

What is misconduct?

The University has a code of conduct called the Student Charter, which includes behaviour expectations. When you register as a student each year, you agree to the terms of the Student Charter. When a registered student does something that breaches the Student Charter (for example, if they do something that is disrespectful or offensive, if they break the law, or if they behave violently or in a way that might harm others), it is likely that they have not followed the code of conduct, so we call this 'misconduct'.

We understand that preferred terminology surrounding sexual violence, discrimination and harassment is very personal to the individual who has experienced it, and that you may feel the term 'misconduct' is not appropriate to describe what you have experienced. However, we use this term because the University cannot investigate whether a criminal offence (for example, a sexual assault or a hate crime) has occurred; we can only investigate whether there has been a breach of the University's policies, procedures or the code of conduct.

What are your options?

When you have experienced any kind of violence, discrimination or harassment, we understand that it can be difficult to know what to do. It can also be difficult to take in enough information to make an informed decision about the next steps you may wish to take. Unless we believe that there is a real and imminent danger to you or someone else, we will always be led by you and your choices.

Put simply, you can do any of the following things:

- Report your experiences to the Police so that a criminal investigation can take place;
- Report your experiences to the University and ask that we investigate your report in line with the University's Student Disciplinary Procedures (see below for more information about this);
- Make a named report to the University via the Report and Support system (this means that you give your contact details alongside your report so that we can get in touch with you and offer you support);
- Make an anonymous report to the University via the Report and Support system (if you do this we cannot trace who has made the report, so we wouldn't contact you to offer you support);
- Make no report at this time.

Whether or not you choose to make a report (either to the University or the Police) about your experiences, you have the right to access support via the Student Health and Wellbeing Service.

What will happen if I make a report to the University?

If you make a report to the University, a Case Officer will be assigned to your case and you will be invited to a meeting to provide more information about your experiences. You can bring a friend or supporter along to the meeting with you to provide you with some emotional support. If you don't feel you are able to provide a verbal account of what has happened, you can provide a written statement instead. There is guidance at the end of this document on what to include in a written statement. Your report will then be investigated in line with the [Investigation Protocol for Sexual Misconduct and Harassment](#).

Once we have your account, we will contact the Responder (the person you have named in your report) to tell them that a report has been made about them. We have a duty to ensure that any

investigation is undertaken fairly and in line with the principles of natural justice. This means that we are obliged to inform the Responder of the details of the report made against them, including who has made the report and what evidence is available to support your account (please see below for information about anonymous reports and what we can put in place to protect you during an investigation).

The Responder will be invited to submit a statement in response to the report made against them and will also be asked to attend a meeting with the Case Officer. During this meeting, the Case Officer will ask them questions relating to what you have reported and will give the Responder the opportunity to tell us their side of the story. The Responder then has the option to submit any additional evidence they would like the University to consider.

Once you and the Responder have submitted everything you want the University to consider, the Case Officer will write a summary of the case. This will include relevant information from your initial report, any subsequent interviews you have attended, any evidence you have submitted, as well as information and evidence provided to us by the Responder. This case summary will then be sent to the Academic Registrar (or their nominee) to review and for a decision to be made. We use the 'civil' standard of proof, which means that the Academic Registrar will assess all of the evidence available to them and will decide whether misconduct is more likely than not to have taken place '*on the balance of probabilities*' (this is a lower threshold than the criminal standard of '*beyond reasonable doubt*').

It is important to know that the University can only undertake an investigation where the Responder is a registered Newcastle University student.

What are the possible outcomes of a University investigation?

After reviewing all of the available evidence, the Academic Registrar might decide that there is not enough evidence to prove that misconduct has occurred. In such instances, they will usually say that no further action should be taken. It is important to note that this does not mean that you are being disbelieved; instead it means that there is simply not enough evidence for a finding of misconduct.

