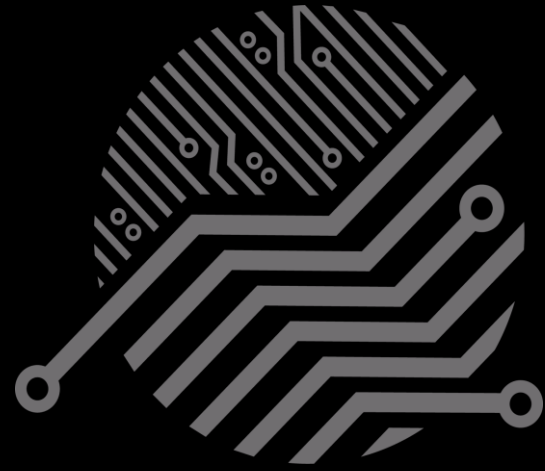


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**YORK
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UNIVERSITY**



Responding Students

This guidance is for students who have had a report of possible misconduct made against them.

It aims to provide you with information about the disciplinary process and includes information on your expected role and where to access support.

This guidance aligns with the following York St John University policy:

[Student Behaviour and Disciplinary Policy](#)



Definitions of key terms

Reporting student/party

The individual who has reported the purported misconduct to the University.

Responding student/party

The individual who has had a report made against them and who is under investigation as to whether it is a breach of the University's policies and/or expectations.

Responsible Person

Appointed by the Disciplinary Officer to investigate Level 1 misconduct. They will review the evidence and make any further enquiries they deem necessary. They will also provide a summary and recommendation for the case.

Investigating Officer

Appointed by the Disciplinary Officer to investigate Level 2 misconduct. They will review the evidence and make any further enquiries they deem necessary. They will also provide a report and recommendation for the case.

Disciplinary Officer

Responsible for overseeing the disciplinary process, including making decisions on whether a case should be dismissed, a sanction put in place or for it to go to a hearing.

Provisional action

The action taken to limit a student's interaction with the university community if they are subject to a criminal charge or police investigation, and/or it is believed their behaviour is likely to pose a risk to the wellbeing and safety of themselves or others.

Disciplinary hearing panel

A disciplinary hearing may be organised to consider the reported misconduct, review the relevant case file review, make a decision on the outcome and decide on a possible sanction.

Office of the Independent Adjudicator

An independent body who considers student complaints which have not been resolved through an institution's internal procedures.

Support and advice

Navigating difficult times can be challenging and we want to provide you with essential information on seeking support and advice. At York St John University, we are committed to ensuring that you have access to the resources and assistance you may need during this process.

The [Student Hub](#) provides a single point of contact and source of information for student support services across York St John University.

We understand that the disciplinary process can be difficult, and you may require support during this time. The wellbeing of all our students is very important to us, and we have services in place to provide you with advice and support.

Throughout the proceedings you will be signposted to wellbeing and welfare support services. In certain cases, the Casework team may request these teams to contact you directly.

The support available is broad, and useful information can be found on the following pages:

- [Wellbeing and Welfare \(including sexual violence liaison officer support\)](#)
- [London Wellbeing support](#)
- [Disability support and inclusion](#)
- [Specialist support](#)

If you have an additional need, we will liaise with you about any reasonable adjustments you may require. If you require an adjustment to the way in which we communicate with you, due to disability or accessibility needs, please contact us by emailing casework@yorks.ac.uk.

If you would like to be supported during the disciplinary procedure, the Students' Union Advice team can help you with the process and offer impartial, fair and confidential advice. This may include:

- helping to formulate a draft statement
- advising you about evidence
- accompanying you to meetings as your supporter

They can be found in the SU building and can be contacted at su.advice@yorks.ac.uk or you can [book a meeting](#) with their Student Advice Coordinator.

You are allowed to have a supporter present with you during disciplinary meetings. You must provide the name and the capacity in which the supporter is attending in advance.

This person should not have had any involvement in the case and should be:

- A current member of staff
- A current registered student at the University
- A Students' Union representative

Their role is to observe and provide moral support, they cannot ask questions, interpret responses or speak on behalf of you.

Support and advice

Listed below are further support links that the University provides and can signpost you to.

