AMENDMENTS TO UNIVERSITY ORDINANCES & REGULATIONS FOR THE 2020/2021 EDITION
(i.e. amendments approved by Senate during 2019/20)

ORDINANCES

Ordinance 5.1 – new wording as follows:
5.1 Subject to the remaining provisions of this Ordinance, the terms of membership of persons elected to the Senate shall run from 1 August in the year in which they are elected (or from such other date as permitted under Regulation 9) and shall be three years for those elected under Statute 12.1.h and one year for other elected members of the Senate. Members may be re-elected in or after the year in which their term of membership expires.

REGULATIONS

Regulation 1(d) – new wording as follows:
1(d) Applications are made in writing to the Registrar and Secretary and include:
(i) a complete list of the applicant’s academic works, in which the works on which the candidature is based are clearly indicated; and
(ii) a statement by the candidate on the nature, extent and importance of the works submitted; and
(iii) a statement by the candidate on whether, and with what result, any of the work in the list has been submitted for a degree of this or any other university.

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.

Regulation 2.3(f) – new wording as follows:
2.3(f) The amount of time that students on full-time research degree programmes may spend on paid employment and voluntary work, and exceptions to these requirements, is set out in the Policy on Research Degrees (PoRD).

Regulation 2.5(a) – new wording as follows:
2.5(a) Research students should normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. Where fieldwork constitutes part of a programme of study, the fieldwork location may be regarded as the designated place of instruction. Students are required to provide the University with accurate contact details (including home and term time address) and to ensure these are updated as necessary throughout the year.

Regulation 2.5(c) – new wording as follows:
2.5 (c) “Designated periods of study” will incorporate the full calendar year, excluding bank holidays and University closure days. Students may request to have a period excluded as a period of study at any point during the year as annual leave, but only with the permission of their department, and to a maximum of 27 days in any given academic year. Exceptions to this will be recorded as programme requirements in departmental documentation.

Regulation 2.5(e) – new wording as follows:
2.5(e) Exemptions: Students seeking exemptions from attendance requirements of ten days or less for medical reasons should follow the procedure for self-certification for short periods of absence due to ill-health. A maximum of seven days for any one period of illness can be self-certified. Students seeking exemptions of longer than ten days must follow either the procedure for authorised absence for periods up to 60 days or Leave of Absence.
Regulation 2.6 – new wording as follows:
2.6(a) Students must meet progression requirements as specified in Regulation 2.7.7, the Policy on Research Degrees and in programme documentation. Students who fail to meet progression requirements will not be permitted to continue and their enrolment with the University may be terminated or, where permitted, transferred to another programme.
2.6(b) Appeals against progression decisions should be made to the Special Cases Committee. Special Cases Committee will take account only of those exceptional circumstances that were disclosed to the Board of Studies at the appropriate time unless the student can demonstrate acceptable reasons for failure to disclose at that time.
2.6 (c) A student enrolled on a research degree programme may request a transfer to a different research degree where such degrees are available and provided that such transfer takes place before the thesis is submitted.

Regulation 2.7.2(d) – new wording as follows:
2.7.2(d) Theses should be presented and submitted in accordance with the rules as set out in the Policy on Research Degrees.

Regulation 2.7.4(d) – delete and renumber paragraph 2.7.4 (e) as paragraph 2.7.4 (d).

Regulation 2.7.7 – new wording as follows:
The University is committed to developing high standards of academic practice among its students and to safeguarding the standards of its academic awards. It regards any form of academic misconduct as an extremely serious matter.

Procedures for investigating academic misconduct and the penalties to be applied where it has been committed are contained in the Policy on Research Degrees.

All students enrolled for a research degree are required to complete successfully the University Research Integrity Tutorial before their first formal review of progress or thesis submission (whichever comes first). Failure to comply with this regulation may result in termination of enrolment with the University.

Plagiarism detection software packages may be used at the University’s discretion to detect unfair practice in student submissions. As part of the academic community, students accept that work they submit for assessment may be submitted to these software packages. Further information relating to how such software is used can be found in the University’s Data Protection Statement, the Academic Integrity website and departmental handbooks.

Regulation 2.7.7 – delete final section under heading ‘Powers of Boards of Studies’

Regulation 2.8.2(b) – new wording as follows:
2.8.2(b) A decision of the appropriate academic misconduct investigation panel relating to the application of the academic misconduct procedures.

Regulation 2.8.3(c) – new wording as follows:
2.8.3(c) An appeal against termination of enrolment, other than where triggered by failure of the programme or failure to progress, is always considered at a full meeting of the Special Cases Committee.

Regulation 2.8.3(v) – new wording as follows:
2.8.3(v) Any penalty imposed by the appropriate academic misconduct investigation panel was disproportionate or not permitted under the academic misconduct procedures.
**Regulation 2.9.6(d)** – new wording as follows:

2.9.6(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.

**Regulation 6.4(a)** – new wording as follows:

6.4(a) Students must normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. For the purpose of the regulations, this will be interpreted as being within 40 miles of their designated place of instruction for full-time students and 60 miles for part-time students. Where fieldwork or practice placements constitute part of a programme of study, these locations may be regarded as the designated place of instruction. Students are required to provide the University with accurate contact details (including home and term time address) and to ensure these are updated as necessary throughout the year.

**Regulation 6.4(e)** – new wording as follows:

6.4(e) Exemptions: Students seeking exemptions from residence or attendance requirements for up to four weeks on medical or other reasons should request authorised leave from their Board of Studies. Absences of up to ten days can be requested through the procedure for self-certification for short periods of absence due to ill-health. A maximum of seven days for any one period of illness can be self-certified.

**Regulation 7 (Student Discipline)** – delete entirely and replace with new Regulation as attached at APPENDIX 1

**Regulation 9 (Regulations governing election of members to the Senate)** – delete entirely and replace with new Regulation as attached at APPENDIX 2

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7.1. Introduction - aim of the procedure

7.1.1 The University is committed to creating a working, learning, social and living environment which is safe, inclusive and welcoming for everyone\(^1\). The University owes a duty of care towards its students and staff and there is an expectation that all members of the University community will uphold the principles of treating each other with dignity and respect.

