



UNIVERSITY OF YORK MUMBAI

Student Conduct Policy

1. INTRODUCTION

The University of York Mumbai (York Mumbai) is a community of learning and enquiry, with values based on the University of York community declaration [Together York](#). The University of York exists as a University for Public Good, and York Mumbai embraces these values. As a student you join this community to advance your academic journey and develop your potential. Staff members and academics will help you think deeply, explore ideas and experiences, develop skills and be supported to achieve and thrive. The University of York Mumbai community has three strands:

- Scholarship: independent critical thinkers, committed to your area of study with diligence and excellence.
- Respect: a community built on shared values of respect, equity and compassion.
- Purpose: cultivating personal growth and developing a vision for the future.

The University of York Mumbai aims to be a Positive University, providing an intellectually stimulating and respectful environment. By choosing to join the University of York Mumbai community, you affirm your commitment to these values and the responsibility placed on you in honoring this commitment. Whilst we underline our commitment to these values and expectations, we recognise that on occasion students' standards of conduct unfortunately fall short. This policy addresses the actions the University will take in these circumstances.

2. SCOPE

2.1 This student policy applies to all registered students of the University of York Mumbai – undergraduate, postgraduate and research scholars including those who may be on a leave of absence or suspended from study, and governs conduct:

- 2.1.1 In any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the University;
- 2.1.2 In any sports institute, stadium, sports complex or competition or games venue, whether residential or not, used for training, sports or other activities relating to the University; and
- 2.1.3 In any place visited by the Employee, Faculty or Student arising out of or during the course of employment or study including transportation provided by the University for undertaking such journey for study at the University.
- 2.1.4 And also online workspaces including online classes, meetings or other activity arising out of or during the course of employment or study at the University.
- 2.1.5 Students residing in accommodation associated with the University are expected to comply with both the University's policies and any applicable residence hall regulations.

2.2 The policy is applicable to York Mumbai students in an offline and online context.

2.3 The policy applies to York Mumbai students studying at the University of York UK, when on a short visit, semester exchange or other situations in which a York Mumbai student is at the University of York. Please note that you will also be expected to uphold the values, policies and procedures of the University of York.

2.4 The policy applies also to York Mumbai students studying at partner institutions on exchanges, internships, placements or other modes of exchange. Please note that if you are on a programme with a partner institution or organisation, you will also be expected to uphold the values, policies and procedures of the programme, institution and/or setting that you are attending and any other applicable standards or guidelines.

2.5 This policy applies to misconducts other than Academic and Research Misconduct. For Academic and Research Misconduct, please refer to the relevant policies.

3. DEFINITIONS

3.1 ACTS OF MISCONDUCT – The following is a non-exhaustive list of areas which are considered misconduct that will result in disciplinary action being taken. The University may take disciplinary action in relation to behaviours not specifically listed below:

3.1.1 Physical misconduct

- Punching, kicking, slapping or hitting another person.
- Spitting at, or throwing items at, another person.
- Grabbing, strangling or restraining another person.
- Pushing or shoving another person.
- Forcing or coercing the consumption of drugs, alcohol or any other substance.

3.1.2 Sexual misconduct

- Engaging in a sexual act without consent.
- Attempting to engage in a sexual act without consent.
- Sharing, or threatening to share, private sexual images or materials of another person without consent.
- Kissing without consent.
- Sexual touching without consent.
- Inappropriately showing sexual organs to another person.
- Making remarks of a sexual nature.

3.1.3 Abusive, threatening, or unacceptable behaviour

- Threats to hurt another person.
- Abusive comments, behaviour or discrimination relating to but not limited to: race, caste, ethnicity, nationality, religion or belief, sex, gender, gender identity or expression, sexual orientation, disability, age, pregnancy or maternity, marriage or civil partnership, or socio-economic background.
- Disorderly, riotous, violent, indecent or intimidating behaviour or language.
- Repeatedly contacting another person against the wishes of that person.
- Repeatedly following another person without good reason.
- Bullying or harassment.
- Hate incidents.

- Unacceptable behaviour in response to or as part of exercising free speech within the law.
- Any behaviour that may be considered as unbecoming of a student.