- **Report + Support:** All staff, students and visitors to our campus can report something, either anonymously or with contact details, so you will get a response. Our Report + Support webpage also signposts you to local support services and resources. Please note - anonymous reports are considered on a case-by-case basis, although anonymity may hinder investigations.
[Report and Support | York St John University](#)
- **Wellbeing and Welfare Support:** As a student, you can access free support to help you manage your wellbeing and welfare. This includes support to access external enhanced support services - for example, the NHS, hate crime reporting centres, or local specialist services, including Sexual Assault Referral Centres. You can also self-refer for a meeting with a specialist practitioner or visit a drop-in session.
[Wellbeing and Welfare · Student Hub Online Portal](#)
- **Disability Support and Inclusion:** For students with a disability, long term health condition, mental health condition or a specific learning difficult, additional support is available.
[Disability Support and Inclusion · Student Hub Online Portal](#)
- **International Student Support:** For international students, information, guidance and support is available.
[International | York St John University](#)
- **Student Assistance Programme:** Our Student Assistance Programme offers support through a free 24-hour confidential helpline and digital resource.
[Spectrum Life | York St John University](#)
- **Academic Support:** During investigations adjustments may be possible, such as deadline extensions, leaves of absence or changes to course schedules. Please talk to the Casework team about this.
casework@yorks.j.ac.uk
- **Accommodation:** The Accommodation team may be able to provide information on emergency accommodation options if you feel unsafe in your York St John or partner provider housing. Please note there may be financial implications associated with this. Students can seek advice on any financial implications from the [Funding Advice team](#).
[Accommodation | York St John University](#)

Timescales and expectations

Timescales

- 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.

- If the report is under police investigation, it is likely that these timescales will increase. This is due to the university investigation having to be stopped to ensure it doesn't affect the police's case. Although the university investigation has to be put on hold, provisional action may still be enforced by the University.
- University investigations focus solely on potential breaches of the [Student Behaviour and Disciplinary Policy](#). These are distinct from criminal investigations.

Expectations

The University expects all students to treat other students and staff at the University with dignity and respect. The University reserves the right to suspend investigation of a disciplinary matter if there is a breach of expected standards, including where those investigating a case are subject to harassment, physical or verbal abuse.

Any meetings held will not be audio recorded, but they will be minuted. They should not be recorded without the express consent of those involved. If you 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.

All involved parties are required to maintain confidentiality. Any unauthorised disclosure of information will be considered a violation of this policy and may result in disciplinary actions. Once a decision is made regarding referring the matter for consideration as misconduct, you are advised to not discuss the matter with your peers due to the possibility of jeopardising the integrity of the investigation.

Provisional action

If you are subject to:

- a criminal charge, or
- a police investigation, or
- if the University believes that your behaviour is likely to pose a risk to the wellbeing and safety to yourself or others

then the University may take provisional action to limit your interaction with the reporting party and the University community, including suspension and exclusion.

Provisional action is not a penalty. It is implemented to:

- protect individuals and property
- ensure the safety and wellbeing of the University community
- safeguard you from further reports during the investigation

If you are suspended, 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. If you are excluded, your right to enter university premises is restricted. You may be excluded from specific university and/or Students' Union or Sport Union activities.

The University may impose a requirement on all parties (yourself and the reporting student) not to have contact with each other and with named others. If you breach this requirement, this in itself is misconduct.

The University's decision-making for any provisional action will be informed by an evidence-based risk-assessment. The University will give careful consideration to the implications of provisional action, including consideration of the balance between the potential risk to others and the potential disadvantage to the student(s) in question, and where relevant the implication on the sponsorship of student visas.

The Disciplinary Officer decides whether provisional action should be taken. The University will automatically review any provisional action after 4 weeks. The decision may then remain in force until the outcome of any criminal proceedings or University investigations, at which point a decision will be made by the Disciplinary Officer about any further action under the relevant policy.

You can appeal the provisional action by emailing casework@yorks.ac.uk. The Vice Chancellor of York St John University is responsible for deciding whether the decision should be varied or remain in force.