7.1.2 Together York - A Community of Respect, details the values of respect, fairness and compassion the University expects students within our community to uphold. It also details the conduct and behaviours that students at York are expected to demonstrate.

7.1.3 The purpose of this disciplinary procedure is to safeguard the University community when it is reported that a student’s conduct has not been appropriate or in line with University values or expectations.

7.1.4 Regulation 7: Student Discipline Procedure, provides a framework for dealing with matters involving student misconduct. Misconduct refers to actions which cause, or may cause, injury, harm or damage to people, property, or the reputation of the University. This includes actions that occur electronically, digitally or online and 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 designed to mislead or defraud the University. Misconduct may occur unintentionally, intentionally, recklessly or negligently.

7.1.5 The aim of this procedure is to ensure timely, consistent and fair treatment when dealing with allegations of student misconduct.

7.2. Scope - who and what is covered by this procedure

7.2.1 The scope of Regulation 7: Student Discipline Procedure includes, but is not limited to, incidents of misconduct by students which impact on the University community, its safe and orderly operation and/or the University’s reputation. Incidents may take place at University-related business or events, or outside the physical boundaries of University premises (including electronically, digitally or online).

7.2.2 This procedure applies to all students registered to study at the University of York.

\(^1\) University of York Equality, Diversity and Inclusion Strategy: [https://www.york.ac.uk/media/abouttheuniversity/equality/documents/Optimised-ED&I-Strategy-Nov17.pdf](https://www.york.ac.uk/media/abouttheuniversity/equality/documents/Optimised-ED&I-Strategy-Nov17.pdf)
7.2.3 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 under this procedure.

7.2.4 It may be the case that a student is subject to more than one University procedure and depending on the individual circumstances of each incident, the University reserves the right to either 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 and the Student Disciplinary Procedure.

7.2.5 Where it is reported that unacceptable conduct has taken place outside University premises (for instance on a placement/internship and/or professional or work experience setting) and considered under the process of the host institution/organisation (such as the placement/internship and/or professional or work experience provider), the University retains the right to consider the conduct under this procedure.

7.2.6 If a student withdraws from the University whilst a disciplinary process is on-going, the University reserves the right to refer to that fact, i.e. that there was an on-going procedure, in a reference or to comply with other regulatory reporting requirements.

7.2.7 Out of Scope

(a) This procedure does not seek to reproduce elements of criminal law and is not a formal legal process.

(b) There may be some matters that would be more appropriately dealt with under alternative University procedures such as; Terms and Conditions of Residence or Support to Study and Attend and students will be referred to the appropriate University procedure where required. Similarly matters investigated under alternative University procedures may be referred to the Student Disciplinary Procedure.

(c) If a student wishes to report alleged misconduct of a member of University staff, this can be reported through the student complaints procedure.

(d) This procedure is not intended to deal with tensions or a breakdown in relationships between students, unless the behaviour of the students concerned is unacceptable. The University, where appropriate, will support students to facilitate or mediate in such circumstances to try to resolve matters.

7.3. General Principles that apply throughout the procedure

7.3.1 The following principles will apply to the application of this procedure:
(a) **Authority to act** - The Student Conduct and Respect team and individuals with delegated authority to make decisions under this procedure will be responsible as appropriate for the operational management of cases, decisions and outcomes. There will be a separation of staff who investigate from decision makers and those who hear any appeals.

(b) **Balance of probabilities** - Any decisions made under this procedure will be made using a standard of proof that is based on 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 this procedure will 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.

(d) **Confidentiality** – All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University. Any meetings called under this process will be private (not held in public) to the individuals whose attendance is requested.

(e) **Conflicts of interest** - In the interests of natural justice, those involved in the formal disciplinary procedure, investigating or as panel members, or at appeal will not have been involved in considering the case previously. Individuals who consider they may have any conflict of interest should declare that and have nothing further to do with the formal procedure.

(f) **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.

(g) **Informal resolution** - Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to the formal procedure. University staff are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action.

(h) **Interim suspension or exclusion from campus** - At any stage in the procedure, if appropriate, a student may be suspended or excluded from all or part of the University campus. Suspension or exclusion is not a sanction and is not an indication of culpability.

(i) **Investigation** – Before formal disciplinary action is taken an investigation shall be undertaken. Where it is considered appropriate, the contents of an investigation under another procedure (e.g. Fitness to Practise or Support to Study) may be used as part of this process. It will be for the investigation to gather the evidence i.e. is there sufficient information to substantiate the allegation that the student has breached Regulation 7.

(j) **Involvement of Student Conduct and Respect team** – A member of the Student Conduct and Respect team, or another member of Student Life and Wellbeing will advise on the application of this procedure including suspension, investigation and the instigation of the formal procedure.
Natural justice - Those involved in decision making will not have had any involvement in the reported incidents and will ‘come to matters without bias’. There will be a ‘fair hearing’ involving a review of arguments and documents from all parties and where appropriate witness evidence. 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 or disciplinary meeting/hearing, before any sanction is decided.

Nature of allegations – The student against whom an allegation has been made (known as the reported student) 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.

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

Right to be accompanied - In any formal meeting or hearing with University staff under this procedure, students have the right to be accompanied by a Students’ Union representative, another student or a member of University staff not directly involved in the matter.

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 receiving a formal report. 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. Students will be informed of likely timescales at key points in the procedure. Specifically, if a case is under police investigation the case may be ‘paused’ and the timescales will be extended appropriately.

Reasonable notice - no less than 5 working days notice will be provided for any formal disciplinary meeting or hearing and information will be shared with students in advance.

If a student fails to repeatedly respond to or engage with this 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 this 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).
7.4 **Support for Students**

7.4.1 The University provides a number of *student support services* that are available to *all* students who may be involved or affected by issues that are the subject of this procedure. Support will be provided for the reported student, any student reporting alleged misconduct and any students who may be witnesses to the alleged misconduct.

7.4.2 Students may seek independent advice and support from *York University Students’ Union* (YUSU) and/or the *Graduate Students’ Association* (GSA) as appropriate. Students who have experienced sexual harassment, assault or violence can contact the *Sexual Violence Liaison Officer* (SVLO) for specialised support including contact with external statutory services.

