These procedures apply to all disciplinary cases except assessment irregularities which are set out in a different document, but which is part of the University Student Disciplinary Procedures. In event of any conflict, the Student Disciplinary Procedures as set out in this document take precedence. There is a Noise Nuisance and Anti-Social Behaviour Protocol [www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm), which details how these types of cases will be handled in accordance with the Student Disciplinary Procedures.

**Implementation of Procedure: 1 October 2015.**

The principles of this procedure apply to all registered students in all locations on and off campus both in the UK and overseas (when it is found that there is some link to the University or its reputation). On a case by case basis some staff roles may vary from those detailed below.

**Impartial advice about these procedures may be sought from the Student Progress Service or from the Student Advice Centre of the Students' Union ([www.nusu.co.uk/sac](http://www.nusu.co.uk/sac)).**

**Introduction**

These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the University. The procedures apply to persons who are subject to the discipline of the University as prescribed in the General Regulations.

The purpose of the procedures is to regulate student behaviour in order to secure the proper working of the University in the broadest sense. As serious consequences may follow a finding of misconduct, it is necessary in every case for it to be shown that the conduct in question falls within the general definition before it may be characterised as misconduct.

**Definitions**

**Authorised Person:**

Under the Local Procedures (Section 3), the following persons shall be deemed to be the authorised person for dealing with student discipline:

- Academic Schools: Head of School / equivalent or nominated deputy
- Academic Service Unit: Head of Academic Service Unit / equivalent or nominated deputy
- University Residences: Accommodation Manager / equivalent or nominated deputy

Under the Central Procedures (Section 4), the authorised person shall be the Head of the Student Progress Service or nominated deputy.

**Disciplinary Appeals Committee:**

Where the Disciplinary Convenor decides that a Disciplinary Appeal Committee should determine an appeal from the decision of the Disciplinary Committee, the Convenor shall appoint two persons drawn from the staff members of the Disciplinary Panel (excluding members who served on the Disciplinary Committee against whose decision the appeal is made) and one person drawn from the student members appointed by the Students' Union to the Disciplinary Panel. The Convenor shall specify which of the two staff members shall act as Chair.

**Disciplinary Convenor:**

A member of academic staff appointed by University Teaching, Learning and Student Experience Committee (ULTSEC) to convene Disciplinary Committees and Disciplinary Appeal Committees.

**Disciplinary Convenor (Deputy):**

The Disciplinary Convenor is responsible for appointing a Deputy Disciplinary Convenor from the Disciplinary Panel. Each time that the Disciplinary Convenor is mentioned in these procedures, the Deputy Disciplinary Convenor may act in place of the Convenor. Where expedient, the Convenor may additionally appoint a member of the Disciplinary Panel as Acting Convenor.
Disciplinary Panel: The Disciplinary Panel comprises of members of academic or administrative staff appointed by ULTSEC who are qualified by reason of their experience of student welfare matters, and three students appointed by ULTSEC on the nomination of the Students’ Union.

Friend / Supporter: In accordance with all formal University procedures, a student may be accompanied by a friend or supporter of their choice. The friend or supporter may not act as a representative unless given permission by the person conducting the proceedings and the student. There are limitations on who the friend or supporter can be in a disciplinary context: anyone who may be involved in the incident or otherwise in the proceedings is excluded. More details are available at www.ncl.ac.uk/students/progress/assets/documents/RPSPFriendSupporterRole.pdf

Misconduct: A breach of discipline is, for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Schools, Academic Service Units and University Residences. The essence of misconduct under this code is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the reputation of the University.

Prima Facie: A Latin term expressing meaning on first appearance, at first sight or on the face of it. It is used within these procedures to denote evidence that is considered sufficient to support the institution of proceedings or sufficient to support the establishment of an appeal hearing.

Sanctions: These are the penalties imposed upon students when there is a finding of misconduct. See paragraph 2(c) below for further details of sanctions.

Student Progress Service: The University service appointed by the Academic Registrar to act on the Academic Registrar’s behalf on disciplinary cases. All references to the Head of the Student Progress Service should be taken to include anyone nominated by the Head of the Student Progress Service to act on his/her behalf.

1. Policy and Scope of Procedure

(a) The University shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.

(b) Examination and other assessment irregularities are normally dealt with in accordance with the University’s "Procedure for Assessment Irregularities".

(c) Discipline of students within the Students’ Union building shall be the responsibility of officials of the Students’ Union nominated by the Students’ Union. The Students’ Union has an agreement with the University which identifies matters which it will report as a matter of course to the University and matters which it will report to the Police. The agreement is subject to annual review.

