

## UNIVERSITY OF YORK

### AMENDMENTS TO UNIVERSITY ORDINANCES & REGULATIONS FOR THE 2022/2023 EDITION (i.e. amendments approved by Senate during 2021/22)

#### ORDINANCES

Insert new Ordinance as follows:

##### **ORDINANCE 15: CAMPUS STATUS**

**Partner Institutions can be granted campus status in accordance with the International Campus Policy.**

#### REGULATIONS

##### **REGULATION 2 (RESEARCH DEGREES)**

A number of amendments to Regulation 2 (Research Degrees) have been approved, with the key changes as follows:

- i. Regulation 2.5: deletion of obsolete clauses, the content of which is now covered within clauses 2.5 (a) and 2.5 (b), as previously approved in 2021;
- ii. Regulation 2.6: deletion of clauses which are duplicated within Regulation 2;
- iii. Regulations 2.7.5, 2.7.6, 2.7.7 and 2.7.9: addition of numbering to paragraphs to improve clarity;
- iv. Regulation 2.9 (PhD by Publication): the purpose of the PhD by Publication is to offer a PhD route to staff with a considerable publication record who do not already have a PhD. The PhD by Publication route is intended to benefit not just the individual but also the institution, and the Regulation has therefore been amended accordingly. Additional changes have been made to improve clarity and address procedural changes.

##### **Amendments:**

- a. Regulation 2.5: delete clauses 2.5 (c), 2.5 (d) and 2.5 (e) and the 'Powers of Boards of Studies' box and its contents;
- b. Regulation 2.6: delete clauses 2.6 (d), 2.6 (e) and 2.6 (f);
- c. Regulation 2.7.5: re-letter the individual paragraphs as 2.7.5 (a)-(c);
- d. Regulation 2.7.6: re-letter the paragraph 2.7.6 (a) and split it after "time limits on extensions)." to form a second clause 2.7.6 (b);
- e. Regulation 2.7.7: re-letter the individual paragraphs (a)-(d). In clause (b), as re-lettered, after "penalties to be applied" insert "(which may include termination of a student's enrolment or candidature for award in the cases of severe or repeated academic misconduct)";
- f. Regulation 2.7.9: re-letter the individual paragraphs as 2.7.9 (a)-(b);
- g. Regulation 2.9: delete Regulation 2.9 and substitute with the following new text (previous text provided for reference):

**PREVIOUS TEXT**

2.9 Regulations for PhD by publication

The degree of Doctor of Philosophy by Publication may be conferred by the University. To be admitted under these regulations a candidate shall:

(a) (i) have held a relevant first degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least four years before registering the intention to submit for the degree; or

(a) (ii) have held a relevant masters degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least three years before registering the intention to submit for the degree, and

(b) have held an appointment as a member of academic, research, administrative, library, computing or other related staff of the University for at least three years before registering the intention to submit for the degree, and

(c) have presented work which has satisfied the examiners and which contains a substantial original contribution to knowledge or understanding.

2.9.1 A person wishing to submit work for the award of this degree shall first seek permission from the Graduate School Board of the department concerned. If permission is given, the Graduate School Board shall appoint a member of staff as adviser. The adviser shall direct the preparation of the submission, including the writing of the integrative chapter that will accompany the publications. On the recommendation of the adviser, and with the approval of the Graduate School Board, the person may register an intention to submit work for the award of the degree.

**NEW TEXT**

2.9 Regulations for PhD by Publication

2.9.1 The degree of Doctor of Philosophy by Publication may be conferred by the University. The PhD by Publication offers a PhD route for staff who have a considerable publication record in a particular field but do not hold a PhD in that area. To be admitted under these regulations a candidate shall meet the eligibility requirements for the PhD by Publication (see below) and have presented work which has satisfied the examiners and which contains a substantial original contribution to knowledge or understanding.