7.4.3 Students have the right to be accompanied at any formal meetings or hearings called under this process, including investigation meetings. A student may be accompanied by one of either a registered student or employee of the University, or a member of the YUSU or GSA support and advice team. Any such accompanying person cannot represent, i.e. speak on behalf of the student or attend if the student is not present in person, or be a co-accused or witness to any alleged misconduct.

7.4.4 Students should provide the name and contact details of the person accompanying them and confirm that as such they are consenting to that individual having access to the details of the case.

7.4.5 If a student requests support from someone other than a member of the University or those listed above, the request will be considered and permission may be given. The University does not normally permit legal representation at any misconduct meetings, but in exceptional circumstances, the University may consider external legal representation at Disciplinary Panel Hearings i.e. where serious gross misconduct may amount to a sanction of suspension or expulsion.

7.4.6 If a student has a disability or circumstances that require consideration of adjustments to allow them to participate fully in the procedure this should be made known and the University will make reasonable adjustments to prevent any substantial disadvantage. E.g. If the student has a disability they may additionally be accompanied by a support worker.

7.5 **Acts of misconduct**

7.5.1 The Student Disciplinary Procedure categorises different levels of misconduct by considering the severity of the allegation. There are a range of sanctions that may be applied depending upon the level of the alleged misconduct.

7.5.2 A student will be subject to a formal disciplinary process if they are alleged to have committed an act of misconduct as illustrated here. They may be perpetrated intentionally, unintentionally, recklessly or negligently. The following list offers illustrative categories of the types of behaviour which would be considered to be misconduct and potentially result in disciplinary action under this procedure. The list is non-exhaustive and, where appropriate, the University may take disciplinary action in relation to behaviours not specifically listed below.
(a) **Physical Misconduct**
- Punching, kicking, slapping or hitting another person.
- Spitting at, or throwing items at, another person.
- Grabbing, strangling or restraining another person.
- Pushing or shoving another person.

(b) **Sexual Misconduct**
- Engaging in any sexual act without consent.
- Attempting to engage in a sexual act without consent.
- Sharing private sexual images or materials of another person without consent.
- Kissing without consent.
- Sexualised touching without consent.
- Inappropriately showing sexual organs to another person.
- Making unwanted remarks of a sexual nature.

(c) **Abusive, Threatening, or Unacceptable Behaviour**
- Threats to hurt another person.
- Abusive comments relating to an individual’s sexual orientation, religion or belief, race, pregnancy/maternity, marriage or civil partnership, gender, gender identity, disability or age.
- Disorderly, riotous, violent, indecent, intimidating behaviour or language.
- Repeatedly contacting another person against the wishes of that person.
- Repeatedly following another person without good reason.
- Bullying or harassment.
- Hate incidences and hate crimes.

(d) **Damage to Property**
- Causing significant damage to University property, the property of students or employees of the University, or visitors of the University, and to property outside of the University.
- Causing minor damage to University property, the property of students or employees of the University, or visitors of the University.

(e) **Unauthorised Taking or Use of Property**
- Taking property belonging to another person without permission
- Unauthorised entry onto, or inappropriate use of, University premises.
- Misuse of University equipment, including computers.

(f) **Causing a Health or Safety Concern or Risk**
- Any act or omission that did cause or could cause injury or harm to others (for example, disabling fire extinguishers)
- Possession, storage, distribution or use of any controlled drug.
- Possession, or use of a dangerous weapon on University premises.
- Failure to comply with Health and Safety rules, including smoking in a University building

(g) **Operational Obstruction**
- Acts, omissions or statements intended to deceive the University.
- Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere.
- Disruption of the functions, duties or activities of any student or employee of
the University or any authorised visitor to the University.
  ● Failure to comply with any University regulation, policy, procedure, code or sanction.
  ● Acts that interfere with the University’s ability to fulfil its statutory duties.

(h) Reputational Damage
  ● Behaviour which has caused serious damage or may cause serious damage to the reputation of the University.
  ● Antisocial activities in the community.
  ● Repetitious noise and general nuisance.
  ● Making libellous statements or unfounded allegations against the University on social networks or other sites.

(i) Criminal Convictions
  ● Receiving a relevant criminal conviction incurred whilst registered as a student or during a period of leave of absence (as specified in sections 7.10.5 and 7.10.6).
  ● Failure to disclose a relevant criminal charge or conviction incurred whilst registered as a student or during a period of leave of absence (as specified by sections 7.10.5 and 7.10.6).
  ● Failure to comply with any disclosure requirements for courses leading to membership of a profession/professional body and/or for Fitness to Practise considerations (which requirements normally include disclosure of 'spent' convictions) as indicated in section 7.10.6.

(j) Academic Misconduct
  ● Repeated or serious acts of academic misconduct in relation to assessment offences, as defined in the Academic Misconduct Policy.
  ● Presentation of fabricated or misleading evidence to gain advantage in admissions, research proposals, or in assessments.
  ● Producing work on behalf of another student, or appearing as another student in an assessment.
  ● Unethical research behaviour.

7.5.3 Misconduct that is considered minor in nature (see paragraph 7.12.1(a)) will be dealt with informally.

7.5.4 Level 1 - Behaviours involving allegations of student misconduct which whilst serious, is not considered to be ‘gross misconduct’ as detailed in paragraph 7.5.5 will be dealt with formally, including an investigation and disciplinary meeting.

7.5.5 Level 2 - Some matters are so serious as to constitute gross misconduct; these involve allegations which cause, or may cause serious injury, harm or damage to people, property or the reputation or academic integrity of the University. A finding of gross 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 gross misconduct.

7.5.6 In cases of academic misconduct the referring policy (the Academic Misconduct Policy) 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 1 disciplinary matter; when it does include those possibilities, the misconduct becomes a Level 2 disciplinary matter.

7.5.7 Following a decision for consideration at either Level 1 or Level 2 of the Discipline Procedure (7.8.2) there may be movement between these levels, e.g. if new evidence is brought forward. The decision to move between levels will be made by the Disciplinary Manager following consultation with the Director of Student Life and Wellbeing and or the Head of Student Conduct and Respect. The student will be informed if there is a change in the level of misconduct being considered, and provided with details of any new allegations and potential sanctions.

