Student Discipline Procedure (Student Responder)
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 are the subject of disciplinary proceedings, 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 would like to report misconduct, 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 given later.

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 your disciplinary proceedings 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/)
Target audience: The Student Responder

- Student Progress Service (casework@ncl.ac.uk).
- Student Advice Centre of the Students’ Union (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 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 report and decide on appropriate action to be taken.

Level 2: Formal Investigation
Where reports of misconduct are more serious, 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 nominee 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 is reporting the misconduct 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 Responder, 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 are reporting misconduct, then you, The Student Reporter should read a different version of this procedure, which is written to explain what you can expect.

Investigation process

What happens first?

When a report of misconduct is made against you, an Authorised Person or Case Officer will be appointed to your 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 support provided by the Student Health & Wellbeing Service.

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 informed of the report in writing and will be given an opportunity to make a written statement. You may also be invited to attend an interview to discuss the circumstances reported. This will give you the opportunity to provide your version of events and present any mitigating circumstances that you wish to be considered. 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 respond to the details of the report and be present in person at any interview or hearing. However, if you fail to engage or attend, without good reason, the University may proceed in your absence.

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

- 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 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 <insert links here>.

If you accept the outcome of your 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;
• you have 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:

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
Where reports of misconduct are more serious, or there has been repeated misconduct or you have not engaged fully with the Level 1 process, a Level 2 formal investigation will take place. A Case Officer will be appointed to investigate your 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. The Student Reporter will also be provided with a summary of the outcome and any sanctions that have been imposed by the University.

Precautionary measures

If your 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, you 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, 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 you are guilty of the reported offence.

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

If you are subject to any precautionary/interim suspension you may request to attend the University for a specific purpose on a specific date and time (e.g. to submit an assessment or to attend a student wellbeing services appointment). All such requests must be submitted in writing to casework@ncl.ac.uk in advance of the requested date of attendance. Such requests will be considered by the Case Officer. You will not be permitted to attend in the absence of prior written agreement. Attendance without permission and/or failure to comply with any imposed conditions may be treated by the University as misconduct and be subject to consideration under this procedure.

To mitigate the impact of suspension on your 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 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. If you have been on an interim suspension for a period of eight weeks or more during the teaching term, you may request a review of your suspension to the Academic Registrar, in writing, to casework@ncl.ac.uk.

After considering all the evidence available, the Case Officer 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.

If your case is not being referred to Level 3, you will be sent an 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 your 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 reports of misconduct are investigated at this level, via a Disciplinary Committee. First, your 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 of interview and/or receipt of a statement, if your case is to be heard by a Disciplinary Committee and you will be provided with a full copy of the report and any evidence in support of the reported circumstances.

If your case is referred to a Disciplinary Committee you will be given at least seven 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 supporting documentation or mitigating evidence that you would like to have considered, as well as any requests for witnesses to be called to support your case.

In accordance with all University Student procedures, if your case is to be considered by a Student Disciplinary Committee 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 7 working days of the original date proposed.

At the hearing, you will be given the opportunity to answer questions and present your version of events surrounding the reported incident. Any participating reporting student or witnesses will also be given the opportunity to answer questions and provide an impact statement, if appropriate.

After considering all the evidence available, 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 also given under the four protocols that accompany this procedure.

You will be informed in person if possible and in writing after the hearing, within ten days, with a letter stating the full reasons for the decision, together with details of your entitlement to appeal the decision. The appeal process is discussed next. The Student Reporter will also be provided with a summary of the outcome and any sanctions that have been imposed by the University, and have an opportunity to submit an appeal against the outcome.

**Risk assessment**

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

- you and/or the Student Reporter;
- 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 everybody that is directly involved. If anyone is unhappy with the recommended safeguarding measures they can request a review of the plan by writing to 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 made against you 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 your profile of marks will not be considered by a Board of Examiners while your disciplinary case is on hold. Therefore, you may prefer the University to proceed with investigating your case. If you choose this option, you should write to the Academic Registrar via casework@ncl.ac.uk to make a request.

If you are remanded in custody awaiting trial, or you have received a custodial sentence as a result of a criminal trial, you will be temporarily suspended from your academic programme until your case is considered by a Student Disciplinary Committee on your release.

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 your 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 you. Possible instructions include the following:

- No direct or indirect contact with the reporting student 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 your timetable;
- Imposition of restrictions on movement within University Residences.

Disciplinary appeals

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

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

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

If the final outcome of your case included a fine, the fine must be paid by the given date and the fine will be refunded if your appeal is successful.

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;
The decision reached was one that no reasonable person or committee (as relevant) could have reached on the evidence.

If you are appealing against a suspension or expulsion, you are not permitted to attend the parts of the University detailed in the outcome letter while the appeal is being considered. If the disciplinary decision involves occupation of a University Residence, you are entitled to remain in occupation whilst your appeal is being considered.

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 Disciplinary Appeal Committee 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.

After the appeal hearing, if you are reinstated to the University following exclusion or expulsion, arrangements should be made to ensure that you do not suffer any loss of time counted towards attendance requirements for a particular course.

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**

After a disciplinary case has been determined, the outcome letter, and any sanction, will be retained on your student record for the duration of your studies at the University.

The sanctions applied depend on the determination of your 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 your student file.

- **Minor misconduct:** you 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 you will be advised about your future conduct. The disclosure of a Warning or Final Warning in a reference is made at the discretion of the referee and usually depends on whether the reference specifically asks about your recorded misconduct whilst studying at the University.

• **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 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 you commit further misconduct of a similar nature you 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 you commit further, similar misconduct you 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. If you are expelled, the Student Disciplinary Committee will consider, whether you are eligible for an exit award.

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 and any sanction you receive. 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)
Most reports of minor misconduct are considered and determined at this level. An Authorised Person in your school, service or residence may investigate the report and decide on an appropriate action to be taken.
You should receive an outcome within 14 days.

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 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.

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 an outcome within 7 days of your interview and/or receipt of your statement.

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 a notification of your case going to a Student Disciplinary Committee within 7 days of your interview and/or receipt of your statement.

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 your 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.

Resources
<insert links to the 4 protocols here>
Student Advice Centre
Student Health and Wellbeing Service
Dignity and Respect Policy

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