

## Version Control Statement

Policy reference code:			
Version:	1		
Document title:	Student Behaviour and Disciplinary Policy and Procedure		
Author role and department:	Student Casework, Governance and Compliance		
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Approved by:	Academic Board		
Equality analysis undertaken:	EIA undertaken by EDI Advisor		
Amendments since approval	Detail of revision:	Date of revision:	Revision approved by:
	Terminology has been updated to refer to sanctions rather than penalties through the policy.  Information on definitions, which was taken from the previous Sexual Harassment and Sexual		

	<p>Misconduct policy has been taken out of the policy but will be published on the webpage with the policy.</p> <p>Section 1</p> <ul style="list-style-type: none"> <li>Includes simplified wording from the Student Dignity and Respect policy statement.</li> </ul> <p>Section 2</p> <ul style="list-style-type: none"> <li>Has the purpose section from the Sexual Harassment and Sexual Misconduct Policy and Procedure purpose and Student Dignity and Respect policy purpose re-worded.</li> </ul> <p>Section 3</p> <ul style="list-style-type: none"> <li>Collates and rewords the scope sections from the 3 previous policies and the good faith and counter reports sections of the previous Student Dignity and Respect policy.</li> </ul> <p>Section 4</p> <ul style="list-style-type: none"> <li>Provides examples of misconduct which collates the information from the examples of misconduct section in the Student Disciplinary Policy and Procedure and the unacceptable behaviours section of the Student Dignity and Respect Policy.</li> <li>An amnesty clause has been added in this section to allow students to report misconduct 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.</li> </ul> <p>Section 5</p> <ul style="list-style-type: none"> <li>Collates the principles sections from the previous policies and the monitoring and review section from the Student Dignity and Respect Policy.</li> </ul>		
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	<ul style="list-style-type: none"><li>• Categorises the principles into 7 areas to add clarity to this section.</li><li>• Under the principle “The University will promote a culture of inclusion, safety and wellbeing” information has been added about training for students – <i>“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.”</i></li><li>• Under the principle “The University will be committed to fairness”, clarification has been added to state that <i>“investigations will be evidence 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.”</i></li><li>• Under the principle “The University will support students” details requests for additional supporters have been added – <i>“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.”</i></li><li>• Under the principle “The University will support students” details around legal representation have been clarified to state that <i>“in cases where procedural fairness requires active legal participation, such as where the case involves complex legal issues, significant penalties (for example expulsion), or the need for effective cross-examination, legal representatives may participate fully in the proceedings.”</i></li><li>• Under the principle “The University will support students” an addition has been added to detail that for <i>“cases related to harassment and/or sexual misconduct cases, the Responsible Person or</i></li></ul>		
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	<p><i>Investigating Officer will meet with the reporting student to talk about available options (more than 1 option can be taken):</i></p> <ul style="list-style-type: none"> <li>○ <i>Request a formal investigation (informal resolutions are usually not suitable).</i></li> <li>○ <i>Report the incident to the police.</i></li> <li>○ <i>Seek internal or external support.</i></li> <li>○ <i>Choose to take no further action.</i></li> </ul> <p><i>(The University reserves the right to refer a matter to the police. This would usually be discussed with the reporting party)."</i></p> <p>Information on roles and responsibilities, which was taken from the previous Student Dignity and Respect policy has been taken out of the policy but will be published on the webpage with the policy.</p> <p>Information on reporting inappropriate behaviour which was taken from a combination of the 3 previous policies has been taken out of the policy but will be published on the webpage with the policy. As detailed in section 4 an amnesty clause around drug and alcohol use was added.</p> <p>Information on support and advice for all students during disciplinary proceedings which was taken from the support section of the Student Dignity and Respect Policy and procedure section of the Sexual Harassment and Sexual Misconduct Policy and Procedure has been taken out of the policy but will be published on the webpage with the policy. This has been split into clear categories around getting immediate help, reporting, wellbeing and welfare support, tailored support, Academic and Accommodation Support and SU Support. External support services are also detailed and split into York based, London based and national services.</p> <p>Section 10</p> <ul style="list-style-type: none"> <li>• Collates information from the Student Disciplinary Policy and Procedure and Sexual Harassment and Sexual Misconduct Policy and Procedure to detail</li> </ul>		
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	<p>information on provisional actions that may take place in some cases.</p> <ul style="list-style-type: none"> <li>• An addition to this section has been adding that provisional actions may apply to students who have completed their studies but are due to attend graduation.</li> <li>• An addition has also been made to detail that a student will not normally be granted an award or obtain certification of an award while a case of reported misconduct is being investigated by the University. The policy also details that any 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.</li> <li>• Clarification is added to detail that 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.</li> </ul> <p>Section 11</p> <ul style="list-style-type: none"> <li>• Rewords the level one procedure information from the previous Student Disciplinary Policy and Procedure.</li> <li>• Clarification is added about franchise and validated partner processes - <i>For franchise partner institutions, the Disciplinary Officer delegates to a 'Responsible Person' within the partner institution to investigate. For validated partners, disciplinary matters follow their own procedures, but the University may provide guidance and support to ensure consistency with its own policies.</i></li> </ul>		