7.6 Disciplinary Sanctions

7.6.1 The Disciplinary Manager or Panel (as appropriate) have the discretion to decide what level of sanction is appropriate for any act of misconduct under this procedure. When considering sanctions matters of mitigation and aggravation should be considered alongside the impact of the behaviour on those who have been affected. The reason for the decision shall be recorded in writing and shared with the student.

7.6.2 Sanctions can be one or more of the following:

- an action plan and conditions for improvement in conduct (to be reviewed within a month of being issued); and/or
- a verbal warning; and/or
- a formal written warning; and/or
- compulsory attendance at a workshop, training and/or coaching session; and/or
- an apology in person or in writing; and/or
- restorative measures relevant to the misconduct; and/or
- restrictions, such as a non contact agreement; and/or
- payment of repair/cleaning/replacement costs up to a maximum of £500; and/or
- partial or full exclusion from specific events, parts or the whole of the campus; and/or
- suspension from the University; and/or
- expulsion from the University.

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

7.7 Reporting Misconduct

7.7.1 All University staff and students are responsible for reporting student-related misconduct.

7.7.2 Students and staff should report misconduct through the online report form. There will be a response to the report within five working days to explain what will happen next.

7.7.3 The Student Conduct and Respect team are able to provide advice, as required to anyone who is concerned about the conduct of a student. Anyone who is concerned should contact and take advice from the team before taking any action under Regulation 7.
7.7.4 Anonymous reporting of student misconduct will not normally be acted upon by the University.

7.7.5 The reporting student or member of staff will be contacted by the Student Conduct and Respect team about the disciplinary process.

7.8 Authority to take action and responsibility for this procedure

7.8.1 The Vice-Chancellor has delegated overall responsibility for this procedure to the Academic Registrar. The day-to-day operational responsibilities for overseeing the implementation of the procedure are delegated to the staff shown below.

7.8.2 The Student Conduct and Respect team are responsible for receiving all reports, except for academic misconduct which will be received by the Exams Office (Student Services). In consultation with the Director of Student Life and Wellbeing and or the Head of Conduct and Respect, the team will decide how an allegation will be managed. This team will coordinate and administer the disciplinary process and maintain all records and outcomes.

7.8.3 Issues that are considered minor can be dealt with by informal action (paragraph 7.12.1) taken in academic departments or colleges, by Heads of Department or their nominated delegate or by College Managers or the University Fire Safety Officer (UFSO) or nominated delegate (in relation to incidents involving fire safety).

7.8.4 Issues that are to do with Academic Misconduct will be dealt with by the Head of Department in Level 1 cases or The Chair of the Standing Committee on Assessment in Level 2 cases. using this procedure.

7.9 Reporting matters to the police

7.9.1 Students or staff who witness or who have evidence of alleged misconduct by a student which may also amount to a criminal offence have a number of options available to them once they have reported the incident to the University. The main options are:

- reporting the matter to the police;
- seeking support from internal and external services;
- not reporting the matter to the police but requesting that the University deals with the matter under this procedure.

7.9.2 Where it is reported that a criminal offence may have been committed against the University, the University may report the incident to the police. Otherwise, the University will normally respect the decision of the reporting person (if they are the subject of the report) to decide 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.

7.9.3 The University may in exceptional circumstances, following a risk assessment, decide to report an incident to the police against the wishes of the reporting person. Such a decision will consider the duty of care and safeguarding of the University community to ensure that the reporting student or others are safe from harm or to prevent further harm taking place. The University will explain its decision and the reasons to the reporting person either in advance or as soon as possible after the report is made.
7.10 Police/Court Proceedings

7.10.1 If a report of misconduct under this procedure is also subject to police investigation, the Head of Student Conduct and Respect will seek consent from the reporting person for the police to provide information to the University on the progress of the police investigation or require the student who is the subject of the police investigation (the reported student) to keep the University informed accordingly.

7.10.2 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.

7.10.3 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.

7.10.4 Whilst a police investigation is underway the University’s normal policy is to provide any reasonable support so that a student can continue with their studies safely whilst abiding by any bail conditions that may be in place, if practicable to do so. Where possible, the University will make reasonable adjustments to a student’s academic programme to support their safety, the safety of others and/or to comply with any bail conditions. Students are required to inform the University of any bail conditions they are subject to in writing to the Academic Registrar at the earliest opportunity, but no less than 5 days after they are received. A copy of the bail conditions as issued to the student should be provided along with this disclosure.

7.10.5 If charged with a relevant crime by the police while registered as a student at the University, or on a leave of absence, the student is required to inform the University. This would be defined as including, but not limited to:

- criminal offences involving any kind of violence
- offences concerning the intention to harm or resulting in actual bodily harm
- the unlawful supply of controlled drugs or substances
- where the charge concerns commercial drug dealing or trafficking
- offences involving firearms
- arson
- those offences listed in the Sexual Offences Act 2003
- any offence concerning abusive images of children
- extreme pornography, as specified by the Criminal Justice and Immigration Act 2008
- those offences listed under the Computer Misuse Act 1990 and related Acts
- those offences listed in the Terrorism Act 2006.

No disclosure is usually required of motoring offences attracting fines/maximum 3 penalty points. Disclosures should be made in writing to the Academic Registrar at the earliest opportunity but no less than 5 days after the charge. Failure to disclose could jeopardise the student’s enrolment status.

7.10.6 Students, whether registered or on a leave of absence, are further required to inform the University if, whilst still a student, they are convicted of any of the criminal charges listed above.
Some programmes (e.g. Medicine, Health Sciences, Social Work) are exempt from the Rehabilitation of Offenders Act and students on these courses are required to disclose any convictions of a criminal offence. Disclosures should be made in writing to the Academic Registrar at the earliest opportunity but no less than 5 days after the conviction.