2.9.2 To be eligible to be considered for a PhD by Publication, an individual must: (i) have held a relevant first degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least four years before registering the intention to submit for the degree; OR have held a relevant masters degree of this or of another university approved by the Senate for this purpose, or a qualification recognised by the Senate as equivalent, for at least three years before registering the intention to submit for the degree, AND (ii) be employed as a member of one of the following staff groups within the University - Teaching and Research; Research; or Teaching and Scholarship - and have been employed in this capacity on a continuous basis for at least two years before registering the intention to submit for the degree. An individual who does not meet the eligibility criteria (staff group or time in employment at York *only*) may ask their Head of Department, or equivalent, to request an eligibility waiver from the Dean of YGRS if a case can be made that it is the department's interests for the individual to submit work for a PhD by Publication.

2.9.3 An individual wishing to submit work for a PhD by Publication shall first seek permission from the Graduate School Board (or equivalent) of the department which is academically best-placed to oversee the submission. The individual should submit a case which demonstrates how they meet

<p>2.9.2 Registration of an intention to submit must be made in writing to the Registrar and Secretary. Unless the Standing Committee on Assessment approves otherwise, the work will be submitted for examination not less than three months and not more than twelve months after registration of the intention to submit.</p> <p>2.9.3 A significant proportion of the work submitted for the award of the degree shall have been carried out during the period of employment at the University and normally during the eight years immediately preceding the registration of intention to submit (acknowledging for example, the potential impact of parental or sick leave).</p> <p>2.9.4 A candidate may not submit work that has already been submitted, by the candidate or by another person, for a degree in this or any other university, except where the previously submitted work is explicitly identified, in a declaration signed by the candidate, as preliminary work from which the remaining work submitted has developed. The candidate must identify his/her contribution to the previously submitted work.</p> <p>2.9.5 Where co-authored works are submitted, the candidate must provide a written statement, signed by the candidate and by one or more of the major contributory co-authors, specifying the candidate's individual contribution and the conditions and circumstances in which the work was carried out.</p> <p>2.9.6 The work submitted shall be comparable in quantity and academic standard to that submitted by a candidate for the degree of PhD by thesis, and</p> <p>(a) shall have already appeared in print, or shall have been accepted for publication and be accompanied by an official, final acceptance which indicates that no further revision is required, or shall have been published on the website of the journal concerned in advance of publication in printed form. The evidence of acceptance for publication must be satisfactory to the departmental Graduate School Board concerned and to the examiners;</p>	<p>the eligibility requirements of the award and how they intend to meet the academic requirements of the award, which will be reviewed by the Graduate School Board. If the case is accepted, the Graduate School Board shall appoint a member of staff as an adviser to the individual, to aid them in the preparation of the submission.</p> <p>2.9.4 Registration of intention to submit for a PhD by Publication must be made in writing to Academic Registrar by the individual, on the recommendation of the adviser and with the approval of the Graduate School Board. Unless the Standing Committee on Assessment approves otherwise, the work should be submitted for examination not less than three months and not more than twelve months after registration of the intention to submit.</p> <p>2.9.5 The work submitted by the candidate for the PhD by Publication shall be comparable in quantity and academic standard to that submitted by a candidate for the degree of PhD by thesis, and:</p> <p>(a) shall have already appeared in print, or shall have been accepted for publication and be accompanied by an official, final acceptance which indicates that no further revision is required, or shall have been published on the website of the journal concerned in advance of publication in printed form. The evidence of acceptance for publication must be satisfactory to the departmental Graduate School Board concerned and to the examiners;</p> <p>(b) shall normally comprise a research monograph, one or more authored books or papers in refereed journals, or musical compositions. The inclusion of some material in the form of chapters in edited books shall be permitted;</p> <p>(c) shall be accompanied by an integrative chapter, not exceeding 10,000 words, which summarises the aims, objectives, methodology, results and conclusions of all the work submitted, and explains how it forms a coherent body of work and makes an original contribution to knowledge or understanding. The integrative chapter will also</p>
