

Student Behaviour and Disciplinary Policy and Procedure

This document sets out expectations of behaviour and details how reports of potential breaches will be handled. It addresses sexual harassment and sexual misconduct, which may be distressing to read. It includes descriptions of inappropriate behaviour, reporting procedures, and support resources. If you need support, please visit the [Student Hub](#).

For definitions used in this policy, please see our [Definitions webpage](#).

1. Dignity and respect at York St John University

- 1.1 York St John University is committed to social justice, fairness and providing an inclusive environment where everyone feels welcomed and valued. We aim to ensure that all our students and staff can reach their full potential in a diverse and supportive community.
- 1.2 Everyone at the University has a right to dignity and respect, and a responsibility to uphold it. All forms of misconduct are unacceptable. Relationships within the University community must be based on mutual respect.
- 1.3 Everyone in the University community can be impacted by inappropriate behaviour, but students with certain protected characteristics may be more at risk. The University prioritises supporting anyone affected.

2. Purpose of this policy

- 2.1 This policy provides a clear and consistent framework for:
 - Setting expectations for behaviour.
 - Preventing, reporting, and addressing misconduct, including harassment and sexual misconduct.
 - Providing fair and consistent processes to handle incidents.
 - Supporting those affected and encouraging reporting of unacceptable behaviour.
- 2.2 This policy is intended to address misconduct by students rather than to resolve disputes between individuals.
- 2.3 Details on what are considered unacceptable behaviours can be found in section 4.

3. Scope of this policy

- 3.1 This policy applies to all students enrolled on modules, programmes or courses delivered in whole by the University.
- 3.2 Disciplinary matters relating to students studying with Validated or Franchise Partners will normally be investigated and determined by the Partner institution under its own disciplinary policies and procedures, reflecting the Partner's local operating, legal and student support context. As part of the approval and onboarding process, the University will assure itself that Partner policies and procedures are appropriately aligned with the University's regulatory expectations and relevant sector requirements, including those relating to student conduct, safeguarding, harassment and sexual misconduct. The University retains oversight responsibility for the quality and effectiveness of these arrangements through ongoing partnership management, annual monitoring and review processes, and escalation and reporting mechanisms for serious or high-risk matters where appropriate. For a list of our partners, please see [Our Partners](#) webpage.
- 3.3 It covers behaviour both on campus and off (including online) and applies to students registered or studying at the University up until the point of award confirmation (including periods of leave).
- 3.4 There is no time limit for reporting incidents, but delays can make investigations more difficult.
- 3.5 Reports about staff, visitors and contractors, will be referred to the University Secretary who will determine the appropriate policy (in consultation with HR) to follow. This could include the Dignity at Work policy and procedure, the Staff Harassment and Sexual Misconduct Policy or the Intimate and Close Personal Relationships at Work policy.
- 3.6 Complaints about the University are address under the [Student Complaints Policy and Procedure](#).
- 3.7 Academic misconduct is dealt with under the [Academic Misconduct Policy](#).
- 3.8 Research misconduct is dealt with under the [Research Misconduct Policy and Procedures](#).
- 3.9 Misconduct in University accommodation is dealt with under the [Misconduct in Accommodation Policy](#).
- 3.10 In addition to or instead of its Disciplinary procedure, the University may apply its procedures on [Support to Study](#), [Fitness to Study](#) and/or [Fitness to Practise](#).
- 3.11 If it becomes clear that a student's behaviour may be linked to a health condition or disability, the University may consider the matter under [Fitness to Study](#) and/or [Fitness to Practise](#) policies instead of this policy. The student will be informed if this happens and why. The reporting student will be told that the matter has been addressed, but detailed outcomes may not be shared due to confidentiality.
- 3.12 The University Disciplinary Officer is impartial. They have delegated authority from the Vice Chancellor to decide which policy applies when a report is made, based on the evidence available. They may consult with other staff to ensure the

right approach is taken.

- 3.13 If a complaint arises during disciplinary proceedings, the Disciplinary Officer and Complaints Officer will decide whether to:
- Address the complaint alongside the disciplinary case.
 - Pause the disciplinary process to review the complaint.
 - Wait until the disciplinary case concludes to handle the complaint.

All decisions will be communicated to those involved.

- 3.14 Cases involving the Complaints Officer or Disciplinary Officer will be referred to the University Secretary and Registrar.
- 3.15 If new reports or counter reports arise during disciplinary proceedings, the Disciplinary Officer will decide if they will be included in the current case or addressed separately.
- 3.16 Where behaviour takes place within a Students' Union or Sport Union club, society or network, the matter may be considered under the relevant Union's procedures. The University and the Union may share relevant information and coordinate their processes where appropriate. Outcomes from Union procedures may be considered by the University, and additional University action may be taken where necessary.
- 3.17 If either party withdraws, has their registration enforced, or completes their programme of study while provisional action or disciplinary process is ongoing, the University may continue the process to determine whether a breach of policy has occurred.
- 3.18 A student will not normally be awarded, graduate or receive certification for an award while a reported misconduct matter is being considered under the disciplinary procedures. In exceptional circumstances, a student may request that this restriction be reviewed. Such requests will be considered by the Disciplinary Officer in consultation with the Academic Registrar, taking into account the nature and seriousness of the reported misconduct, the interests of all parties, relevant professional or regulatory requirements, and the University's obligations under consumer protection and Competition and Markets Authority guidance. The University may temporarily withhold the release of marks, progression decisions, award outcomes or certification until disciplinary processes have concluded.
- 3.19 The University may pause investigations if investigators are subject to harassment or abuse. In such instances disciplinary action may be taken.
- 3.20 No action will be taken if a report is found to be baseless and made in good faith. However, malicious reports or reports designed to cause disruption or annoyance may result in disciplinary action.

4. Examples of misconduct

- 4.1 Misconduct may occur in person or through electronic means, such as online

platforms, messaging apps or image-based abuse.

- 4.2 It includes behaviour that disrupts University activities, harms others, damages the University's reputation, or involves dishonest or misleading communication. This includes unreasonable, excessive or inappropriate communications with University staff. The University recognises that communication styles and behaviours may vary between individuals, including where students are disabled, neurodivergent, experiencing mental ill health, or otherwise in distress. When considering whether communication is unreasonable, excessive, or inappropriate, the University will take account of the individual circumstances of the student, including any disclosed or known disability, health condition, or support need, and whether reasonable adjustments or supportive interventions may be appropriate.
- 4.3 Communication will not normally be considered misconduct solely because of its frequency or style where this is connected to a disability, health condition, or other support need, unless appropriate support measures and reasonable adjustments have first been considered.
- 4.4 In assessing whether the conduct is unreasonable, the University will consider factors such as the volume, frequency, persistence, tone, duplication, impact on staff or students, whether new information is being provided, and whether the communication continues after appropriate guidance or requests to moderate contact.
- 4.5 Students can still raise concerns, follow up on emails, and seek help. The expectation is simply that communication is reasonable, clear, and respectful.
- 4.6 Lack of intent or not knowing it is an act of misconduct is not a defence.
- 4.7 Please note an amnesty clause is in place to encourage students to report incidents of misconduct against them. An amnesty clause allows reporting students to report serious misconduct (such as harassment or assault) without being investigated for breaches like using alcohol or drugs at time of the reported incident. This is to encourage reporting by removing fear of disciplinary consequences for drug and alcohol breaches.
- 4.8 The following examples illustrate forms of misconduct but are not exhaustive.

