



NON ACADEMIC MISCONDUCT POLICY



JULY 1, 2021

THE ISLAMIC COLLEGE

133, High Road Willesden London NW10 2SW

Contents

Introduction.....	2
2. Principles	2
3. Eligibility	3
4. Powers, Limitations and Exclusions	3
5. Types of Non-Academic Misconduct.....	5
6. Initial Assessment, Guidance and Referral.....	6
7. Investigations	7
8. Managing Risk	7
9. Disciplinary Action	8
9.1 Process	8
9.2 Stage 1	9
Staff	9
Procedure	9
Outcomes	10
Appeals	11
9.3 Stage 2	11
Staff	11
Procedure	11
Outcomes	12
Appeals	13
9.4 Stage 3	13
Staff	13
Procedure	14
Outcomes	14
Appeals	15
The University’s Complaints Handling Procedure.....	16
11. Use of Non-Academic Misconduct Data	16

Introduction

- 1.1 This Policy deals with judgements against students in relation to non-academic misconduct and disciplinary matters, whether reports of such misconduct are received from other students, staff or from external sources such as members of the public or Police.
- 1.2 There is a distinction between non-academic matters (for example, misconduct involving damage to the University's property or reputation) and academic matters (for example, allegations of plagiarism). Academic matters in relation to misconduct are subject to the Good Academic Practice Policy.
- 1.3 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.
- 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 be expected to provide a justifiable explanation. Students should however be aware that timescales may be reasonably extended during University vacations when students themselves and/or appropriate staff may not be available. The pace of any criminal proceedings may also affect time limits.

2. Principles

- 2.1 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. This Policy is designed to help and encourage students to achieve and maintain acceptable standards of conduct, and to protect the University community.
- 2.2 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.

2.3 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 as quickly as the specific circumstances allow.

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

3. Eligibility

3.1 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.

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

4. Powers, Limitations and Exclusions

4.1 All students agree to the *Sponsio Academica* when they matriculate. The *Sponsio* indicates that students are subject to the jurisdiction of the Senatus Academicus in respect of their conduct in so far as it affects the University.

4.2 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: www.st-andrews.ac.uk/students/rules/termsandconditionsforstudentsinresidence/

- 4.3 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.
- 4.4 Reference to a student's general record with the University, including academic performance, may be made at any stage of the disciplinary process.
- 4.5 Whilst the University cannot intervene in private agreements (including accommodation and other business arrangements), it must respond to all reports of misconduct involving students.
- 4.6 The standard of proof that will normally 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.
- 4.7 In a case that involves actions that are potentially criminal in nature, the University will normally refer the matter to the Police in the first instance. The University reserves the right, however, to undertake a risk analysis or disciplinary action in advance of the resolution of criminal proceedings.
- 4.8 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.
- 4.9 In some cases, students who have outstanding disciplinary procedures against them may not graduate in person or in absentia until the outcome of the

disciplinary procedures is decided. In such cases, students will be notified of this at the onset of disciplinary procedures.

5. Types of Non-Academic Misconduct

- 5.1 Non-academic misconduct of any type may warrant disciplinary action under this Policy.
- 5.2 For cases of minor misconduct, recourse to formal disciplinary procedures will normally only be taken once reasonable efforts have been made to remedy the difficulties through informal guidance.
- 5.3 The following types of misconduct (these types not being exhaustive) may lead the University to invoke formal disciplinary procedures:-
 - Unacceptable behaviour, towards students, staff or members of the public, for example:
 - verbal and written abuse in any medium, including social media;
 - bullying, harassment (sexual or otherwise) and victimisation, including initiations or hazing, putting others at risk of harm;
 - Misuse of University facilities or name;
 - Repeated or serious failure to follow regulations or instructions, including failure to clear debts against the University;
 - Infringement of University Health and Safety rules;
 - Theft, fraud, deliberate falsification of records or other documents;
 - Fighting or assault;
 - Sexual misconduct;
 - Damage to University property;
 - Possessing, consuming or supplying controlled drugs or legal highs;
 - Inappropriate behaviour caused by excess consumption of alcohol;
 - Conviction of a criminal offence;
 - Making false, vexatious or malicious complaints;
 - Any action liable to bring the University into disrepute.
- 5.4 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.
- 5.5 Multiple incidents of misconduct or acts of serious misconduct may lead to higher disciplinary action being taken.

6. Initial Assessment, Guidance and Referral

6.1 Heads of Schools and Unit Directors (or their delegate) will normally be responsible for making an initial assessment regarding reports of non-academic misconduct and will determine whether the matter can be handled locally with appropriate guidance, or whether the case should be referred to the Student Conduct Officer for potential disciplinary action.

6.2 Guidance might 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.

6.3 Cases referred to the Student Conduct Officer will normally require consideration in a disciplinary context. Disciplinary action, rather than guidance, will 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 actions.