(d) As part of the function of the University, graduation from certain courses entitles a graduate to practise in a profession or to obtain professional status. In some cases where professional fitness to practise issues arise (e.g. medicine, dentistry, education), the University may also invoke relevant procedures. In such cases, the disciplinary case file may be shared with other University Officers responsible for such procedures.

(e) The Fitness to Study Procedure may be used by or with the authority of the Student Progress Service as an alternative to Student Disciplinary Procedures in rare cases where conduct creates serious concerns about the student’s welfare. www.ncl.ac.uk/students/progress/Regulations/SPS/F2s.htm
Examples of Misconduct

The following paragraphs elaborate upon, but do not limit the breadth of, the general definition of misconduct (see definitions above). The following shall, subject to the above, constitute misconduct:

i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, including offensive behaviour, whether on University premises or elsewhere: (University Council has previously approved a policy for the immediate management of disruptive behaviour on University premises available at: www.ncl.ac.uk/students/progress/Regulations/SPS/disciplinary.htm;

ii) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;

iii) behaviour which brings the University into disrepute;

iv) intentional or reckless damage to, or defacement of, University property or the property of members of the University and community;

v) misuse or unauthorised use of University premises, facilities or items of property;

vi) failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;

vii) distribution of promotional material on University premises without consent from an authorised person. In particular, the University will not tolerate the distribution of promotional material that encourages excessive alcohol consumption;

viii) failure to treat others (students, staff, neighbours and other people in the community) fairly with respect. (This applies to all communication methods including personal contact, e-mail, written communication and social community websites.);

ix) failure to comply with a previously-imposed penalty under these procedures (including non-payment of a disciplinary fine);

x) failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority;

xi) acts of dishonesty, including theft, fraud, deceit, or deception in relation to the University, its staff or students;

xii) action likely to cause injury, impair safety or raise false alarm on University premises, e.g. acts involving damage to or discharge without just cause of, or other misuse of or interference with, a Fire Extinguisher or other Fire Safety Equipment; (such acts endanger the University community and are likely to result in severe sanctions.)

xiii) harassment of any student, member of staff, or any authorised visitor to the University, whether sexual, racial or bullying, including defamation of character or slander. (The University has a published Equal Opportunities Policy and Procedure for Making and Dealing with complaints of Harassment and Bullying.)

xiv) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on or off University premises whether directed towards a member of staff, another student, professional service staff (eg Police, ambulance, fire crew) or a member of the public;

xv) breach of the provisions of the University's Code of Practice for Freedom of Speech;

xvi) conduct which constitutes a criminal offence where that conduct:

a. takes place on University premises, or

b. affects or concerns other members of the University community, or

c. damages the good name of the University, or

d. itself constitutes misconduct within the terms of these procedures.

For the avoidance of doubt, the University may proceed under Student Disciplinary Procedures notwithstanding the instigation of any criminal proceedings.

xvii) obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by the University;
(f) **Examples of Misconduct (continued)**

xviii) Permitting another student to copy, verbatim or in substance, formative or summative assessed coursework (this includes providing an opportunity for another student to copy work, even if it was not the explicit intention that the work should be copied). Being party to any act, otherwise than for a bona fide academic reason, allowing the sharing of any such assessed work on a website or in any other medium; the fact that work has already been assessed when it is so copied or shared shall not negate the offence. The Assessment Irregularity Procedure should normally be followed if the student subject to the offence has not received a confirmed mark for the work in question by the Board of Examiners at the point of investigation;

xix) Any other act or behaviour which may be reasonably interpreted as misconduct notwithstanding the lack of equivalent examples above.

(g) Where in this Procedure reference is made to any named University role, such references are to be read as including reference to their nominees.

For overseas campuses and programmes, educational partnerships and joint awards, the head of campus, unit, programme or equivalent or a nominee will follow the procedure within the relevant appendix relating to the allegation of misconduct and will consult with or refer the case to the Student Progress Service, if required.

(h) In implementing this Procedure, the University will at all times remain mindful of its duty of care of the confidential and sometimes sensitive nature of disciplinary matters. It will also remain mindful of its obligations under the Data Protection Act 1998. All University staff and students involved in any investigation of misconduct by a student have a duty of confidentiality to the student to limit disclosure to those who need to know. The student is also expected to respect the confidentiality of the process.