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<p>(b) shall normally comprise a research monograph, one or more authored books or papers in refereed journals, or musical compositions. The inclusion of some material in the form of chapters in edited books shall be permitted;</p> <p>(c) shall be accompanied by an integrative chapter, not exceeding 10,000 words, which summarises the aims, objectives, methodology, results and conclusions of all the work submitted, and explains how it forms a coherent body of work and makes an original contribution to knowledge or understanding. The integrative chapter will also specify the candidate's contribution to the work submitted;</p> <p>(d) The work should be presented and submitted in accordance with the rules for the submission of theses as set in the Policy on Research Degrees.</p> <p>2.9.7 Every candidate for the degree shall be examined by at least two and not more than three examiners, two of whom shall not be members of the academic staff of the University.</p> <p>(a) Every candidate for the degree of PhD is required to present himself/herself for oral examination on the subject of his/her submitted work and on matters relevant to it, unless approval to dispense with the oral examination has been granted by the examiners and the Standing Committee on Assessment. Wherever such dispensation is approved, the examiners must include a special note on the circumstances of each individual case in their report to the Senate.</p> <p>(b) If the examiners are of the opinion that a candidate examined by them has not attained the standard required for the degree, they may at their discretion recommend:</p> <p>(i) the revision and resubmission of the integrative chapter, after a further period of not more than twelve months; and/or the submission of additional work, within a period to be proposed by the examiners and approved by the Standing Committee on Assessment; or</p>	<p>specify the candidate's contribution to the work submitted;</p> <p>(d) shall not already have been submitted, by the candidate or by another person, for a degree in this or any other university, except where the previously submitted work is explicitly identified in a declaration signed by the candidate (which also identifies their contribution to the previously submitted work) as preliminary work from which the remaining work submitted has developed;</p> <p>(e) shall have been subject to all the necessary ethical approvals:</p> <p>(f) shall be sufficiently current, and normally have been carried out during the eight years immediately preceding the registration of intention to submit (acknowledging for example, the potential impact of parental or sick leave). A proportion of the work submitted shall normally have been carried out during the period of employment at the University;</p> <p>(g) where co-authored works are submitted, the candidate must provide a written statement, signed by the candidate and by one or more of the major contributory co-authors, specifying the candidate's individual contribution and the conditions and circumstances in which the work was carried out;</p> <p>(h) shall be presented and submitted in accordance with the rules for the submission of theses as set in the Policy on Research Degrees.</p> <p>2.9.6 Every candidate for the PhD by Publication:</p> <p>(a) shall be examined by at least two and not more than three examiners, two of whom shall not be members of the academic staff of the University.</p> <p>(a) is required to present themselves for oral examination on the subject of their submitted work and on matters relevant to it, unless approval to dispense with the oral examination has been granted by the examiners and the Standing Committee on Assessment. Wherever such dispensation is approved, the examiners must</p>
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<p>(ii) that the degree of MPhil be conferred upon the candidate; or</p> <p>(iii) that no degree be awarded.</p>	<p>include a special note on the circumstances of each individual case in their report to the Senate.</p> <p>2.9.7 If the examiners are of the opinion that a candidate examined by them has not attained the standard required for the degree, they may at their discretion recommend:</p> <p>(i) the revision and resubmission of the integrative chapter, after a further period of not more than twelve months; and/or the submission of additional work, within a period to be proposed by the examiners and approved by the Standing Committee on Assessment; or</p> <p>(ii) that the degree of MPhil be conferred upon the candidate; or</p> <p>(iii) that no degree be awarded.</p>
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**REGULATION 6.5 (PROGRESS AND PROGRAMME TRANSFERS)**

