Student Discipline Procedure (Student Reporter)
Applicable to ALL students

This procedure is used to investigate any reports of non-academic misconduct made against a student. It is applicable to all students and sets out the student version of the University’s discipline policy.

If you would like to report an incident of misconduct, we recommend that you read this procedure carefully and familiarise yourself with its contents. The procedure is explained below to help you understand what to expect.

If you are the subject of disciplinary proceedings because you have had a report made against you, we recommend you read a different version of this procedure, which is written to explain what you can expect.

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Introduction

Newcastle University has a Student Charter that sets out the University’s expectations for the standards of conduct of ALL of its students. These behavioural values are essential to the proper functioning of an academic community and include:

- Behaving in a responsible manner that will foster mutual respect and understanding between all members of the University community;
- Behaving and communicating in ways that are unlikely to offend others;
- Complying with all reasonable requests from University employees;
- Being considerate to neighbours, especially in relation to noise levels and rubbish;
- Acting within the law.

The University also has a Student Discipline Policy. This procedure is used to investigate any reports of non-academic misconduct made against a student. A list of examples of misconduct is provided.

The University seeks to ensure that all disciplinary matters are investigated fairly, promptly and in accordance with the appropriate University policies. The University does not act in place of the police or the criminal justice system; reported misconduct by students is investigated under the University’s civil procedures.

This Student Discipline Procedure includes four protocols that give more information on the following specific misconduct categories:

- Sexual Misconduct and Harassment;
- Discrimination and Hate-Related Misconduct;
- Anti-Social Behaviour and Noise Nuisance;
- Dangerous Behaviours at Organised Student Socials (including dangerous initiations).

We strongly advise you to read the protocol relevant to the report of your misconduct and familiarise yourself with its contents.
Support and Guidance

We understand that it can be a stressful experience to be involved in disciplinary proceedings, so you may find it helpful to seek support and advice. Support services available to you include:

- Student Wellbeing Service ([www.ncl.ac.uk/students/wellbeing/contact/](http://www.ncl.ac.uk/students/wellbeing/contact/))
- Student Progress Service ([casework@ncl.ac.uk](mailto:casework@ncl.ac.uk))
- Student Advice Centre of the Students’ Union ([www.nusu.co.uk/sac](http://www.nusu.co.uk/sac))

Also, throughout this process, and at any meetings, you may be accompanied by a friend or supporter. It is your choice whether you wish someone to accompany you and, if so, who you ask to attend. Any friend or supporter that accompanies you has no formal role, although they will be invited to state their name and relationship to you and may be asked to contribute a comment. We strongly encourage you to access this support.

When is the Student Discipline Procedure used?

The University has various disciplinary procedures to cover all circumstances. The procedure described here relates only to non-academic misconduct made against a student. Reports of academic misconduct (i.e. cheating) are investigated under the [Procedure for Assessment Irregularities](#).

If you wish to raise a concern about the behaviour of a member of staff, you should submit a student complaint and it will be considered in line with the [Student Complaints & Resolution Procedure](#).

Discipline of students within the Newcastle University Students’ Union (NUSU) building (and in the course of activities of student clubs/societies that operate under the auspices of NUSU) is the responsibility of NUSU. However, NUSU reports specific matters to the University where appropriate and the University may then act in accordance with this Student Discipline Procedure.

For discipline of students who are on a Professional Programme of Study (e.g. Medicine, Dentistry, Speech) that would allow them to obtain professional status on graduation, the University may refer the case to the relevant [Fitness to Practice Procedure – Medical Sciences](#) or [Fitness to Practise Procedure – Speech and Language Sciences](#) procedures and any existing case file may be shared with the Case Officer appointed for that procedure.

If the reported conduct creates serious concerns about the welfare of any person, the [Support to Study Procedure](#) may be followed.

Please note that that University does not seek to address minor student disputes or disagreements between students.

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Student Discipline Procedure

This procedure is applicable to ALL students.