2. **Procedures: General**

(a) Any investigation into an alleged act of misconduct, whether carried out under the central or local procedures, shall normally include in its early stages an interview of the student(s) concerned by the relevant authorised person in accordance with the provisions for the Conduct of Hearings set out in paragraph 8.

Failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority, may itself lead to disciplinary proceedings. When the subject of an allegation refuses to engage, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement.

For cases where a student withdraws from the University whilst a disciplinary investigation is ongoing, the disciplinary case shall normally be concluded in the student’s absence, if necessary, by the Student Progress Service or a Disciplinary Committee.

(b) Allegations of misconduct which fall into categories i - viii in paragraph 1(f) may be dealt with under the Local Procedures or the Central Procedure, depending on the circumstances of the case. Offences in categories ix - xix in paragraph 1(f) may only normally be dealt with under the Central Procedure unless committed in a University residence, in which case the matter may be dealt with under a Local Procedure of the Disciplinary Procedures for University Residences (Appendix III), provided that the matter does not constitute a serious criminal offence. The Head of the Student Progress Service may, however, determine that a case normally subject to the Central Procedure should be dealt with under an appropriate Local Procedure.

(c) **Sanctions and other actions available under the Procedure**

i) Any authorised person may issue a caution, in writing. A caution is considered to be advice on future conduct together with a record that the advice has been given. The student should be informed that the fact that a caution has been issued may be taken into account should any misconduct be found in the future. The issuing of a caution is not a sanction and does not, of itself, imply misconduct; a caution may be issued even when no misconduct has been found. However a caution may also be issued as a minimal response to a finding of misconduct when the misconduct is very minor. A caution will not normally be disclosed in references.
If it is determined at a hearing that misconduct has been committed, one or more sanctions may be imposed. The main sanctions available under the Student Disciplinary Procedures are listed below. Note, however, that the range of sanctions available under Procedure A, Procedure B and the Local Procedures are given in Section 4 and Appendices I, II, III, and that additional sanctions are available in some circumstances. Disciplinary sanctions may be disclosed in reference requests; this is at the discretion of the referee.

ii) A formal warning advising the student about their future conduct. This represents a serious statement by the University of a finding of misconduct (the gravity/level of misconduct will be identified on a case by case basis) and shall be held on record for the duration of the student’s studies.

iii) Where a student has previously received a warning, or where it is deemed fit, the student may receive a final warning.

iv) A compensation payment for the direct cost of reparations to property or other reasonable loss of money by person(s), institution or third party as a result of the misconduct.

v) A fine (Exemplar Fines and Charges www.ncl.ac.uk/students/progress/Regulations/SPS/fines.htm, Noise Nuisance Protocol www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm).

vi) Disciplinary suspension from the University or such part as may be specified for a determined period of time.

vii) Deferred expulsion from the University. This means that expulsion has been determined in principle to be an appropriate sanction but that the sanction be deferred. Should the student be found to have committed further misconduct the student shall normally be expelled from the University.

viii) Expulsion from the University with immediate effect. A student so expelled shall not be eligible for an exit award and thus, relevant Boards of Examiners may not consider an award unless instructed to do so by the Disciplinary Committee.

A student expelled or suspended as a result of disciplinary proceedings shall have no right to a refund of fees.

3. **Local Procedure**

   (a) Where a relevant allegation of misconduct is made known to an authorised person in an Academic School, an Academic Service or a University Residence, the matter may be dealt with under a Local Procedure, in which case the authorised person may consult with the Head of the Student Progress Service at any stage in the enquiry. If the decision is made to deal with the matter under a Local Procedure, the authorised person shall, subject to paragraph 3(b), determine the matter using the appropriate Local Procedure as set out in:

   - Appendix I - Disciplinary Procedures for Academic Schools;
   - Appendix II - Disciplinary Procedures for Academic Service Units
   - Appendix III - Disciplinary Procedures for University Residences.

   (b) The authorised person may refer the matter to the Head of the Student Progress Service for determination under the Central Procedure where the authorised person is unable to reach a decision on the case, is of the opinion that the available sanctions are an inappropriate response, given the nature and severity of the offence, or where the case involves a repetition of misconduct.

   (c) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the sanctions listed in the relevant Appendix may be imposed.

