



University of  
St Andrews

# Student Conduct Risk Management Policy

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| <b>Purpose</b>                               | To review concerns regarding student conduct, assessing risk and taking any necessary precautionary action for the protection of the University community. |

| <b>Version number</b> | <b>Purpose / changes</b> | <b>Document status</b> | <b>Author of changes, role and school / unit</b> | <b>Date</b> |
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| 1.6                   | Policy review.           | Published              | Heather McNeill, Deputy Academic Registrar       | 14/09/23    |

## **1. Purpose**

- 1.1 The University has a responsibility to manage risk to staff, students, and its reputation in relation to student conduct. The purpose of this policy is to review concerns regarding student conduct, assessing risk and taking any necessary precautionary action for the protection of the University community.
- 1.2 A risk assessment may be required at any time, and the circumstances necessitating risk assessment are such that each case must be judged on its own merits, taking into account all available information. However, the following situations are likely to result in a risk assessment:
  - A report of misconduct indicating a 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.
- 1.3 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.

## **2. Initial Assessment**

- 2.1 A concern regarding student conduct is normally reported to the Student Conduct Officer who will then determine the appropriate procedure and/or sequence for the matters to be considered. Initial assessment should be carried out in a timeframe appropriate for the perceived risk, with serious cases dealt with as a matter of urgency. All other cases should normally be assessed within five working days. For cases involving allegations made by one student (the reporting student) against another student (the reported student), the University has a duty of care to both students.
- 2.2 In a case that involves alleged conduct that is potentially criminal in nature, the University will take the decision whether to refer the matter to the Police on a case-by-case basis. Any criminal proceedings will take priority. However, the University reserves the right to undertake a risk assessment and/or disciplinary action in advance of the resolution of criminal proceedings.

## **3. Conduct Risk Assessment (Reported Student)**

- 3.1 When an allegation is received that requires further investigation (as set out in the Non-Academic Misconduct Policy and Code of Student Conduct), the Student Conduct Officer will review the initial reported allegation and may decide to:
  - I. Explore risks and complete a risk assessment on the basis of the initial information reported combined with a meeting with the reported student to discuss the allegation. In this instance, the reported student will normally be required to meet with the Student Conduct Officer and another member of staff to discuss the allegation and provide a response. The Student Conduct Officer may also request additional relevant staff to attend or submit information. The reported student will be informed that the purpose of the meeting is to discuss the allegation and consider potential risks and any precautionary measures that may be required.
  - II. Conduct a specific risk assessment meeting with the reported student, accompanied by another member of staff who will act as note taker. In this instance, the reported student will

normally be required to meet with the Student Conduct Officer and another member of staff to specifically discuss the risks relating to the situation and any precautionary measures that may be required, prior to an investigation commencing. The reported student will be informed that the purpose of the meeting is to discuss the potential risks and any precautionary measures that may be required with the Student Conduct Officer, prior to commencement of any investigation.

III. Refer particularly serious cases to a member of the Principal's Office to conduct a risk assessment with an additional member of the University acting as an additional Panel member. A Student Conduct Officer will attend as clerk to this meeting.

- 3.2 At the risk assessment meeting, the potential risks will be discussed, alongside any reasonable and proportionate necessary precautionary measures to address these risks. Guidance will also be given regarding support available to the reported student. Any measures put in place will seek to protect the reporting student, the reported student, and others whilst allegations are dealt with and/ or an investigation is carried out.
- 3.3 A reported student may be accompanied to the meeting by a member of the University. A member of the University is a person who is either presently matriculated as a student or is an employee of the University or is a sabbatical officer or is an employee of the Students' Association of the University of St Andrews. Reported students should be aware that there is no right to legal representation in the meeting. Any request to involve legal representation, if made, will be considered taking into account all of the circumstances of the case.
- 3.4 In exceptional circumstances where it is not possible for a reported student to attend a risk assessment meeting, every attempt will be made to allow the reported 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 in person, remotely via Microsoft Teams, or via equivalent, secure technologies. If a reported student does not attend a risk assessment meeting, the meeting convener reserves the right to proceed in the reported student's absence. Failure to attend a risk assessment without good reason may result in disciplinary action.
- 3.5 Where necessary the member of staff conducting the risk assessment may wish to consult with other relevant staff after the meeting, thereafter setting in place any precautionary measures to manage those risks identified: for example, it may be necessary to consult others regarding the reported student's continued use of a University building or service, or a reported student's contact with other members of the University, in order to determine any on-going risk that may arise.
- 3.6 A brief report of the risk assessment will be recorded by the Student Conduct Officer. The outcomes of the risk assessment will be sent to the reported student and relevant staff in writing, and will include a date for a review of the outcomes. This report will be consulted should any further concerns arise. It is the responsibility of the reported student to inform the Student Conduct Officer of any changes in their circumstances relevant to the initial concerns or precautionary measures. Any failure to comply with precautionary measures will result in a further conduct risk assessment and is likely to result in more serious measures being considered.