If the Academic Registrar decides that there is enough evidence for a finding of misconduct, they have the option of issuing sanctions (punishments) to the Responder. The Academic Registrar can issue cautions, warnings and final warnings.

If the Academic Registrar decides that a final warning is not severe enough to match the seriousness of the misconduct – or if the case cannot be determined from the case summary and the Academic Registrar decides that further investigation is necessary – they can refer the case to a Student Disciplinary Committee. A Student Disciplinary Committee will be made up of three senior University employees who have no prior involvement with your case. They will not be from your Faculty or from the Responder's Faculty. Their role is to assess all of the evidence gathered during the initial investigation and ask more questions to clarify any issues which remain unresolved. If the Student Disciplinary Committee determines that misconduct has taken place, the possible sanctions available are cautions, warnings, final warnings, suspensions, deferred expulsions and expulsions with immediate effect.

What will be expected of me throughout the process?

We understand that making a report to the University can be a very stressful experience and we would never force you to engage with the process any more than you feel able to. Some Reporters find that they are able to provide their initial account of their experiences and then wish to have no

further involvement in the process, while others feel more comfortable having regular updates and attending meetings (including Student Disciplinary Committees, where relevant) to present their own evidence. Although it is entirely your decision how much involvement you have with the University investigation, it is often very difficult for investigators (both Case Officers and Student Disciplinary Committees) to address any unresolved issues if you choose not to attend meetings. However, if your case is referred to a Student Disciplinary Committee and you choose not to attend, you will always be given the opportunity to submit a further written statement or impact statement to provide any clarification or further information you wish the committee to consider.

Can I stop the process once I've made a report if it feels too difficult?

We will normally be led by you and your wishes during an investigation. This means that if, any point, you decide to withdraw your report or to have no further involvement in the investigation, your decision will be respected.

If we believe that you or someone else is in immediate danger based on what you have reported, we have a duty to continue our investigation and take any and all safeguarding actions to protect everyone involved, even if you choose to withdraw your report to the University. In such cases,

Will anyone help me navigate the process?

If you decide to make a formal report to the University, you will be given a named contact within the Casework team who will be your point of contact throughout the investigation. Whenever we meet with you, the Case Officer and your named contact will both be in attendance. Your named contact will not have any contact with the Responder and will not undertake the investigation. Their role is to take notes during any meetings and to help you to navigate the process. This support will be separate from any mental health or wellbeing support you may be receiving from the Student Health and Wellbeing Service or any other agencies.

You can also get help and advice on University procedures from the Student Advice Centre in the Students' Union.

What if the police are involved?

If there is an ongoing police investigation, the University will normally open an investigation but then put it on hold until the police tell us that the investigation has concluded. The reason for this is that the police have the right to request any information the University has about a case and we would not want to do anything which might jeopardise an ongoing criminal investigation. Police investigations can take quite a while to conclude, but as soon as we receive notification (either from you, the Responder or the Police) that the criminal case is no longer live, we will remove the hold from the University investigation.

You can still access support via the Student Health and Wellbeing Service while the University investigation is on hold and anything you discuss with the Student Health and Wellbeing Service will not be shared with the police unless there are any immediate concerns for your safety or the safety of anyone else.

If you choose to make a report to the University but not to the police, the University would not inform the police of your report unless we believe there is a serious and imminent risk to you or others. If this is the case, we will always try to discuss this with you first.

What can I use as evidence?

You can submit anything you want as evidence to inform the investigation. This can include things like photographs, screenshots of messages, videos, witness statements and voice recordings. Don't worry if you don't have any material evidence, your account of the events is also evidence and will still be considered.

The most important thing for you to be aware of with regards to evidence is that the Responder has the right to see any evidence submitted against them. This means that if you submit anything that you are not comfortable sharing with the Responder, you should tell us immediately and we can work with you to redact any personal or sensitive information. If the case goes to a Student Disciplinary Committee and you have chosen to redact any of your evidence, the same evidence (including any redactions) will be available to both the Committee and the Responder.