There are three levels at which a disciplinary decision may be considered:

**Level 1: Local Resolution**

In the main, reports of minor misconduct are dealt with locally. An Authorised Person in your school, service or residence may investigate the reported circumstances and decide on appropriate action to be taken.

**Level 2: Formal Investigation**

Where reports of misconduct are more serious, there is repeated misconduct or there has been a lack of engagement with the Level 1 process, a formal investigation will take place. A Disciplinary Case Officer will be appointed to investigate the case and the outcome will be determined by the Academic Registrar after consideration of all the available evidence.
**Level 3 Disciplinary Committee**

Where the Academic Registrar determines that a case is sufficiently serious, the case will be referred to a Student Disciplinary Committee for further consideration.

If a report of misconduct is made, it may be investigated at any level and does not necessarily need to progress through each of the levels in turn. However, the case can be forwarded to a higher level if the Authorised Person feels it would be more appropriate. Each level of the procedure has a range of sanctions that may be imposed following a final decision. A sanction is a penalty that is imposed on a student when it is decided that there has been behavioural misconduct.

To ensure there is no conflict of interest, each disciplinary situation is handled by an Authorised Person or Case officer who has no involvement in the case.

The student who making the report is referred to as ‘The Student Reporter’ and the student who is the subject of the report is referred to as ‘The Student Responder’.

The procedure is explained here to help you, The Student Reporter, understand what to expect. We recommend you read this procedure carefully to understand what will happen. If you have any questions you can contact the support services listed at the start of this procedure.

If you have had a report made against you, then you are the Student Responder and should read a different version of this procedure, which is written to explain what you can expect.

**Investigation process**

**What happens first?**

When you make a report of misconduct against another student or students, an Authorised Person or Case Officer will be appointed to the case. You will also be provided with a named contact in the Student Progress Service who will provide you with individual support throughout the process. This is in addition to any Student Health and Wellbeing support you are receiving.

If you have a disability or support need, the University will consider whether reasonable adjustments, or other arrangements, need to be put in place for you while your disciplinary case is being considered.

You will be given an opportunity to make a written statement to explain the circumstances of the report. You may also be invited to attend a meeting to discuss the details of the report. An invitation to a meeting allows for points of clarification to be provided and for relevant facts and evidence to be gathered. The meeting gives you the opportunity to provide your version of events. You may be accompanied by a friend or supporter as discussed in the ‘Support and Guidance’ section above. Evidence from other people (such as witnesses) may be requested.

You are expected to be present in person at any interview or hearing to which you are invited. However, if you fail to engage or attend, without good reason, the University may proceed in your absence.

If you don’t wish to attend a meeting you can submit a statement for consideration in any disciplinary case or elect to allow the initial report/Police Disclosure to be investigated without your further involvement. You will be advised of the implications of your decision and, if you subsequently decide to withdraw your report, your wishes will be respected unless it is determined by the Academic Registrar or Risk Assessment Panel that the case is sufficiently serious and/or there are safeguarding issues, such that an investigation should go ahead.

Notes will be taken of any meetings to which you are invited. A copy of these notes will be given to you. However, summaries of formal hearings will only be supplied on request as a full statement of reasons will always be provided with the outcome.
LEVEL 1: LOCAL RESOLUTION

Misconduct examples at Level 1 (non-exhaustive and could be referred to level 2 if deemed serious)

- offensive actions or behaviour (whether directly on University premises or elsewhere, including online or through social media). This includes any actions or behaviour that could cause people to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness.
- obstruction of, or interference with, the activities of any student, visitor, member of staff or other employee of the University;
- behaviour which brings the University into disrepute (i.e. negatively effects the reputation of the University);
- intentional or reckless damage to the property of the University and members of its community;
- misuse or unauthorised use of University premises, facilities or items of property;
- failure to treat others fairly and with respect. This applies to all communication methods including, but not limited to, personal contact, e-mail, written communication, social media or social community websites;
- acts of dishonesty;
- breaches of confidentiality.

Most reports of minor misconduct are considered and determined by an Authorised Person in your school, service or residence.

