

The University's [Student Dignity and Respect Policy](#) sets out the behaviour expected of students.

A failure to meet these standards of behaviour will be dealt with by the following procedure.

The procedure applies to all students registered on any University module, programme or course.

Complaints by students against university staff are dealt with under the [Complaints procedure](#). Academic misconduct is dealt with under the [Academic Misconduct procedure](#). In addition to or instead of its Disciplinary procedure, the University may apply its procedures on [Fitness to Study](#) and/or [Fitness to Practise](#).

1 General principles

- 1.1 The Vice Chancellor delegates disciplinary functions to the Head of Governance and Compliance, who acts as the Disciplinary Officer. The Disciplinary Officer may further delegate powers to appropriate staff members.
- 1.2 This policy does not attempt to replace the law. The University reserves the right to refer matters to the police where appropriate.
- 1.3 The University abides by the principles of natural justice. This means that if a disciplinary allegation is made against you, the University will ensure that:
 - a) You are made fully aware of the nature of the allegation(s) made against you.
 - b) You have an opportunity to reply to any allegation(s).
 - c) You have a fair and unbiased hearing at which all relevant circumstances are taken into account.
 - d) You have the right to appeal against a disciplinary finding or penalty.
- 1.4 The University aims to complete its procedures in a timely manner. It aims to complete the initial investigation and formal stage of the process **within 60 days** of the allegation being made and to hear any appeal **within 30 days** of the student making the appeal. If we cannot meet this timeframe, we will explain why.
- 1.5 Where a 'supporter' is referenced in the procedures, that person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret your responses, or speak on your behalf.
- 1.6 The student will be asked to provide the name and capacity in which the supporter is attending in advance. It is not normally expected that the student will have legal representation, but if the student believes it is justified in the circumstances, the student should make these reasons known to the University Secretary at least three working days in advance of the hearing. If the University Secretary believes the student has established compelling grounds for legal representation, it will be permitted.
- 1.7 Where a student is known to have a disability, the University will make reasonable adjustments to its procedure where this is necessary in order to avoid substantial disadvantage.
- 1.8 Action taken under this Disciplinary Policy will take precedence over any action taken under all other University Policies and Regulations, including those of the YSJU Students' Union, and Accommodation.
- 1.9 The disciplinary procedures are intended to address misconduct by students rather than to resolve disputes between individuals.
- 1.10 The Disciplinary Officer is responsible for determining any issues of interpretation and for providing any clarification of this policy.

2 Examples of misconduct

- 2.1 The essence of misconduct under this policy is improper interference with the proper functioning or activities of the University, with other members of the University community, or actions which damage people, property or the University's reputation.
- 2.2 The University's jurisdiction under this policy is not limited to misconduct which occurs on its own premises. This policy covers misconduct wherever it occurs, including electronic and online activity.

2.3 Examples of student misconduct include (but are not limited to) the following:

- a) Violent, indecent, disorderly, threatening, or discriminatory behaviour or language.
- b) Action likely to cause injury or impair safety.
- c) Behaviour likely to cause fear, distress or harm to others.
- d) Conduct which is a criminal offence, including drugs-related offences.
- e) Sexual misconduct (including sexual assault, sexual violence and sexual harassment) and domestic violence, jeopardising the mental, physical, and emotional wellbeing as well as the safety of our community.
- f) Publishing of any matter (verbal, written or other) which is threatening, abusive or insulting or constitutes harassment or makes others fear violence. This includes the misuse of social media and other online content.
- g) Access abuse, such as visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer viruses.
- h) Anti-social behaviour which brings the University into disrepute.
- i) Damage to or theft of property.
- j) Behaviour which breaches university policies, including rules on health and safety, freedom of speech, and equality and diversity.
- k) Failure to comply with national or local Government restrictions in relation to public health emergencies.
- l) Harassment or discrimination against any student, member of staff or visitor to the University on the grounds of protected characteristics.
- m) Theft, misappropriation, misuse, fraud, deceit, deception, or dishonesty.
- n) Failure to follow a reasonable instruction from a university officer; significant breach of university rules; failure to disclose name and other relevant details to a staff member where the staff member has good reason to require this information.
- o) Failure to comply with a previously imposed disciplinary penalty.
- p) False accusations that another student or staff member committed a breach of discipline.