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	<ul style="list-style-type: none"> <li>• An addition has been made to detail that <i>“initial evidence will be shared with the responding student at the initial meeting. The methodology aligns with Principles on Effective Interviewing for Investigations and Information Gathering and Rachlew, A. et al.’s A Guide to the Professional Interview: A Research-Based Interview Methodology for People Who Ask Questions (2022, Anthem Press, London).”</i></li> <li>• Clarification is also added about engaging in the disciplinary process being strongly recommended and the responding student being offered at least 2 opportunities to attend a meeting.</li> <li>• Clarification is added to detail that a summary of the meeting is provided to the student to confirm after the meeting.</li> <li>• Removal of “fines up to a maximum of £100” as a sanction.</li> <li>• Additional detail to state <i>“Where a sanction is imposed, for responding parties who are studying on programmes with Professional, Statutory and Regulatory Bodies requirements or Study Abroad elements, students will need to discuss this with their course lead.”</i></li> <li>• The appeal information has been edited so both reporting and responding students can appeal the outcome. The grounds on which students can appeal have been clarified to be if there was a procedural issue, or new evidence has emerged. If other reasons are cited, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor. Students must explain their reasons for appeal by email to <a href="mailto:casework@yorksjac.uk">casework@yorksjac.uk</a> within 10 working days of notification of the outcome.</li> <li>• Clarification is added to state that 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.</li> </ul>		
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	<p>Section 12</p> <ul style="list-style-type: none"><li>• Rewords the level two procedure information from the previous Student Disciplinary Policy and Procedure and formal disciplinary process from the Sexual Harassment and Sexual Misconduct Policy and Procedure.</li><li>• Clarification is added about franchise and validated partner processes - <i>For franchise partner institutions, the Disciplinary Officer delegates to a 'Responsible Person' within the partner institution to investigate. For validated partners, disciplinary matters follow their own procedures, but the University may provide guidance and support to ensure consistency with its own policies.</i></li><li>• An addition has been made to detail that <i>"initial evidence will be shared with the responding student at the initial meeting. The methodology aligns with Principles on Effective Interviewing for Investigations and Information Gathering and Rachlew, A. et al.'s A Guide to the Professional Interview: A Research-Based Interview Methodology for People Who Ask Questions (2022, Anthem Press, London)."</i></li><li>• Clarification is also added about engaging in the disciplinary process being strongly recommended and the responding student being offered at least 2 opportunities to attend a meeting.</li><li>• Clarification is added to detail that a summary of the meeting is provided to the student to confirm after the meeting.</li><li>• Additional detail to state <i>"Where a sanction is imposed, for responding parties who are studying on programmes with Professional, Statutory and Regulatory Bodies requirements or Study Abroad elements, students will need to discuss this with their course lead."</i></li><li>• The appeal information has been edited so both reporting and responding students can appeal the outcome. The grounds on which students can appeal have been</li></ul>		
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	<ul style="list-style-type: none"> <li>• Details on the procedure have been added to provide information on the structure of the hearing:             <ul style="list-style-type: none"> <li>○ <i>“The Investigating Officer presents their report.</i></li> <li>○ <i>The reporting student can make their case.</i></li> <li>○ <i>The responding student can make their case.</i></li> <li>○ <i>Panel members can ask questions.</i></li> <li>○ <i>The responding student may submit questions for the reporting student and/or witnesses via the Chair.”</i></li> </ul> </li> <li>• Removal of “fines up to a maximum of £250” as a sanction.</li> <li>• Additional detail to state <i>“Where a sanction is imposed, for responding parties who are studying on programmes with Professional, Statutory and Regulatory Bodies requirements or Study Abroad elements, students will need to discuss this with their course lead.”</i></li> <li>• For harassment and sexual misconduct hearings, wording added to the policy around the appropriateness of questions being asked – <i>“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</i></li> </ul>		
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	<p><i>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.”</i></p> <ul style="list-style-type: none"> <li>• The appeal information has been edited so both reporting and responding students can appeal the outcome. The grounds on which students can appeal have been clarified to be if there was a procedural issue, or new evidence has emerged. If other reasons are cited, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor. Students must explain their reasons for appeal by email to <a href="mailto:casework@yorksjac.uk">casework@yorksjac.uk</a> within 10 working days of notification of the outcome.</li> <li>• Clarification is added to state that 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.</li> </ul> <p>Section 14</p> <ul style="list-style-type: none"> <li>• Collates information from the completion of the University disciplinary procedure section from the previous Sexual Misconduct Policy and Procedure and the completion of procedures letter section from the previous Student Disciplinary Policy and Procedure.</li> </ul> <p>Section 15</p> <ul style="list-style-type: none"> <li>• Rewords the information from the monitoring and review section of the previous Student Dignity and Respect Policy.</li> <li>• Additions made to detail that the policy is reviewed by a multidisciplinary group of staff.</li> <li>• Clarification that an annual report is <i>“presented to the Academic Board and</i></li> </ul>		
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	<p><i>then onward to the Board of Governors for approval, assurance and oversight.”</i></p> <p>Section 16</p> <ul style="list-style-type: none"> <li>• Rewords the confidentiality section from the previous Sexual Misconduct Policy and Procedure.</li> <li>• Additional information included to state <i>“All parties are required to maintain confidentiality. Breaches of confidentiality may result in disciplinary action, such as suspension or withdrawal from the University.”</i></li> </ul> <p>Section 17</p> <ul style="list-style-type: none"> <li>• Collates information from the previous Sexual Misconduct Policy and Procedure and the previous Student Disciplinary Policy and Procedure on Duties under the Counter Terrorism and Security Act 2015.</li> </ul> <p>Section 18</p> <ul style="list-style-type: none"> <li>• Collates information from the previous Sexual Misconduct Policy and Procedure and the previous Student Disciplinary Policy and Procedure on involvement of police and criminal courts.</li> <li>• Additional detail added to state <i>“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.”</i></li> </ul> <p>Section 19</p> <p>Additional section added on disclosure of criminal convictions.</p>		
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