Witnesses

You have the option to nominate witnesses to be involved in the case. You will need to tell the Casework team who the witnesses are and if you agree to them being contacted. The University will then contact the named witnesses to seek their consent for participation.

See below the types of witnesses that can be nominated for a disciplinary case.

Appropriate witness	Inappropriate witness
✓ <u>Direct witness:</u> An individual who observed or might have observed the incident/s or activity surrounding the incident ✓ <u>Outcry witness:</u> An individual who knows details of the incident/s from the Reporting and/or Responding student directly after the incident/s ✓ <u>After-The-Fact witness:</u> An individual who observed the reactions or changes in behaviour by either the reporting or responding student	× <u>Indirect witness:</u> An individual who was later told about the incident/s by the Reporting student or Responding student, or by a third party × <u>Character witness:</u> An individual who speaks about the general character of an individual but not about any aspect of the incident/s

The disciplinary process

Informal stage: If a concern about a potential breach of the [Student Behaviour and Disciplinary Policy](#) is made, a student can informally discuss it with a staff member to seek a quick resolution.

If that doesn't work or isn't appropriate, a formal report can be submitted to casework@yorks.ac.uk or by submitting a [Report + Support](#).

The Disciplinary Officer will then decide whether to:

- Dismiss the report as false, malicious, trivial, or lacking evidence.
- Refer the matter for consideration under other procedures (such as Students' Union, Accommodation, or to Fitness to Study/Practice)
- Refer the matter for consideration as Level 1 misconduct (see below)
- Refer the matter for consideration as Level 2 misconduct (see below)

If the report is accepted as a Level 1 or Level 2 misconduct, you will be contacted to attend a meeting where you will be informed about the report made against you and an opportunity where you can openly discuss what happened and any support you need. The meeting will take place in a safe space, allowing you to take breaks or pause and reschedule if necessary.

It is strongly recommended that you engage in the process and meet with the Responsible Person/Investigating Officer. If you do not attend, a decision may still be made on whether misconduct took place, and a disciplinary sanction may be issued.

Level 1

This level is typically suitable for addressing misconduct reports that are less serious or when it is preferable to handle the issue as close to the source as possible.

This may include general nuisance, disruptive behaviour, or actions that may cause distress to others without posing a serious risk.

Level 2

This level is suitable for addressing reports of serious behaviour, such as harassment, sexual misconduct, violence, hate crimes, and other actions that pose a risk to our community.

This may also include multiple minor acts of misconduct, situations where Level 1 actions have failed or are deemed inappropriate, or cases referred on appeal from the Level 1 procedure.

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. The University may temporarily withhold the release of marks, progression decisions, award outcomes or certification until disciplinary processes have concluded.

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.

Level 1 disciplinary process

Level 1 misconduct

The Disciplinary Officer delegates to a 'Responsible Person' to investigate the case. They will review the information and make any further enquiries they deem necessary. This may include:

- **A meeting with you to respond to the report**
- **A meeting with the Reporting student**
- **A meeting with any witnesses**
- **Gathering evidence that has been put forth**

You will be contacted to attend a meeting. You can choose whether it takes place in person or online, depending on your preference.

During the meeting, you will have the opportunity to respond to the report and present any information you have.

You are welcome to bring a supporter with you. The meeting will not be recorded, but minutes will be taken and sent to you afterward.

After reviewing all the information, the Responsible Person will arrive at one of the following outcomes:

- **Dismiss the case**
- **Issue a Level 1 sanction**
- **Refer the case to Level 2**

Once the outcome is reviewed by the Disciplinary Officer, you will be told as soon as possible.

The following sanctions may apply at Level 1:

- **Verbal warning**
- **Written warning/reprimand (a copy will be retained on file for the remainder of your studies)**
- **Restitution of any damage caused by way of payment**
- **Other such action appropriate to the circumstances**

More than one sanction may be applied.

All parties will be notified of the outcome.

Both parties may appeal the outcome within 10 working days of receiving it.

Level 2 disciplinary process

Level 2 misconduct

The Disciplinary Officer will appoint an impartial Investigating Officer and arrange for an investigation into the reported misconduct to take place and a report to be written.

