

Student Conduct Disciplinary Procedure

Effective from 1 September 2026

Contents

Purpose	2
Scope	2
Roles and responsibilities	3
Investigation process	4
Level 1: Local resolution	5
Level 2: Formal investigation	5
Reporting misconduct.....	5
Preliminary review	6
Interim precautionary measures	6
Investigation	6
Decision making.....	7
Level 3 Student Disciplinary Committee (SDC)	8
Committee membership	8
Before the hearing.....	8
The hearing	10
After the hearing.....	11
Appeals	12
Appeal process	12
After an appeal reconsideration.....	13
Late appeals	13
Office of the Independent Adjudicator	13
Key principles for operating the procedure.....	13
Counter-reports	14
Impartiality.....	14
Confidentiality.....	14
Anonymous reports	15
Time limits.....	15
Repeat consideration	15
Reasonable adjustments and accessibility	15
Sexual misconduct, discrimination, harassment, and hate incident cases	16
Concurrent criminal processes	16
Mitigation and aggravation	17

Sanctions and outcomes	17
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Purpose

1. The Student Conduct Disciplinary Procedure ('the **Procedure**') sets out how reports of potential non-academic misconduct will be managed and investigated so that the University can provide a safe and secure environment for all its students, University staff and visitors, and be a responsible community partner. It aims to ensure that student disciplinary matters are dealt with fairly and in reasonable time, at the appropriate level.
2. Level 3 of the *Procedure* is also used for serious cases of academic misconduct investigated under the [Academic Misconduct Procedure](#).
3. The [Student Charter](#) outlines the University's positive expectations of its students, the [Student Behavioural Code of Conduct](#) sets out what types of behaviour may be considered to have breached those expectations. Any non-academic breach of the Behavioural Code of Conduct may be considered 'misconduct' and investigated in line with this *Procedure*.
4. Information on [access, support and guidance](#) is available for students involved in the disciplinary process.

Scope

5. In line with the [Student Behavioural Code of Conduct](#), this Procedure will be followed for reports relating to the behaviour of all registered students. Reports against admitted students not currently registered at the University will be investigated at the discretion of the Academic Registrar/Nominee
6. The Students' Union is primarily responsible for the discipline of students within the Students' Union building, and linked to activities of Student Groups (Societies, Sports Clubs, Volunteering) operating with the support of the Students' Union, but matters may be forwarded for consideration under this Procedure.
7. Where a Student also has a staff role in the University, the Academic Registrar (or nominee) will consult and agree with the Executive Director of People Services (or nominee) which misconduct procedure will take precedence when a report is made. Action under the other procedure may still take place after the conclusion of the first procedure.
8. The University will normally only investigate student behaviour where there is a University interest, meaning where that behaviour relates to their status as students, including addressing our obligations to our local community or where there is potential reputational risk.
9. Reports of potential student misconduct may come from students, staff, members of the public or third parties. In most parts of the Procedure the person(s) who made the

report are simply referenced as reporters. Where there are specific provisions only applicable to one type of reporter (e.g. Student Reporter) they will be specifically referenced. Where a member of the public was a student at the time of the reported misconduct, they will normally be treated as a Student Reporter.

10. In cases where a student withdraws from the University whilst disciplinary investigations are ongoing, the disciplinary case may be concluded in their absence.
11. The Procedure is not used for:
 - Addressing inter-personal disputes or disagreements between students.
 - **Academic misconduct** - reports of academic misconduct are investigated under the [Student Academic Misconduct Procedure](#) (up to the point that a case is referred to Level 3 Student Disciplinary Committee).
 - **Complaints** regarding the actions of a University employee. Concerns about the behaviour of any University employee may be raised by students under the [Student Complaints and Resolution Procedure](#).
 - **Fitness to Practise** concerns are dealt with under the [Fitness to Practise Procedure](#) for students on relevant programmes. Although outcomes of any disciplinary process may be used as information in a Fitness to Practise process.
 - Addressing behaviour that is deemed primarily related to ill health or disability where the [Support to Study Procedure](#) would be more appropriate.

Roles and responsibilities

12. The key roles and their responsibilities in this *Procedure* are:
 - **Academic Registrar** is the senior member of staff in the University with overall responsibility for the fair conduct of the disciplinary process.
 - **Academic Registrar's Nominee** any member of staff appointed by the Academic Registrar to act on the Academic Registrar's behalf, including the Director of Registry and Education Services.
 - **Authorised Person** is a senior University employee (usually a Head of Academic Unit/Service or their nominee, or the Chair of the Board of Examiners) authorised to undertake student disciplinary investigations.
 - **Case Officer** member of staff responsible for undertaking formal Level 2 investigations into all reports of student misconduct and reporting any Level 3 cases at the Student Disciplinary Committee, convened to hear the case.
 - **Decision-maker** includes the Academic Registrar, their nominee, an Authorised Person or the members of a Student Disciplinary Committee or Student Disciplinary Appeals Committee as appropriate to the level of procedure.
 - **Disciplinary Convenor**, or nominee, is an appointed academic member of staff responsible for convening Disciplinary Committees and Disciplinary Appeal

Committees.