4.9 Disruptive, violent or harmful behaviour

- a) Violent, threatening, or disorderly conduct.
- b) Use of language or behaviour that is abusive, threatening or constitutes unlawful discrimination or harassment towards individuals or groups with protected characteristics and beliefs.
- c) Behaviour intended to cause fear, distress, or harm to others, including bullying, stalking, or coercion.
- d) Carrying weapons, imitation weapons or replicas, except where expressly authorised as part of an approved University activity, club, society, sporting activity, training exercise performance or other legitimate purpose.
- e) Criminal offences that are serious and/or relevant to the student's conduct as a member of the University community. Examples include, but are not limited to, theft, drug related offences involving supply or intent to supply, violent offences,

and offences that raise safeguarding, safety or reputational concerns for the University.

4.10 Harassment, discrimination and sexual misconduct

- a) Harassment or discrimination against any member of the University community, or
- b) Harassment or discrimination related to protected characteristics including age, sex, gender reassignment, sexual orientation, race, religion or belief, marriage and civil partnerships, pregnancy and maternity or disability, such as:
 - Inappropriate or offensive jokes, comments, or language.
 - Unwanted physical contact or advances, staring, or sexual comments.
 - Circulation or display of offensive material (for example - online posts, emails, graffiti).
 - Bullying, excluding, or isolating individuals.
 - Deliberately “outing” someone regarding their gender identity or sexual orientation.
 - Sexual misconduct, including sexual harassment, sexual assault, or pressuring for sexual favours.

4.11 Breach of University policies or rules

- a) Breaching health and safety guidelines.
- b) Failure to comply with mandatory training.
- c) Failure to comply with legal obligations under UK law, where relevant to a student’s conduct and activities, including requirements under the Foreign Influence Registration Scheme.
- d) Failure to follow a reasonable instruction from a University staff member or a member of the University security team.
- e) Damaging or stealing property belonging to the University or others.
- f) Academic or administrative dishonesty (for example - fraud, deceit, or misrepresentation).
- g) Violations of public health restrictions or policies.
- h) Breach of the [Acceptable use of IT Policy](#).

4.12 Misuse of technology or communication

- a) Publishing abusive or threatening material online or via social media.
- b) Accessing inappropriate websites
- c) Sharing harmful digital content, for example, sharing or creating harmful or humiliating images of others
- d) Spreading computer viruses
- e) Engaging in unauthorised IT activities.

4.13 Actions bringing the University into disrepute

- a) Anti-social behaviour, including harassment or violence in University or community spaces.
- b) Engaging in terrorism, extremism, or activity linked to such networks.
- c) Behaviour that undermines the University's values or harms its reputation.
- d) Not declaring any serious, unspent or pending convictions as per the [Admission of Students with Criminal Convictions Policy](#).

4.14 Failure to comply with previous sanctions

- a) Ignoring previously imposed disciplinary actions or sanctions.

4.15 Malicious reports

- a) Filing false accusations against staff or students.

5. Principles underpinning the University's approach to disciplinary matters

5.1 All reports will be taken seriously, and appropriate action will follow based on the evidence available

- a) The University encourages students to safely challenge inappropriate behaviour and report it – [Report and Support](#).
- b) Investigators, members of the Appeals and Conduct Committee and decision makers will be trained in the application of this policy

5.2 The University will promote a culture of inclusion, safety and wellbeing

- a) The University values open and respectful dialogue, debate, and dissent, while ensuring that the community remains free from discrimination, harassment and victimisation. The University is committed to protecting lawful freedom of speech and academic freedom. This policy will not be used to restrict lawful expression of views, including those that may be unpopular or controversial. However, behaviour that is unlawful, constitutes harassment or discrimination or breaches other university policy may be subject to action under this policy.
- b) Collaborating with the Students' Union, the University emphasises zero tolerance for student misconduct through awareness raising campaigns, participation in national campaigns such as gender-based violence and hate crimes, as well as University and Students' Union led initiatives throughout the academic year.
- c) Consent training, which includes active bystander training (available on Moodle), is mandatory for all new starters (staff and students). Opt-out options are available for example for individuals who have experienced or witnessed sexual violence.

5.3 The University will be committed to fairness

- a) The University abides by the principles of natural justice. This means that the University ensures that:
 - The responding student is informed of the reports made against them.
 - The responding student has the chance to respond.
 - A fair and unbiased investigation/hearing is conducted.
 - A process is available to appeal against the finding or sanction.
- b) Non-disclosure agreements in cases of harassment or sexual misconduct are never used.
- c) All staff will conduct these proceedings with impartiality and discretion whilst offering support to all students.
- d) The University will consider requests for reasonable adjustments for disabled students to ensure fairness. Students should contact Casework (email casework@yorks.j.ac.uk) to discuss specific adjustments.
- e) The University decides cases based on the balance of probabilities, meaning it assesses whether something is more likely than not to have happened.
- f) Investigations will be evidenced based. Hearsay evidence may be considered, but its reliability and weight will be assessed in the context of all available evidence. The nature of the hearsay, the availability of direct evidence, and any corroborating information will be considered before deciding how useful and trustworthy it is.

5.4 The University will give careful consideration to legal and criminal matters

- a) If a behaviour could be a criminal offence, it should be reported to the Disciplinary Officer for advice on involving the police.
- b) The University disciplinary procedures are not a substitute for the criminal justice system; the University cannot decide whether a crime has been committed.
- c) While the University cannot conduct criminal investigations, it will cooperate fully with the police and legal proceedings - see Section 18.

5.5 The University will support students

- a) Usually, students can bring one supporter to disciplinary meetings. This can be a staff member, a current registered student or Students' Union representative. Requests for an additional supporter may be permitted with the agreement of the Disciplinary Officer, for example disabled students may also request a practitioner to be in attendance.
- b) The supporter cannot be anyone connected to the investigation.
- c) The supporter's role is to observe and provide moral support. The supporter may address the meeting to clarify procedural matters but may not answer questions on behalf of the student unless agreed as a reasonable adjustment. The student will be asked to provide the name of the supporter and the capacity in which the supporter is attending in advance.
- d) Where disciplinary action is required within the first 3 months of the student's studies and supportive links may not have been established, alternative supporters may be possible. Approval should be sought from the University Disciplinary Officer or their nominee.
- e) Legal representation is not usually required, as university disciplinary procedures are internal processes. However, in cases where the seriousness of the report,

complexity of the evidence, or potential consequences for the student warrant legal support, students have the right to request legal representation.

- f) Students seeking legal representation must notify the Disciplinary Officer at least three working days before the meeting or hearing. Legal representatives will typically act as supporters, following the same rules as other supporters. However, in cases where procedural fairness requires active legal participation, such as where the case involves complex legal issues, significant sanctions (for example expulsion), or the need for effective cross-examination, legal representatives may participate fully in the proceedings.
- g) Exceptional circumstances in which full legal representation may be permitted include, but are not limited to:
 - The seriousness of the report, particularly where the outcome may significantly affect the student's education or future career.
 - The complexity of the evidence or legal issues involved in the case.
 - The student's ability to present their case, including any factors affecting their ability to understand or engage with the process.
 - The need for fairness in cross-examining witnesses or evidence, ensuring a balanced and just hearing.
 - Other procedural fairness considerations, including the university's own legal representation.
- h) Decisions on legal representation will be made by the Disciplinary Officer, who will ensure that students are not disadvantaged in presenting their case.
- i) All students will be signposted to wellbeing and welfare support services throughout disciplinary proceedings. In certain cases, the University Disciplinary Officer or Casework team may request these teams to contact students directly.
- j) In cases related to harassment and/or sexual misconduct cases, the Responsible Person or Investigating Officer will meet with the reporting student to talk about available options (more than one option can be taken):
 - Request a formal investigation (informal resolutions are usually not suitable).
 - Report the incident to the police.
 - Seek internal or external support.
 - Choose to take no further action (the University reserves the right to refer a matter to the police. This would usually be discussed with the reporting party).
- k) Specialist sexual violence support is available to reporting students, if requested, and where available.