3.1.4 Damage to property

- Causing damage to university property, the property of students or employees of the University, or visitors of the University, and to property outside of the University.
- Causing minor damage to university property, the property of students or employees of the University, or visitors of the University.

3.1.5 Unauthorised taking or use of property

- Taking property belonging to another person without permission.
- Unauthorised entry onto, or inappropriate use of, University premises.
- Misuse of University equipment, including computers, furniture, sports equipment and all moveable and immovable property.

3.1.6 Causing a health or safety concern or risk

- Any act or omission that did cause or could cause injury or harm to others (for example, disabling fire extinguishers).
- Possession, storage, distribution or use of any controlled drug.
- Possession or use of a dangerous weapon on university premises.
- Possession or consumption of alcohol within the University Campus or Residence Halls.
- Failure to comply with Health and Safety rules, including smoking in a university building.

3.1.7 Operational obstruction

- Acts, omissions or statements intended to deceive the University.
- Disruption of the activities of the University (including academic, administrative, sporting and social) on university premises or elsewhere.
- Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University.
- Failure to comply with any University regulation, policy, procedure, code or sanction.
- Acts that interfere with the University's ability to fulfil its statutory duties.

3.1.8 Damage to the reputation of the University

- Behaviour which has caused serious damage or may cause serious damage to the reputation of the University.
- Antisocial activities in the community.
- Repetitious noise and general nuisance.
- Making libellous statements or unfounded allegations against the University on social networks or other sites.

3.1.9 Criminal misconduct

- If there are behaviours that are crimes as per all applicable laws of the land (Maharashtra, India), the University may not be able to investigate these crimes.
- An incident of misconduct may be reported to the police by the impacted person, a witness or by the University. The University will normally respect the decision of the impacted person of whether to report the matter to the police. However, the University may investigate the incident on its own volition, and in exceptional circumstances, following a risk assessment, may report an incident to the police against the wishes of the impacted person. Such a decision will consider the seriousness of an incident, the nature of the circumstances, and the safeguarding of the University community and/or the individual/s impacted. The University will explain its decision and the reasons to the impacted person either in advance or as soon as possible after the report is made.
- In case any student is involved with any incident or act that may result in the filing of an FIR or case registration with the Police/law enforcement authority, such student must report this without delay to the Counsellor/faculty in charge/HoD at the earliest through any communication mode available to them. A First Information Report/criminal case/arrest could affect academic activity and records; intervention by the University may be necessary. Concerned university staff will extend any necessary assistance and guidance. The student will be advised about the options and available course of action.
- The incident may be investigated by the University, if in its purview. Appropriate actions and/or disciplinary proceedings may also be initiated on a case-to-case basis.

- Criminal conviction by a court of law must be reported to the university authorities immediately. University authorities will examine all involved aspects and decide accordingly.
- Delay in reporting of a criminal conviction by more than one month from the date of conviction, or non-disclosure of a criminal conviction, may result in withholding of result or non-award or recall of degree/certificate awarded and/or cancellation of registration.

3.2

The following key terms are used throughout this policy:

Misconduct (Academic) – The University of York defines academic misconduct as any behaviour or activity that undermines academic integrity and gives a student an unfair advantage in assessments. This includes plagiarism, collusion, cheating in exams, false authorship and fabrication. The University also treats certain forms of academic misconduct as disciplinary offences, such as personation, deception and unethical research behaviour. Students are encouraged to complete the university's academic integrity tutorial and refer to the Academic Integrity webpage for guidance on avoiding academic misconduct. This is also referred to as Offence (Academic).

Misconduct (Non-Academic) – These are also referred to as Offence (Non-Academic) and include all misconducts that do not come under the definition of Academic misconduct. In the context of university education, an offence for a student can be defined as any act that disrupts the academic environment, violates the rights of others or is deemed inappropriate by university regulations or unbecoming of a student. Such offences can include disruption of teaching, examination or administrative work, or engaging in activities that interfere with the normal functioning of the University, ragging, displaying noisy or disorderly conduct, teasing, or any act that causes annoyance or fear. This also includes damage to or defacing of university property or the property of university staff, and using derogatory or incitement language that could cause harm or fear. These offences are addressed by university regulations and may lead to disciplinary actions, including suspension, expulsion or other penalties as per the university's code of conduct.