After considering all the evidence available, the Authorised Person will make a decision on an appropriate outcome, which may include the sanctions being imposed on The Student Responder. There is a defined list of possible sanctions that are appropriate at this level. These are given under the four protocols that accompany this procedure.

If you accept the outcome of the case, this is the completion of the University's internal procedures and you will be sent a Completion of Procedures Letter (CPL).

If you are unhappy with the outcome of your case, you will be given details of how to appeal against it. The appeal process is discussed later in this procedure.

Under some circumstances, the Authorised Person may refer your case to Level 2 of this procedure. The circumstances include where:

- the reported misconduct is more serious than initially understood;
- the case involves a repeated or persistent Level 1 offence;
- the Student Responder has not engaged fully with the Level 1 investigation.

LEVEL 2: FORMAL INVESTIGATION

Examples of more serious misconduct normally dealt with under Level 2 or 3 of this procedure (and can include those listed above):
a. failure to comply with a previously-imposed sanction under these procedures;
b. action likely to impair health, safety or wellbeing or raise false alarm on or off University premises, including acts involving Fire Safety Equipment;
c. Harassment of any student, member of staff, or visitor to the University, including hate-related incidents, harassment, discrimination towards those with protected characteristics and bullying;
d. any sexual misconduct;

e. inappropriate behaviour or language directed towards a member of staff, another student, visitor, member of the public or the University. Examples include a person being violent, indecent, threatening, offensive, abusive, coercive, aggressive, humiliating, inconsiderate, discourteous or disrespectful, on line or through social media, whilst on or off University premises;

f. breach of the University's Code of Practice for Freedom of Speech;
g. behaviours prohibited on organised student socials (including dangerous initiations);
h. anti-social behaviour and/or noise nuisance, including noise disturbance in the local community;
i. conduct which may constitute a criminal/unlawful offence.

Where reports of misconduct are more serious, or there has been repeated misconduct or The Responder has not engaged fully with the Level 1 process, a Level 2 formal investigation will take place. A Case Officer will be appointed to investigate the case and the outcome (including any sanctions) will be determined by the Academic Registrar after consideration of all the available evidence.

You will be notified of the outcome in writing and you will have the right to appeal the decision within 21 days.

**Precautionary measures**

If the reported misconduct relates to conduct that may pose a risk to the safety or security of any students, employees or the University’s reputation, a Risk Assessment will be conducted and, as a precautionary measure, The Student Responder may be temporarily suspended from the campus entirely or barred from certain specified areas of campus or accommodation during the investigation.

Precautionary measures will only be considered where the risk cannot otherwise be reasonably managed by the University. We will confirm suspension in writing to both Student Reporter and Student Responder, together with the reason for this decision. Suspension is normally only for short periods of time (the period of time required to carry out an investigation). It is important to understand that suspension/barring is not a disciplinary sanction and does not imply that The Student Responder is guilty of the reported offence.

The precautionary measures will be subject to regular review by a Risk Assessment Panel and The Student Responder has the right to appeal the decision.

You should be aware that, to mitigate the impact of suspension on The Student Responder’s studies, they may request occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations. Their request will be considered by the Case Officer.
Interim suspensions are subject to review at key stages of the Academic Year (for example, at the start of each semester) or on receipt of new evidence.

After considering all the evidence available, the Case Officer will make a decision on an appropriate outcome, which may include sanctions for The Student Responder. There is a defined list of possible sanctions that are appropriate at this level. These are given under the four separate protocols that accompany this procedure.

When a case has been determined, you will be informed that the case was concluded and whether misconduct was established. You will be told if a no-contact instruction is to remain in place and if The Responder will be remaining as a registered student.

If the case is not being referred to Level 3, you will be sent a formal outcome Letter.

If you are unhappy with the outcome of your case, you will be given details of how to appeal against it. The appeal process is discussed later in this procedure.

Where the Case Officer, or the Academic Registrar, determines that The Student Responder’s reported misconduct is serious, the case will be referred to a Disciplinary Committee under Level 3 of this procedure.