#### **4. Sharing outcomes of a Risk Assessment**

- 4.1 Reported students should note that the outcomes of a risk assessment may be shared with those reporting a concern or relevant parties, in cases where the Student Conduct Officer or Risk Assessment Panel Convener deems this appropriate.
- 4.2 Information will be shared where the University has a legal obligation to provide a duty of care. In such cases, reported 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.

- 4.3 The right of others to understand the outcome of a risk assessment may sit alongside reported students' right to privacy. Where information is shared with those reporting a concern, they will be informed that the outcomes are provided in confidence, and there will be restrictions in how that information can be used.

## **5. Information for Reporting Students**

- 5.1 The risk assessment process focuses on managing risks presented by the situation, and risk assessment meetings will only be held with the reported student. Reporting students will be offered the opportunity to provide information about the perceived risks of the situation when they submit a report detailing their allegations. Reporting students should be aware that this information will be directly shared with the reported student.
- 5.2 Should further information be required in advance of a risk assessment meeting, the reporting student will be contacted to request this.
- 5.3 Following the outcome of a risk assessment, the Student Conduct Officer or Risk Assessment Panel Convener will determine whether it is appropriate to inform the reporting student of the implementation of any risk assessment measures directly relevant to them. Reporting students should be aware that it may not be appropriate to share all outcomes of a risk assessment with them, for the reasons set out in section 4 above.
- 5.4 Where a Risk Assessment results in a precautionary measure which may impact on a reporting student (e.g., designating areas in which the reporting/ reported student should not attend, to prevent risk of contact) this will be discussed with the reporting student prior to implementation.

## **6. Risk Assessment outcomes and precautionary measures**

- 6.1 Outcomes of a risk assessment can include, but are not limited to, one or more of the following:
- No further action required;
  - Involvement of Student Services Advisers or other specialist services;
  - Referral to the Non-Academic Misconduct Policy (Students);
  - Referral to the Support to Study Policy;
  - Implementation of precautionary measures to mitigate identified risk, such as:
    - A non-contact arrangement between the parties involved in alleged misconduct;
    - Limits to the use of a particular University building/service;
    - Review of accommodation contract (for residents of University accommodation);
    - Suspension of the assessment and/or reporting of academic work;
    - Compulsory Leave of Absence from the University;
  - Amendment, deferral or withdrawal of an offer of a place (for individuals holding an offer of a place);
  - Referral to the Police.
- 6.2 There is a distinction between precautionary measures to mitigate risk, which are an outcome of this policy, and outcomes of the Non-Academic Misconduct Policy and Code of Student Conduct. Therefore, if precautionary measures are imposed, this does not indicate that the University has judged that a breach of conduct has occurred.
- 6.3 A Compulsory Leave of Absence equates to temporary suspension from the University. International students should be aware that their Visa will normally not be valid during a suspension and it may not be possible to extend a Visa to cover the remaining period of study. Any potential detrimental effect upon a student's immigration status may form part of the considerations (even if not being wholly determinative) in deciding a risk assessment outcome. Any financial or other consequences of a suspension of studies will be the sole responsibility of the student.

## 7. Appeal against the outcome of a Conduct Risk Assessment

- 7.1 A reported student who has been subject to conduct risk assessment as described above can ask the University to review the outcome of the conduct risk assessment and any associated precautionary steps via an appeal. However, where the conduct risk assessment results in a referral to another policy which itself includes a right of appeal, then there is no right of appeal against the initial conduct risk assessment decision.
- 7.2 An appeal against the outcome of a risk assessment 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 risk assessment decision was taken and which could not reasonably have been disclosed by the reported student (an explanation for earlier non-disclosure is always required).
  - b) evidence exists of a material procedural error or irregularity taking place during the risk assessment process.
- 7.3 A request for an appeal, including the grounds on which the appeal is requested, must be made to the Vice Principal (Governance) in writing, no later than 10 working days following communication to the student of the conduct risk assessment outcome. Any precautionary steps will be continued until the outcome of the appeal is communicated to the reported student.
- 7.4 An appeal will normally be heard by the Vice Principal (Governance), or by another member of the Principal's Office, with the exception of the Vice Principal Education (Proctor). The Vice Principal (Governance) has the discretion to remove or vary the precautionary steps. They will make their decision based on the evidence available. The reported student will be advised in writing of the outcome of the appeal i.e., either the precautionary steps applied following the initial conduct risk assessment still apply or a decision to follow a different course of action has been reached.

## 8. Complaints

- 8.1 Any reported student who is dissatisfied with the University's procedures following the conclusion of the risk assessment process and any subsequent request for a review, should consult the University's Complaints Policy at <https://www.st-andrews.ac.uk/terms/complaints/>
- 8.2 Grounds for raising complaints surrounding the Student Conduct Risk Management 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.

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| 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             | 03/08/2021  |
| 1.5                   | Policy Review                | Published              | Claire Hillson, Student Conduct Officer, Registry | 22/09/2022  |
| 1.6                   | Policy review.               | Published              | Heather McNeill, Deputy Academic Registrar        | 14/09/2023  |