4. **Central Procedure**

Acts of misconduct which fall to be considered by the Head of the Student Progress Service under paragraph 2(b) of these procedures, and acts in relation to which a case is referred from an authorised person under paragraph 3(b) of the Local Procedure, shall be dealt with under the Central Procedure using either Procedure A or Procedure B below.
Procedure A

Where the Head of the Student Progress Service so decides, s/he shall have the right to deal with an allegation of misconduct. Where the Head of the Student Progress Service is satisfied that a student has committed an act of misconduct, one or more of the following may be imposed:

i) A caution, in writing. The issuing of a caution is not a sanction and does not, of itself, imply misconduct. A caution is considered to be advice on future conduct together with a record that advice has been given.

ii) A warning, in writing.

iii) A final warning, in writing.

iv) A compensation payment.

v) A fine.

vi) Sanctions available under local procedures.

vii) Alternative sanctions may also be imposed after consultation with the Disciplinary Convenor.

For cases involving noise nuisance and anti-social behaviour, the Noise Nuisance Protocol www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm may be followed.

Procedure B

Where the Head of the Student Progress Service determines that a case is sufficiently serious, the case shall be referred to the Disciplinary Convenor who shall determine arrangements for a hearing under paragraph 4(a) below. Pending the hearing of an allegation of misconduct and when there are reasonable grounds for doing so, the Head of the Student Progress Service may impose on a student an interim suspension from the University or from such facilities as the Head of the Student Progress Service shall determine. Paragraph 5 applies to cases where interim suspensions have been applied.

(For clarity, the Head of the Student Progress Service may temporarily suspend a student upon report of a serious allegation, pending further investigation.)

(a) The Disciplinary Convenor, appointed by ULTSEC from time to time, shall determine whether the case shall be heard by a Disciplinary Committee of three Disciplinary Panel members or by a single Disciplinary Panel member. The Disciplinary Convenor shall nominate the members and Chair of the Committee or the single Panel member. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary.

(b) The Head of the Student Progress Service shall not be a member of any Disciplinary Committee, but shall be responsible for the preparation and presentation of the charge or charges before the Committee. The Head of the Student Progress Service shall inform the student(s) concerned in writing of the allegations and shall inform the student(s) that the case is to be heard by a Disciplinary Committee or single Disciplinary Panel Member, as determined by the Disciplinary Convenor. A member of administrative staff who has had no involvement in the case shall be appointed as secretary to the hearing and shall be responsible for sending the student(s) any relevant documents, the summoning of witnesses, and generally for the proper presentation of the case.

(c) If it is determined at the hearing that the offence is not proven, no further action shall be taken against the student but if it is determined that misconduct has been committed, one or more of the following may be imposed:

i) A caution, in writing. The issuing of a caution is not a sanction and does not, of itself, imply misconduct. A caution is considered to be advice on future conduct together with a record that advice has been given.

ii) A warning, in writing.

iii) A final warning, in writing.

iv) A compensation payment.
v) A fine.
vii) Disciplinary suspension.
viii) Deferred expulsion from the University.
ix) Expulsion from the University with immediate effect.

5. Interim Suspensions

(a) During the investigation of a disciplinary matter it may be appropriate for the Head of the Student Progress Service to determine that an interim suspension be applied to suspend the student from the University pending determination of the allegations against the student. Instances where interim suspensions may be applied include, but are not limited to, the following:

- Criminal matters:
  - Alleged or proven acts of violence
  - Alleged or proven sexual offences
  - Alleged or proven possession of drugs with intent to supply
  - Alleged or proven harassment

- Non-criminal matters:
  - Alleged further offences within University procedures, including alleged breaches of instructions under 6(c) below.

(b) Interim suspension means that the student may not be on University property other than for specific appointments which must be agreed in advance, and in writing, between the student and the Head of the Student Progress Service. Subject to NUSU agreement this interim suspension normally includes the Student Union.

(c) Interim suspension means that the student may not, amongst other activities, attend classes as normal. To mitigate the impact of the interim suspension on the student’s studies requests for occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations, will be considered by the Head of the Student Progress Service. Ordinarily learning material will be made available electronically and a member of academic staff will be appointed to manage liaison with the student and ensure the availability of materials and discuss academic queries.

(d) Notwithstanding (b) and (c) above, the Head of the Student Progress Service may determine that an interim suspension is limited to specified areas, activities and facilities of the University including accommodation, the Sports Centre facilities and the Student’s Union.

(e) Review of interim suspension

i) Where an interim suspension has been applied this shall be subject to review every two weeks or at key stages as determined within the case management process by the Head of the Student Progress Service.

ii) Where a student has been subject to an interim suspension for a period of 6 weeks or more during the teaching term the student has the right to apply in writing to the Head of the Student Progress Service for a review of the interim suspension. The student shall specify the grounds for the review. Subsequent independent reviews may be conducted where a reasonable case may be made that circumstances have changed.

iii) A review will normally be conducted by a member of the Student Disciplinary Panel or other senior academic nominated by the Disciplinary Convenor.