LEVEL 3: DISCIPLINARY COMMITTEE

More complex and/or very serious misconduct reports are investigated at this level, via a Disciplinary Committee. First, the case will be referred to the University’s Disciplinary Convener who will determine arrangements for a hearing. The Disciplinary Convener will nominate a Chair (leading person with responsibility) for the committee and will appoint membership of the committee from University staff that have training and/or experience of student casework.

You will be informed in writing within 7 days from your interview and/or submission of a statement if your case is to be heard by a Disciplinary Committee.

If your case is referred to a Disciplinary Committee you will be given at least 7 days’ notice of the date of the hearing and you will be provided with all documentation in advance. You are required to provide the committee, at least two working days in advance of the hearing, any requests for witnesses to be called to support your case.

In accordance with all University Student procedures, if you are required to attend a hearing you may be accompanied by a friend or supporter of your choosing: guidance note on the role of the friend or supporter. It is your choice whether you wish someone to accompany you and, if so, who you ask to attend. Any friend or supporter that accompanies you has no formal role, although they will be invited to state their name and relationship to you and may be asked to contribute a comment. We strongly encourage you to access this support.

If you, or your supporting person, is unable to attend on the date of the hearing, you may request for it to be rescheduled. This will be considered by the Chair of the committee. The hearing can only be rescheduled once and it must be held within seven working days of the original date proposed.

At the hearing, The Student Responder will be given the opportunity to answer questions and present their version of events surrounding the reported circumstances. You, and any witnesses, will also be given the opportunity to answer questions and provide an impact statement in advance as part of the investigation, if appropriate.

After considering all the evidence available, from both you and The Student Responder, the Disciplinary Committee will make a decision on an appropriate outcome, which may include sanctions. There is a
defined list of possible sanctions that are appropriate at this level. These are given under the four protocols that accompany this procedure.

When the case has been determined, you will be informed in person if possible and in writing after the hearing, within 10 days, that the case was concluded and whether misconduct was established. You will be told if a no-contact instruction is to remain in place and if The Responder will be remaining as a registered student.

You will be informed in person if possible and in writing after the hearing, then within ten days you will receive a letter stating the full reasons for the decision, together with details of your entitlement to appeal the decision. The appeal process is discussed later in this document.

You will also be sent a Completion of Procedures Letter (CPL). This letter confirms the completion of the University's internal procedures.

Risk assessment

As part of the disciplinary proceedings, a Risk Assessment may be conducted if a reported incident or behaviour has the potential for serious risk to any of the following:

- you and/or The Student Responder;
- other members of the University Community;
- the implementation of this procedure;
- the University’s reputation.

First, to inform the Risk Assessment Panel, the Case officers, with the Student Reporter’s/Responder’s consent, will seek information from other relevant units, e.g. Accommodation, Academic Unit, the Student Health & Wellbeing Service. This collated ‘Personal Circumstances Information’ will be forwarded to a Risk Assessment Panel.

A risk Assessment Panel will be formed and will meet to decide what, if any, precautionary safeguarding actions and/or support is required for you or anyone else. A Risk Assessment Action Plan will be written and shared with everyone who is directly involved. If anyone is unhappy with the recommended safeguarding measures, they can request a review of the Plan by contacting the Academic Registrar via casework@ncl.ac.uk.

The potential risks identified will be kept under review throughout the investigation and can be referred back to the Risk Assessment Panel if required.

What happens if the police or criminal justice system is involved?

In order to safeguard members of the University Community, suspected criminal activity may be reported to the Police.

If the report of misconduct that you have made is being investigated by the Police or criminal justice system, the University may put its internal investigation on hold until the external proceedings have reached a conclusion. Precautionary actions may still be taken. Please note that the Student Responder’s profile of marks will not be considered by a Board of Examiners while the disciplinary case against them is on hold. Therefore, they may request the University to proceed with investigating their case at the same time. You will be kept informed by the Case Officer if there is any information received about the case or a conclusion to the case is reached. You can request a review of your case in these circumstances by writing to casework@ncl.ac.uk.