7.11 Precautionary Action - when immediate action is required during the disciplinary procedure (including interim suspension or exclusion)

7.11.1 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. Such circumstances may include but are not limited to:

- Cases involving a threat of serious and/or ongoing harm to a student and/or others.
- Cases where a student’s mental health is at risk or where a student displays significant distress.
- Cases of a highly sensitive nature.
- Cases involving serious damage to University property.
- Cases where there is a high risk of a recurrence of unacceptable behaviour.
- Cases where the presence of the reported student would hinder the ability of the University to conduct an investigation.
- Cases where the alleged misconduct would also amount to a criminal offence.

7.11.2 The Academic Registrar may 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, in consultation with a member of the University Executive Board (normally the Registrar and Secretary and/or the Pro-Vice-Chancellor for Teaching, Learning and Students), where, following a risk assessment, they believe that the continued presence of the student is not appropriate.

7.11.3 The University may require the student to remain off campus immediately for a stipulated period, although such an act is neutral and is in no way a presumption that an act of misconduct has occurred. During that time, the student may return to the University to attend any meetings or hearings under this procedure, or with the prior express permission of the Academic Registrar, which may be subject to specified conditions as the Academic Registrar deems to be appropriate.

7.11.4 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. It is a precautionary, rather than a punitive, measure.

7.11.5 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, by the authorised manager, but may be extended where necessary to do so. The student will be informed in writing of the reasons for the precautionary action and the detail of
the limitations that are imposed. The student can challenge the decision to take precautionary action by writing to the Academic Registrar, within five days of receiving the notification of the decision.

7.12 Disciplinary Procedure

7.12.1 Informal Action

(a) Where possible and appropriate concerns regarding conduct matters should be raised directly with students at the earliest opportunity at an informal level and this will normally occur in colleges or academic departments, by College Managers, senior departmental academic and professional support staff, or the University Fire Safety Officer. These conversations should be held privately and must explain the reason for any concerns and set expectations for future behaviour.

Dealing with matters informally will normally only be appropriate when this is the first time concerns about the student’s behaviour or conduct have been raised.

(b) Misconduct causing minor disruption or anti-social behaviour that is not directed at other individuals can sometimes be dealt with informally without the need to initiate the formal disciplinary process. Examples of minor misconduct issues include:

- Complaints about noise in accommodation
- General disregard for living space - cleanliness, tidyness or damage to property
- Repeated use of offensive/inappropriate language
- Smoking near a building or inside (first instance)

(c) Students and/or staff who observe misconduct that may give cause for concern should inform their Head of Department or a College Manager who is authorised to deal with such concerns informally. The purpose of these discussions is to ensure the student understands the nature of the concerns and expected improvements in behaviour, including timescales if appropriate, and that support is available.

(d) In some cases, an informal verbal warning may be given, which will not form part of a formal disciplinary record. A note of any such informal discussions and verbal warnings will be held on the college management system or departmental records for 12 months at which point if there are no further concerns the matter will be considered resolved.

(e) Where an issue has been discussed with a student informally and:

- the issue has not been resolved and the problem persists or
- the required improvements in conduct are not achieved or
- further information becomes available which suggests the matter is more serious

the formal disciplinary procedure should be invoked by referring the matter to the Student Conduct and Respect team.

7.12.2 Formal Disciplinary Procedure
**Stage 1 - Investigation**

(a) Where the informal process has not led to improved student conduct, or where the reported misconduct is so serious that informal action is not appropriate formal disciplinary action will be initiated.

(b) When a report of student misconduct is received, the Student Conduct and Respect team will process the report and pass the case to the **Disciplinary Manager** who will be either the Director of Student Life and Wellbeing, the Head of Student Conduct and Respect or the Senior Colleges Manager, to assess whether there is a potential case to answer, and if necessary to appoint an **Investigating Officer(s)**. If a case is particularly complex there may be more than one Investigating Officer.

In cases of alleged academic misconduct the **Disciplinary Manager** will be the Head of the relevant Academic Department for Level 1 cases or the Chair of the Standing Committee on Assessment for Level 2 cases.

(c) The Investigating Officer shall investigate as they deem appropriate, talking with the reported student, the person who is reporting them and, where appropriate, any witnesses. The Investigating Officer will submit a report of their findings to the Disciplinary Manager who appointed them taking into account the circumstances and evidence available. The investigation will establish whether there is a disciplinary case to answer or not.

(d) Upon receipt of the investigation report the Disciplinary Manager may:

   - decide to take no further action; or
   - refer the matter for informal resolution; or
   - decide there is a case to answer and proceed to stage 2 of the procedure which may involve a formal Disciplinary Meeting or Disciplinary Panel hearing.

(e) Where an investigation indicates that there may have been an act of misconduct the student will be given the opportunity to attend a formal **Disciplinary Meeting (Level 1)** at which they can respond to the allegation and state their case.

(f) If the matter under consideration is one of such seriousness as to constitute gross misconduct the matter will be referred to a **Disciplinary Panel (Level 2)**.

(g) The reported student will be notified of the decision to refer the matter to a Disciplinary Meeting or Disciplinary Panel, and informed of the allegation(s) against them and how their behaviour is considered to have breached expected standards. In all cases students will be invited to submit further evidence about the facts of the case and also any mitigation in relation to the case.

**Stage 2 - Disciplinary Meeting (Level 1) and Disciplinary Panel Hearings (Level 2)**

**Level 1 - Disciplinary meeting - preparation and conduct**

(h) The student will be provided with details of the alleged misconduct and it will be explained that in a disciplinary meeting the outcome or disciplinary sanction will be **less** than suspension or expulsion.
(i) The student will be invited to make written submissions and to submit any relevant evidence, including any mitigation, they consider relevant to the case, and will be given an opportunity to attend the disciplinary meeting. Prior to the meeting, the investigation report and any evidence which is to be considered will be shared with the student.

(j) The student will be given an opportunity to present their case and raise any issues they wish to have considered as facts in relation to the case or in mitigation.

(k) The Disciplinary Manager conducting the disciplinary meeting will consider all representations and then decide if the case is proven and if so what level of disciplinary sanction is appropriate.

(l) The decision will be confirmed in writing within five days of the meeting. The correspondence shall also notify the student of their right to appeal against the decision and/or any sanction imposed.