- **Friend/Supporter** may accompany a student during any formal meeting held under the Procedure. A friend/supporter may not represent the student or answer questions on their behalf. Their role is to provide moral and emotional support to the student. Further Guidance on the [role of a friend or supporter](#).
- **Reporter** is anyone who reports behaviour that may breach the [Behavioural Code of Conduct](#) and be considered potential misconduct.
- **Student Disciplinary Committee** is made up of one or three senior University employees, chosen by the University Disciplinary Convenor, whose role is to assess evidence presented to them and decide on an outcome and any related sanctions.
- **Student Responder** is any Student against which a report of potential misconduct has been made.

Investigation process

13. There are three levels at which a report of potential misconduct may be considered:
 - **Level 1: Local resolution** – for minor misconduct an Authorised Person in the Student Responder's 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 not minor, there is repeated or persistent misconduct, or there has been a lack of engagement with the Level 1 process, a formal investigation will take place. A Case Officer will be appointed to investigate the case and the outcome will be determined by the Academic Registrar or their nominee after consideration of all the available evidence.
 - **Level 3: Student Disciplinary Committee** – where the Academic Registrar or their nominee determines that a case is sufficiently serious or complex, the case will be referred to a Student Disciplinary Committee for further consideration.
14. Reports of misconduct may be investigated and determined at any level. Investigations do not necessarily need to progress through each of the levels in turn, and the case can be forwarded to a higher level if the relevant Decision-maker feels it would be more appropriate.
15. Student Responders are expected to cooperate with the investigation, for example by attending disciplinary interviews, or providing a statement in response to alleged misconduct. If a Student Responder does not engage with some or all of the process, the case may still be progressed, heard and concluded in their absence based on the available evidence. The Decision-maker may take account of any non-engagement in determining an appropriate outcome to the case.
16. Any student providing evidence during an investigation, whether as a Reporter, Responder or witness, should ensure that they do so honestly and objectively. Failure to be honest may, of itself, be an act of misconduct.

17. All evidence considered by Decision-makers will also be shared with the Student Responder.

Level 1: Local resolution

18. Any student or member of staff who wishes to report behaviour that may be misconduct under the [Behavioural Code of Conduct](#) should contact the relevant Authorised Person in the Academic Unit, service or residence, normally through the generic Academic Unit or Service email address.
19. Reports of misconduct that are less serious in nature can be determined by an Authorised Person in the relevant Academic Unit, service or residence. Under some circumstances, the Authorised Person may decide it is more appropriate for the report to be referred to Level 2 of this Procedure. This includes where:
 - The reported misconduct is more serious than originally thought
 - The Student Responder has not engaged with the Level 1 investigation
 - There has been repeated or persistent misconduct.
20. For reports considered at Level 1, Student Responders will be informed in writing of the report made against them, provided with any available evidence and will be given the opportunity to respond to the report. Authorised Person's may decide that a meeting is necessary with the Student Responder and/or Reporter. Notes should be made of any meeting but these do not need to be word for word. Notes of meetings should be shared with meeting attendees. Meetings may not be recorded, unless this is a specific adjustment required for access reasons.
21. After considering all the evidence available to them, the Authorised Person will decide on an appropriate outcome, which may include Sanctions being imposed on the Student Responder. Any Student Responder in a Level 1 disciplinary investigation will be informed, in writing, of the outcome of the case by the Authorised Person and how to appeal (see Appeals).
22. Investigations at Level 1 are normally concluded within 30 calendar days, although staff and student availability, along with University closure periods may impact this. This does not include any appeal. Students will be kept informed of expected timelines and any potential delay.

Level 2: Formal investigation

Reporting misconduct

23. Where the reported behaviour is more serious it can be reported directly at Level 2 in addition to referrals made after being received locally at Level 1. Reports of potential student misconduct will be dealt with by Registry and Education Services and can be submitted in writing or in person. To submit a report of misconduct or to arrange a meeting, reporters should email casework@ncl.ac.uk.