(a) Money raised from fines will normally be credited to the Vice-Chancellor’s Hardship Fund for students.

Non-payment of compensation or fines levied under these procedures by the given date will be deemed to be failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken. Outstanding payments may also be
reported to the Finance Office for debt collection action to be initiated.

(b) During the investigation or at conclusion of a disciplinary matter it may be appropriate for the authorised person or Disciplinary Committee to place an instruction on the student. Possible instructions include, but are not limited to, the following:
   - No direct or indirect contact with the complainant
   - Avoidance of certain areas or activities.

(c) Breach of a specific instruction of an interim suspension shall be regarded as a disciplinary offence. The Head of the Student Progress Service will consider each case on its merits to determine the appropriate response which may include warnings and recommendations for stronger sanctions should the overall case proceed to a disciplinary hearing.

(d) Breach of a specific instruction of a disciplinary suspension shall be regarded as a disciplinary offence. The Head of the Student Progress Service will consider each case on its merits to determine the appropriate response under the Student Disciplinary Procedure, including the possibility of referring the case to the Disciplinary Convenor under paragraph 4 (a) above.

(e) In some circumstances a breach in 6(c) above may be regarded as sufficiently serious that the student be deemed to have withdrawn from the registration agreement ‘to conform to the discipline of the University and to all statutes, regulations and rules (www.ncl.ac.uk/pre-arrival/regulations/) in force for the time being in so far as they concern me’. Such a decision may only be reached after a review normally conducted by a member of the Student Disciplinary Panel or other senior academic nominated by the Disciplinary Convenor. A review for this purpose shall be treated as a disciplinary hearing under these procedures. If it is determined that the breach is sufficiently serious that the student be deemed to have withdrawn from their registration agreement, the Head of the Student Progress Service will process the withdrawal with immediate effect.

(f) In the event that further misconduct is alleged or established following a sanction of deferred expulsion (paragraph 4c above), the matter will be referred to the Chair of the Committee that decided on the deferred expulsion (or a member of the Student Disciplinary Panel with recent experience of chairing Disciplinary Committees). The person reviewing the case will determine whether or not the deferred expulsion should be enacted, but will not decide on a sanction for the further misconduct. The review may either be conducted on the basis of written submissions or by means of a personal hearing. The Head of the Student Progress Service will instigate appropriate procedures for consideration of the further misconduct, if necessary.

7. Appeals
(a) i) A student wishing to appeal against a decision under the Local Procedure shall follow the procedure as shown in the appropriate Local Procedure attached as Appendices I, II and III to this document.
   ii) Where the decision includes a fine. The fine must be paid by the given date and shall be refunded if the appeal is successful.
(b) A student wishing to appeal against a decision under the Central Procedure or sanctions imposed as a result of a breach of previously imposed sanctions / specific instruction shall follow the appropriate procedure as shown in the following paragraphs.
(c) Where the decision against which a student is appealing involves partial or full suspension or expulsion, the student shall not, subject to this paragraph, be permitted to attend that part or all of the University, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from attending their programme of study or for assessment pending the appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the disciplinary hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately because of the University’s General Regulations governing registration. Applications should be made to the Disciplinary Convenor who may refuse or grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.
(d) An appeal shall be lodged within 21 calendar days of the decision of the Student Progress Service, the Disciplinary Committee or single Disciplinary Panel member to the Head of the
Student Progress Service. The Appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing. It shall be for the Disciplinary Convenor to decide whether a late appeal shall be allowed.

(e) The appeal shall be considered initially by the Disciplinary Convenor to decide whether on the face of it (prima facie) there is a case under the specified grounds. The Disciplinary Convenor may dismiss an appeal which does not provide a prima facie case. If the Convenor decides that a prima facie case has been established, the appeal shall be considered as follows:

i) In a case determined by the Student Progress Service, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Disciplinary Convenor.

ii) In a case determined by a Disciplinary Committee or single Disciplinary Panel member, the appeal shall be considered by a Disciplinary Appeal Committee, appointed by the Disciplinary Convenor and consisting of the following persons:

- two persons drawn from the staff members of a Disciplinary Panel from time to time appointed by ULTSEC, excluding any Disciplinary Panel members who took part in the initial determination. The Convenor shall specify which of the two members shall act as Chair;

- one person drawn from the student members appointed by the Students' Union to the Disciplinary Panel from time to time appointed by ULTSEC.

iii) In a case where a deferred expulsion has been enacted, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Disciplinary Convenor.