5.6 The University will provide timely resolutions

- a) The University acknowledges it can be very distressing for all parties if the procedures become prolonged. The University aims to complete investigations as quickly as possible but within **60 working days** and appeal within **30 working days**. Delays may occur in complex cases. If we cannot make these timeframes, we will explain why.

5.7 The University will be committed to learning lessons

- a) The University is committed to learning from reported incidents. Anonymised reports are periodically reviewed to identify trends, inform prevention efforts and

improve support services. Annual updates are shared with the Academic Board and Board of Governors for scrutiny.

6. Roles and Responsibilities under this policy

- 6.1 All members of the University community: Everyone, including staff, students, contractors and visitor, are responsible for:
- Acting appropriately in person and online.
 - Treating others with respect in line with this policy.
 - Engaging fairly with procedures when concerns or reports are raised.
 - Completing their mandatory training.
 - Understanding and following this policy.
- 6.2 Board of Governors:
- Oversee the University's approach to student misconduct to ensure that it makes significant and credible difference to protecting students.
 - Ensures the University continues to secure freedom of speech.
- 6.3 The Executive Board and Senior Leadership Team:
- Champion freedom of speech.
 - Oppose inappropriate student and staff behaviours.
 - Ensure effective procedures are in place to handle reports.
 - Listen to feedback and take transparent actions where possible to support continuous improvement.
- 6.4 Managers:
- Understand and apply this policy to help staff and students to resolve problematic behaviour.
 - Assist with investigations when needed.
 - Communicate openly and honestly and share information, where they are able to.
- 6.5 Students:
- Act when they experience or witness inappropriate behaviour (by seeking support and reporting incidents).
 - Take responsibility for addressing issues and seeking guidance.
 - Complete their mandatory training.

7. Reporting inappropriate behaviour

- 7.1 Anyone can report inappropriate behaviour or seek support, whether they have experienced it themselves, witnessed it, or are reporting on behalf of someone else.
- 7.2 Please note an amnesty clause is in place to encourage students to report

incidents of misconduct against them. An amnesty clause allows reporting students to report serious misconduct (such as harassment or assault) without being investigated for breaches like using alcohol or drugs at the time of the reported incident. This is to encourage reporting by removing fear of disciplinary consequences for drug and alcohol breaches.

7.3 Reports can be made in the following ways:

- [Report and Support](#): The Report and Support platform allows all students, staff, and visitors to our campus to report incidents, either anonymously or with contact details. If a report is made with contact details, the Welfare Team will contact you to offer support. Reports can relate to an individual or a group of people. Reports are reviewed and assessed by Wellbeing, Welfare and Casework teams during normal office hours to determine how your concern will be addressed and any provisional action the University may need to take to keep you safe.
- [Wellbeing and Welfare Support](#): Our free Wellbeing and Welfare Service can provide you with support for your mental health, wellbeing and issues that arise during your time at university. The Wellbeing team has mental health practitioners and counsellors to provide mental health and wellbeing support. In addition to Wellbeing support, we also have Welfare Advisers who can provide support for a range of issues including assault, crime, pregnancy, domestic violence, and accommodation issues. Welfare Advisers can provide information, guidance and signposting to relevant teams inside the university and also to external services.
- Sexual Violence Liaison Officers (SVLOs): SVLOs provide support to students who have experienced sexual violence or misconduct.
- [Students' Union \(SU\)](#): SU staff, including the Presidents and Advice Service can provide guidance on making a report and accessing support. They can be contacted via email (su.advice@yorks.ac.uk) or found in the SU building.
- [Campus Security team](#): The Security team can talk through how to make a report and what support is available.
- Tutors, supervisors and University staff: Tutors, supervisors and University staff will be able to signpost to the reporting options and talk to you about what support is available.

7.4 Further reporting and disclosure obligations:

- Reporting to the Police: Guidance on police procedures, the Sexual Assault Referral Centre (SARC), evidence preservation, and anonymous reporting via Crimestoppers is available on the [Report and Support website](#).
- Criminal Convictions: Students must disclose new or pending convictions in line with the University's [Admission of Students with Criminal Convictions Policy](#). Those on regulated courses (for example – Nursing, Healthcare) must report any criminal charges, even if unrelated to the University.
- Safeguarding responsibilities: If the responding party works or volunteers with children, the University may have a legal duty to inform the Local Authority Designated Officer (LADO).
- Each report of misconduct is handled on a case-by-case basis to ensure a fair and sensitive approach.

8. Support and advice for all students during disciplinary proceedings

The University understands that unacceptable behaviour can significantly impact mental health, self-esteem, sense of belonging and academic outcomes. We are here to help. If you need support, don't hesitate to reach out, even if the incident happened outside the University or even if you don't want the University to investigate what has happened. This is not an exhaustive list but highlights key resources available to students.

8.1 Getting immediate help:

- In emergencies or immediate danger please call 999.
- If you are on York Lord Mayors Walk or York Haxby Road campus notify [University Security](#).
- If you are at the London campus, notify reception within the Export Building.

8.2 Reporting:

- You can report concerns via the [Report and Support](#) platform.
- This provides resources and allows you to disclose incidents anonymously or with your details. If you have left contact details, please note that the standard response time to your report is 3-5 working days.

8.3 Wellbeing and welfare support:

- Wellbeing Support – You can access free mental health and wellbeing support from our mental health practitioners and counselling staff. Support can be accessed by making a self-referral or attending the daily drop-in sessions. These can be accessed through the [Student Hub](#).
- Welfare Support – The Welfare team can assist with practical support and guidance, including making referrals to external support, including the National Health Service (NHS), hate crime reporting centres, and Sexual Assault Referral Centres (SARCs). Welfare Advisers can talk with you about reporting options and what to expect from University investigations. Welfare support can be accessed through the [Student Hub](#).
- For students studying at the London campus, services are available remotely. You can also email wellness.london@yorks.ac.uk to connect with a member of the Student Support and Guidance team on the London campus.

8.4 Tailored support:

- Information about assistance for students with disabilities, long term health conditions, or specific learning difficulties can be found on our [Disability support pages](#).
- Support services specific to LGBTQ+ needs are available. More information can be found on our [Specialist support page](#).
- Specialist staff, such as Sexual Violence Liaison Officers (SVLOs) are available to help students who have experienced sexual misconduct.

- The Student Assistance Programme offers support through a free 24-hour confidential helpline and digital resource.
- Ongoing pastoral support is available to those with and without a faith. Details on chaplaincy support can be accessed on the [Religion and Spirituality webpage](#).
- Information on all our student support services is available on our [Student Hub](#).