The University is not bound by the outcome of any police or criminal proceedings but it may choose to take these into account when determining the outcome of the case.
During, or at the conclusion of, a disciplinary case, whether misconduct has been established or not, the University may decide to place an instruction on The Student Responder. Possible instructions include the following:

- No direct or indirect contact with you, The Student Reporter, by any means including personal contact, email, telephone, text message, via third parties or on any social media platform;
- Avoidance of certain areas or activities, including NUSU Clubs and Societies;
- Imposition of restrictions on The Responder’s timetable;
- Imposition of restrictions on movement within University residences.

Disciplinary appeals

Both the Student Reporter and the Student Responder have the right to appeal. You may appeal against:

- a decision and/or sanction imposed upon The Student Responder;
- any interim precautionary measure or specific instruction.

You are required to submit your request for appeal in writing to casework@ncl.ac.uk within 21 days of the date of the Decision letter or Statement of Reasons.

You should consider carefully your reasons for appeal so that you are able to explain clearly why you are appealing. Your reasons should include at least one of the following:

- New material evidence is available that was not previously reasonably available;
- Procedural irregularity;
- Bias or prejudice;
- Excessive or inappropriate sanction;
- The decision reached was one that no reasonable person or committee (as relevant) could have reached on the evidence.

The Disciplinary Convener will consider your appeal request and decide whether or not grounds for appeal are admitted. If the Convener agrees that there are grounds for appeal, the appeal will be considered as follows:

- Level 1 or 2 cases: the appeal will be considered by a member of the Disciplinary Panel, nominated by the Disciplinary Convener. They may review your appeal based on your written submission only or they may call a Disciplinary Appeal Committee hearing if they believe this would give more appropriate consideration of the case.
- Level 3 case: the appeal will be considered by a Disciplinary Appeal Committee, and you will be invited to attend an appeal hearing. The Disciplinary Convener will state whether a full re-hearing is required or only a reconsideration of the sanction.

The arrangements for an appeal hearing are the same as for a Level 3 disciplinary hearing, although with new committee members. The decision of the appeal may confirm, change or remove the original disciplinary decision.

If the Disciplinary Convener determines that there are no grounds to your appeal, the appeal request will be dismissed. The decision of the Disciplinary Convener or Disciplinary Appeal Committee is final. At that point the procedures of the University will be exhausted and you will be issued with a Completion of Procedures letter.
What happens if you are unhappy with the final outcome?

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University subscribes to this scheme. If you are dissatisfied with the outcome offered by the University, you can seek an external review by submitting a complaint via the OIA website.

Details of Sanctions

The sanctions applied to The Student Responder depend on the determination of the case, as follows:

**Less serious**

- **No misconduct**: this will be confirmed in writing and no further action will be taken. No record will be made on The Reporter's student file.

- **Minor misconduct**: The Student Responder may receive a caution. A caution is not a sanction but constitutes advice and guidance on future conduct, together with a record that the advice has been given. A caution may be taken into account should any similar misconduct be proven in the future. A caution will not be disclosed in references.

**More serious**

If the final outcome determines more serious misconduct, the following sanctions may apply:

- **Warning or Final Warning**: issued in writing and The Student Responder will be advised about their future conduct.

- **Additional sanctions**: one or more of the following may be used.
  
  a. Compensation payments for reasonable reparation costs resulting from the misconduct.
  
  b. A fine for anti-social or dangerous behaviour in accordance with the Anti-Social Noise Nuisance Protocol.
  
  c. An Interim Suspension from the use of specified facilities in an Academic School.
  
  d. An exclusion from any part or parts of a University Residence.
  
  e. A warning of eviction from University accommodation. This means that any expulsion from a residence has been determined to be an appropriate sanction but that the sanction has been deferred. Should The Student Responder commit further misconduct of a similar nature they will normally be evicted from University Accommodation, following the procedure set out in the tenancy agreement.
  
  f. A notice of eviction from University Accommodation, following the procedure set out in the tenancy agreement.
  
  g. Disciplinary suspension from the University for a specified period of time.
  
  h. Deferred expulsion from the University. This means that expulsion has been determined to be an appropriate sanction but that the sanction will be deferred. Should The Student Responder commit further, similar misconduct they will normally be expelled from the University, following referral to the Disciplinary Convener. In the event that further misconduct is reported and established following this sanction, the Disciplinary Convener will determine whether or not the deferred expulsion should be enacted. Alternatively, they can request a new consideration of the further misconduct in line with the appropriate level of this procedure.
i. Expulsion from the University with immediate effect.

