

# R16. Regulation on Student Discipline

Regulation on student discipline is the framework under which the CITY ULE can investigate and respond to reports of student misconduct. This Regulation should be read in conjunction with:

- PS4 [Non-Academic Misconduct Disciplinary Procedure](#)
- PS5 [Academic Misconduct Policy and Guidelines](#)

## 1. Scope

This Regulation applies to reported incidents of misconduct by students registered at the CITY ULE. Misconduct refers to actions or omissions which cause, or may cause, injury, physical or mental harm or damage to people, property, or the reputation or academic integrity of the CITY ULE. This includes actions or omissions which obstruct or prevent the proper functioning of the CITY ULE or impede any member of the CITY ULE from carrying out their studies or work. It also includes actions or omissions designed to mislead or defraud the CITY ULE. Misconduct may occur intentionally or unintentionally.

Misconduct includes incidents which take place either inside or outside the physical boundaries of CITY ULE premises, and includes behaviours which occur online, or at CITY ULE-related business or events.

This Regulation applies to all students registered to study at the CITY ULE, including those on a Leave of Absence, those currently suspended from study, and those on distance learning or online programmes.

Where more than one student is involved in a case of reported misconduct, the CITY ULE may choose whether to take joint or separate action against them.

Where it is reported that misconduct has taken place outside CITY ULE premises (for instance on a placement, internship, academic conference, cross-institutional training event, or professional or work experience setting) and is considered under the process of the host institution / organisation, the CITY ULE retains the right to consider the misconduct under its own procedures also.

If a student involved in a disciplinary process deregisters from the CITY ULE while the process is ongoing, the CITY ULE reserves the right to continue the procedure and make a decision or finding where it considers that its safeguarding duties or the public interest reasonably requires it to do so. Where it does not continue the procedure, the CITY ULE may refer to the fact that there was an ongoing procedure to a third party if it considers there are safeguarding or public interest reasons to do so and/or to comply with any regulatory reporting requirements.

It may be the case that a student is subject to more than one CITY ULE procedure. Depending on the individual circumstances of each incident, the CITY ULE reserves the right to suspend one procedure until the outcome is known, or it may be appropriate for certain procedures to run in parallel, e.g. Support to Study / Attend, Fitness to Practise, Non-Academic Misconduct Disciplinary Procedure, and so on. Students who are also employed by the CITY ULE may also be subject to relevant staff procedures.

## 2. Out of scope

The CITY ULE's student discipline regulation and associated student discipline procedures do not seek to reproduce elements of criminal law and are not formal legal processes. Accordingly, it is not normally necessary or appropriate for legal representation during this procedure except in exceptional circumstances and at the student's own cost.

There may be some matters that would be more appropriately dealt with under non-disciplinary CITY ULE procedures such as: Terms and Conditions of Residence, Support to Study / Attend, Fitness to Practise, and so on. Students will be referred to the appropriate CITY ULE procedure where required. Similarly, matters investigated under alternative CITY ULE procedures may be referred to Disciplinary Procedures.

Allegations of misconduct by a member of CITY ULE staff should be reported through the student complaints procedure.

This Regulation and associated procedures are not intended to deal with tensions or a breakdown in relationships between students, unless the behaviour of the student(s) concerned may also constitute misconduct. The CITY ULE, where appropriate, will facilitate communication in such circumstances to try to resolve matters.

## 3. Acts of misconduct

The following list offers illustrative examples of the types of behaviour categories which would be considered misconduct and potentially result in disciplinary action being taken under the relevant disciplinary procedure. The list is non-exhaustive and, where appropriate, the CITY ULE can take disciplinary action in relation to behaviours not specifically listed below. Fuller definitions are given in the associated procedures:

- (a) Physical Misconduct
- (b) Sexual Misconduct
- (c) Abusive, Threatening, or Unacceptable Behaviour
- (d) Damage to Property
- (e) Unauthorised Taking or Use of Property
- (f) Causing a Health or Safety Concern or Risk
- (g) Operational Obstruction
- (h) Damage to the Reputation of the CITY ULE
- (i) Criminal Convictions
- (j) Serious or Repeated Academic Misconduct

In cases of Academic Misconduct, the Academic Misconduct Policy and Guidelines specifies the related policy and the procedure.

## 4. Principles

The following principles will apply to the application of disciplinary procedures:

(a) Authority to act - Those with delegated authority to make decisions are detailed in the associated Non-Academic Misconduct Disciplinary Procedure, and will be responsible as appropriate for the operational management of cases, decisions and outcomes.