8.5 Academic and Accommodation support:

- During disciplinary investigations, academic adjustments (for example - deadline extensions or changes to schedules) may be possible. You can email the Casework team (casework@yorks.ac.uk) for help.
- Emergency accommodation may be available for students feeling unsafe. Please note there may be financial implications associated with this. Students can seek advice on any financial implications from the Funding Advice team.

8.6 Students' Union (SU): The SU offers advice and support through its free, independent and confidential Advice Service. They can be contacted at su.advice@yorks.ac.uk or they can be found in the SU building.

8.7 External support services:

York-Based Services

- **Sexual Assault Referral Centre (SARC):** For forensic medical examinations and other services for anyone aged 16 and over. Acer House is based in Poppleton and the services are available whether or not the assault has been reported to the police.
- Website: [Acer House SARC](#)
- Telephone: 0330 223 0099 (24-hour helpline)
- **Survive:** A York-based charity supporting survivors of sexual assault or abuse with counselling and support groups.
- Website: [Survive North Yorkshire](#)
- Helpline: 01904 642 830
- Email: survive@survive-northyorks.org.uk
- **Independent Domestic Abuse Service (IDAS):** Provides emotional and practical support for survivors of domestic abuse, including housing and legal advice.
- Website: [IDAS](#)
- Telephone: 03000 110 110
- Email: info@idas.org.uk

London-Based Services

- **London Survivors Gateway:** Connects you to specialist services for those affected by sexual violence.
- Website: [Survivors Gateway London](#)
- Telephone: 0808 801 0860
- **Rape Crisis London:** Offers support for survivors of sexual abuse or violence. Find rape and sexual assault referral centres.
- Website: [Rape and sexual assault referral centres near E14 2BA](#)

National Services

- **Samaritans:** a 24-hour confidential helpline for anyone in distress.
- Telephone: 116 123
- Website: [Samaritans](#)
- **Rape Crisis England and Wales:** Feminist charity working to end sexual violence and abuse.
- Website: [Rape Crisis England and Wales](#)
- Telephone: 0808 500 2222
- **NHS Domestic Violence Support:** Resources to help those experiencing domestic abuse.
- Website: [NHS Live Well: Domestic Violence and Abuse](#)

9. Informal resolution of disciplinary matters

- 9.1 Students are encouraged to resolve concerns early and in the spirit of trust and co-operation. If a student believes they have been treated inappropriately, and if they feel safe and able to do so, they should tell the person their behaviour is unacceptable. They may not realise their actions are causing harm and should be given an opportunity to rectify their behaviour.
- 9.2 Where a student feels unable to resolve the matter by themselves, they are strongly encouraged to seek advice and support.
- 9.3 For issues related to societies, clubs, or committees, mediation through the Students' Union may be helpful. To consider this contact su.advice@yorks.ac.uk.
- 9.4 If informal resolution is not appropriate or does not resolve the matter, reports regarding misconduct can be emailed to casework@yorks.ac.uk or can be made via [Report and Support](#).
- 9.5 Anonymous reports will not usually lead to disciplinary action against individuals, due to the need for procedural fairness. However, if clear and corroborated evidence of serious misconduct emerges, the University may consider taking proportionate steps.

- 9.6 If formal procedures aren't initiated, staff may still remind students about appropriate behaviour and the University's expectations.
- 9.7 After reviewing a case, the Disciplinary Officer can decide to:
- a) Dismiss the report as false, malicious, trivial or lacking evidence.
 - b) Refer the issue for consideration under other procedures (for example, Students' Union, Accommodation, or Fitness to Study/Practise).
 - c) Treat the case under the formal disciplinary process – level 1 or level 2.
- 9.8 The University reserves the right not to proceed with any investigation following a report against a student if it is considered there are insufficient grounds or evidence to do so. An investigation may not take place if we cannot meet the threshold to do so; this decision will include a consideration of the student status of those involved, time elapsed since the date(s) of the reported behaviour(s), the evidence that is or may be available, and any other relevant information. If an investigation does not happen, this is not the same as saying that misconduct did not occur, but rather that there is not sufficient information, evidence, or available lines of enquiry to progress the case further.
- 9.9 If multiple different reports are received relating to a student, the Disciplinary Officer will determine whether the report should be investigated as one case or as multiple cases.

10. Provisional Action

- 10.1 If students are subject to a criminal charge or to a police investigation, or if the University believes that their behaviour is likely to pose a risk to the wellbeing and safety of themselves or others, it may take provisional action to limit the student's interaction with the University community.
- 10.2 Provisional actions are not penalties. They are implemented to:
- Protect individuals and property.
 - Ensure the safety and wellbeing of the University community.
 - Safeguard the responding student from further reports during the investigation.
- 10.3 Provisional action could include:
- a) Moving students to alternative accommodation (if they live in University housing).
 - b) Excluding students from specific University activities, buildings, or the entire campus (exclusions may be partial or full). Students may be excluded from specific university and/or Students' Union or Sport Union activities.
 - c) Restricting access to certain areas at specific times.
 - d) Prohibiting contact with specific individuals. Breaching this condition will be treated as misconduct.
 - e) Suspending students from university premises and activities entirely

(exceptions may be made – for example, for exams).

f) Restrictions on University IT access.

- 10.4 If a criminal case or police investigation delays the resolution, and the student exceeds the allowed study period, they may be withdrawn. Re-applications may be considered after the criminal case concludes, but students may be required to share its outcome for a fresh assessment. If the student is a visa holder, due to UKVI regulations, it may be necessary to withdraw students' enrolment and sponsorship due to the University being unable to keep sponsorship active indefinitely. See section 18 for further details on the process once outcomes from investigations are known.
- 10.5 The Disciplinary Officer decides if provisional action is needed based on an evidence-based risk assessment. The decision considers the balance between protecting others and minimising harm or disadvantage to the responding student.
- 10.6 Provisional actions may apply to students who have completed their studies but are due to attend graduation.
- 10.7 A student will not usually be granted an award or obtain certification of an award while a case of reported misconduct is in the process of being dealt with under the University's disciplinary processes. Requests for this principle to be waived must be submitted by the student for consideration by the Disciplinary Officer in consultation with the Academic Registrar. The decision will depend on the type and seriousness of the misconduct. Risk assessments will be conducted to balance responsibilities to both parties and ensure compliance with Competition and Markets Authority guidance.
- 10.8 The responding student will be informed, usually with at least 24 hours' notice (Monday to Friday) of any meetings relating to provisional action. Students can present their case before a decision is made unless the situation requires immediate action (for example, due to safety risks). Immediate action may be taken without prior input, but students will receive written details of the decision and guidance on how to appeal. If there are known Wellbeing concerns, a Wellbeing Adviser may attend meetings or provide support. The University will take reasonable steps to minimise the impact of provisional action on students' studies and access to essential services.
- 10.9 Meetings related to provisional actions will be minuted but not audio recorded. Recording without consent may lead to disciplinary action and will not be accepted as evidence.
- 10.10 Provisional action will be automatically reviewed after 4 weeks by the Disciplinary Officer and may remain in place until investigations or legal proceedings conclude.
- 10.11 Both parties will be informed of the provisional action taken.
- 10.12 Responding students can appeal provisional actions at any time by emailing the Student Casework team at casework@yorks.ac.uk. The reporting student cannot appeal provisional action because the provisional measures are designed to protect the wellbeing and safety of the University community, and

the focus is on managing risks rather than resolving the underlying report.