The four protocols that accompany this procedure give additional information about sanctions. In particular, additional sanctions specific to sexual misconduct and harassment are listed in that protocol.

**Record keeping & monitoring**

Appropriate staff within your Academic Unit/School will be informed of the outcome of any misconduct investigation. This will usually include your Personal Tutor, the Head of School/Unit and the School Manager.

Confidential records of the details of your complaint will be kept on file in accordance with the University’s Retention of Student Data Policy, unless the outcome is no misconduct, in which any reference will be deleted.

**Confidentiality**

This Student Discipline Procedure is an internal and confidential process. Confidential information relating to any proceedings should not be disclosed, except where you are required to do so by the law. It is important that the University, you and any friend or supporter you choose to accompany you to meetings should all respect this confidentiality and treat all information as confidential. You should avoid disclosing personal data of another person/s unless you have been given permission by them to do so. Where confidentiality is breached, the University’s Disciplinary procedures may be invoked.

The members of staff who will be informed of the progress and outcome of a Student Disciplinary procedure will be identified in confidence and will be disclosed as part of the initial discussion of the case. Senior members of staff may also receive a copy of the outcome, in confidence, in order for the University to learn/act on issues identified by a disciplinary investigation.

**Protocols linked to this Student Discipline Procedure**

- ASB and Noise Nuisance Protocol
- Sexual Misconduct and Harassment Protocol
- Discrimination and Hate-related Misconduct Protocol
- Dangerous Behaviours at Organised Student Socials (including Initiations)
A QUICK GUIDE TO THE STUDENT DISCIPLINARY PROCEDURE

Local resolution (Level 1)
Minor reports of misconduct are considered and determined at this level. An Authorised Person in The Student Responders school, service or residence may investigate the report and decide on an appropriate action to be taken.
You should receive notification of the outcome within 14 days.

Formal investigation process (Level 2)
Where reports of misconduct are more serious, or there is repeated misconduct, or there has been a lack of engagement at the Local Resolution level, a formal investigation will take place. A Disciplinary Case Officer will be appointed to investigate the case and the outcome will be determined by the Academic Registrar after consideration of all the available evidence.
You should receive notification of the outcome within 30 days.

Disciplinary committee (Level 3)
Where the Academic Registrar determines that a case is sufficiently serious, the case will be referred to a student Disciplinary Committee for further consideration.
You should receive notification of the outcome within 30 days.

Disciplinary appeals
You may appeal against a decision and/or sanction imposed upon you, or any interim precautionary measure or specific instruction.
The Disciplinary Convener will consider your appeal request and decide whether or not grounds for appeal are admitted. If your appeal is admitted the case will be returned for reconsideration by a Disciplinary Appeal Committee.
If the Disciplinary Convener determines that there are no grounds to your appeal, the appeal request will be dismissed. At that point, the procedures of the University will be exhausted.

Complaint to External Ombudsman
If you remain dissatisfied with the outcome of your case, you can submit a complaint to the Office of the Independent Adjudicator via the OIA website.

Points to Note
You have the right to appeal decisions that you are not happy with.
Precautionary measures may be taken while the case is being considered. These may include temporary suspension of The Student Responder from all or part of the University campus.
As part of the disciplinary proceedings, a risk assessment may be conducted if a reported incident or behaviour has the potential for serious risk.
Seek support or guidance from the Students’ Union Student Advice Centre or the Student Wellbeing Service.
Submit any queries or requests to casework@ncl.ac.uk.

Resources
Student Advice Centre
Student Health and Wellbeing Service
Dignity and Respect Policy
Complaint to External Ombudsman