The Investigating Officer will review the information and make any further enquiries they deem necessary. This may include:

- **A meeting with you to respond to the report**
- **A meeting with the Reporting student**
- **A meeting with any witnesses**
- **Gathering evidence that has been put forth**

You will be contacted to attend a meeting.

You can choose whether it takes place in person or online, depending on your preference.

During the meeting, you will have the opportunity to respond to the report and present any information you have.

You are welcome to bring a supporter with you.

The meeting will not be recorded, but minutes will be taken and sent to you afterward.

After reviewing all the information, the Investigating Officer will prepare a report for the Disciplinary Officer and include recommendations for an outcome. Based on the report, the Disciplinary Officer may:

- **Dismiss the case**
- **Apply a Level 1 sanction**
- **Refer the case to a disciplinary panel**

All parties will be notified of the outcome.

Both parties may appeal the outcome.

If the case goes to a hearing, you will be required to attend to respond to the report and share any information you have. The Investigating Officer will also present their report. You can bring a supporter and, if possible, someone from the Wellbeing team.

At least two ACC members and a Students' Union president will be at the hearing.

Afterward, the panel will make a decision, and you will be told the outcome within 5 working days.

Both parties may appeal the outcome that the panel apply.

The hearing panel will decide to either dismiss the case or uphold the case and apply 1 or more sanctions:

- A verbal warning
- Written warning/reprimand (a copy will be retained on file for the remainder of your studies)
- Restitution of any damage caused
- Enforced suspension
- Exclusion from specified University facilities or activities
- Expulsion
- Other such actions as may be appropriate to the case

The disciplinary process

Appeals

Once the Level 1 or Level 2 investigation has been conducted, both parties can appeal the outcome. Students cannot appeal solely because they disagree with the outcome. Students have the right to appeal the decision on the following grounds:

- **There was a procedural issue.**
- **New evidence has emerged.**
- **The outcome was not reasonably supported by the evidence**

If other reasons are cited for an appeal, the Disciplinary Officer will determine whether the matter will be referred to the Vice Chancellor.

You have 10 working days from the date of the outcome letter to make an appeal to the Vice Chancellor.

You must email casework@yorks.ac.uk to confirm the grounds on which you are appealing.

The Vice Chancellor or nominee will review the case and may:

- **Dismiss the case**
- **Enforce or adjust the sanction**
- **Refer the case back for further investigation with a different Investigating Officer**
- **Refer the case to a disciplinary panel (see below)**

You will receive the decision in writing as soon as possible and normally within 10 days.

In cases where an outcome is changed through an appeal, an update will be provided to the other party.

If your appeal is not upheld, you will be sent a Completion of Procedures Letter. See [page 15](#) for more information.

Disciplinary Hearing

- Both parties will be informed if they are required to attend a disciplinary hearing.
- In the hearing, you can speak to the panel.
- At the conclusion of the hearing, the panel members will discuss the case in private and will reach a decision based on the available evidence. Panel members will either uphold the case or dismiss the case. If the panel members agree that a disciplinary offence was committed, a sanction will be imposed as identified from the list on [page 9](#).
- The panel will endeavour to make a decision as soon as possible, but no later than 1 working week of the hearing.
- You will receive a formal record of the hearing.
- You have the right of appeal against the decision of the panel.

The disciplinary process

Hearing Appeals

Both parties have the right to appeal the decision of the hearing panel on [the same grounds mentioned above](#).

The appeal must be made within 10 working days from the date on the hearing outcome letter that you will receive. You must email casework@yorks.ac.uk to confirm the grounds on which the appeal is made.

Appeals against the decisions of the hearing panel will be heard by the Vice Chancellor and they may:

- **Enforce the panel decision**
- **Set aside the sanction and/or substitute an alternative sanction**
- **Refer the matter back for further consideration by the disciplinary panel**

The Casework team will communicate the decision of the Vice Chancellor's review in writing as soon as possible and normally within 10 working days.

If your appeal is rejected, you will be sent a Completion of Procedures Letter. Please see [page 15](#) for more information.

Sexual misconduct support

We are aware that some reports can be more sensitive than others and can involve more distressing topics.

The University is committed to condemning and promptly addressing sexual harassment and misconduct, creating a safe environment for all community members.