24. Investigations and outcomes at Level 2 are normally concluded within 30-45 calendar days, although the complexity of the case, staff and student availability, along with University closure periods may impact this. This does not include any appeal. Students will be kept informed of expected timelines and any potential delay.
25. When a report is received a Case Officer will be assigned. Where a report has been submitted in writing, the reporter may be invited to attend a meeting to discuss the details of the report, provide clarification, and for relevant facts and evidence to be gathered.
26. If a Student Reporter doesn't wish to attend a meeting, they can submit a further statement for consideration in any disciplinary case or can decide to allow any initial report or Police disclosure (if applicable) to be investigated without their further involvement. The Student Reporter will be advised of the implications of their decision and their wishes will be respected if they subsequently decide to withdraw their report, unless it is determined by the Academic Registrar or Risk Assessment Panel (under the [Student Conduct Risk Management Procedure](#)) that the case is sufficiently serious and/or there are safeguarding issues and an investigation should go ahead.

Preliminary review

27. The University will conduct a preliminary review on receipt of any report to decide whether the reported behaviours are within the scope of the [Behavioural Code of Conduct](#), are of sufficient seriousness to warrant a formal investigation, and if relevant, if there is University interest (see para. [8](#)).
28. Most types of potential misconduct are expected to be reported promptly after the incident has occurred. At preliminary review the University may decline to investigate a matter if it occurred more than three months ago, with exceptions made for sexual misconduct or other behaviours where Reporters may not feel able to come forward.
29. The decision whether or not to take forward a report for formal investigation will be made by the Academic Registrar/Nominee. Where a report is not being taken forward the Student or Staff reporter will be informed in writing that their report is not in scope of the procedure.

Interim precautionary measures

30. Where the reported circumstances suggest that there may be a risk to any member of the University community, the wider community or the University's reputation, a risk assessment will be carried out and interim precautionary actions may be imposed in line with the [Student Conduct Risk Management Procedure](#).

Investigation

31. Student Responders will be informed in writing of the report against them and any available evidence and will be given the opportunity to provide a written statement to inform the investigation. They may be asked to attend an interview to discuss the matters reported. This is an opportunity to provide a formal response to the report(s),

provide any clarification or to present any mitigating circumstances for consideration.

32. Notes will be made of any meetings held under Level 2 of the Procedure, but these will not be word for word. Notes of meetings will be shared with student attendees. Meetings may not be recorded, unless this is a specific adjustment required for access reasons.
33. The Case Officer may directly request witness statements or any information of any party that they believe is relevant to the investigation.
34. The Student Responder and any Reporter(s) will be given the opportunity to submit any additional evidence for consideration. Types of evidence may include:
 - Witness statements
 - Supporting statements
 - Screenshots or copies of emails, text messages, social media posts
 - Medical notes
 - Photographs or videos
 - Bank statements or financial receipts.
35. If either the Student Responder or Reporter(s) wishes to submit witness or supporting statements in addition to those directly requested by the Case Officer, it is their responsibility to request these statements. Witness statements should be emailed directly to casework@ncl.ac.uk by the relevant witness(es).
36. Where there are multiple Reporters or Student Responders these will be interviewed separately.

Decision making

37. Level 2 investigation outcomes will be determined by the Academic Registrar or their nominee after consideration of all available information and evidence. They can determine one of the following:
 - That misconduct has not been found, and no further action should be taken
 - That misconduct has not been found and to provide advice and guidance to the Student Responder and/or Student Reporter
 - That misconduct has been found and can be dealt with appropriately under the Academic Registrar's possible sanctions at Level 2 (see [Sanctions](#))
 - That the investigation has identified sufficient evidence of more complex, repeated or serious misconduct that the matter should be referred to a Student Disciplinary Committee under Level 3.
38. If the matter has been concluded under Level 2, the Student Responder and any Student Reporter(s) will be informed in writing of the outcome of the investigation, associated sanctions, whether any precautionary actions remain in place, and their right to appeal any decisions made. Staff reporters will be informed of the outcome of any investigation, with any further information sharing considered on a case by case

basis. Reporters who are members of the public or third parties will not normally be informed of the outcome of investigations.

Level 3 Student Disciplinary Committee (SDC)

39. More complex, repeated or serious reports of misconduct will be considered by a Student Disciplinary Committee (SDC). The Student Responder and any Student or Staff Reporter(s) will be informed in writing of the Academic Registrar's/Nominee's decision if the case is to be referred to SDC. Level 3 of the Procedure will normally take 30-60 calendar days (this does not include any appeal) although staff and student availability, along with University closure periods may impact this. Students will be kept informed of expected timelines and any potential delay.
40. Serious cases of suspected academic misconduct, investigated under the [Academic Misconduct Procedure](#), will also be referred to SDC under this *Procedure*.
41. Where there are multiple Reporters or Student Responders, cases may be considered separately or together by a SDC as considered necessary to ensure a fair procedure on a case by case basis.