(f) The Disciplinary Panel member or Disciplinary Appeal Committee may, in determining the appeal, confirm or vary or quash the original decision. If a student is reinstated to the University on an appeal against exclusion or expulsion, he or she shall not suffer any loss of time counted towards residence qualifications for a particular course. The student, nevertheless, shall be required to pay appropriate fees, notwithstanding temporary loss of tuition and other facilities in the University.

(g) Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member or Disciplinary Appeal Committee confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk/.

8. General Provisions for the Conduct of Hearings

In all proceedings before an authorised person, Disciplinary Panel member, Disciplinary Committee or Disciplinary Appeal Committee, such a person or Committee shall take evidence and receive submissions, either in writing or in person, and consider the allegation and all other circumstances which appear to them to be relevant. The person or Committee may take evidence from such other persons as they think fit in order to reach a decision. In cases in which a student is appealing against the decision of the Student Progress Service or a Disciplinary Committee, the Student Progress Service Officer responsible for the presentation of the original case shall attend to outline the case\(^1\). Unless specifically provided elsewhere, the student shall be invited to attend and present their case, and to be present and be heard during the hearing. Students may waive their right to attend; the hearing shall proceed in their absence. The hearing shall also proceed if the student fails to attend the

\(^1\) If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.
hearing or give any advance notification of absence for the Chair of the Committee to assess whether there is good cause for an adjournment of the hearing to a later date. All students shall be informed of the allegation against them and given an opportunity to make a written statement. The student may be accompanied by a friend or supporter and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the hearing shall be a matter for the authorised person or the Chair to determine. The student and any other persons present, except, where appropriate, the Secretary to the Committee, shall withdraw whilst the decision is reached. A written but not verbatim record of the hearing shall be made by the Secretary.
1. (a) **Introduction**

These procedures provide a framework for maintaining good order in all Academic Schools of the University. The procedure shall apply to all students who are subject to University discipline, and this document is to be read in conjunction with the main University Student Disciplinary Procedures.

(b) **Definition of Authorised Person**

The Head of the School / equivalent in which the misconduct occurs, or a nominated deputy, shall be deemed to be the authorised person for dealing with student discipline in an Academic School.

2. **Procedures**

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where, on the balance of probabilities, an act of misconduct has been committed.

(b) General Provisions of the Conduct of Hearings. Paragraph 8 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

(c) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

   i) A caution, in writing. The issuing of a caution is not a sanction and does not, of itself, imply misconduct. A caution is considered to be advice on future conduct together with a record that advice has been given.

   ii) A warning, in writing.

   iii) A compensation payment.

   iv) A fine.

   v) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Units.

   vi) Interim Suspension from the use of specified facilities belonging to an Academic School. Where such power is exercised, the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month.

(d) Where an allegation of misconduct falls to be considered under this procedure, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in their enquiry. Where a case is subsequently referred to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure of the main University Student Disciplinary Procedures, to proceed under Procedure A or B.

(e) **Explanatory Notes on Sanctions**

   i) The money raised from fines will normally be forwarded to the Vice-Chancellor's Hardship Fund for students.

   ii) Non-payment of compensation or fines levied under these procedures by the given date will be deemed to be failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken by the Student Progress Service. Outstanding payments may also be reported to the Finance Office by the Student Progress Service for debt collection action to be initiated.

3. **Appeals**

(a) i) A student wishing to appeal against a disciplinary finding by an authorised person in an Academic School should address the appeal to the Head of the Student Progress Service.
ii) Where the decision includes a fine. The fine must be paid by the given date and shall be refunded if the appeal is successful.

(b) An appeal shall be lodged within 21 calendar days of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether on the face of it (prima facie) there is a case under the specified grounds. If the Convenor decides that a prima facie case has been established, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Convenor. The Head of School (or nominee) shall be asked to submit a statement about the appeal. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to confirm, vary or quash the original finding.

4. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk.
1. **Introduction**

These procedures provide a framework for maintaining good order in all Academic Service Units of the University. For the avoidance of doubt, the phrase Academic Service Unit shall hereafter be taken to mean the computing facilities operated by the IT Service (NUIT), the Library, the Open Access Centre, the Centre for Physical Recreation and Sport and equivalent services offered in other locations. The procedure shall apply to all students who are subject to University discipline, and this document is to be read in conjunction with the main University Student Disciplinary Procedures.