- 10.13 Appeals are reviewed by the Vice Chancellor or their nominee, with responses typically provided within **5 working days**.
- 10.14 Failure to comply with provisional actions or the final decision may lead to further disciplinary measures.

11. Formal disciplinary process – Level 1

- 11.1 This process is used for less serious or minor misconduct cases, such as minor damage to property, or minor disruptive behaviour. It aims to resolve issues as close as possible to where they happened.
- 11.2 The Disciplinary Officer delegates to a 'Responsible Person' (for example, Programme leads and professional services staff in management positions) to investigate. For franchise and validated partners, disciplinary matters follow their own procedures, but the University may provide guidance and support to ensure consistency with its own policies.
- 11.3 The Responsible Person reviews the evidence and makes any further enquiries, including meeting with both parties to review all the evidence presented and allow both parties to give their version of events. Initial evidence will be shared with the responding student at the initial meeting. The methodology aligns with the *Principles on Effective Interviewing for Investigations and Information Gathering* and with Rachlew, A., Fahsing, I., Bergestuen, S. and Myklebust, T. (2022) *A Guide to the Professional Interview: A Research-Based Interview Methodology for People Who Ask Questions*. London: Anthem Press.
- 11.4 If further information or evidence comes to light during the course of the Responsible Person's investigation that results in the matter being more appropriately handled under the level 2 procedure, the Responsible Person should discuss this with the Disciplinary Officer. Where the Disciplinary Officer determines this is appropriate, the parties involved will be notified and the process will transition into the Level 2 process. This may include a change of investigator.
- 11.5 Engaging in the disciplinary process is strongly recommended. The responding student will be offered at least 2 opportunities to attend a meeting. If the responding student does not attend, the Responsible Person will still make a decision.
- 11.6 Any meetings held will not usually be audio recorded but may be minuted. A summary of the meeting will be provided to the reporting party and responding party to confirm after the meeting. They should not be recorded without the express consent of those involved. If the student does record any meetings without the consent of others, this may amount to a disciplinary offence. Any recording will not be permitted to be used as evidence.
- 11.7 The Responsible Person may recommend to:

- a) Dismiss the case.
- b) Issue a level sanction:
 - i. Verbal warning
 - ii. Written warning/reprimand (a copy will be retained on file for the remainder of your studies).
 - iii. Restitution of any damage caused by way of payment.
 - iv. Other such action appropriate to the circumstances.
- c) Refer the case to level 2.

More than one sanction may apply, and past misconduct may be considered.

- 11.8 The Responsible Person will send a report to the Disciplinary Officer, who reviews and confirms the decision.
- 11.9 Where the Responsible Person concludes their investigation and recommends the matter is referred to level 2, the Disciplinary Officer will review the Responsible Person's report and determine if further investigation is required under the level 2 procedure or if the matter should proceed straight to a disciplinary hearing. Where further investigation is required under the level 2 procedure, the Disciplinary Officer will determine next appropriate steps for the process to ensure a full investigation but to avoid repetition of any meetings which have already taken place. Where the matter is referred to a disciplinary hearing, the report compiled will be shared with the responding party. The reporting party will receive documentation relevant to their involvement in the case.
- 11.10 All parties will be informed of the decision as soon as possible, with updates if delays occur.
- 11.11 Where a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements may need to discuss the outcome and any implications for their studies, placement eligibility, professional accreditation, visa status, or continuation on the programme with their Course Lead or relevant academic department. The University may also be required to report outcomes to relevant professional, regulatory, placement, sponsoring, or partner organisations where appropriate.
- 11.12 Failure to comply with any action required following the outcome could result in further disciplinary action.
- 11.13 Students cannot appeal solely because they disagree with the outcome.
- 11.14 Students have the right to appeal the decision if:
 - a) There was a procedural issue.
 - b) New evidence has emerged.
 - c) The outcome was not reasonably supported by the evidence (this does not mean simply disagreeing with the decision or being dissatisfied with the outcome. It means that, when the evidence is reviewed objectively, the decision appears inconsistent or unsupported)

- 11.15 If other reasons are cited for an appeal, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor. Reasons for appeal must be explained by email to casework@yorks.ac.uk within 10 working days of notification of the outcome.
- 11.16 The Vice Chancellor, or nominee, will review the case and may:
- a) Dismiss the case.
 - b) Enforce or adjust the sanction.
 - c) Refer the case for further investigation or a disciplinary hearing.
- 11.17 A final decision will be given in writing, normally within 10 working days. If the appeal is rejected, a Completion of Procedures Letter will be issued.
- 11.18 In cases where an outcome is changed through an appeal, an update will be provided to the other party to inform them of the new outcome.
- 11.19 Notes of any investigation, interview and action taken at Level 1, and copies of correspondence relating to Level 1 disciplinary procedure, will be retained by the Disciplinary Officer.

12. Formal disciplinary process – Level 2

- 12.1 Level 2 is used for:
- Repeated minor misconduct.
 - Cases where Level 1 actions were not effective or inappropriate.
 - Serious misconduct reports, including harassment or sexual misconduct.
 - Referrals from the Level 1 procedure, including following an appeal.
- 12.2 The Disciplinary Officer will assign an impartial Investigating Officer, who is trained to undertake casework investigations. Associate Heads, Heads of School, members of the Senior Leadership Team, Heads of Service, Operations Managers and professional services staff in management positions may be appointed as an Investigating Officer as well as the Student Casework Investigators. For franchise and validated partners, disciplinary matters follow their own procedures, but the University may provide guidance and support to ensure consistency with its own policies.
- 12.3 The responding student will be informed of the reports made against them, expected timeline, and process for investigation and decision making.
- 12.4 The Investigating Officer will review evidence and may meet with the reporting party.
- 12.5 The Investigating Officer will invite the responding party to discuss the report.
- 12.6 The student will receive clear details of the report(s), the incident(s)/behaviour(s) being investigated, and reasonable notice for meetings.

- 12.7 Initial evidence will be shared during this meeting. The methodology aligns with the *Principles on Effective Interviewing for Investigations and Information Gathering* and with Rachlew, A., Fahsing, I., Bergestuen, S. and Myklebust, T. (2022) *A Guide to the Professional Interview: A Research-Based Interview Methodology for People Who Ask Questions*. London: Anthem Press.
- 12.8 The Investigating Officer may collect evidence and/or statements from witnesses within the university. The Investigating Officer may consider external witness reports.
- 12.9 Meetings are not usually audio recorded but are minuted. A summary of the meeting will be provided to the reporting party and responding party to confirm after the meeting. Meetings should not be recorded without the consent of those involved. If any meetings are recorded without consent this may amount to a disciplinary offence. Any recording will not be permitted to be used as evidence.
- 12.10 Both parties can bring a supporter (see section 5.5 for more details) to investigatory meetings.
- 12.11 Support services are available for both the reporting and responding student, upon request and where possible. The support from Sexual Violence Liaison Officer trained staff is also available to students who have experienced sexual violence, upon request and where possible.
- 12.12 The responding student will be offered at least 2 opportunities to attend a meeting. If the responding student does not attend, the Investigating Officer will proceed without their input in the investigation and come to a decision. Engaging in the disciplinary process is strongly recommended.
- 12.13 At the outcome of the investigation, the Investigating Officer will submit a report and recommendations to the Disciplinary Officer.
- 12.14 The Disciplinary Officer may:
 - a) Dismiss the case with no further action.
 - b) Apply a level 1 sanction.
 - c) Refer the case to a disciplinary panel.
- 12.15 Relevant parties will be notified of the outcome and the report will be shared with the reporting and responding students.
- 12.16 If reports are dismissed or not upheld in harassment or sexual misconduct cases, the Investigating Officer will meet with the reporting student to explain the reasoning and to discuss next steps.
- 12.17 Where a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements will be required to discuss the outcome and any implications for their programme with their Course Lead.