Committee membership

42. The University Disciplinary Convenor will select members from the pool of suitably experienced and trained staff appointed by University Education Committee (UEC). Members of the Committee will be asked to confirm that they have no conflict of interest in the specific case so as to allow an impartial hearing and decision.
43. SDC will normally be made up of three members of the pool but can consist of a single member. Normally a single member hearing would only take place when the facts of the case are not disputed and when the level of sanctions is likely to be lower than a disciplinary suspension. Any member of SDC can act as Chair.
44. One of the members of the SDC appointed may be substituted with an external professional member. The SDC may also separately take legal advice at any time before, during, or after a hearing, and it may hear cases with a qualified solicitor or barrister in attendance to advise the SDC.
45. The Student Responder and any Student Reporter(s) will be notified of the constitution of the SDC. If either party has any concerns about the impartiality of any member of the SDC, they should raise this within 5 working days by emailing casework@ncl.ac.uk to request a review of the Committee membership by the Disciplinary Convenor. The Disciplinary Convenor's decision on the constitution of the SDC is then final.

Before the hearing

46. The Student Responder and any Student Reporter(s) will be given at least 10 calendar days' notice of the date of the hearing.
47. If either the Student Responder, the Student Reporter(s) or their supporter(s) is unable

to attend the scheduled hearing, they may ask for it to be rescheduled and their request will be considered by the Chair. The hearing may only be rescheduled once.

Committee documentation

48. Prior to the hearing SDC will be provided with a documentation pack including:
- An investigation report prepared by the Case officer
 - Notes of any investigation interviews
 - Any witness statements, documentary materials etc.
 - Any other relevant information as determined by the Case officer
49. Information on any previous disciplinary outcomes will not normally be shared as part of the hearing documentation but will be shared before any consideration of sanction (see Sanctions). Information on previous outcomes will necessarily be shared where it is part of the reason for referral to SDC, for example, where the misconduct includes a breach of an ongoing no contact instruction, or where previous findings of academic misconduct/plagiarism may speak to knowledge or intent.

The Student Responder

50. A Student Responder may choose to waive their right to attend the hearing, and the hearing will proceed in their absence, using the evidence available from the disciplinary investigation.
51. Legal representation for a Student Responder at an SDC is generally not permitted but requests will be considered on a case by case basis. A Responder wishing to have legal representation at an SDC hearing must ask the Chair for permission as soon as they are notified of the referral to SDC. Chair of the SDC will decide whether this request should be allowed. Reporters and witnesses are not permitted legal representation at an SDC.
52. The Student Responder will be provided with all Committee documentation at least 7 calendar days in advance of the hearing.
53. Any requests by the Student Responder for additional documentation to be considered or witnesses to be present at the hearing should be made at least 5 working days in advance of the hearing date. The Chair may then request the presence of witnesses but is unable to compel their attendance. Any requests made after this time will be considered by the Chair who may decide to allow its late admission, to refuse its admission if there is not a valid reason for it not having been provided earlier, or to postpone the hearing until such a time as the Committee members, Student Responder and Student Reporter have had the opportunity to appropriately review the new evidence.
54. Any questions which the Student Responder wishes to pose to the Student Reporter or any witnesses due to attend the hearing, must be submitted two calendar days prior to the hearing. The Chair has ultimate discretion to disallow a question where it is inappropriate or irrelevant.

The Student Reporter

55. Any Student Reporter(s) will be invited to attend the SDC hearing as a witness to present their own evidence, and to answer any further questions by SDC members.
56. If the Student Reporter(s) wishes to attend the hearing, they will be provided with the Committee documentation at least 7 calendar days in advance of the hearing, and subsequently with any additional documentation submitted by the Student Responder. Committee documentation provided to the Reporter may not include all material to be considered by the SDC where it is not relevant to their account e.g. personal mitigations being put forward by the Student Responder, matters relating to a different allegation.
57. If the Student Reporter(s) do not wish to attend the hearing, they may submit an additional statement for the SDC's consideration at least 7 calendar days before the hearing to be included in the committee documentation. If they do not attend the hearing then they will not receive a copy of the committee documentation.
58. Reporters who are Staff or members of the public will not attend hearings or receive the Committee documentation.