**Level 2 - Disciplinary Panel hearings - preparation and conduct**

(m) The student will be provided with details of the alleged gross misconduct and it will be explained that at a Disciplinary Panel hearing the outcome or disciplinary sanction could include suspension or expulsion.

(n) The student will be invited to make written submissions and to submit any relevant evidence including details of any witnesses to the facts they wish to call, and will be given an opportunity to attend the Disciplinary Panel hearing. Prior to the hearing, the investigation report and any evidence which is to be considered, including the names of any witnesses to be called, will be shared with the student.

(o) A Disciplinary Panel will be established consisting of three senior members of the University not previously involved in the case, one of whom will be nominated as Chair. There will be a secretary to the panel who will act as note taker. The Investigating Officer and/or the Disciplinary Manager will present the case of alleged misconduct to the Disciplinary Panel.

(p) The Panel will determine the process for the conduct of the hearing, including how evidence should be given and whether any measures should be put in place to protect the reporting person or any other witnesses. The Panel may adjourn the hearing at any time.

(q) Following the disciplinary hearing the members of the Disciplinary Panel will decide whether the misconduct has been proven and, if so, will ask the reported student to submit any mitigation they consider relevant to the case.

(r) Formal notification of the outcome of the disciplinary hearing, the reasons for the decision and (where relevant) any sanctions imposed will be sent in writing within five working days of the hearing. The letter will include the effective date that the sanction commences, and details of the student’s right of appeal.

**Dealing with cases summarily**

(s) If the student has admitted to the alleged misconduct during the investigation or before any disciplinary meeting then depending upon the circumstances of the alleged misconduct and the seriousness of the alleged misconduct the matter may be dealt with summarily. This will not be considered in cases of gross misconduct.
(t) There will still be a meeting to explain the consequences of dealing with the case summarily and the potential outcomes. The student will have to sign a statement of their admission and agreement to proceed without a formal meeting.

(u) An authorised manager may then consider the case and issue a sanction.

Stage 3 - Right of appeal

7.12.3 Right of appeal

(a) Where a student wishes to contest a decision made under this procedure, they must do so in writing clearly stating the grounds for their appeal in writing and submitting them to the Registrar and Secretary. Any appeal must be submitted within 14 days of receiving the outcome.

(b) Students can appeal on the following grounds:

- there was a procedural irregularity at the formal stage e.g. there was a material failure by the University to follow the student disciplinary procedure; or
- there is evidence of bias; or
- the outcome was not fair and proportionate in all the circumstances (i.e. no reasonable decision-maker, properly directing themselves and taking into account the relevant facts, could have reached that decision); or
- new material evidence is available which the student was unable, for valid reasons, to provide earlier in the process.

(c) If the Registrar and Secretary or a designated delegate believes that the grounds for appeal are not satisfied, the student will be informed of the decision to reject the request for an appeal.

(d) If the Registrar and Secretary decides that the appeal is based on one or more of the permitted grounds and hence eligible to be considered, they will arrange for a review of the case to be conducted by an authorised manager. This will involve a review of the papers and may also involve a meeting with the student and the Chair of the Disciplinary Panel or the Disciplinary Manager who considered the case.

(e) The outcome of the review will be that the case is either upheld, i.e. the outcome remains the same, or there is a different finding which overturns the outcome. The appeal manager may remit the matter to a different Disciplinary Manager/Disciplinary Panel to consider again, or reduce the sanction.

(f) The decision taken at the appeal stage is final. The outcome of the appeal will be communicated in writing, with reasons, usually no more than 30 working days from the appeal being accepted.

(g) Where a student remains dissatisfied with the outcome of their appeal they may take their case to the Office of the Independent Adjudicator. The complaint needs to be submitted to the OIA within 12 months of the Completion of Procedures Letter, following the appeal.
7.13 Record keeping, use of data and monitoring

7.13.1 A formal disciplinary sanction imposed as a result of this procedure shall be a permanent part of the student’s record.

7.13.2 The University reserves the right to disclose any sanction made under this procedure in references provided to third parties, or in order to comply with any regulatory reporting requirements.

7.13.3 Whilst the details of the outcome will remain confidential the fact that a student has been the subject of this procedure will not. However, this information will only be shared with relevant departments within the University, e.g. student records and academic departments.

7.13.4 When the procedure has been completed the reporting party will be informed that the case has been concluded and the outcome.

7.13.5 The University will retain anonymised data about each stage of this procedure. 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 to the procedure and support (including training) for students and staff who are involved in the procedure.

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

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9 Election Regulations (Staff members elected to the University Senate by Academic Staff and to the University Council by Professional Support Services Staff)

9.1 Status, Approval and Review of the Election Regulations
9.1.1 The election regulations were reviewed in May 2020. Revisions to the election regulations are proposed by the Registrar and Secretary to the Council and the Senate as the approving bodies for these regulations.

9.1.2 The regulations encompass elections to the Council and the Senate for University-level elections of staff members to these two bodies (i.e. where the electorate is a substantial body of staff such as the academic staff from a faculty in the case of Senate elections or the entire professional support staff in the case of the Council elections). These regulations do not cover arrangements for elections which are by and from the members of Senate to Council. The requirements in the regulations apply in common to elections held for both the Council and the Senate, unless differences between the election arrangements for each are specified.

9.1.3 There may be occasions when the specific arrangements and timescales identified in these regulations require variation for the benefit of candidates and voters or because certain practical, logistical or technical matters need to be resolved for the smooth running of the election process. In the event of such changes, upholding the fairness of the election process will remain paramount. Notice of any material changes to the election process will be announced to candidates and voters using the University’s main communication channels to announce elections.

9.1.4 A copy of these election regulations shall be published on the University website as a regulation of the University.

9.1.5 The nomination and appointment of members and representatives either from/to the Council, the Senate, their sub-committees or other University committees or groups is out of the scope of these regulations. A separate series of principles has been published for this purpose as a guide for colleagues managing such nomination and appointment arrangements.