3 Provisional action prior to disciplinary action

- 3.1 If you are subject to a criminal charge or to a police investigation, or if the University believes that your behaviour is likely to cause injury or harm to others, the University may take provisional action to limit your interaction with the University community, including suspension and exclusion.
- 3.2 If you are suspended, it means you are prohibited from entering all university premises and from participating in all university activities. The University may make a specific exception, for example, allowing you to come on campus to take an examination.
- 3.3 If you are excluded, your right to enter university premises is restricted. You may be excluded from specific university activities.
- 3.4 The University may impose a requirement on all parties (including a student reporting a disciplinary concern) not to have contact with each other and with named others. If you breach this requirement, this is in itself misconduct.
- 3.5 The Disciplinary Officer decides whether provisional action should be taken. You will normally be told that the Disciplinary Officer is considering this action before the decision is made and why and will have an opportunity to make representations before the decision is made. The University would normally give at least 24 hours' notice (Monday-Friday) of any meetings relating to provisional action, however, if the Disciplinary Officer believes that immediate action is justified based on the risk of injury or harm, this may be less. If the Disciplinary Officer believes that immediate action is justified based on the risk of injury or harm, the decision may be made with immediate effect. In this case, you will not have the opportunity to make representations before the provisional action is applied. In either case, you will be given details of the decision in writing once it is made, and you will be told how you can challenge the decision if you believe it is unfair. The University will make all reasonable attempts to minimise the harm to your studies and to your ability to access student services.

- 3.6 Provisional action is **not** a penalty – its aim is to protect members of the University community, or the property of the University, or the property of a member or members of the University community. It also protects you from allegations about further disciplinary concerns while the matter is being investigated.
- 3.7 You can appeal the provisional action at any time when it is in force, by emailing casework@yorksj.ac.uk. The Vice Chancellor is responsible for deciding whether the decision should be varied or remain in force. This may be delegated to an appropriate nominee. The University aims to send you a response **within five working days**.
- 3.8 Even if you do not appeal, the University will automatically review any period of suspension/exclusion **after four weeks**. The review will be conducted by the Disciplinary Officer. The decision may then remain in force until the outcome of any criminal proceedings or investigations, at which point a decision will be made by the Disciplinary Officer about any further action under this policy.

4 Procedure for student discipline

Informal stage

- 4.1 Anyone with a concern about a potential breach of discipline may find it useful to first raise the matter informally with a member of staff in the interests of pursuing a swift resolution. Advice on disciplinary matters is available from the Student Casework Team, the Head of Campus and Residential Services, and the Wellbeing & Welfare Team.
- 4.2 If the above step is not appropriate or does not resolve the matter, allegations regarding misconduct can be sent to casework@yorksj.ac.uk. An allegation will not normally be pursued unless it is received in writing with sufficient detail provided. Anonymous allegations are unlikely to be considered; where there is compelling evidence that the disciplinary offence did take place, the Disciplinary Officer may decide to consider the matter. Even where the disciplinary procedures are not invoked, staff members may remind students of the expectations regarding their conduct.
- 4.3 Having considered the allegation(s) of misconduct the Disciplinary Officer will decide whether to:
 - a) Dismiss the allegation(s) as false, vexatious, trivial, or lacking in evidence.
 - b) Refer the matter for consideration as level 1 misconduct.
 - c) Refer the matter for consideration as level 2 misconduct.
- 4.4 If the alleged misconduct involves more than one student, the Disciplinary Officer decides whether the cases should be investigated and/or heard together.
- 4.5 Should a complaint be received during disciplinary proceedings, the Disciplinary Officer and Complaints Officer will decide if the complaint should proceed whilst disciplinary proceedings are ongoing, if disciplinary proceedings should be paused to allow the complaint to be reviewed or if the complaint will be reviewed upon conclusion of the disciplinary proceedings. The Disciplinary Officer and Complaints Officer will liaise with staff considered relevant to both cases in coming to a decision.

Level One

- 4.6 This level will normally be appropriate in relation to allegation(s) of misconduct which are of a less serious nature, and/or in circumstances where it is considered desirable to address these as close as possible to the source of the alleged offence.