The hearing

59. The Student Responder has the right to hear all evidence against them and to be present for the duration of the hearing excluding the SDC's private deliberations.
60. The hearing may proceed if the Student Responder fails to attend or give advance notification of absence. The Chair will decide whether the hearing will proceed or be adjourned.
61. Any questions which the Student Responder wishes to pose to the Student Reporter related to any statements made during the hearing must be directed via the Chair. The Chair has ultimate discretion to disallow a question where it is inappropriate or irrelevant.
62. The typical order for a hearing is provided in Appendix A, but this may be varied at the discretion of the Chair based on the specifics of the case.
63. A written but not word for word record of the hearing will be made by the Secretary. The hearing must not otherwise be recorded by any attendees without prior permission from the Chair.
64. After considering all the evidence available, the SDC will decide on whether misconduct has been found. Where there are multiple types of misconduct alleged, the SDC will agree a finding for each allegation. The possible outcomes available to the SDC for each allegation are:
 - a) That no misconduct has been found and no further action should be taken
 - b) That no misconduct has been found and advice and guidance should be provided to the responder and/or reporter.

65. That misconduct has been found, and an appropriate sanction or sanctions should be given (see Sanctions).
66. Whether or not misconduct is found, SDC may agree that precautionary actions should continue where necessary to address any remaining risk.

Consideration of sanction

67. SDC will consider all available sanctions and determine what is appropriate based on the specifics of the case in front of them.
68. Mitigating or aggravating factors ([Appendix B](#) provides guidance on factors that may be considered) will be considered when determining the appropriate sanction, including any previous disciplinary outcomes.
69. Where there are multiple allegations that have been found, the appropriate sanction(s) will be considered holistically.

Outcome

70. The Student Responder will be informed of the outcome of the Student Disciplinary Committee in person if possible and if not, in writing as soon as possible after the hearing.

After the hearing

71. A letter stating the full reasons (the 'Statement of Reasons') for the decision will be sent to the Student Responder via email, usually within 14 calendar days.
72. Any Student Reporter(s) will also receive written notification of the outcome, sanctions and a copy of the Statement of Reasons (redacted, if necessary, in line with para. [56](#)). Staff reporters will be informed of the outcome (finding or no finding of misconduct), with any further information sharing considered on a case by case basis. Reporters who are members of the public will not normally be informed of the outcome.

Summary of the hearing timeline

10 calendar days before hearing	Notification of hearing date to Student Responder and any Student Reporter
7 calendar days before hearing	Distribution of hearing papers to Student Responder and any attending Student Reporter
5 calendar days before hearing	Student Responder submit any additional information/request for witnesses
2 calendar days before the hearing	Student Responder submits any questions for any Student Reporter or witnesses
Hearing day	
Outcome provided to Student Responder on the day or as soon as possible after	
14 calendar days from decision	Statement of Reasons (SoR) provided to Student Responder and any Student Reporters
21 calendar days from SoR	Appeal deadline - for Student Responder and any Student Reporter.

Appeals

Appeal process

73. Student Responders and any Student Reporter(s) have the right to appeal against any outcome of the Procedure. Staff reporters or members of the public do not have the right to appeal.
74. The original decision will remain valid, and the sanction will remain in place (including suspension or expulsion) while an appeal is being considered. Where the appealed sanction includes a fine, the fine must be paid by the given date and will be refunded if the appeal is successful. Where the decision against which a student is appealing involves occupation of a University residence, the student will normally be entitled to remain in occupation of University accommodation (although not necessarily within the same room/flat) whilst an appeal within the University is being considered.
75. Appeal requests must be submitted in writing to casework@ncl.ac.uk within 21 calendar days of the date of the outcome (Level 1 and 2) or Statement of Reasons (Level 3) and should include a clear statement of reasons for the appeal, including the relevant grounds and whether the finding of misconduct is being appealed, or only the sanction. The appeal process is expected to take 30-45 calendar days, although staff availability, along with University closure periods may impact this.
76. Appeals against disciplinary decisions or imposed sanctions must meet one or more of the following grounds:
 - New material evidence is available that was not previously reasonable available;
 - Procedural irregularity in the process that undermines the fairness of the decision;
 - Bias or prejudice;
 - Excessive or inappropriate sanction;
 - The decision was one that no reasonable person/committee could have reached on the evidence available.
77. Appeals against disciplinary decisions or sanctions will be considered by the Disciplinary Convenor (or nominee) who will determine whether the appeal meets the grounds to be admitted to enable a fresh consideration of the allegation(s) of misconduct, or partly admitted to reconsider the sanction only.
 - For appeals against Level 1 and 2 decisions the matter will be considered afresh by a member of the Student Disciplinary Committee not involved in the original case nominated by the Disciplinary Convenor. This consideration will normally take place by review of papers.
 - For appeals against Level 3 decisions the matter will be considered afresh by a new Student Disciplinary Committee. This consideration will normally take place by review of papers where admitted for reconsideration of sanction only, or a full new hearing where fully admitted to reconsider the finding of misconduct.