9.2 Principles and Definitions
9.2.1 Elections to the Council and the Senate are an important part of democratic engagement in the governance of the University. The fairness, equity, impartiality and transparency of the election process in line with those eligible to stand and vote for election is paramount at all times, as reflected in the election arrangements and the conduct of candidates and voters.
9.2.2 As required under University Statute 11.1.c there shall be two members of the professional support staff (non-academic staff) elected to the Council. The staff elected shall be members for a term of three years starting on the first day of August in the year in which they are elected (or on a later date if the Council has made a decision to adjust the normal election timetable) and shall not be eligible for re-election until one year has elapsed from the end of their term of office.

9.2.3 As approved by Senate and Council a variation shall be applied to University Statute 12.1.h for up to 18 members of the permanent and fixed-term academic staff elected to serve on the Senate (with no distinction between the permanent and fixed-term categories). The 18 positions shall be divided equally between the three faculties, i.e. six elected members from each faculty. The staff elected shall be members of the Senate for a term of three years starting on the first day of August in the year in which they are elected (or on a later date if the Senate has made a decision to adjust the normal election timetable) and shall not be eligible for re-election until one year has elapsed from the end of their term of office.

9.3 Returning Officer

9.3.1 The Returning Officer for elections to both the Council and the Senate will be the Head of Governance and Assurance acting on behalf of the Registrar and Secretary in their statutory capacity as Secretary to both the Council and the Senate.

9.3.2 The Returning Officer is responsible for the administration and good conduct of elections and has the sole right to interpret the meaning of the election regulations and ensuring that the elections are run in accordance with these.

9.3.3 The Returning Officer will appoint a Deputy Returning Officer based in the Governance and Assurance Office to manage the day-to-day running of the election.

9.3.4 The ruling of the Returning Officer can only be challenged by an appeal to the Vice-Chancellor or the Registrar and Secretary, in line with Section 9.11 of these regulations.

9.4 Eligibility to Stand and Vote

9.4.1 Staff meeting the following criteria shall be eligible to vote in and stand for election:

Election of members to Senate from the University’s Academic Staff

a) All members of permanent and fixed-term academic staff appointed to full- or part-time posts, in post and having commenced employment no later than the start of the election period. This definition of academic staff includes those on the following academic contracts: SM (Senior Management), TR (Teaching & Research), RL (Research Only) and TS (Teaching & Scholarship).
b) Academic Staff holding honorary titles of the University (including Emeritus Professor, Emeritus Reader, Honorary Professor, Honorary Fellow, Honorary Visiting Professor or Honorary Visiting Fellow) are not eligible to stand for or vote in the election.

*Election of members to Council from the University’s Professional Support Services Staff*

c) All members of professional support services staff appointed to full-time or part-time posts on either a permanent or fixed-term contract (including temporarily varied hours or an unpaid career break) are entitled to stand and vote in this election, provided that they are in post and having commenced employment no later than the start of the election process as set out in this Regulation.

9.5 Timing of Elections

9.5.1 The Returning Officer shall ensure that elections take place near to the end of the current term of office of the incumbent member(s), seeking to avoid an extended period where there are vacancies in the position(s) in question.

9.5.2 The election timetable shall be made available to all eligible staff at the commencement of the election period using the University’s main communication channels to announce elections.

9.6 Nominations procedure

9.6.1 Notice of the election and a call for nominations will be made to all eligible staff no less than four weeks before the commencement of the voting period using the University’s main communication channels to announce elections. In the case of the professional support services staff election to Council, the notice of election and call for nominations will be circulated in hardcopy to those support staff identified in the HR staff database as not being computer users (i.e. do not have an IT Services username/email address).

9.6.2 The notice will include a link to further details relating to the election on the University website and will invite nominations from those wishing to stand as candidates. In the case of the Senate election, the notice will also specify the number of elected members required to maintain equal balance across the three faculties.

9.6.3 The nomination period will last four weeks and those seeking to stand for election will be required to submit a downloadable nomination form by the final deadline given. The nomination form will require completion of a personal statement of no more than 300 words in support of the candidacy, seconded by one other person eligible to vote in the election. The supporting statement should be restricted to specifying why the candidate considers themselves suitable for election in the context of the role and remit of the body in question and the generic role description for its members as published on the University website.
9.6.4 Completed nomination forms must be submitted to the Returning Officer via email no later than midday on the final day of the published nomination period.

9.7 Voting Period and Campaign
9.7.1 Ahead of the voting period, candidates standing for election will be asked to confirm that they have read and understood the election regulations and will have an opportunity in the intervening period between the close of nominations and the start of voting to clarify any matters with the Returning Officer or Assistant Returning Officer.

9.7.2 The voting period shall last for four weeks to ensure that all members of the electorate have reasonable access and opportunity to vote by the required deadlines, no matter their location or contracted working hours.

9.7.3 On the start-date of the election period a list of the nominated candidates shall be circulated to all those entitled to vote using the University’s main communication channels to announce elections. In the case of the support staff election to Council, the ballot paper will be circulated in hardcopy to those support staff identified in the HR staff database as not being computer users (i.e. do not have an IT Services user-name/email address). Eligible staff may vote for as many candidates as will be required to fill the forthcoming vacancies for members and, in the case of the Senate election, to maintain equal balance across the three faculties. Academic staff voting in the Senate election can vote for candidates from all three Faculties (i.e. not just their own Faculty).

9.7.4 If the number of candidates nominated for election is lower than or equal to the number of vacancies, no election will be required and those nominated shall be declared elected unopposed.

9.7.5 Candidates are not allowed to use the branding, identity or endorsement of any representative or membership group, society or body, including recognised trade unions, at any stage during the Senate or Council elections, or to state or imply that they are standing for election on behalf of any such group, society or body. The Returning Officer reserves the right to withdraw or amend of any election statements or other material during the course of the election which breaches the terms of this paragraph.

9.7.6 Candidates are expected to act in a responsible, ethical and collegial way at all times during the election and are prohibited from making any explicit or implied references to other candidates as part of their campaigning which may reasonably be deemed to discredit or undermine the credibility of other candidates. Candidates are expected to ensure, as far as is reasonable, that any individuals or groups who are to be judged as supporting or representing them also abide by these principles.