Criminal Offence – A criminal offence is an act that violates a law and is punishable by the state, encompassing a range of actions from minor infractions to serious felonies. These offences are generally covered under applicable laws and may involve law enforcement agencies.

Disciplinary Board – An institutional body constituted under this policy to receive, consider and resolve student misconduct. This board at UoY Mumbai shall decide the student's disciplinary and conduct matters, comprising the Provost, CASO,

Registrar and any other members nominated by the Provost. The Provost shall be the Chairperson of the Disciplinary Board.

Disciplinary Authority – A UoY Mumbai employee who has been delegated the authority to decide the conduct and disciplinary matters of students at UoY Mumbai. CASO shall be the Disciplinary Authority for students of UoY Mumbai.

Delegated Authority – Any employee of UoY Mumbai who has been delegated specific powers by the Disciplinary Authority in the matter of conduct and discipline of students at UoY Mumbai.

CASO – Chief Academic Services Officer of UoY Mumbai. In the absence of the appointee, an employee discharging the responsibilities of CASO.

Director (Operations/Campus Operations) – Director (Operations/Campus Operations) or, in the absence of the appointee, an employee discharging the responsibilities of the Director (Operations/Campus Operations).

Registrar – Registrar or, in the absence of the appointee, an employee discharging the responsibilities of the Registrar.

Provost – Provost or, in the absence of the appointee, an employee discharging the responsibilities of the Provost.

Investigating Officer – An employee, whether teaching or non-teaching, appointed to investigate an incident of conduct or disciplinary matter involving a student. Normally, this shall be the Director (Operations/Campus Operations) unless someone else is nominated.

Appeal – An appeal by a student, in this policy, refers to a formal request for reconsideration of a decision made by any authority of UoY Mumbai regarding conduct or disciplinary actions under this policy.

BNS – Bhartiya Nyay Sanhita (or erstwhile CrPC of India).

Appellate Authority – The reviewing authority who will decide the appeal made by the student. This will normally be the Disciplinary Board in the case of an appeal against the decision of the Disciplinary Authority, and the University of York in the case of an appeal against the decision of the Disciplinary Board at UoY Mumbai.

3.3 Office of the Independent Adjudicator for Higher Education (OIAHE): An independent body in the United Kingdom that reviews student complaints about higher education providers. The OIA operates the official student complaints scheme for UK universities and ensures that institutions act fairly and in accordance with their published policies and procedures. This office can only be approached after the University of York has been approached formally and its decision is being challenged.

3.4 Days: Refers to working days of the University, excluding weekends, holidays or officially declared non-working periods.

4. REPORTING MISCONDUCT

4.1 Non-academic misconduct shall be reported in writing and can be reported by any member of the student community (by filling out a form, contacting a designated official or Committee), or by teaching or non-teaching staff, or by any citizen, or by any law enforcement agencies of the state.

4.2 A response will be delivered in writing, with records of action taken, within five working days or sooner, depending on the nature of the misconduct.

4.3 A nominated employee at the CASO office/section shall act as the coordinator for handling reported misconducts.

5. INFORMAL ACTION

5.1 Where appropriate, informal action may be taken without the need to initiate a formal disciplinary process. Informal action will normally only be appropriate if it is the first time concerns about the student's behaviour have been raised, and may be used where the breaches are not serious in nature.

5.2 Informal disciplinary action shall be undertaken by the Delegated Authority nominated by the Disciplinary Authority. The Delegated Authority (D.A.) can be any faculty member or any other employee of UoY Mumbai, who will act as investigator of the matter, gathering available information, talking to the impacted student or member of the community and others relevant to the matter.

5.3 The informal action will be completed within two weeks of the Delegated Authority being nominated. The record of informal action shall be forwarded to the Disciplinary Authority and kept in the student record for a period specified by the Disciplinary Authority.

5.4 Informal disciplinary action may, upon recommendation of the Delegated Authority and at the discretion of the Disciplinary Authority, be investigated or tried through the formal disciplinary procedure.

6. FORMAL DISCIPLINARY PROCEDURE

6.1 Formal disciplinary procedure shall be adopted for misconduct of Level One and above and/or as directed by the Disciplinary Authority.

6.2 The Disciplinary Authority, or the Registrar or Provost in the absence of the Disciplinary Authority, shall decide the level of the misconduct.