6.4 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, s/he will discuss the situation with the Student Conduct Officer and a joint decision will be taken as to the appropriate category of University response.

6.5 In cases where a report is made directly to the Student Conduct Officer (e.g. by a member of the public, student or any other party affected), the Student Conduct Officer will assess the report and determine whether guidance or further investigation and

possible disciplinary action is appropriate. If a report does not require disciplinary action, the Student Conduct Officer will provide guidance to the student.

7. Investigations

7.1 The Student Conduct Officer is responsible for investigating allegations of non-academic misconduct. The investigation may include (but is not limited to):

- Interviews with relevant staff;
- A check of CCTV and swipe access records if available;
- Interviews with students, staff, members of the public or members of the emergency services who may have information;
- Emailing other students to ask for information (if appropriate, e.g., in a University Residence);
- Review of any other relevant information.

7.2 Where the Student Conduct Officer identifies a student responsible for non-academic misconduct, s/he will also check for previous cases of misconduct (academic or non-academic) involving the student.

8. Managing Risk

8.1 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 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.

8.2 Further information is available in the Student Conduct Risk Management Policy:

www.st-andrews.ac.uk/students/rules/appeals/non-academicmisconduct/

9. Disciplinary Action

9.1 Process

- 9.1.1 There are three stages of disciplinary action. The University reserves the right to take action at any stage, or to omit stages, depending on the gravity of the offence or where a conflict of interest exists. However, it is anticipated that most reports of misconduct will be handled at Stage 1, with only serious or repeated cases being escalated to higher stages.
- 9.1.2 Cases of misconduct involving prospective students holding an offer of a place will always be referred to Stage 2.
- 9.1.3 At every stage in the disciplinary process the student will have the right to be accompanied to meetings with staff by a member of the University. A member of the University is a person who is either presently matriculated as a student (but who is unrelated to the case), or is an employee of the University Court of the University of St Andrews or who is elected as a Sabbatical Officer or is an employee of the Students' Association of the University of St Andrews. Students should be aware that no other persons may accompany or represent them during disciplinary meetings, including legal representation.
- 9.1.4 In cases involving multiple students, the Student Conduct Officer or the Stage 2/3 panels will decide whether to meet with each student individually or as a group. If a student wishes to request an individual meeting, s/he 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.
- 9.1.5 If a student has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with the Student Conduct Officer, in conjunction with a University Disability Adviser.
- 9.1.6 In exceptional circumstances where it is not physically possible for a student to attend a disciplinary meeting in person, 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. Students should be aware that in the event of their non-attendance at any disciplinary meeting, the University reserves the right to proceed with the appropriate disciplinary steps in the student's absence. Failure to attend a disciplinary meeting without good reason may result in further disciplinary action.
- 9.1.7 An appeal against a disciplinary decision is admissible only where one of the following grounds are alleged to apply:

- 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).
- 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.

9.1.8 An appeal must be made in writing within 10 working days of the date of the decision subject to review. Further details are provided in sections 9.2.8, 9.3.9 and 9.4.11.

9.1.9 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.

9.1.10 Students should note that the outcomes of disciplinary action may be shared with complainants, in cases where the Student Conduct Officer or Panel Convenor deems this appropriate. 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 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 exceed 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.

9.2 Stage 1

Staff

9.2.1 The Student Conduct Officer, in consultation with the Assistant Registrar, is responsible for the decision to deal with a misconduct case at Stage 1, and for managing Stage 1 disciplinary cases.

Procedure

- 9.2.2 The student will normally be required, receiving no less than 48 hours' notice (except when time critical constraints apply), to meet with the Student Conduct Officer and another member of staff (usually from the relevant area of the University). The student may be accompanied to the meeting by a member of the University (see definition at clause 9.1.3).
- 9.2.3 At the meeting, the Student Conduct Officer will explain the details of the misconduct to the student, who will be invited to comment. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

Outcomes

- 9.2.4 The Student Conduct Officer will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.
- 9.2.5 If the Student Conduct Officer requires guidance on appropriate outcomes, s/he may close the meeting and consult with the Assistant Registrar. In such cases, the student will be notified that further consultation is required, and the outcome will be communicated to the student in writing within ten working days of the initial meeting.
- 9.2.6 Outcomes of Stage 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 a University building or service;
 - 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;
 - 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 Assistant Registrar for Stage 2 disciplinary action.

- 9.2.7 A record of the outcome will be held by Registry, and this record will be checked in the event of further misconduct.
- 9.2.8 Where the Student Conduct Officer or Assistant Registrar deems appropriate, the relevant Heads of School may be notified about the outcome of disciplinary action.