- 12.18 Failure to comply with any action required following the outcome could result in further disciplinary action.
- 12.19 Students cannot appeal solely because they disagree with the outcome.
- 12.20 Students have the right to appeal the decision if:
- a) There was a procedural issue.
 - b) New evidence has emerged.
 - d) The outcome was not reasonably supported by the evidence (this does not mean simply disagreeing with the decision or being dissatisfied with the outcome. It means that, when the evidence is reviewed objectively, the decision appears inconsistent or unsupported).
- 12.21 If other reasons are cited for an appeal, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor. Reasons for appeal must be explained by email to casework@yorks.j.ac.uk within 10 working days of notification of the outcome.
- 12.22 The Vice Chancellor, or nominee, will review the case and may:
- a) Dismiss the case.
 - b) Enforce or adjust the sanction.
 - c) Refer the case for a new investigation with a different Investigating Officer.
 - d) Refer the case to a disciplinary panel.
- 12.23 The Student Casework team will communicate the appeal decision within **10 working days**.
- 12.24 In cases where an outcome is changed through an appeal, an update will be provided to the other party to inform them of the new outcome.
- 12.25 If the appeal is not upheld, the individual will be sent a 'Completion of Procedures Letter'. More information about this can be found in section 14.
- 12.26 Notes of any investigation, interview and action taken at Level 2, and copies of correspondence relating to Level 2 disciplinary procedure, will be retained by the Disciplinary Officer.

13. Disciplinary hearings for student misconduct

a) General disciplinary hearings (see below for some additional considerations for harassment and sexual misconduct hearings)

- 13.1 If a case is referred to a disciplinary panel, the process follows these key steps:

- A neutral panel is assembled, including at least 2 members of the Appeals and Conduct Committee and a Students' Union representative. Panel members receive training and will have had no prior involvement in the case. The panel's diversity aims to reflect the University community, including with regards to sex and gender identity. We recognise that, in some cases, reporting students may have particular concerns or needs related to the composition of the panel. Where such concerns are raised, the University will make reasonable efforts to accommodate them, subject to the availability of trained panel members and the need to maintain procedural fairness and impartiality.
- The notification of the hearing will detail if it will be in person or online. This can be altered at the request of either student.
- The responding party receives all relevant documents at least **5 working days** before the hearing. They can submit additional evidence including written representations by email to casework@yorks.j.ac.uk up to **3 working days** before the hearing.
- The reporting party will receive documentation relevant to their involvement in the case.
- Relevant witnesses may be invited. If either party wishes to invite a witness to the hearing, reasons for this request must be discussed with the Casework Team.
- If a witness does not attend a panel hearing, the panel will consider written statements and any other available evidence. The responding student will have the opportunity to submit questions for the witness through the Chair, who will decide if they are appropriate.
- The University will tell the responding party if the reporting student and/or witnesses will be at the hearing.
- All students may bring a supporter. All students must notify the Casework team about who will be supporting them at least **3 working days** before the hearing.
- The responding student will be invited to respond to the reports made against them. They may be asked questions by panel members. They will have the opportunity to make any points they believe relevant to the decision of the panel.
- A formal record of the hearing will be kept by the Casework team. Generally, minutes from the hearing will be shared with both parties. However, in some cases it may be more appropriate to share a summary of the relevant sections.
- Panel documentation will be shared in line with UK GDPR requirements to ensure transparency while protecting personal data. Information that could identify individuals or sensitive details may be redacted to maintain confidentiality and comply with data protection regulations. Transfers of the data will be made securely with access restricted to relevant parties only.

13.2 Attendance

- All parties are required to attend a hearing. Where there are concerns about safety, the hearing may be coordinated so the responding student and reporting student/witnesses are not in attendance at the same time.

- If the responding student has a good reason for being unable to attend, they must inform the University, who will make a reasonable attempt to rearrange it.
- If the meeting has been arranged to be held in person, and the responding student is unable to attend the meeting physically, the responding student may request that it be held remotely.
- If either party chooses not to appear before the panel, the panel has the right to hear the case in their absence, drawing such conclusions including any sanctions, as it deems appropriate.

13.3 Hearing procedure

- The Investigating Officer presents their report.
- The reporting student can make their case.
- The responding student can make their case.
- Panel members can ask questions.
- The responding student may submit questions for the reporting student and/or witnesses via the Chair.

13.4 Decision and outcome

- The panel will deliberate privately and issue a decision based on the available evidence.
- If the panel agrees that a disciplinary offence was committed, a sanction will be imposed.
- Sanctions available to the Disciplinary Panel are:
 - i) A verbal warning.
 - ii) Written warning (a copy will be retained on file for the remainder of the responding student's studies).
 - iii) Restitution of any damage caused.
 - iv) Enforced suspension.
 - v) Exclusion from specified University facilities or activities.
 - vi) Expulsion (enforced withdrawal)
 - vii) Other such actions as may be appropriate to the case for example, undertaking training, meeting with relevant staff, completing a reflective piece of work.
- More than one sanction may be applied. Previous misconduct may be taken into account in deciding the appropriate sanction.
- Where a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements will be required to discuss the disciplinary outcome and any implications for their programme with their Course Lead.
- If expulsion is recommended, a representative of the Student and Academic Administration Department will confirm the credits that the student will be eligible for.
- All relevant parties will receive the outcome and clear rationale for the decision and sanction in writing, usually within **5 working days**. Any delays will be explained.

- The responding student may face further disciplinary action if they do not comply with any action required following a hearing.
- Any disciplinary action resulting in expulsion (enforced withdrawal) will be reported to the Board of Governors at their next meeting.

b) Additional considerations for harassment and sexual misconduct hearings

13.5 While the core process remains the same, hearings involving harassment and sexual misconduct reports follow a trauma-informed approach to protect the wellbeing of all parties:

- The reporting student, responding student, and witnesses will not be in the hearing at the same time.
- Only the Chair may directly question the reporting party. Other panel members and attendees must submit questions through the Chair, who will decide if they are appropriate. Questions must be directly related to the report, the incident in question, or the credibility of the testimony. Irrelevant or speculative questions will not be permitted. Inquiries into unrelated personal matters or prior behaviour unrelated related to the case will not be allowed. Questions which may re-traumatise the reporting student without adding substantive value to the proceedings will be refrained or disallowed. Questions about the reporting student's past behaviour, character or unrelated personal history, would generally be deemed inadmissible unless clearly relevant to the specific reports.
- Questions that violate legal protections or University regulations will be excluded. The Chair retains discretion to modify, re-frame or exclude any question. Parties will be given the opportunity to rephrase or provide justification for disputed questions.
- Sexual Violence Liaison Officer (SVLO) support will be available, where requested and where possible, to the reporting student.
- All relevant parties will receive the outcome and clear rationale for the decision and sanction in writing, usually within **5 working days**. Any delays will be explained. The reporting party will have the opportunity, if they wish, to meet with the Chair privately to hear the panel's decision.
- In sexual misconduct hearings, both the reporting and responding student can appeal the decision under the same conditions as other disciplinary cases.

c) Appealing a panel decision

13.6 Students cannot appeal solely because they disagree with the outcome.

13.7 Students have the right to appeal the decision if:

- a) There was a procedural issue.
- b) New evidence has emerged.
- c) The outcome was not reasonably supported by the evidence (this does not mean simply disagreeing with the outcome or being dissatisfied with the outcome. It means that, when the evidence is reviewed objectively, the decision appears inconsistent or unsupported).