78. For any fully admitted appeal the Student Responder and Reporter will have the opportunity to provide further information as part of the fresh consideration. For a partly admitted appeal the Student Responder will have an opportunity to provide a statement in relation to consideration of sanction.
79. Where an appeal is fully admitted but it is not feasible or fair to undertake a fresh consideration, the Disciplinary Convenor (or nominee) will substitute their view for that of the Decision-maker and make a new decision, which considers the principle that any matters which need to be re-heard and cannot be, must be determined in the Student Responder's favour.
80. Where an appeal is not admitted the appellant will have no further right to appeal through the University and will be issued with a Completion of Procedures Letter.

After an appeal reconsideration

81. Where there has been a re-consideration of sanction only, the decision is final and the appellant will be issued with a Completion of Procedures letter.
82. Where there has been a full re-hearing of the case, as if for the first time, the appeal options are still available for either the Student Reporter or Student Responder, as before. Although a case can only be re-heard once.

Late appeals

83. Appeals received beyond 21 calendar days of the decision will only be passed on to the Disciplinary Convenor for consideration if there are compelling reasons for the delay. Late appeals will be considered by the Academic Registrar/Nominee whose decision on whether to process a late appeal will be final.

Office of the Independent Adjudicator

84. If a student is dissatisfied with the appeal outcome, they can seek an external review by submitting a complaint to the External Ombudsman, the Office of the Independent Adjudicator for Higher Education ('the OIA') via the [OIA website](#). Complaints to the OIA must be submitted within 12 months of the date of the Completion of Procedures letter.

Key principles for operating the procedure

Standard of proof

85. University disciplinary procedures are civil matters and the standard of proof required to support a finding is 'on the balance of probabilities.' This means that the Decision-maker will make a reasoned judgement as to whether the facts are more likely than not to have happened, based on the evidence available to them.
86. The Student Responder and any Reporter may submit any evidence they wish to be considered during the course of an investigation. It is for the Decision-maker to determine the weight that should be given to any submitted evidence.

87. The burden of proof lies with the University to demonstrate where they believe misconduct has occurred, rather than with the student to demonstrate their innocence of any report against them.

Counter-reports

88. To ensure that reports are investigated fairly and in a way that protects the impartiality of the process, counter-reports made during the course of an investigation will be placed on hold until the conclusion of the original investigation. This is without prejudice to the outcome of any investigation and does not preclude any interim precautionary action to be taken, as deemed necessary under the [Student Conduct Risk Management Procedure](#).

Impartiality

89. To ensure there is no conflict of interest, each disciplinary case or appeal is decided by a Decision-maker who has no prior involvement in the case, and where possible, no prior involvement with any previous cases involving the Student Responder.

Confidentiality

90. The Student Responder has the right to be made aware of any report submitted against them and all available accompanying evidence. If any document includes personal or sensitive information, redactions may be made prior to sharing.
91. All students or staff involved in, or supporting students, in any investigation of reported student misconduct have a duty of confidentiality to the Student Responder and any Reporter. This means that all parties should refrain from discussing the case with anyone other than people who can be deemed to have a legitimate need to know. Where confidentiality is breached, this may be treated as an act of misconduct. Case documentation should not be shared by the Student Responder and Reporter to any other party beyond their designated supporter or legal representative. Case documentation or details should never be shared with witnesses or any third party.
92. Students should avoid disclosing unnecessary personal information during the course of the disciplinary investigation or any resultant appeals, unless they feel it is relevant to the issues raised.
93. The Student Responder's Academic Adviser or PhD supervisor will be informed that a disciplinary investigation is taking place, so that appropriate pastoral care may be offered, but will not be given specific details of the allegations of misconduct unless the Student Responder explicitly consents to such information being shared.
94. Sometimes it is necessary to share details of the disciplinary investigation with other University staff so that appropriate processes can be followed and support can be offered to all affected parties. In these instances, case details will be limited to what is necessary and the information will be shared in confidence.
95. If, during the course of the investigation, any safeguarding issues are identified or if the University believes that any person is at serious risk of harm, we have a legal duty

to follow safeguarding procedures and refer the matter to the Student Health and Wellbeing Service in the first instance.

96. The fact that the Procedure has been concluded will be shared with the Student Responder's Academic adviser or Supervisor and any relevant University employees, such as the Student Responder's Head of Academic Unit/Degree Programme Director. Details of the finding and any sanction will only be shared if needed e.g. where misconduct may be disclosed in references, where a student is suspended or withdrawn, where a no contact instruction must be maintained, or with the consent of the Student Responder.