(b) **Definition of Authorised Person**

The Head of the relevant Academic Service Unit / equivalent or a nominated deputy shall be deemed to be the authorised person for dealing with student discipline in an Academic Service Unit.

2. **Procedures**

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed. An authorised person shall be entitled to deal with any alleged offence, unless it is of sufficient seriousness that it should be referred to the Head of the Student Progress Service, to be dealt with under the Central Procedure of the University's "Student Disciplinary Procedures".

(b) **General Provisions of the Conduct of Hearings.** Paragraph 8 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

(c) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:

i) A caution, in writing. The issuing of a caution is not a sanction and does not, of itself, imply misconduct. A caution is considered to be advice on future conduct together with a record that advice has been given.

ii) A warning, in writing.

iii) A compensation payment.

iv) A fine.

v) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Units.

vi) An authorised person shall also have the power to impose an interim suspension upon a student from the use of that Academic Service. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of interim suspension is in excess of one month, or 14 calendar days in the case of the Computing Service. Except for cautions, disciplinary sanctions may be disclosed in references at the discretion of the referee.

(d) Where an allegation of misconduct falls to be considered under this procedure, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in their enquiry into any allegation of misconduct. Where an offence is subsequently referred to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure of the main University Student Disciplinary Procedures, to proceed under Procedure A or B.

(e) **Explanatory Notes on Sanctions**

i) The money raised from fines will normally be forwarded to the Vice-Chancellor's Hardship Fund for students.
ii) Non-payment of compensation or fines levied under these procedures by the given date will be deemed to be failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken by the Student Progress Service. Outstanding payments may also be reported to the Finance Office by Student Progress Service for debt collection action to be initiated.

3. Appeals

(a) i) A student wishing to appeal against a disciplinary finding by an authorised person in an Academic Service Unit should address the appeal to the Head of the Student Progress Service.

ii) Where the decision includes a fine. The fine must be paid by the given date and shall be refunded if the appeal is successful.

(b) An appeal shall be lodged within 21 calendar days of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment.

v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether on the face of it (prima facie) there is a case under the specified grounds. If the Convenor decides that a prima facie case has been established, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Convenor. The Director of Service (or nominee) shall be asked to submit a statement about the appeal. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to confirm, vary or quash the original finding. If a student has access to the service reinstated on an appeal against exclusion from an Academic Service Unit, the student shall still be required to pay appropriate fees, notwithstanding temporary loss of access to facilities in the University.

4. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator's role is to review the application by the University of its own internal procedures. Further information about the Adjudicator's role is available from www.oiahe.org.uk/.
STUDENT DISCIPLINARY PROCEDURES
APPENDIX III: LOCAL DISCIPLINARY PROCEDURES FOR UNIVERSITY RESIDENCES

1. **Introduction**

The following procedures provide a framework for maintaining good order in all University accommodation and on accommodation sites ("residences"). The procedures apply to all students who are subject to University discipline, and this document is to be read in conjunction with the main University Student Disciplinary Procedures.

2. **Procedures (General)**

(a) An authorised person shall have the right to investigate any allegation of misconduct, and may take disciplinary action when, on the balance of probabilities, an act of misconduct has been committed. An authorised person shall be entitled to deal with any alleged offence, unless it is of sufficient seriousness that it should be referred to the Head of the Student Progress Service, to be dealt with under the Central Procedure of the University's "Student Disciplinary Procedures".

(b) General Provisions of the Conduct of Hearings. Paragraph 8 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

(c) Where an allegation of misconduct is made known to an authorised person, and a decision is made to deal with the matter under this procedure, the authorised person shall determine using the procedure set out in paragraph 3 (a) below.

(d) Allegations of misconduct which fall into categories i - viii (paragraph 1(f)) of the University Student Disciplinary Procedures may, in accordance with paragraph 3 (a) of those procedures, be dealt with by an authorised person (1c above) or referred to the Head of the Student Progress Service. Offences in categories – ix - xix (paragraph 1(f)) may only be dealt with by the Head of the Student Progress Service unless committed in a University residence / on a University accommodation site, in which case the matter may be dealt with by an authorised person under these procedures, provided that the matter does not constitute a serious criminal offence.

(e) Where a decision is made that the offence should be dealt with by the Head of the Student Progress Service, the matter shall be determined using the University Student Disciplinary Procedures. When an offence is reported to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure, to proceed under Procedure A or B. In such a case, the authorised person shall, when required by the Head of the Student Progress Service, be responsible for the conduct of a preliminary investigation of the allegation, and shall report the outcome of such an investigation to the Head of the Student Progress Service.