- 13.8 If other reasons are cited for an appeal, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor.
- 13.9 Reasons for appeal must be explained by emails to casework@yorks.ac.uk within **10 working days** of notification of the outcome.
- 13.10 The Vice Chancellor, or nominee, will review the case and may:
 - a) Enforce the panel decision.
 - b) Set aside the sanction and/or substitute an alternative sanction.
 - c) Refer the matter back for further consideration by the disciplinary panel
- 13.11 The Student Casework team will send the decision of the Vice Chancellor's (or nominee's) review in writing as soon as possible and normally within 10 working days.
- 13.12 In cases where an outcome is changed through an appeal, an update will be provided to the other party to inform them of the new outcome.
- 13.13 If the appeal is not upheld, the individual will be sent a 'Completion of Procedures Letter'. More information about this can be found in section 14.

d) For students on programmes run by a Franchise or Validated Partner

- 13.14 Disciplinary procedures should follow the Franchise or Validated Partner's process first.
- 13.15 If the student believes the outcome was unfair or disproportionate, they may appeal to the University (by emailing casework@yorks.ac.uk) within **10 working days** of the final decision by the Validated Partner.

14. Completion of the University Disciplinary Process

- 14.1 If an appeal is rejected, the individual will be sent a 'Completion of Procedures Letter'. If the individual remains dissatisfied, they have the opportunity to apply for an independent review by the Office of the Independent Adjudicator for Higher Education (OIA). The deadline for an appeal to the OIA is **12 months** from the date of the Completion of Procedures Letter. This service is free to students and further details are available on the OIA website: [OIA](https://www.oia-uk.org/).

15. Monitoring and review of this policy

- 15.1 The University monitors its performance annually to assess how well it promotes dignity, respect and the effectiveness of this policy and associated procedure.
- 15.2 The policy is reviewed annually by a multidisciplinary group of staff, including representatives from Equality, Diversity and Inclusion (EDI), Communications, and those with expertise in trauma-informed practice, to ensure it remains appropriate, effective, and aligned with best practice. Case insights and emerging trends are used to inform updates to the policy.
- 15.3 An annual report is presented to the Academic Board and then onward to the Board of Governors for approval, assurance and oversight.

16. Confidentiality

- 16.1 The University handles all reports with sensitivity and confidentiality in line with its Data Protection Policy and Safeguarding responsibilities.
- 16.2 Confidentiality ensures:
- the integrity of investigations.
 - protection of individual privacy.
 - encouragement of reporting without fear of exposure or retribution.
- 16.3 Information is typically shared only with individuals or organisations directly involved in managing the case, such as: Registry staff for administration; Student Services for support (including Wellbeing, Welfare, Disability support services); witnesses providing relevant information; external agencies like Sexual Assault Referral Centres for specialist support and advice; and the police, if necessary, for legal or safety reasons.
- 16.4 All personal data will be handled in compliance with UK General Data Protection Regulation (UK GDPR) to ensure the privacy and rights of the individuals involved. Documentation related to the investigation will be sent securely and only if there is a lawful basis for processing the data, ensuring transparency and confidentiality. Information that could identify individuals or sensitive details may be redacted to maintain confidentiality and comply with data protection regulations.
- 16.5 In exceptional circumstances (for example - to prevent harm or future crimes) the University may share information more widely. This will only happen in line with legal and ethical standards.
- 16.6 All parties are required to maintain confidentiality. Breaches of confidentiality may result in disciplinary action, such as suspension or withdrawal from the University.

17. Duties under the Counter Terrorism and Security Act 2015

- 17.1 The University complies with the Prevent Duty, which aims to stop individuals from being drawn into terrorism.

17.2 Key commitments

- Protecting the safety and wellbeing of staff, students, and others interacting with the University.
- Upholding legal responsibilities while promoting academic freedom and freedom of speech (please visit our [Freedom of Speech Code of Practice](#)).
- Supporting equality, diversity, and campus cohesion.
- Taking a proportionate and risk-based approach based on local contexts.

17.3 Addressing Misconduct Related to Terrorism

- Students involved in criminal acts or misconduct related to terrorism may face disciplinary action, including expulsion (enforced withdrawal).
- The University is legally required to share confidential information within the institution or with external authorities when individuals are deemed at risk of involvement in terrorism.
- Confidentiality cannot be guaranteed if statutory authorities require cooperation in investigations.

18. Involvement of police and criminal courts

18.1 The decision to report a crime to the police is usually the reporting student's choice, except in the following situations:

- a) When the University is legally required to report (for example - safeguarding vulnerable individuals).
- b) When failing to report could pose a risk to others (for example - significant violence).

18.2 If a crime is reported to the police, the University will:

- Consider the reporting student's wishes while prioritising safety and public interest.
- Only act against their wishes in exceptional circumstances (for example where there are serious risks to others).

18.3 Even if the reporting student chooses not to involve the police, the University may still use its disciplinary procedures to investigate the reported misconduct. The University does not determine criminal guilt but decides whether a breach of its policies is more likely than not to have occurred. However, investigations may be limited where a student does not report or retracts a statement in relation to a reported serious offence, to the police.

18.4 The University may liaise informally with the police for advice, such as:

- Whether a case is considered serious.
- Whether there are compelling reasons to report a crime against the student's wishes.

18.5 A serious offence is defined as one that could result in an immediate custodial sentence or is tried only in a Crown Court.

18.6 If a case is referred to the police, the University will usually:

- Pause disciplinary action until the police and courts conclude their investigations. This is usually requested by the police so as not to compromise criminal proceedings.
- Resume disciplinary procedures after the criminal case is completed, taking the outcome into account.

18.7 The University operates on a different standard of proof:

- Criminal courts require proof “beyond reasonable doubt”.
- The University decides based on the “balance of probabilities” and may consider additional evidence. The University may therefore reach a different conclusion to that of the criminal court.

18.8 If the situation changes following an appeal against a conviction or sentence, the University might re-consider its action once any formal legal process has finished.

18.9 If a criminal conviction has been made:

- The University will not re-investigate the facts. The finding would be made by the University that the individual has engaged in misconduct by committing a criminal offence.
- The individual may still respond to misconduct reports, normally in a disciplinary hearing.

18.10 If an individual is given a prison sentence or is on remand, no investigation will take place, but a hearing will. The individual will be given the opportunity to respond to reports via email or letter or to send a representative to the hearing, which would usually be held online. A decision will be made by the disciplinary hearing panel. For suspended sentences, the disciplinary process will proceed, and the individual will be given the opportunity to participate in a hearing.