This Regulation relating to progression for taught students has been amended to include reference to Special Cases Committee's oversight and policy relating to programme extensions (in order to ensure the Regulation accurately reflects current practice).

**Amendments:**

Previous clause 6.5(g) to become 6.5(h) and a new clause 6.5(g) to be inserted as follows:

*6.5(g) Where it is necessary to extend a student's programme end-date, either as a result of a successful exceptional circumstances claim made in accordance with the Exceptional Circumstances Affecting Assessment procedures, or for other procedural reasons, the extension requires the approval of the relevant Board of Studies. Certain cases will require the approval of Special Cases Committee, as detailed in the Special Cases Committee guidance on programme extensions.*

**REGULATION 7 (STUDENT DISCIPLINE)**

This Regulation has been extensively amended in order to clearly separate out Academic Misconduct and Non-Academic Misconduct Procedures from the Regulation in response to feedback from students, campaign groups and other stakeholders. The agreed revisions were subject to consultation with students and staff and also took professional legal advice into account.

The key changes are as follows:

- (a) removal of the automatic right to be accompanied by another student;
- (b) addition of evidence being required where a student requests a delay to their disciplinary panel hearing;
- (c) addition of an explicit reference to online and distance learners;
- (d) addition of explicit references to PGR contexts;
- (e) inclusion of the right to conclude a disciplinary process after a student deregisters;
- (f) inclusion of a time limit for 'suspension' as a sanction;
- (g) addition of an explicit reference to no audio or video recordings of proceedings being permitted;
- (h) amending the requirement to disclose bail conditions and charges to the Academic Registrar to disclosures being made to the Conduct and Respect Team;
- (i) addition to the principle of "Communication" that Reasonable Adjustments will be made for those who require them;
- (j) explicit inclusion of the need to share information where a student's course leads to professional registration;
- (k) general simplification of language and correction of minor grammatical errors.

The full new Regulation 7 is as follows:

**Regulation 7 is the framework under which the University can investigate and respond to reports of student misconduct.**

This Regulation should be read in conjunction with:

- Non-Academic Misconduct Disciplinary Procedure
- Academic Misconduct Disciplinary Procedure

#### 7.1 Scope

#### 7.2 Acts of Misconduct

#### 7.3 Principles

#### 7.4 Sanctions

#### 7.5 Authority to act and responsibility for this Regulation

#### 7.6 Reporting matters to the police

#### 7.7 Criminal Justice Proceedings

#### 7.8 Precautionary action

#### 7.9 Record keeping, use of data and monitoring

### **7.1. Scope**

7.1.1 This Regulation applies to reported incidents of misconduct by students registered at the University of York. Misconduct refers to actions or omissions which cause, or may cause, injury, physical or mental harm or damage to people, property, or the reputation or academic integrity of the University. This includes actions or omissions which obstruct or prevent the proper functioning of the University or impede any member of the University from carrying out their studies or work. It also includes actions or omissions designed to mislead or defraud the University. Misconduct may occur intentionally or unintentionally.

7.1.2 Misconduct includes incidents which take place either inside or outside the physical boundaries of University premises, and includes behaviours which occur online, or at University-related business or events.

7.1.3 This Regulation applies to all students registered to study at the University of York, including those on a Leave of Absence, those currently suspended from study, and those on distance learning or online programmes.

7.1.4 Where more than one student is involved in a case of reported misconduct, the University may choose whether to take joint or separate action against them.

7.1.5 Where it is reported that misconduct has taken place outside University premises (for instance on a placement, internship, academic conference, cross-institutional training event, or professional or work experience setting) and is considered under the process of the host institution / organisation, the University retains the right to consider the misconduct under its own procedures also.

7.1.6 If a student involved in a disciplinary process deregisters from the University while the process is ongoing, the University reserves the right to continue the procedure and make a decision or finding where it considers that its safeguarding duties or the public interest reasonably requires it to do so. Where it does not continue the procedure, the University may refer to the fact that there was an ongoing procedure to a third party if it considers there are safeguarding or public interest reasons to do so and/or to comply with any regulatory reporting requirements.

7.1.7 It may be the case that a student is subject to more than one University procedure. Depending on the individual circumstances of each incident, the University reserves the right to suspend one procedure until the outcome is known, or it may be appropriate for certain procedures to run in parallel, e.g. Support to Study / Attend, Fitness to Practise, Non-Academic Misconduct Disciplinary Procedure, and so on. Students who are also employed by the University may also be subject to relevant staff procedures.

### **Out of Scope**

7.1.8 The University's student discipline regulation and associated student discipline procedures do not seek to reproduce elements of criminal law and are not formal legal processes. Accordingly, it is not normally necessary or appropriate for legal representation during this procedure except in exceptional circumstances and at the student's own cost.

7.1.9 There may be some matters that would be more appropriately dealt with under non-disciplinary University procedures such as; Terms and Conditions of Residence, Support to Study / Attend, Fitness to Practise, and so on. Students will be referred to the appropriate University procedure where required. Similarly, matters investigated under alternative University procedures may be referred to Disciplinary Procedures.

7.1.10 Allegations of misconduct by a member of University staff should be reported through the student complaints procedure.

7.1.11 This Regulation and associated procedures are not intended to deal with tensions or a breakdown in relationships between students, unless the behaviour of the student(s) concerned may also constitute misconduct. The University, where appropriate, will facilitate communication in such circumstances to try to resolve matters.

