Regulation 2.8.1

i) In (e), line 3, delete ‘the Chair’ and substitute 'the Special Cases Manager’;

ii) In (e), line 3, after ‘may decide,’ insert 'in consultation with the University Complaints Officer,’.

Regulation 2.8.3

i) In (c) delete: ‘(c) An appeal against a recommendation concerning 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.’;

ii) In (d) re-letter '(d)' as '(c)’;

iii) In (d), (now (c)), line 1, delete 'In all other cases, an' and substitute 'An', to read: 'An appeal will only be considered....’;

iv) In (d) (now (c)), line 1, delete 'meeting' and substitute 'hearing';

v) In (d) (now (c)), line 3, delete 'meeting' and substitute 'hearing';

vi) In (d) (now (c)), lines 4-5, after 'documentation' insert 'as part of the standard academic appeals process', to read: '...be resolved with reference to the appeals documentation as part of the standard academic appeals process'.

Regulation 2 (Research Degree Awards)

i. Delete “dissertation” whenever it occurs throughout Regulation 2;

ii. Delete “Tier 4 visa” whenever it occurs throughout Regulation 2 and substitute with “student visa”;

iii. Regulation 2.5: delete all and substitute with:

   a. “2.5 (a) Research students who are in their normal period of enrolment should reside in the UK and within reasonable travelling distance of the University of York unless: (i) they are on an approved distance learning programme, or (ii) they are on an approved collaborative programme that requires residence away from York, or (iii) a period away from York is required for programme-related reasons (e.g. data collection, placement or mobility period) in accordance with the time-limits and approval requirements in the Policy on Research Degrees, or (iv) an individual exemption is approved by Special Cases Committee, or (v) a University-wide exemption is approved by YGRS for contingency
reasons. Students are required to provide the University with accurate and up-to-date contact details.

b. (b) Students are expected to engage with the academic requirements of their programme (see 2.3) unless they are: (i) taking annual leave in accordance with the Policy on Research Degrees, or (ii) are taking an approved break from their programme on medical or personal grounds in accordance with the Policy on Research Degrees.”;

iv. Regulation 2.6: delete clause (b) and substitute with:

a. “(b) Students may appeal against decisions on academic progress. Such appeals can be made to Special Cases Committee (see Regulation 2.8 below).”;

v. Regulation 2.8: delete “Guidance relating to academic appeals for students on taught programmes of study is available as Regulation 6.7.”;

vi. Regulation 2.9.3: insert “normally” before “during the eight years” and insert “(acknowledging, for example, the potential impact of parental or sick leave)” after “submit”.

**Regulation 6.5 (g)(ii) - Progress and programme transfers**

Delete 'Where a transfer of enrolment requires exemption from an assessment requirement or the repeat of programme elements already studied, the approval of Special Cases Committee is also required' and substitute 'Special Cases Committee approval is also required in certain cases, as detailed in the Special Cases Committee Policy on programme transfers'.

**Regulation 6.7.1**

i) In (e), line 3, delete ‘the Chair’ and substitute ‘the Special Cases Manager’;

ii) in (e), line 3, after ‘may decide,’ insert ‘in consultation with the University Complaints Officer,’.

**Regulation 6.7.3**

i) In (c) delete: ‘(c) An appeal against a recommendation concerning 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.’;

ii) In (d) re-letter ‘(d)’ as ‘(c)’;

iii) In (d), (now (c)), line 1, delete 'In all other cases, an' and substitute 'An', to read: 'An appeal will only be considered....';

iv) In (d) (now (c)), line 1, delete 'meeting' and substitute 'hearing';

v) In (d) (now (c)), line 3, delete 'meeting' and substitute 'hearing';
vi) In (d) (now (c)), lines 4-5, after 'documentation' insert 'as part of the standard academic appeals process', to read: '...be resolved with reference to the appeals documentation as part of the standard academic appeals process'.

