provide a duty of care. 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 complainant(s), 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 an investigative report on the alleged misconduct, including an account of the incident, any action taken thus far, 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 investigative report to the Determining Officer who will be responsible for taking forward Stage 1 proceedings and determining the relevant outcome(s).

19.1.4 The reported student(s) will normally be required, receiving no less than 48 hours' notice (except when time critical constraints apply), to meet with the Determining Officer and a note taker. The meeting may involve other members of staff from relevant areas of the University as appropriate to the case. The student(s) may be accompanied to the meeting by a supporter (see definition at 17.1.2).

19.1.5 At the meeting, the Determining Officer will explain the details of the alleged 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

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

19.1.7 If the Determining Officer requires guidance on appropriate outcomes, s/he they may close the meeting and consult with the Deputy Academic Registrar. In such cases, the student will be notified that further consultation is required, and the outcome will normally be communicated to the student(s) in writing within ten working days of the initial meeting.

19.1.8 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 £150;

- 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 engage with Student Services or other appropriate service;
- 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 Stage 2 disciplinary action;
- Referral to the Police.

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

19.1.10 Where the deciding Student Conduct 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
- the relevant Unit Director (or their delegate); or
- a Pro Dean or Associate Dean

Procedure

19.2.3 The Investigator will submit a report of the alleged misconduct to the Deputy Academic Registrar (or delegate), including therein a report of the incident, details of action taken thus far, 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 (not involved in the investigation of the case) 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 17.1.2).

19.2.5 At the meeting, the panel convenor will explain the details of the alleged 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;
- A fine of up to £300;
- 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 engage with Student Services or other appropriate service;
- 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 Stage 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. This may include failure to clear debts against the University.

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; and/or
- A Head of School or a Unit Director; and/or
- A relevant member of Professional Services staff (normally a Deputy Director of Service).

Procedure

- 19.3.3 The Investigator will normally submit a report of the alleged misconduct to the Proctor, including a report of the incident, details of action taken thus far, 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. 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 17.1.2).
- 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 The Level 3 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 meeting outcome in writing within 5 working days of the meeting. The reported student(s) will receive written notification if the outcome will take longer than 5 working days to determine.
- 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;
- 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 engage with Student Services or other appropriate service;
 - 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.

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. Additionally, any financial or other consequences of a suspension of studies 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 a review, should consult the University's Complaints Policy at www.st-andrews.ac.uk/administration/complaints. 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 are reported 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.

Annex A: Code of Student Conduct – Examples of Non-Academic Misconduct and Disciplinary Outcomes

A. People

Type of Misconduct	Examples of Misconduct	Examples of outcomes
<p>A.1 Physical Misconduct</p>	<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 requirement to provide an apology • Completion of a reflective project/report
<p>A.2 Sexual Misconduct (Please also refer to the University's policy statement relating to sexual misconduct)</p>	<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 • 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

(Please also refer to the University's [Student harassment and bullying policy](#))

- Threats to hurt or harm another person
- Verbal or written abuse in any medium including online, including making abusive or derogatory comments relating to an individual's 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

- 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

- 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

- 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
- A requirement to provide an apology
- Completion of a reflective project/report

A.4 Discourteous, Unreasonable or Disruptive behaviour

- 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

- Formal warning
- A requirement to pay for and attend appropriate training
- 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
<p style="text-align: center;">B.1 Damage to property</p>	<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"> Expulsion Suspension A no contact order A ban from/restriction on use of University buildings or services Requirement to pay for any damages or cleaning charges incurred Confiscation of equipment causing damage Referral to the Police
	<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
<p style="text-align: center;">B.2 Unauthorised taking or use of property</p>	<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"> Expulsion Suspension A no contact order A ban from/restriction on use of University buildings or services Referral to the 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

B.3 Anti-social behaviour

Examples of Misconduct

- 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

Examples of outcomes

- 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 unreasonable noise
- A requirement to provide an apology
- Completion of a reflective project/report
- Fine

C. Health, Safety and Wellbeing

Type of Misconduct

C.1 Behaviour which causes risk of harm

Examples of Misconduct

- 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
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- 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

Examples of outcomes

- Expulsion
 - Suspension
 - A ban from/restriction on use of University buildings or services
 - A requirement to pay for and attend appropriate training
 - Fine
 - Referral to the Police
-
- 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• 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">• Expulsion• Suspension• A requirement to pay for and attend appropriate training• A ban from/restriction on use of University buildings or services• Referral to the 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 	<ul style="list-style-type: none"> Expulsion 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 	<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
1.5	Update to links	Published	Lucy McMaster Senior Administrator, Student Conduct	17/11/2021
1.6	Policy Review	Published	Claire Hillson, Student Conduct Officer, Registry	22/09/22
1.7	Policy Review	Published	Heather McNeill, Deputy Academic Registrar	13/09/23