9.7.7 In the course of the campaign candidates may choose to communicate with the electorate through reasonable and proportionate means and channels, including
election statements, posters, flyers, email, personal (not University or departmental) social media accounts, and meetings in line with normal room-booking and events procedures, providing that these do not cause an obstruction/damage or breach health and safety, public order, freedom of speech or environmental regulations.

9.7.8 Any perceived or actual breaches of the election regulations by candidates, or those reasonably judged to be acting on a candidate’s behalf during the voting and campaign period, should be brought to the attention of the Returning Officer sufficiently ahead of the conclusion of the election period. The Returning Officer will investigate and suspend the election process, should this be required, in order to satisfactorily resolve a potential or known breach of the regulations.

9.7.9 A breach of the election regulations may result in a sanction for a candidate, including direction to amend, modify or remove material used for campaigning purposes during the election period or in extreme cases disqualification from the election for wilful breaching of the regulations in a manner reasonably judged by the Returning Officer to undermine the integrity of the election process, including giving undue advantage to their own candidacy or undermining that of others. A disqualification decision would be made on the recommendation of the Returning Officer to the Registrar and Secretary.

9.8 Ballot Procedure and Count
9.8.1 The candidates for whom the greatest number of votes have been cast after the voting period has closed will be declared elected to fill the forthcoming vacancies up to the number specified in the original notice of election. If any two or more candidates receive an equal number of votes, the Vice-Chancellor as Chair of the Senate or the Chair of Council will give such casting votes as may be necessary to decide who will become staff members of the Senate and the Council respectively.

9.8.2 Determining the outcome of the election will involve the downloading and checking by the Returning Officer of online data from the University’s online voting system in combination with any physical ballot papers returned during the election.

9.9 Results
9.9.1 When the count has been concluded and an outcome determined, the results of an election will be declared by the Returning Officer using the University’s main communication channels to report on elections, normally within two working days following the advertised voting deadline. Further University-wide announcements may also be used with the prior approval and clearance of the Internal Communications team, including the University website and/or the Staff Digest newsletter.

9.9.2 Any complaint that has not been resolved, or has been elevated to an appeal shall delay the declaration of the result until the complaint/appeal in question has been resolved (see Section 9.10 below).
9.9.3 Any casual vacancy occurring during the academic year shall automatically be filled by the person with the next highest number of votes after the members elected at the previous election, except that in the case of a vacancy arising on a date less than three months before the next election, the vacancy shall be filled at that election. If the previous second-placed candidate has left the University or no longer wishes to become a member, the vacancy shall be filled by the person with the next highest number of votes after that person. If no previous candidates wish to become a member, the casual vacancy will be filled at the next election.

9.10 Complaints

9.10.1 Complaints during the course of the election should be submitted to the Returning Officer and may fall into two categories:
(i) against a candidate or anyone reasonably judged to be representing or supporting a candidate;
(ii) against the administration and good conduct of the election.

9.10.2 Evidence, including supporting statements and witness accounts, should be submitted to the Returning Officer with the complaint, which should specify clearly which aspect of the regulations have allegedly been breached.

9.10.3 In determining a resolution to a complaint, if the Returning Officer is satisfied that the complaint be upheld after hearing the evidence they may:
(i) suspend an election;
(ii) recommend changes to the election process (including the timetable) or to the campaigning activities/material produced by candidates;
(iii) in extreme circumstances, disqualify a candidate or candidates;

9.10.4 Complaints which are brought to light after the declaration of an election outcome will be considered by the Returning Officer in cases where there appears to be a serious and substantial basis for the integrity or good conduct of the election process to have been undermined. In exceptional circumstances, this may require the re-running of an election. In deciding whether an election should be re-run the Returning Officer will consider quantitative factors (e.g. the number of votes affected) as well as qualitative criteria (e.g. the effect on the outcome). As a general rule, for an election to be re-run the irregularities identified must be of a magnitude that affects the result and impossible to rectify by other means.

9.10.5 The ruling of the Returning Officer is final. However, there shall be a right of appeal by a complainant if they believe the Returning Officer has acted in an improper, biased or partisan manner (see Section 9.11 below).

9.11 Appeal

9.11.1 In the event that a complaint made under Section 10 is not upheld by the Returning Officer, there shall be a right of appeal as follows:
(i) to the Vice-Chancellor for appeals relating to elections to the Senate;
(ii) to the Registrar and Secretary for appeals relating to elections to the Council.

9.11.2 In the case of appeals to the Vice Chancellor, a member of the University Executive Board will be appointed as soon as possible to review the appeal, ensuring that no conflicts of interest exist between the appointed reviewer and any of the candidates.

9.11.3 An appeal to the Registrar and Secretary will be conducted by the role-holder or a designated nominee (other than the Returning Officer or Deputy Returning Officer).

9.11.4 The appeal will take account of relevant factors, including whether the Returning Officer’s decision was:
   (i) compliant with, or reasonable in, its interpretation of the election regulations;
   (ii) based on the full set of evidence submitted;
   (iii) fair, proper and impartial.

9.11.5 The decision of the Vice-Chancellor or Registrar and Secretary, as appropriate for the appeal route, will be final.

9.12 Election of undergraduate and postgraduate student members to Senate
9.12.1 It is the responsibility of the Students’ Union (YUSU) to ensure that one undergraduate student from each faculty is fairly elected each academic year. These faculty representatives will be elected by and from the students within each faculty. On completion of the electoral process the YUSU President (or nominated sabbatical officer or staff member) will inform the Registrar and Secretary of the names and contact details of the newly elected undergraduate faculty representatives.

9.12.2 It will be the responsibility of the Graduate Students’ Association (GSA) to ensure one postgraduate student is fairly elected each academic year. This graduate representative will be elected by and from the elected members of the Council of the GSA. On completion of the electoral process the GSA President (or nominated sabbatical officer or staff member) will inform the Registrar and Secretary of the name and contact details of the newly elected graduate representative.

9.13 Resignation of Elected Members
9.13.1 Any elected member of the Council or the Senate may resign at any time in writing addressed to the Registrar and Secretary and the resulting vacancy shall be filled in accordance with these regulations.

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