## 7.2 Acts of misconduct

7.2.1 The following list offers illustrative examples of the types of behaviour categories which would be considered misconduct and potentially result in disciplinary action being taken under the relevant disciplinary procedure. The list is non-exhaustive and, where appropriate, the University can take disciplinary action in relation to behaviours not specifically listed below. Fuller definitions are given in the associated procedures.

- (a) **Physical Misconduct**
- (b) **Sexual Misconduct**
- (c) **Abusive, Threatening, or Unacceptable Behaviour**
- (d) **Damage to Property**
- (e) **Unauthorised Taking or Use of Property**
- (f) **Causing a Health or Safety Concern or Risk**
- (g) **Operational Obstruction**
- (h) **Damage to the Reputation of the University**
- (i) **Criminal Convictions**
- (j) **Serious or Repeated Academic Misconduct**

7.2.2 Acts of misconduct are categorised as “level one” or “level two”, depending on the severity of the behaviour. Any sanction applied will consider the level of the misconduct.

7.2.3 Where appropriate, informal action may be taken where breaches concern a student’s Terms and Conditions of Accommodation or Fire Safety Regulations, without the need to initiate a formal disciplinary process. Informal action will normally only be appropriate if it is the first time concerns about the student’s behaviour have been raised.

7.2.4 **Level One** - Alleged student misconduct which, while serious, does not represent a high risk to the University community or the University’s reputation. Level one misconduct will be dealt with formally, including an investigation and disciplinary meeting. A finding of level one misconduct may result in formal sanctions, but will not result in suspension or expulsion.

7.2.5 **Level Two** - Alleged student misconduct that involves behaviour which causes, or may cause, serious injury, physical or mental harm or damage to people, property or the reputation or academic integrity of the University. A finding of level two misconduct may lead to disciplinary sanctions up to and including suspension or expulsion. It will always be highlighted to a student if a case is considered to be one that is of such serious concern as to constitute level two misconduct.

7.2.6 In cases of Academic Misconduct, the Academic Misconduct Procedure specifies whether the potential sanction includes suspension or expulsion. When it does not include the possibility of suspension or expulsion, the misconduct becomes a level one matter; when it does include those possibilities, the misconduct becomes a level two matter.

7.2.7 There may be movement between levels if new information or evidence is brought forward. The decision to move between levels will be made by an appropriate decision maker, as detailed in the associated disciplinary procedures. The student will be informed in writing if there is a change in the level of misconduct being considered, and provided with details of any new allegations and potential sanctions.

## 7.3. Principles

7.3.1 The following principles will apply to the application of disciplinary procedures:



- (a) **Authority to act** - Those with delegated authority to make decisions are detailed in the associated Non-Academic and Academic Procedures, and will be responsible as appropriate for the operational management of cases, decisions and outcomes.
- (b) **Balance of probabilities** -The standard of proof for disciplinary decisions is the ‘balance of probabilities’, that is, it is more likely than not that something happened. Decision makers will make reasonable decisions and give reasons for their decisions.
- (c) **Communication** – Communication with students under disciplinary procedures will typically be by email, to the student’s University email address. Meetings and hearings may take place in person or using electronic communications, such as video and telephone conferencing. Reasonable adjustments will be made in accordance with communication, disability or engagement needs.
- (d) **Confidentiality** – All individuals involved in disciplinary procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University. Any meetings called will be private (not held in public) to the individuals whose attendance is requested and no audio or video recordings are permitted, except where needed as a reasonable adjustment.
- (e) **Equality and Diversity** - To ensure fair treatment and, where appropriate, provision of support by the University in the application of this procedure, students will be invited to provide information about any equality or diversity issues which may be relevant to enable them to fully participate in the procedure.
- (f) **Informal resolution** - Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to formal procedures. University staff are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action.
- (g) **Interim suspension or exclusion from campus** - At any stage in a disciplinary procedure, if appropriate, a student may be suspended or excluded from all or part of the University campus. Interim suspension or exclusion is not a sanction and is not an indication of culpability.
- (h) **Investigation** – An investigation shall be undertaken before any disciplinary finding is reached or sanction applied. Where it is considered appropriate, the contents of an investigation under another procedure (for example, Fitness to Practise or Support to Study / Attend) may be used as part of a disciplinary procedure.
- (i) **Natural justice** - Those involved in decision making will come to matters without bias, will be independent and impartial, and will not have previous involvement with the matter (or personal knowledge of the people involved). Individuals who consider they may have any conflict of interest should declare it and have nothing further to do with the formal procedure. Reported students shall be advised in writing of the nature of the allegations made against them and will be given the opportunity to respond to the allegation, stating their case and providing evidence. There will be a fair hearing involving a review of all arguments, documents and any witness evidence.
- (j) **Mitigating and Aggravating Factors** - Any sanction imposed will take account of any mitigating or aggravating factors determined to be relevant. Students will be asked to provide evidence of any mitigating factors during the investigation and/or disciplinary meeting/hearing, before any sanction is decided.