6.3 Principles of natural justice shall be adopted and the impacted student(s) shall be given reasonable opportunities to defend themselves during the formal procedure.

6.4 Inquiry by the Investigating Officer shall be undertaken during the formal procedure. The time for completion of the inquiry and submission of the report is normally 15 days. This period may be extended by the Disciplinary Authority on valid grounds.

6.5 The Disciplinary Authority may themselves, or through a constituted panel, conduct the examination of the investigation report, recording of involved student statements, witness recording and so forth. The panel may include teaching or non-teaching staff. After careful consideration of the facts and/or recommendations of the panel, the decision shall be made by the Disciplinary Authority. The issue shall be decided as early as practicable but not later than four weeks after the submission of the investigation report.

6.6 Any person who does not belong to the University of York or University of York Mumbai cannot take part in the formal procedure on behalf of the Disciplinary Authority or the involved student, except for the purpose of providing evidence.

6.7 Decisions of the Disciplinary Authority may be appealed by the student involved to the Disciplinary Board, who shall act as the appellate authority. The decision of the Disciplinary Board can be further appealed by the student to the University of York for review.

Level One Misconduct

6.8 Level One Misconduct refers to alleged student misconduct which, while serious, does not represent a high risk to the University community or the University's reputation. Level One misconduct will be dealt with formally, including an investigation and disciplinary meeting. A finding of Level One misconduct may result in formal sanctions but will not result in suspension or expulsion.

6.9 Examples of Level One issues may include: complaints about noise in accommodation, general disregard for living or classroom space, repeated use of offensive or inappropriate language, vulgarity, alcohol consumption or possession, smoking, etc. Criminal Offences under BNS shall not be tried under Level One offences.

6.10 Upon receipt of the investigation report, the Disciplinary Authority may refer the matter for informal resolution within five working days, or progress to a Disciplinary Panel within two weeks.

6.11 Sanctions that do not affect a student's academic activity for more than 15 days and/or a penalty of up to one quarter (1/4) of the annual tuition fees may be imposed by the Disciplinary Authority.

6.12 A note on such information will be held on the student records for up to 12 months or such other period as decided by the Disciplinary Authority.

6.13 Where an issue has been discussed and the situation does not resolve – the problem persists, there is no improvement in conduct, or further information becomes available which suggests the matter is more serious – the next level of formal disciplinary procedure may be invoked.

Level Two Misconduct

6.14 Level Two Misconduct refers to alleged student misconduct that involves behaviour which causes, or may cause, serious injury, physical or mental harm or sexual misconduct, or damage to people, property or the reputation or academic integrity of the University. A finding of Level Two misconduct may lead to disciplinary sanctions up to and including suspension or expulsion. It will always be communicated to a student if a case is of such serious concern as to constitute Level Two misconduct.

6.15 There may be movement between levels if new information or evidence is brought forward. The decision to move between levels will be made by the authority. The student will be informed in writing if there is a change in the level of misconduct being considered, and will be provided with details of any new allegations and potential sanctions.

6.16 Complaints of sexual misconduct shall first be investigated by the Internal Committee (IC) of UoY Mumbai. Its report shall be considered by the Disciplinary Authority. If the Chairperson of the IC and the Disciplinary Authority are the same person, then the IC report shall be referred to a separate disciplinary panel consisting of three members (at least one of whom shall be female) for decision-making.

6.17 In all cases other than those involving the IC, upon receipt of the investigation report, the Disciplinary Authority may conduct the formal procedure or refer to a Disciplinary Panel meeting within two weeks.

6.18 The panel will proceed with deliberations, with opportunities for the reported student to be heard or to record written evidence in the case.

6.19 The student will be provided with details of the alleged misconduct and the possible outcomes, which will be related to the seriousness of the misconduct.

6.20 A report shall be submitted based on all actions undertaken during the formal procedure. The Disciplinary Authority shall decide the matter on merit and reasonableness.

6.21 Formal notification of the outcome of the hearing will be sent to the student. This will include the effective dates of the sanction and the options for appeal.

7. PRECAUTIONARY MEASURES

When immediate action is required during the formal disciplinary procedure, certain precautionary steps may be undertaken, including interim suspension or exclusion.