- (b) Balance of probabilities -The standard of proof for disciplinary decisions is the 'balance of probabilities', that is, it is more likely than not that something happened. Decision makers will make reasonable decisions and give reasons for their decisions.
- (c) Communication – Communication with students under disciplinary procedures will typically be by email, to the student's CITY ULE email address. Meetings and hearings may take place in person or using electronic communications, such as video and telephone conferencing. Reasonable adjustments will be made in accordance with communication, disability or engagement needs.
- (d) Confidentiality – All individuals involved in disciplinary procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the CITY ULE. Any meetings called will be private (not held in public) to the individuals whose attendance is requested and no audio or video recordings are permitted, except where needed as a reasonable adjustment.
- (e) Equality and Diversity - To ensure fair treatment and, where appropriate, provision of support by the CITY ULE in the application of this procedure, students will be invited to provide information about any equality or diversity issues which may be relevant to enable them to fully participate in the procedure.
- (f) Informal resolution - Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to formal procedures. CITY ULE staff are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action.
- (g) Interim suspension or exclusion from campus - At any stage in a disciplinary procedure, if appropriate, a student may be suspended or excluded from all or part of the CITY ULE campus. Interim suspension or exclusion is not a sanction and is not an indication of culpability.
- (h) Investigation – An investigation shall be undertaken before any disciplinary finding is reached or sanction applied. Where it is considered appropriate, the contents of an investigation under another procedure (for example, Fitness to Practise or Support to Study / Attend) may be used as part of a disciplinary procedure.
- (i) Natural justice - Those involved in decision making will come to matters without bias, will be independent and impartial, and will not have previous involvement with the matter (or personal knowledge of the people involved). Individuals who consider they may have any conflict of interest should declare it and have nothing further to do with the formal procedure. Reported students shall be advised in writing of the nature of the allegations made against them and will be given the opportunity to respond to the allegation, stating their case and providing evidence. There will be a fair hearing involving a review of all arguments, documents and any witness evidence.
- (j) Mitigating and aggravating factors - Any sanction imposed will take account of any mitigating or aggravating factors determined to be relevant. Students will be asked to provide evidence of any mitigating factors during the investigation and/or disciplinary meeting/hearing, before any sanction is decided.
- (k) Right to appeal - Students have the right to appeal against the outcome of a formal disciplinary process and/or any sanctions that are applied under disciplinary procedures. Details of timescales and the procedure for appeals will be provided in writing. Sanctions or warnings issued as a result of disciplinary procedures will remain in force pending the outcome of any appeal.

(l) Right to be accompanied - In any formal disciplinary meeting or hearing with CITY ULE staff, students have the right to be accompanied by a Students' Union representative, or a member of CITY ULE staff who is not directly involved in the matter. If a student would like to be accompanied by someone other than those listed, a formal request should be made in writing. The request will be considered by the appropriate decision maker and permission may be given. The CITY ULE does not normally permit legal representation at any disciplinary meetings, but in exceptional circumstances, the CITY ULE may consider external legal representation at Disciplinary Panel Hearings.

(m) Timescales - The CITY ULE aims to deal with formal reports and any subsequent disciplinary procedure in a timely manner and will normally undertake an investigation and consideration of a case within 60 days of an investigation commencing. Any appeal will normally be heard within 30 days of the appeal being submitted. While every effort will be made to comply with these timescales, in some cases, due to the complexity and or specific circumstances of the case, timescales may be extended.

(n) Reasonable notice - No less than five working days' notice will be provided for any disciplinary meeting or hearing and information will be shared with students in advance. If a student repeatedly fails to respond to or engage with a disciplinary procedure in a timely fashion, the CITY ULE may proceed to reach a decision in the absence of the student. A student on placement or away for other reasons will still be required to engage with a disciplinary procedure and may be required to return to the CITY ULE in a timely manner, if it is not possible or appropriate for engagement to take place online and/or at distance.

Disciplinary meetings and hearings of Disciplinary Panels may take place in the absence of the student concerned, provided that reasonable steps to inform the student of the meeting or hearing have been taken. The CITY ULE may agree to a prior request to change the date of a meeting, for good reason, such as ill-health, for which evidence may be required.

## 5. Sanctions

The sanctions of Academic and non-academic misconducts are described in the related policy and procedures documents.

## 6. Record keeping, use of data and monitoring

A record of any formal sanction imposed as a result of a disciplinary procedure shall be kept, and shared with relevant teams as necessary for the CITY ULE to fulfil its duties, including the management of risk.

The CITY ULE reserves the right to disclose that there is an ongoing disciplinary procedure, and/or any sanction made under disciplinary procedures in references provided to third parties if it considers there are safeguarding or public interest reasons to do so and/or to comply with any regulatory reporting requirements.

Information relating to disciplinary procedures and may be disclosed to where a student's course leads to professional registration and their Fitness to Practise is called into question, in line with the requirements of those courses.

When a non-academic disciplinary procedure has been completed, any directly impacted party will be informed as soon as reasonably possible that the case has been concluded and informed of any finding that relates directly to them, as well as any sanctions which directly relate to them.

Where a student is not satisfied with the decision taken in respect of the CITY ULE disciplinary procedures they may request their case to be treated in accordance with the University of York Regulations and Procedures, stating their grounds for the request.