How long will it take to conclude?

It is difficult to give a precise answer to this question as each case is different. Where there is police involvement, the case can take anywhere up to a year to conclude. However, where there is no police involvement the University will seek to conclude its investigation as quickly as it is possible to undertake a thorough investigation.

Where the Academic Registrar decides that it is **not** necessary to refer your report to a Student Disciplinary Committee, cases are usually concluded within a couple of weeks during term-time; for cases that are referred to Student Disciplinary Committees, it is likely that it will take around a month to conclude during term-time. However, more complex cases normally take longer to conclude. Outside of normal term-time, students are not obliged to respond to University emails so during holiday periods, you should be aware that cases are unlikely to be concluded as quickly.

Do I need a lawyer?

In short, no. When you make a report to the University, you are telling us that something has happened to you and you are asking us to pursue the case on your behalf. You will not be bringing a case against the Responder yourself, but will be giving information to the University (in the form of any statements, evidence or interviews) so that the Case Office can bring a case against the Responder on behalf of the University. Although we will be led by you and your wishes in terms of how to proceed with the investigation, your role will be like that of a witness.

Like you, the Responder has the right to bring a friend or supporter along to any formal meeting with the University. If they wish to, they can choose to have a member of the legal profession as their supporter. However, their supporter cannot represent the Responder, ask or answer questions on their behalf, and they will not be able to cross-examine you or any other witnesses. You may also choose to have a member of the legal profession as your supporter if you so wish, but this is not necessary, since you will not be the subject of the investigation.

Will I be protected?

At the beginning of any University investigation into a report of sexual misconduct, hate-related misconduct or harassment, bullying or violence, the Case Officer will collect information from both you and the Responder about your personal circumstances. This information will be sent to a Risk Assessment panel in order to consider whether any steps need to be taken to safeguard you, the Responder or members of the wider community. The information used for the risk assessment will not be treated in the same way as your other evidence and will not be shared with the Responder.

The Risk Assessment panel can decide to impose interim precautionary measures while the investigation is ongoing. These are not punishments and do not mean that the University has assumed that someone is guilty. Interim precautionary measures can include:

- Asking you and the Responder to agree to have no contact with each other;
- Moving either you or the Responder into alternative accommodation (if you are sharing a flat, for example);
- Temporarily suspending the Responder from their studies until the investigation is concluded;
- Temporarily banning the Responder from all or part of the University campus.

If you are worried about your safety on campus, we would also advise you to download the [SafeZone app](#) to your phone. This allows you to alert Campus Security to your location if you feel unsafe.

Can I report anonymously?

You can make an anonymous report about another student via the University's Survivor Support Services. However, in order for us to take your report forward and undertake an investigation, we would need to have some details from you such as your name, student number and programme of study. This is to ensure that any investigations we undertake are fair, in line with the principles of natural justice and that everyone involved can receive appropriate support

On rare occasions, where you don't believe you are known to the Responder and you are concerned about putting your name to a report against another student, you can discuss with the Case Officer whether it might be appropriate for your name and any identifying details to be kept confidential. This means that the Case Officer will know who you are and will be able to ask you questions about your experiences, but these details will not be shared with the Responder.

How do I make a report?

You can make a formal report to the University, which would then be investigated under the Student Disciplinary Procedures, by emailing casework@ncl.ac.uk.

You can make a named or anonymous disclosure to the University's Survivor Support Service here: <https://forms.office.com/pages/responsepage.aspx?id=yRJQnBa2wkSpF2aBT74-hyPmBWcqfJtLockDYMN0vCRUREIRMFIEOFdaQkNDQ0VQQ0ZJTIRRQk5VOSQIQCN0PWcu>

You can also make a named or anonymous report to the Students' Union via their Report and Support system: <https://www.nusu.co.uk/support/report/>

If you would like to make a report to the Police, you should call 101.

If you are in immediate danger, always ring 999.