Appeals

- 9.2.9 An appeal against a disciplinary decision made at Stage 1 is admissible only where one of the following grounds are alleged to apply:
- 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). An appeal must be made in writing to the Student Conduct Officer within 10 working days of the date of the decision subject to review. The subsequent decision of the Student Conduct Officer is final.
 - evidence exists of a material procedural error or irregularity taking place during the disciplinary process. An appeal must be made in writing to the Assistant Registrar within 10 working days of the date of the decision subject to review. The subsequent decision of the Assistant Registrar is final.

9.3 Stage 2

Staff

- 9.3.1 The Assistant Registrar (or delegate) will manage any case which has been referred from Stage 1, or is sufficiently serious to warrant a higher level of disciplinary action. The decision to act at Stage 2 or refer to Stage 3 will be determined by the Assistant Registrar, who may consult as necessary.
- 9.3.2 A Stage 2 panel is convened by the Assistant Registrar (or delegate) and includes one of:
- the University Security Manager;
 - or the relevant Unit Director; or
 - a Pro Dean or Associate Dean.

Procedure

- 9.3.3 The Student Conduct Officer will normally submit a report of the alleged misconduct to the Assistant Registrar, including therein 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. The written report presented to the Assistant Registrar will be shared with the panel and the student at least 5 working days prior to the student's Stage 2 disciplinary meeting. The Assistant Registrar will invite the student to submit any additional information relevant to their case to be submitted to Registry no later than 2 working days prior to the date of the disciplinary meeting.

9.3.4 The student will normally 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. The Student Conduct Officer will act as clerk to the meeting. A student may be accompanied to the meeting by a member of the University (see definition at clause 9.1.3).

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

Outcomes

9.3.6 The Stage 2 panel will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.

9.3.7 Outcomes of Stage 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 a University building or service;
- 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;
- 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.

9.3.8 A record of the outcome will be held by Registry, and this record will be checked in the event of further misconduct.

9.3.9 Where the panel deems appropriate, the relevant Heads of School may be notified about the outcome of disciplinary action.

Appeals

9.3.10 An appeal of a disciplinary decision made at Stage 2 is admissible only where one of the following grounds are alleged to apply:

- 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). An appeal must be made in writing to the Assistant Registrar within 10 working days of the date of the decision subject to review. The subsequent decision of the Assistant Registrar is final.
- evidence exists of a material procedural error or irregularity taking place during the disciplinary process. An appeal must be made in writing to the Proctor within 10 working days of the date of the decision subject to review. The subsequent decision of the Proctor is final.

9.4 Stage 3

Staff

9.4.1 The Proctor (or equivalent) will manage any case which has been referred from Stage 2, or is sufficiently serious to warrant the highest level of disciplinary action. This may include failure to clear debts against the University.

9.4.2 A Stage 3 panel is convened by the Proctor (or delegate) and includes one of:

- Another member of the Principal's Office; or
- A Dean; or
- A Head of School or a Unit Director.

Procedure

9.4.3 The Assistant Registrar will normally submit a report of the alleged misconduct to the Proctor, including therein 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. The written report presented to the Proctor will be shared with the student at least 5 working days prior to the student's Stage 3 disciplinary meeting. The Proctor will invite the student to submit any additional information relevant to their case to be submitted to the Proctor's Office no later than 2 working days prior to the date of the disciplinary meeting.

9.4.4 The student 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 Assistant Registrar will act as clerk to the meeting. A student may be accompanied to the meeting by a member of the University (see definition at clause 9.1.3).

9.4.5 At the meeting, the panel convenor will explain the details of the misconduct to the student. The student will be invited to make a statement in response and to add anything to the written submissions previously circulated. Any previous disciplinary action, remedial action taken by the student prior to the meeting or other relevant information will also be discussed.

Outcomes

9.4.6 The Stage 3 panel will determine an appropriate outcome and communicate this to the student either at the meeting or afterwards. The student will normally receive notification of the meeting outcome in writing within 5 working days of the meeting.

9.4.7 Outcomes of Stage 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 a University building or service;
- 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;
- 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;
- Expulsion from the University.

9.4.8 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 suspensions from study and expulsions will be recorded on the student's transcript.

9.4.9 Where the Proctor or delegate deems appropriate, the relevant Heads of School may be notified about the outcome of disciplinary action.

9.4.10 International students should note that their Tier 4 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.

Appeals

9.4.11 An appeal against a disciplinary decision made at Stage 3 is admissible only where one of the following grounds are alleged to apply:

- 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). An appeal must be made in writing to the Proctor within 10

working days of the date of the decision subject to review. The subsequent decision of the Proctor is final.

- evidence exists of a material procedural error or irregularity taking place during the disciplinary process. An appeal must be made in writing to the Vice-Principal, Governance within 10 working days of the date of the decision subject to review. The request will be considered by a member of the Principal's Office other than the Proctor or another member of senior staff. The subsequent decision of the reviewer is final.

10. The University's Complaints Handling Procedure

10.1 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

11. Use of Non-Academic Misconduct Data

11.1 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.

11.2 Details of non-academic misconduct offences 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 or disciplinary process.