Anonymous reports

97. The University will not normally investigate reports of misconduct submitted anonymously. However, where a report is made in confidence, the University may consider whether it is appropriate for the Reporter's name or any other identifying details to be removed from the report before it is shared with the Student Responder.

Time limits

98. Time limits should be met by all parties to the process. The University may only extend time limits where it is necessary to do so in order to ensure a fair outcome. It will usually be necessary for the University to extend its own time limits for complex cases and/or where external specialists are required.

Repeat consideration

99. Where a disciplinary process has concluded, the same instance of misconduct will not normally result in a new disciplinary procedure unless new material information has come to light that could not have been obtained by the University in the course of the original investigation. The decision whether or not to investigate an allegation of potential misconduct for a second time will be taken by the Academic Registrar/Nominee considering:
- Whether the outcome of the first process has been called into question, and if so why
 - The length of time that has elapsed and the effect of this on the reliability of any evidence to be considered;
 - The severity of the alleged offence;
 - The impact on the student of undergoing a second disciplinary process;
 - Whether leaving the matter unaddressed would impact on matters of fitness to practise, or on any obligations the provider has to professional or regulatory bodies in respect of the particular student's character.

Reasonable adjustments and accessibility

100. Where a Student has protected characteristics under the Equality Act 2010 the University will make appropriate adjustments in order to prevent the Student being treated less favourably. This may include holding meetings by MS Teams or other

appropriate means. Any Student who may require assistance in using this Procedure should discuss their needs with the Case Officer. Where a Student has a Student Support Plan in place, this should be brought to the Casework team's attention.

101. Any aspect of this procedure may be modified where this is necessary to comply with a legal obligation, including the University's duty to make reasonable adjustments for disabled persons. Reasonable adjustments may include extensions to time limits or changes to the procedure followed.

Sexual misconduct, discrimination, harassment, and hate incident cases

102. Such cases may be dealt with by a Case Officer or an external investigator (who will interview the Reporter and Student Responder).
103. Parties involved in these Procedures should remember that particularly in relation to sexual misconduct, discrimination, harassment and hate incident cases include both an objective judgement and the Reporter's own perception. Behaviour can still breach the [Student Behavioural Code of Conduct](#) even if it wasn't aimed at the Reporter or wasn't intended to have a particular effect.
104. Sexual misconduct is defined broadly in the Student Behavioural Code of Conduct as "unwanted conduct or attempted conduct of a sexual nature", where "unwanted" means that the conduct is not consented to and the Student Responder does not have a reasonable belief that consent has been given.
105. An individual can give consent to engage in a sexual activity only if they have the freedom and capacity to make the choice to do so. In this context, 'freedom' means being able to make a choice without being coerced, threatened, intimidated or forced; 'capacity' means being of legal age and being able to understand the 'who, what, where, when, why and how' of their choice. A person does not have the capacity to consent if they are asleep, unconscious or not fully conscious, or if their judgement has become impaired due to the use of alcohol or drugs.
106. Consent can be withdrawn at any time before or during a sexual act. Consent is specific to the type of sexual act (for example, oral sex, sexual intercourse) and the time of the act (which is to say that even when a person has previously consented to any sexual act, consent must be given for any subsequent sexual act). Consent can never be assumed, even within intimate relationships.

Concurrent criminal processes

107. If the reported misconduct is also being considered under the criminal process, the University will normally put its internal investigation on hold until the criminal process has concluded. The Student Responder will be informed of this action and given the opportunity to request a review.
108. Interim precautionary actions may still be taken whilst a University case is on hold following the [Student Conduct Risk Management Procedure](#).
109. The Student Responder may request an interruption of studies whilst the criminal

process is taking place but will be required to engage with the Procedure before re-commencing their studies.

110. 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. University disciplinary investigations seek to establish if there has been a breach of University procedures and are not limited to the investigation of unlawful conduct.
111. The Student Responder's final profile of marks will not normally be considered by a Board of Examiners while a disciplinary case is on hold. Should the student wish the University to allow their final profile of marks to be considered, an application to this effect must be made in writing to the Academic Registrar (via casework@ncl.ac.uk).
112. Where a Student Responder is remanded in custody awaiting trial they will be suspended until they are either released from remand, or the criminal process is concluded. If a student is released from remand prior to the conclusion of criminal proceedings, any return to studies will be dependent on a review under the [Student Conduct Risk Management Procedure](#).
113. Where a Student Responder has received a custodial sentence as a result of a criminal conviction, they will normally be withdrawn from the University. This decision is not appealable. If they wish to return to their studies after they have served their sentence they may apply to the Academic Registrar to be re-instated (via casework@ncl.ac.uk). There is no right to re-instatement and the nature and seriousness of the offense, and the risk posed to University interest will be considered. The decision of the Academic Registrar/Nominee on reinstatement is final.
114. If evidence is available to demonstrate that a student has been convicted of a criminal offence or accepts a Police caution (requiring the offence to be admitted) in relation to behaviour that falls within the scope of the University's student [Behavioural Code of Conduct](#), then the University will accept this as conclusive evidence that the behaviour took place. It may not be necessary for any further investigation to take place. The matter will be referred to a Decision-maker under Level 2 or Level 3 depending on the seriousness of the behaviour. Consideration by the Decision-maker will only be in relation to the appropriate sanction.