At this level, the Disciplinary Officer may delegate powers of investigation and resolution to an appropriate 'responsible person'. Programme leads and professional services staff in management positions would be examples of those considered to be an appropriate 'responsible person.'
- 4.7 The responsible person will review the evidence and make any further enquiries they deem necessary, including meeting with the reporting student(s), where appropriate. You (the responding student) will normally be invited to attend a meeting with the responsible person to allow you to explain your version of events and put forward any evidence you wish to provide. You may bring a supporter to this meeting. If you do not attend, the responsible person may still make a decision on whether misconduct took place and may issue a disciplinary penalty.
- 4.8 The responsible person may:
 - a) Dismiss the allegations.
 - b) Issue a penalty appropriate to level 1.
 - c) Refer the case to level 2.

4.9 The following penalties apply at level 1:

- a) Verbal warning.
- b) Written warning/reprimand (a copy will be retained on file for the remainder of your studies).
- c) Restitution of any damage caused by way of payment.
- d) Fines up to a maximum of £100.
- e) Other such action appropriate to the circumstances.

More than one penalty may be applied. Previous misconduct may be taken into account in deciding the appropriate penalty.

You will be told of the outcome **within one week** of the decision.

Failure to comply with any action required following the outcome, could result in further disciplinary action. The Disciplinary Officer will be notified of any failings and will determine if further action should be taken.

4.10 If you think the finding or penalty is unfair or unreasonable based on the evidence, you may appeal to the Vice Chancellor. The Vice Chancellor, or appropriate nominee, will review the case and may:

- a) Dismiss the case and allegations.
- b) Enforce the penalty.
- c) Refer the case for hearing by the Appeals and Conduct Committee.

4.11 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 and will be shared with you, upon request.

Level Two

4.12 Level 2 will normally be appropriate in relation to:

- a) Multiple minor acts of misconduct.
- b) Instances in which level 1 action has failed or is considered inappropriate.
- c) Serious allegations of misconduct.
- d) Referrals on appeal from the level 1 procedure.

4.13 The Disciplinary Officer or nominee will appoint an 'Investigating Officer' and arrange for an investigation into the allegation(s) of misconduct to take place and a report to be written. You will receive information about the allegations made against you, how long we expect the investigation to take and the procedure we will follow in dealing with the allegation(s). The Investigating Officer will not have had any prior involvement with the situation.

4.14 Associate Heads, Heads of School, members of the Senior Leadership Team and Heads of Service may be appointed as an Investigating Officer

4.15 The Investigating Officer will review the evidence and make any further enquiries they deem necessary, including meeting with the reporting student(s), where appropriate. You (the responding student) will normally be invited to attend a meeting with the Investigating Officer to allow you to explain your version of events and put forward any evidence you wish to provide. You may bring a supporter to this meeting. If you do not attend, the Investigating Officer may still make a decision on whether misconduct took place and may recommend a disciplinary penalty within their report.

4.16 The Investigating Officer may meet with you and others, these meetings are not audio recorded, but are minuted. You should not record them without the consent of those involved. If you do 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.

4.17 Following the investigation, the Investigating Officer will provide a report for the Disciplinary Officer to review. The report and evidence will also be shared with you. This report will include recommendations to the Disciplinary Officer.

4.18 On the basis of this report, the Disciplinary Officer may:

- a) Dismiss the allegations.
- b) Apply a penalty appropriate to the level 1 procedure.
- c) Refer the case for a full hearing by the Appeals and Conduct Committee.

Failure to comply with any action required following the outcome, could result in further disciplinary action. The Disciplinary Officer will be notified of any failings and will determine if further action should be taken.

- 4.19 If you think the finding or penalty is unfair or unreasonable based on the evidence, you may appeal to the Vice Chancellor. The Vice Chancellor, or appropriate nominee, will review the case and may:
- a) Dismiss the case and allegations.
 - b) Enforce the penalty.
 - c) Refer the case for hearing by the Appeals and Conduct Committee.