(f) Where an allegation of misconduct falls to be considered under the procedure set out in paragraph 3 (a) below, the authorised person shall also be entitled to consult with the Head of the Student Progress Service at any stage in the enquiry.

3. **Disciplinary Process**

(a) Where an authorised person is satisfied that a student has committed an act of misconduct, one or more of the following sanctions may be imposed, having regard to the Illegal Substances Zero Tolerance Policy [www.ncl.ac.uk/accommodation/current/terms/](http://www.ncl.ac.uk/accommodation/current/terms/): where appropriate:

i) A caution, in writing. The issuing of a caution is not a sanction and does not, of itself, imply misconduct. A caution is considered to be advice on future conduct together with a record that advice has been given.

ii) A warning, in writing.

iii) A final warning, in writing.
iv) A compensation payment.

v) A fine.

vi) Confiscation without compensation of items prohibited by rules and regulations relating to University Residences.

vii) Exclusion from any part or parts (including accommodation) of the residence, or from attending any social functions or as a guest at the residence.

vii) Deferred Expulsion from University accommodation (and residence site). This means that expulsion has been determined in principle to be an appropriate sanction but that the sanction be deferred. Should the student be found to have committed further misconduct the student shall normally be expelled from University Accommodation.

ix) Expulsion from University accommodation (and residence site). A written request will be given to the student to vacate the room(s) occupied by that student and to leave the residence and accommodation site. Should the student refuse to do so, the University will take necessary legal proceedings to obtain possession. A student expelled from a University residence is not permitted to return to that residence or accommodation site for any reason for the remainder of the academic year unless special permission is given by the authorised person.

If an expulsion from a University residence is issued in the last month or at the end of the academic year when there may be no direct effect upon the student, the case may be referred to Student Progress Service for alternative sanctioning to be considered and imposed, as deemed appropriate.

(b) For the avoidance of doubt, it should be noted that, in respect of the procedures detailed above, persistent offenders, even in relation to minor offences, may be liable to incur a greater sanction than the individual offence might otherwise merit.

(c) Fines shall be normally collected with rent payments via direct debit. Insufficient funds available to pay a fine/charge is likely to result in a direct debit non-payment charge being incurred.

(d) Students excluded from accommodation should not return to the area (eg Castle Leazes or Richardson Road or Henderson Hall, etc) of accommodation for any reason within the same academic year without special permission from the Accommodation Manager. Please note that a breach of this would be deemed as misconduct and subject to these procedures.

4. Supplementary Provisions

   i) The money raised from fines will be forwarded to the Vice-Chancellor’s Hardship Fund.

   ii) Non-payment of compensation or fines levied under these procedures by the given date will be deemed to failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken by Student Progress Service. Outstanding payments may also be reported to the Finance Office by Student Progress Service for debt collection action to be initiated.

   iii) All expulsions from a residence shall be reported to the Head of the Student Progress Service.

5. Appeals

   (a) i) A student wishing to appeal against a disciplinary finding by an authorised person under this procedure should address the appeal to the Head of the Student Progress Service.

   ii) Where the decision against which a student is appealing involves partial or full exclusion from accommodation / facilities, the appellant may not use those facilities or to attend the residence while the appeal is being determined. For the avoidance of doubt: this provision shall not apply to occupation of a student residence whilst an appeal within the University is being considered.

   iii) Where the decision includes a fine. The fine must be paid by the given date and shall be refunded if the appeal is successful.

   (b) An appeal shall be lodged within 21 calendar days of the decision of the authorised person. The appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

   i) That fresh material evidence is available, which was not available on reasonable enquiry
or application at the time of the original hearing;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

v) That the decision reached was perverse in that it was one which no reasonable person
could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the
event of a hearing.

(c) The appeal shall be considered initially by the Disciplinary Convenor to decide whether on the
face of it (prima facie) there is a case under the specified grounds. If the Convenor decides
that a prima facie case has been established, the appeal shall be considered by a member of
the Disciplinary Panel nominated by the Convenor. The Director of the Accommodation
Service (or nominee) shall be asked to submit a statement about the appeal. The Head of the
Student Progress Service shall provide such secretarial and administrative support as is
reasonably necessary for appeals. The Disciplinary Panel member shall be entitled to
confirm, vary or quash the original finding.

6. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member
confirms the decision appealed against, there shall be no further appeal within the University.
Provision for independent external review is made through the existence of the Office of the
Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the
University of its own internal procedures. Further information about the Adjudicator’s role is available
from www.oiahe.org.uk.