7.1 There may be circumstances, as indicated by a risk assessment, that require immediate action to ensure that a proper investigation may be carried out, and/or to prevent harm occurring to any person while the matter is being dealt with. Such circumstances may include but are not limited to:

- Cases involving a threat of serious and/or ongoing harm to a student and/or others.
- Cases where a student's mental health is at risk or where a student displays significant distress.
- Cases of a highly sensitive nature.
- Cases involving serious damage to university property.
- Cases where there is a high risk of a recurrence of unacceptable behaviour.
- Cases where the presence of the reported student would hinder the University's ability to investigate.
- Cases where the alleged misconduct would also amount to a criminal offence.

7.2 Based on the recommendations of the Disciplinary Authority, or upon written instructions by the Provost, the Registrar shall, on an interim basis, suspend a student's registration or exclude them from the whole, or any part of the University or its precincts, following a risk assessment establishing a reasonable belief that the continued presence of the student is not appropriate.

7.3 The University may require the student to remain off campus immediately for a stipulated period. Such an act is neutral and is in no way a presumption that an act of misconduct has occurred. During that time, the student may return to the University to attend any Disciplinary Meetings or Disciplinary Panel Hearings under this procedure, or with the prior express permission of the Registrar, which may be subject to specified conditions as deemed appropriate.

7.4 The decision to suspend, exclude and/or to place interim conditions will only be considered where sufficient alternative measures cannot be put in place to mitigate the level of risk. It is a precautionary measure rather than a punitive one.

7.5 Any suspension, exclusion or conditions will be limited to one month and will be reviewed by the Disciplinary Board if there is any significant change in circumstances, but may be extended where necessary. The student will be informed in writing of the reasons for the precautionary action and the detail of the limitations that are imposed.

8. LIST OF SANCTIONS THAT CAN BE APPLIED IN THE CASE OF MISCONDUCT

One or more of the following sanctions may be imposed on the offending student based on the gravity of the misconduct:

- 8.1. A compulsory reportable action plan and conditions for improvement in conduct (to be reviewed within a stated time frame).
- 8.2. A verbal warning.
- 8.3. A formal written warning.
- 8.4. Compulsory attendance at a workshop, training and/or coaching session.
- 8.5. An apology in person or in writing.
- 8.6. Restorative measures relevant to the misconduct.
- 8.7. Restrictions, such as a requirement not to contact a person impacted by the misconduct.
- 8.8. Payment of repair, cleaning and/or replacement costs and other punitive charges.
- 8.9. Partial or full exclusion from specific events, parts or the whole of the campus.
- 8.10. Suspension from the University for a specified period (no more than two academic years).
- 8.11. Permanent expulsion from the University.

This list is illustrative rather than exhaustive and the circumstances of each case will influence which sanction(s) are appropriate.

9. HOW CAN A DECISION BE APPEALED?

9.1 Where a student wishes to appeal a decision made under this procedure, they must do so in writing, clearly stating the grounds for their

appeal, to the Chief Academic Services Officer. Any appeal must be submitted within 14 days of receiving the outcome.

9.2 Students can appeal on the following grounds:

9.2.1 There was a serious procedural irregularity at the formal stage of the disciplinary procedure; or

9.2.2 There is evidence of bias; or

9.2.3 Violation of the principles of natural justice; or

9.2.4 The penalty imposed was not reasonable and proportionate; or

9.2.5 New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process.

9.3 If the Chief Academic Services Officer (or designated delegate) believes that the grounds for appeal are not satisfied, the student will be informed of the decision to reject the request for an appeal.

9.4 If the Chief Academic Services Officer (or designated delegate) decides that the appeal is based on one or more of the permitted grounds and is therefore eligible to be considered, they will arrange for a review of the case. This will involve a review of the documents and may also involve a meeting with the student and/or a meeting of the Disciplinary Board.

9.5 The Appellate Authority will decide the outcome of the appeal and inform the concerned student. The outcome of the appeal will be communicated in writing, with reasons, usually no more than 30 days from the date the appeal was submitted.

9.6 Where a student remains dissatisfied with the outcome of their appeal, they may request an independent review by the Office of the Independent Adjudicator for Higher Education (OIAHE), in accordance with the OIAHE's rules and procedures. Such a request must normally be submitted within three months from the date of the final decision of the University of York.