**Regulation 7 (Student Discipline)**

*Summary of Changes*

The changes relate to simplification and readability, clarity of meaning, the inclusion of “spiking” as part of sexual misconduct (at the recommendation of students), and proposed changes to authority to act (under both precautionary action and at appeal). **The full text of the updated Regulation is appended for information.**

*Simplification of Principles*

7.3.1(a) - separation of investigation and decision makers removed (to be covered in ‘natural justice’ principle)

7.3.1(b) - text amended for clarity (meaning unchanged)

7.3.1(k) - new principle added to cover our consideration of mitigation and aggravation

7.3.1(e) **now removed and lettering amended** - refers to a principle of natural justice (bias) so is now combined with (j), which refers explicitly to the principles of natural justice.

7.3.1(l) **now removed and lettering amended** - refers to a principle of natural justice (notice of the nature of an allegation) so is now combined with (j), which refers explicitly to the principles of natural justice.

7.3.1(n) - **previously (o)** - text amended in two places for clarity - ‘repeatedly’ moved for sense. ‘Case’ replaced with ‘the University’s process’

*Inclusion of “Forcing or coercing the consumption of drugs, alcohol or any other substance.” as a type of physical misconduct*

7.5.2(a) now includes “Forcing or coercing the consumption of drugs, alcohol or any other substance.”, to cover issues including spiking and initiations.

*Clarity regarding suspension or expulsion as a sanction*

7.6.3 - section added to make clear that suspension or expulsion from the University will only be considered as a sanction in level 2 cases.

*Informing the Academic Registrar of criminal matters*

7.10.4 and 7.10.5 and 7.10.6 - wording changed - “no less” in place of “no more”

*Anonymous reporting*

7.7.4 - wording changed for clarity - that anonymous reports will typically not lead to disciplinary action, but this does not mean we are not taking action in other ways based on these reports.
Proposed changes to Precautionary Action Authority

7.11.2 and 7.11.3 and 7.11.5 - authority for interim action to be reallocated to Director of Student Life and Wellbeing, in consultation with another member of Student and Academic Services Management (previously stated authority was Academic Registrar in consultation with another member of UEB).

Amendments relating to process

7.12.2(k) text amended to explicitly include mitigating and aggravating factors.

7.12.2(q) text amended to explicitly include the panel deciding what level of sanction is appropriate.

7.12.3 - Authority for Appeals to sit with Academic Registrar or a designated delegate, (previously stated authority was stated as Registrar & Secretary.

7.12.3(e) - text amended to make clear that the authority for the appeal decision rests with the Academic Registrar, on the recommendation of an appeals manager.

Other various minor punctuation changes have been made for the sake of readability.

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Regulation 7: Student Discipline Procedure

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. 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.

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 ongoing, the University reserves the right to refer to that fact, i.e. that there was an ongoing 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.
(b) Balance of probabilities - The standard of proof for decisions made under this procedure 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 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) 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 the formal procedure. 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 the 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** – 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.

(i) **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.

(j) **Natural justice** - Those involved in decision making will 'come to matters without bias'. 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.

(k) **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 or disciplinary meeting/hearing, before any sanction is decided.

(l) **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.

(m) **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.

(n) **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 University’s disciplinary process 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 repeatedly fails to 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.
• Forcing or coercing the consumption of drugs, alcohol or any other substance.

(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** - Allegations of student misconduct which (whilst serious) are 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.

7.6.3 Suspension or expulsion from the University will only be considered as a sanction in level 2 cases.

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 lead to disciplinary action being taken by the University under Regulation 7.
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:
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.

- 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.

7.9.3 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 more 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 more 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 more 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 Director of Student Life and Wellbeing 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 Student and Academic Services Management Team, 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 Director of Student Life and Wellbeing, which may be subject to specified conditions as the Director of Student Life and Wellbeing 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 Director of Student Life and Wellbeing, 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, taking into account any mitigating or aggravating factors.  
(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, what level of disciplinary sanction is appropriate, taking into account any mitigating or aggravating factors.

(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 typically 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 Academic Registrar. 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 Academic Registrar 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 Academic Registrar (or designated delegate) 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 Academic Registrar (or designated delegate) will decide the outcome of the appeal, on the recommendation of the authorised appeal manager. The outcome of the review will be that the case outcome is either upheld (i.e. the outcome remains the same), or there is a different finding which overturns the outcome. The Academic Registrar 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 finding.

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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