The University defines Sexual Misconduct as any unwanted or attempted unwanted conduct of a sexual nature. Sexual misconduct can occur through any medium, including online.

Support

- We understand that the disciplinary process can be distressing. We want to make sure you are supported throughout the process.
- There are many outlets where a report of sexual misconduct can be recorded or where you can seek support throughout the procedure:
 - [Report + Support](#)
 - [Wellbeing and Welfare team](#)
 - [Students' Union](#)
 - [Security team](#)
- Tutors and supervisors will also be able to signpost you to options and what support is available.
- We recognise that sexual misconduct cases may require more tailored support, and we ensure that this is readily available for you to access during the process.
- We will also signpost you to appropriate support networks that can provide further support during a distressing period.
- [Specialist sexual violence support](#) is available to students.
- Investigators and hearing panel members are trained in trauma informed approaches.
- Each party will be provided with 1-to-1 support from Sexual Violence Liaison Officer trained staff before and after investigatory meetings, upon request, where possible.
- Further support links are listed on the next page.

Sexual misconduct support continued

In addition to the support links available on [page 3](#), we have listed further support that you can access below:

York:

- **The Sexual Assault Referral Centre (SARC):** The SARC provides a range of services, including forensic medical examination, to anyone in North Yorkshire aged 16 and over who has been raped or sexually assaulted. The services are available whether or not the assault has been reported to the police. www.bridgehousesarc.org
- **Survive:** Survive is a charity based in York who provides support to survivors of rape, sexual assault or childhood sexual abuse. They offer a counselling service, one to one support sessions, support groups and a confidential helpline. www.survive-northyorks.org.uk
- **The Samaritans:** The Samaritans provide a fully confidential listening service through their 24-hour helpline. www.samaritans.org/
- **Independent Domestic Abuse Service (IDAS):** IDAS is a specialist charity based in York which supports anyone who is a victim or survivor of domestic abuse. They can help you through the criminal justice system, giving you information on benefits and housing, providing emotional support or referring you for counselling. www.idas.org.uk

London:

- **The Samaritans:** The Samaritans provide a fully confidential listening service through their 24-hour helpline. www.samaritans.org/
- **Greenwich Survivors Gateway:** Greenwich Survivors Gateway offer access to specialist services in London that provide information, support and help to anyone who has been affected by rape, sexual assault, sexual abuse or any form of sexual violence at any time in their lives. <https://survivorsgateway.london/service-map/>
- **Rape and sexual assault referral centres near our London campus:** Find rape and sexual assault referral centres. <https://www.nhs.uk/service-search/other-health-services/rape-and-sexual-assault-referral-centres/>
- **Rape Crisis London:** Rape Crisis England & Wales is the feminist charity working to end sexual violence and abuse. <https://rapecrisis.org.uk/>

Sexual misconduct disciplinary process

There are some slight differences between the disciplinary and sexual misconduct investigations which will be explained below.

Once the investigation has finished and the report has been passed to the Disciplinary Officer, they may:

- Dismiss the case
- Apply a Level 1 sanction
- Refer the case to a disciplinary panel

All parties will be notified of the outcome.

If the report is dismissed in these cases, the Investigating Officer will meet with the reporting student to explain the reasoning and to discuss next steps.

In sexual misconduct investigations, both parties can appeal the decision under the same conditions as other disciplinary cases.

See [page 10](#) to see the procedure of a disciplinary panel.

If a harassment or sexual misconduct case is referred to a disciplinary panel, the hearing will always be coordinated so that yourself, the reporting party, and any witnesses are not in attendance at the same time.

Only the Chair may directly question the reporting student. Yourself and other panel members must submit questions through the Chair, who will decide if they are appropriate to ask the reporting student.

All 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.

In sexual misconduct hearings, both parties can appeal the decision under the same conditions as other disciplinary cases.

If your appeal is not upheld, you will be sent a Completion of Procedures Letter. Please see [page 15](#) for more information.

Office of the Independent Adjudicator

Completion of the University Disciplinary Procedure

- 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

Additional information

If you require any additional information or support about the disciplinary process, please contact casework@yorks.ac.uk.