Hearing of the Appeals and Conduct Committee

- 4.20 All relevant documentation will be shared with you at least one week before the hearing. You will have the opportunity to make your representations at the meeting. Should you wish to refer to any evidence, this should be provided **at least three working days before** the hearing, by email to casework@yorksj.ac.uk.
- 4.21 You have the right to be accompanied at the hearing by a supporter. You need to tell us who this supporter is, **at least three working days before** the hearing, by email to casework@yorksj.ac.uk.
- 4.22 You can also invite one or more witnesses to the hearing. You need to tell us who this witness is **at least three working days before** the hearing, by email to casework@yorksj.ac.uk. Witnesses should be called in relation to the allegations only, character witnesses will not be permitted.
- 4.23 The Investigating Officer/responsible person for the case will be invited to the hearing to present their report and to allow the hearing panel to ask any questions they may have on this.
- 4.24 The University may also invite one or more witnesses to the hearing. If it does so, you will be told of this in advance of the hearing.
- 4.25 You will not be permitted to cross-examine witnesses; you may address questions to the Chair, who will relay questions to the witness if the Chair believes it is appropriate.
- 4.26 Where there are concerns about safety, the hearing may be coordinated so the responding student and witnesses are not in attendance at the same time, or correspondence may be conducted in an alternative manner.
- 4.27 At least two members of the Appeals and Conduct Committee will be present at the hearing; Committee members with previous involvement with the case shall not take part. One member of the Committee will be appointed as Chair of the panel. [A President or Student Officer](#) will also be present to ensure there is student representation on the panel.
- 4.28 You are required to attend the hearing. If you have a good reason for being unable to attend, please inform the University, who will make a reasonable attempt to rearrange it. If you do not do attend, the Committee may still make a finding and agree on a penalty in your absence. If you are unable to attend the meeting physically, you may request alternative arrangements such as use of video-conferencing (normally applicable only to students who are outside the UK at the relevant time or where this represents a reasonable adjustment). If you choose not to appear before the Committee, the Committee has the right to hear the case in your absence, drawing such conclusions as it deems appropriate.
- 4.29 A formal record of the hearing will be kept by the Committee and will be shared with you.
- 4.30 At the hearing, you will be invited to respond to the allegations made against you. You may be asked questions by the Committee members. You have the opportunity to make any points you believe relevant to the decision of the Committee.
- 4.31 At the conclusion of the hearing, the Committee will reach a decision based on the available evidence and will uphold the case or dismiss the allegation. If the Committee agrees that a disciplinary offence was committed, a penalty will be imposed as identified from the list below. You will receive the decision in writing **within one week** of the hearing.
- 4.32 Penalties available to the Appeals and Conduct Committee are:
- a) A verbal warning.
 - b) Written warning/reprimand (a copy will be retained on file for the remainder of your studies).
 - c) Restitution of any damage caused.
 - d) Enforced suspension.
 - e) Exclusion from specified University facilities or activities.
 - f) Fines up to a maximum of £250.

- g) Expulsion.
- h) Other such actions as may be appropriate to the case.

More than one penalty may be applied. Previous misconduct may be taken into account in deciding the appropriate penalty.

Failure to comply with any action required following the outcome, could result in further disciplinary action. The Disciplinary Officer will be notified of any failings and will determine if further action should be taken.

4.33 You have the right of appeal against the decision of the Appeals and Conduct Committee if you believe:

- a) The decision of the Committee was unreasonable in the light of the evidence supplied.
- b) The procedure for the hearing was deficient in a way which materially prejudiced your case.
- c) That further evidence has become available since the hearing which would materially affect the decision.

Appeals against decisions of the Committee will be heard by the Vice Chancellor or nominee.

Appeal to the Vice Chancellor

4.34 To appeal against the decision of the Appeals and Conduct Committee, you must do so **within ten working days** from the date on the hearing outcome letter. You must email casework@yorksj.ac.uk to confirm the grounds on which you are appealing (see 4.33).

4.35 The Vice Chancellor or nominee will normally review the case based on the existing case documentation, unless new evidence has become available and there is a good reason why it was not available previously.

4.36 The Vice Chancellor or nominee may:

- a) Uphold the Committee decision.
- b) Set aside the penalty and/or substitute an alternative penalty.
- c) Refer the matter back for further consideration by the Appeals and Conduct Committee.

4.37 You will receive the outcome in writing, normally **within one week** of the Vice Chancellor's decision.

5 Report to Governing Board

5.1 Any disciplinary outcome involving suspension, exclusion or expulsion will be reported at the next meeting of the Governing Body.

6 Completion of Procedures Letter

6.1 If your appeal is rejected, you will be sent a 'Completion of Procedures Letter'. If you remain dissatisfied, you have the opportunity to apply for a review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body which was established by the Higher Education Act 2004 to consider student complaints which have not been resolved through an institution's internal procedures. 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. For further details, see the OIA website: www.oiahe.org.uk.