(k) **Right to appeal** - Students have the right to appeal against the outcome of a formal disciplinary process and/or any sanctions that are applied under disciplinary procedures. Details of timescales and the procedure for appeals will be provided in writing. Sanctions or warnings issued as a result of disciplinary procedures will remain in force pending the outcome of any appeal.

(l) **Right to be accompanied** - In any formal disciplinary meeting or hearing with University staff, students have the right to be accompanied by a Students' Union representative, or a member of University staff who is not directly involved in the matter.

If a student would like to be accompanied by someone other than those listed, a formal request should be made in writing. The request will be considered by the appropriate decision maker and permission may be given. The University does not normally permit legal representation at any disciplinary meetings, but in exceptional circumstances, the University may consider external legal representation at Disciplinary Panel Hearings.

(m) **Timescales** - The University aims to deal with formal reports and any subsequent disciplinary procedure in a timely manner and will normally undertake an investigation and consideration of a case within 60 days of an investigation commencing. Any appeal will normally be heard within 30 days of the appeal being submitted. While every effort will be made to comply with these timescales, in some cases, due to the complexity and or specific circumstances of the case, timescales may be extended.

(n) **Reasonable notice** - No less than five working days notice will be provided for any stage two disciplinary meeting or hearing and information will be shared with students in advance. If a student repeatedly fails to respond to or engage with a disciplinary procedure in a timely fashion, the University may proceed to reach a decision in the absence of the student. A student on placement or away for other reasons will still be required to engage with a disciplinary procedure and may be required to return to the University in a timely manner, if it is not possible or appropriate for engagement to take place online and/or at distance.

Disciplinary meetings and hearings of Disciplinary Panels may take place in the absence of the student concerned, provided that reasonable steps to inform the student of the meeting or hearing have been taken. The University may agree to a prior request to change the date of a meeting, for good reason, such as ill-health, for which evidence may be required.

## 7.4 Sanctions

7.4.1 The Disciplinary Manager or Panel (as appropriate) has the discretion to decide what sanction is appropriate for an act of misconduct. This decision will take into account the nature of the misconduct, matters of mitigation and aggravation, and the impact of the behaviour on those who have been affected. Any sanction will be proportionate to the act of misconduct. The reason for the decision shall be recorded in writing and shared with the student.

### 7.4.2 Sanctions can be one or more of the following:

- An action plan and conditions for improvement in conduct (to be reviewed within a stated time frame);
- A verbal warning;
- A formal written warning;

- Compulsory attendance at a workshop, training and/or coaching session;
- An apology in person or in writing;
- Restorative measures relevant to the misconduct;
- Restrictions, such a requirement not to contact a person impacted by misconduct;
- Payment of repair, cleaning and/or replacement costs up to a maximum of £500;
- Partial or full exclusion from specific events, parts or the whole of the campus;
- Suspension from the University for a specified period of time (no more than two academic years);
- Permanent expulsion from the University.

This list is illustrative rather than exhaustive and the circumstances of each case will influence which sanction(s) are appropriate.

7.4.3 Suspension or expulsion from the University will only be considered as a sanction in level two cases.

## **7.5 Authority to act and responsibility for this Regulation**

7.5.1 The Vice-Chancellor has delegated overall responsibility for this Regulation to the Academic Registrar.

7.5.2 The day-to-day operational responsibilities for overseeing the implementation of disciplinary processes are detailed in the associated procedures.