18.11 If the student was a visa holder and had their enrolment and sponsorship withdrawn, should the criminal case be unproven, and subsequent University investigations yield no further issues, we may consider reinstating the student’s enrolment at the University. If their enrolment is reinstated, the Visa and Compliance team, will request the reinstatement of their sponsorship (or their visa, if it has already been curtailed). It is important the student understands that the reinstatement of sponsorship or a visa is purely done at the discretion of the UKVI and cannot be guaranteed therefore, in the event that the UKVI is unable to reinstate the student’s sponsorship (or visa), the student will be required to leave the UK, submit a new Student visa application and obtain a new visa to return to UK to complete their course. Alternatively, if they obtain permission to stay in the UK under a different immigration category, they may not be required to leave the UK and apply for a new Student visa, as they may be able to continue with their studies under their new visa, provided the visa conditions permit them to do so.

19. Disclosure of criminal convictions

19.1 Students must declare any serious unspent or pending convictions (in accordance with the Rehabilitation of Offenders Act) in writing to the Academic Registrar. These include (but are not limited to) offences relating to:

- Violence, including grievous bodily harm (GBH), aggravated bodily harm (ABH), and other offences under the Offences Against the Person Act.
- Possession of firearms or other dangerous weapons.

- Terrorism-related offences.
- Arson.
- Hate crimes, including offences aggravated by race, religion, disability, sexual orientation, or gender identity.
- Sexual offences.
- Sexual or other forms of harassment.
- Stalking.
- Domestic abuse.
- Coercive control.
- Illegal supply of drugs.

19.2 If such a disclosure is notified, then the University Disciplinary Officer, Academic Registrar and Associate Head will consider whether any action should be taken in light of the disclosure and in line with this policy.

19.3 The following factors will be amongst those considered:

- Seriousness and relevance of the offence.
- Time elapsed since the offence.
- Circumstances of the offence.
- Country of occurrence.
- Decriminalisation status.
- Repeat offending history.
- Impact on vocational opportunities.
- Compatibility with the course's requirements.

For visa holders, guidance will also be sought from the Visa and Compliance team.

19.4 Failure to disclose a conviction may result in disciplinary action which could then result in expulsion (enforced withdrawal).

19.5 Where the University is notified of a criminal conviction held by a student or a pending criminal case and it has not been disclosed by the student, the student will be given an opportunity to both respond to the report of misconduct by committing a criminal offence, and behaviour which breaches University policies (due to failure to disclose). This will normally be through the hearing procedure.

20. Associated links

[OIA Good Practice Framework - Disciplinary Procedures](#)

[Office of the Independent Adjudicator \(OIA\)](#)

[YSJU Concerns and Complaints webpage](#)

[YSJU Code of Practice for Assessment](#)

[YSJU Freedom of speech code of practice](#)

[Report and Support](#)

[YSJ Students Union Documents webpage](#)

[YSJU Equality and diversity policies](#)

[YSJU Admission of Students with Criminal Convictions Policy](#)

Version Control Statement

Version: 3

Document title: Student Behaviour and Disciplinary Policy and Procedure

Author role and department: Student Casework, Governance and Compliance

Approved date: 12 August 2026

Approved by: Chair of Academic Board

Equality analysis undertaken: Yes

Amendments since the last approval are listed in a table below, detailing the revision made, date of revision and who the revision was approved by.

Details of revision	Date of revision	Revision approved by
Section 11 Clarification that if further information or evidence comes to light during the level 1 investigation that results in the matter being more appropriately handled under the level 2 procedure, the Responsible Person should discuss this with the Disciplinary Officer. Where the Disciplinary Officer determines this is appropriate, the parties involved will be notified and the process will transition into the Level 2 process. This may include a change of investigator. Clarification that where the Responsible Person concludes their investigation and recommends the matter is referred to level 2, the Disciplinary Officer will review the report and determine if further investigation is required under the level 2 procedure or if the matter should proceed straight to a disciplinary hearing. Where further investigation is required under the level 2 procedure, the Disciplinary Officer will determine next appropriate steps for the process to ensure a full investigation but to avoid repetition of any meetings which have already taken place. Where the matter is referred to a disciplinary hearing, the report compiled will be shared with the responding party. The reporting party will receive documentation relevant to their involvement in the case.	12 August 2026	Chair of Academic Board
Section 12 Clarification that level 2 is used for referrals from the Level 1 procedure, including following an appeal.		
Section 2 Updated information on the purpose of the policy.	24 June 2026	Academic Board
Section 3 Clarification added relating to Validated and Franchise partners and which policies disciplinary matters fall under. Clarification on when Fitness to Study/Practice policy may be utilised and details of what reporting students will be notified. Clarification on when Students' Union and Sport Union policies may be implemented and coordination of Students'/Sport Union and University processes. Clarification on processes for when a student withdraws.		

Addition of information about students' marks, progression decisions, award outcomes and/or certification being held whilst disciplinary processes are in place. Section 4 Clarification on examples of student misconduct, including: around behaviour that disrupts University's activities, harms others, damages the University's reputation, or involves dishonest or misleading communication, use of language or behaviour that is abusive, threatening or constitutes unlawful discrimination or harassment towards individuals or groups with protected characteristics and beliefs, and harassment or discrimination related to protected characteristics with all protected characteristics listed. Addition of failure to comply with legal obligations under UK law, where relevant to a student's conduct and activities, including requirements under the Foreign Influence Registration Scheme under breach of University policies or rules. Section 5 Clarification that the University is committed to protecting lawful freedom of speech and academic freedom and the policy will not be used to restrict the lawful expression of views. Clarification over the supporter's role in meetings. Amendment of penalties to sanctions. Section 8 Clarification on how students can access Welfare support and chaplaincy support. Removal of reference to the International team. Clarification on the Students' Union advice service. Section 9 Clarification how reports of misconduct can be made. Clarification on decisions the Disciplinary Officer can make following a review of a case. Additional detail provided on what is considered to establish if an investigation can take place and clarification that if an investigation does not take place, this is not the same as saying misconduct did not occur. Section 10 Clarification provisional actions are not penalties. Addition of implications of provisional action if the student is a visa holder. Section 11		
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Clarification added in relation to Validated and Franchise partners and level 1 investigations procedures. Addition that meetings will not usually be audio recorded. Clarification when a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements may need to discuss the outcome with their Course Lead. Addition of the outcome was not reasonably supported by the evidence as an appeal ground. Section 12 Addition of Operations Managers and professional services staff in management positions being appointed as Investigating Officers. Clarification added in relation to Validated and Franchise partners and level 2 investigations procedures. Addition that meetings will not usually be audio recorded. Clarification that the report will be shared with reporting and responding students. Clarification when a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements will be required to discuss the outcome with their Course Lead. Addition of the outcome was not reasonably supported by the evidence as an appeal ground. Section 13 Clarification that the responding student can submit additional evidence including written representations up to 3 working days before the hearing. Addition of examples of other such actions as may be appropriate to the case in relation to sanctions available to the disciplinary panel. Clarification when a sanction is imposed, students studying on programmes with Professional, Statutory and Regulatory Body requirements or Study Abroad elements will be required to discuss the outcome with their Course Lead. Addition of the outcome was not reasonably supported by the evidence as an appeal ground. Clarification on the process for Franchise or Validated partners. Section 18 Details on the process if the student was a visa holder and had their enrolment and sponsorship withdrawn and the criminal case was found to be unproven.		
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Section 19 Addition of 'or a pending conviction' to the process where it is not disclosed by a student.		
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