7 Appendix 1: Duties under the Counter Terrorism and Security Act 2015

7.1 The Counter Terrorism and Security Act 2015 places a duty on the University to have due regard to the need to prevent people from being drawn into terrorism. This legislation is given specific statutory force through the Prevent duty guidance for higher education institutions in England and Wales, known as the 'Prevent Duty'.

7.2 In implementing the Prevent Duty, the University takes into account our commitment:

- To the safety and wellbeing of our staff and students and all who interact with the University.
- To meet our legal responsibilities.
- To academic freedom and freedom of speech within the law and with the appropriate obligations and responsibilities arising from such freedoms (see [Freedom of Speech Code of Practice](#)).
- To promote equality and diversity.
- To support campus cohesion and harmonious relations across all parts of the University community.
- To act in a proportionate and risk-based manner, relevant to the local context in which the University is based.

- 7.3 The University may follow disciplinary procedures against any student who is found to have committed criminal acts or any other misconduct related to terrorism, in the course of their studies or work activities, which may result in expulsion or dismissal.
- 7.4 The University has a legal duty to share information – in confidence – within the University, and with external authorities, on matters related to individuals assessed as vulnerable to being drawn into terrorism, or at risk of being complicit in terrorist activity. Confidentiality cannot be guaranteed if, as a result of an investigation, individuals are requested to participate in subsequent investigations by the statutory authorities.

8 Appendix 2: Involvement of police and criminal courts

- 8.1 It is normally the victim's decision whether or not to report a crime to the police, although the following exceptions apply:
- a) In some circumstances, it is a legal requirement for the University to report incidents to the police, e.g. under the Acts of Parliament relating to the prevention of terrorism (see previous appendix) and the protection of children or safeguarding of other vulnerable persons.
 - b) Circumstances may arise when failure to report a matter to the police may be against the public interest or the interest of the University community, for example, when significant violence has been used which may subsequently put the victim or others at risk. In such a case, the Disciplinary Officer and University Secretary will make the decision whether the matter should be reported to the police, taking into account any potential harm to the victim from unauthorised disclosure, including further distress to the student and loss of trust in the University.
- 8.2 Where a victim does not report an alleged serious offence to the police, and the Disciplinary Officer does not intervene to do so, the disciplinary procedures may still be invoked. The University disciplinary procedures are not a substitute for the criminal justice system; the University cannot decide whether a crime has been committed. It can only decide whether, on the evidence available to it, a breach of the Student Dignity and Respect Policy and the Student Disciplinary Policy is more likely than not to have taken place.
- 8.3 The University may seek and maintain informal liaison with the police. Advice may be sought on whether a matter is considered by the police to be serious or not serious and whether there are compelling grounds for reporting a matter formally where the victim is opposed to such action.
- 8.4 A serious offence is one that is likely to attract an immediate custodial sentence if proved in a criminal court or one that can be tried as a criminal offence only at the Crown Court.
- 8.5 If the offence is referred to the police, the Disciplinary Officer will usually decide to postpone full disciplinary action until the police and courts have dealt with the matter. The criminal justice system takes priority, and the University will avoid taking any action that may in any way compromise criminal proceedings.
- 8.6 Where a disciplinary case has been postponed pending the outcome of police investigation or judicial process, the University will normally follow the formal disciplinary procedure after a criminal case has been concluded. The judicial outcome will be taken into account by the University, although it may reach a different conclusion to that of the court as it is operating on a different standard of proof (the balance of probabilities rather than beyond reasonable doubt) and may consider different evidence. If the situation alters as a result of an appeal against conviction or sentence, the University reserves the right to re-consider its action once any formal legal process has been completed.
- 8.7 If, as a result of due judicial process, you are unable to attend a Committee hearing, the hearing will be conducted in your absence. You will be informed of the hearing and are entitled to send a representative, if you wish.

Associated Links:

<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinary-procedures/>

<https://www.yorksj.ac.uk/students/concerns-and-complaints/>

<https://www.yorksj.ac.uk/policies-and-documents/appeals-and-complaints/>

[https://www.yorksj.ac.uk/policies-and-documents/code-of-practice-for-assessment/#the-code-of-practice-for-assessment-\(by-section\)](https://www.yorksj.ac.uk/policies-and-documents/code-of-practice-for-assessment/#the-code-of-practice-for-assessment-(by-section))

<https://www.oiahe.org.uk/>

<https://www.yorksj.ac.uk/policies-and-documents/freedom-of-speech/>

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