7.5.3 Responsibility for considering appeals has been delegated to those named in the associated Academic and Non-Academic Procedures.

## **7.6 Reporting matters to the police**

7.6.1 Any student or member of staff is free to report any alleged criminal offence to the police.

7.6.2 Where it is reported that a criminal offence may have been committed against the University, the University may report the incident to the police.

7.6.3 In cases where the behaviour in question has impacted another student directly, the University will normally respect the decision of the impacted person of whether or not to report the matter to the police. However, the University may start disciplinary action against the reported student and investigate the incident on its own volition.

7.6.4 The University may in exceptional circumstances, following a risk assessment, decide to report an incident to the police against the wishes of the impacted person. Such a decision will consider the duty of care and safeguarding of the University community. The University will explain its decision and the reasons to the impacted person either in advance or as soon as possible after the report is made.

## **7.7 Criminal Justice Proceedings**

7.7.1 If a report of misconduct under a disciplinary procedure is also subject to police investigation, the reported student should keep the Conduct and Respect team updated as to the progress of the police case.

7.7.2 The University reserves the right to either suspend or continue with the disciplinary process in cases where a police investigation is ongoing, or has been suspended or discontinued. The University also reserves the right to proceed with the disciplinary process when a student has been acquitted in criminal proceedings.

7.7.3 If a student is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the University reserves the right to make a decision based on the available evidence.

7.7.4 Students are required to inform the University of any bail conditions they are subject to in writing to the Conduct and Respect team at the earliest opportunity, but no more than five days after they are received. A copy of the bail conditions as issued to the student should be provided along with this disclosure. The University's normal policy is to provide reasonable support so that a student can continue with their studies safely while abiding by any bail conditions that may be in place, if appropriate and practicable to do so.

7.7.5 Students are required to inform the University immediately if they are charged with, or convicted of, a relevant criminal offence while registered as a student at the University, or on a Leave of Absence. The definition of a "relevant" offence can be found in the non-academic misconduct procedure. Disclosures should be made in writing to the Conduct and Respect team at the earliest opportunity but no more than five days after the conviction. Failure to disclose could jeopardise the student's enrolment status.

## **7.8 Precautionary action**

7.8.1 There may be circumstances that require immediate action to ensure that the University fulfils its duty of care towards students and staff as indicated by a risk assessment.

7.8.2 The Director of Student Life and Wellbeing may, in consultation with a member of the Student and Academic Services Management Team, on an interim basis, suspend a student's registration, or exclude them from the whole, or any part of the University or its precincts and/or impose other conditions on the student's continued study on an interim basis.

7.8.3 The decision to suspend, exclude and/or to place interim conditions will only be considered where sufficient alternative measures cannot be put in place to mitigate the level of risk.

7.8.4 Any suspension, exclusion or conditions will be limited to a specified period of time and will be reviewed if there is any significant change in circumstances, but may be extended where necessary to do so.

## **7.9 Record keeping, use of data and monitoring**

7.9.1 A record of any formal sanction imposed as a result of a disciplinary procedure shall be kept in accordance with the University's Data Retention Schedule, and shared with relevant teams as necessary for the University to fulfil its duties, including the management of risk.

7.9.2 The University reserves the right to disclose that there is an ongoing disciplinary procedure, and/or any sanction made under disciplinary procedures in references provided to third parties if it considers there are safeguarding or public interest reasons to do so and/or to comply with any regulatory reporting requirements.

7.9.3 Information relating to disciplinary procedures and may be disclosed to where a student's course leads to professional registration and their Fitness to Practise is called into question, in line with the requirements of those courses.

7.9.4 When a non-academic disciplinary procedure has been completed, any directly impacted party will be informed as soon as reasonably possible that the case has been concluded and informed of any finding that relates directly to them, as well as any sanctions which directly relate to them (such as a Contact Agreement, or restrictions put in place for their safety)

7.9.5 The University will retain anonymised data about cases dealt with through disciplinary procedures. This data will be reviewed annually with the Student Life Committee, YUSU and GSA to consider themes, learning and/or improvements that may be made.

7.9.6 This Regulation will be formally reviewed every two years or sooner if there are relevant legislative changes.

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