Mitigation and aggravation

115. Mitigating or aggravating factors do not impact whether or not misconduct should be found, but they should be considered by Decision-makers when determining the appropriate sanction(s). Examples of mitigating and aggravating factors are set out in [Appendix B](#).

Sanctions and outcomes

116. If, under the Procedure, misconduct by the Student Responder is found to have occurred, the Decision-maker will determine which of the available sanctions should be imposed. Multiple sanctions may be imposed simultaneously where this is deemed to be appropriate.

Possible disciplinary outcome/sanctions

Outcome/Sanction	Level 1	Level 2	Level 3
No further action	X	X	X
Advice and guidance given (no misconduct)	X	X	X
Compulsory attendance at appropriate training	X	X	X
Minor misconduct noted on record	X	X	X
Fine	X	X	X
Written warning	X	X	X
No contact instruction		X	X
Final written warning		X	X
Suspension			X
Expulsion with immediate effect			X*
Expulsion with immediate effect (no readmission)			X*

*Expulsion is available at Level 2 in relation to falsification or misrepresentation of documentation provided during the admissions process under powers available to the Academic Registrar ([University Regulations](#), Section I: General Regulations for Taught and Research Programmes, Section D)

117. Any fines will be issued will be in accordance with [Exemplar fines and charges](#).
118. Where a student receives a final written warning, any further disciplinary finding of similar seriousness will be considered for suspension or expulsion with information on the prior sanction provided to the Decision maker.
119. The Decision-maker will also consider whether it is appropriate for any finding and sanction to be revealed in references as part of their sanction consideration.
120. For Level 3 of the *Procedure* when a Student Disciplinary Committee are considering academic misconduct the sanctions available will be as given in the [Academic Misconduct Procedure](#).

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Appendix A

Typical order for a Student Disciplinary Committee hearing

- SDC members will meet privately in advance of the hearing to consider matters of process supported by the Committee Secretary.
- The Student Responder (and supporter, if relevant) and the Case Officer, will join the meeting. For academic misconduct cases the School representative will also join the meeting at this point. The Chair will lead a round of introductions and explain expected procedure and etiquette/housekeeping matters.
- The Case Officer will be invited to outline the case, setting out their findings and the reasons for the Academic Registrar/Nominee referring the case to the Committee, and will answer any clarifying questions from the Committee.
- The Student Responder will be invited to make a statement or confirm the testimony gathered during their investigation and will answer any questions from the Committee.
- The Student Reporter will be invited to join the meeting. They may make a statement or confirm the testimony gathered during the investigation and will answer any questions from the Committee (or the Student Responder through the Chair (at the Chair's discretion). The Chair will determine whether the Student Reporter needs to remain in the hearing to hear witness testimony or at this point leave the meeting.
- Any witnesses will join the meeting in turn to provide a statement and respond to any questions from the Committee or the Student Responder through the Chair (at the Chair's discretion). Witnesses will leave the meeting after giving their testimony. If present during witness testimony the Student Reporter will then leave the meeting.
- The Case Officer will be invited to make closing remarks.
- The Student Responder's supporter will be invited to make a statement, and the Student Responder will be invited to make closing remarks. The Student Responder (and their supporter, if relevant), and the Case Officer will leave the meeting.
- The Committee will retire to deliberate and consider its decision.

Appendix B

Aggravating factors

There may be circumstances in which misconduct is subject to a more severe sanction due to the presence of aggravating factors. These factors could include, but are not limited to:

- Misconduct related to protected characteristics under equality legislation (for example, Equality Act 2010 and racial harassment).
- Misconduct which directly or indirectly causes a physical or mental injury.
- Misconduct for which a student has received a previous warning or sanction.
- Misconduct where there is a power relationship between the Student Responder and the Reporter, where this power is abused.
- Misconduct which may be considered to constitute domestic abuse.
- Misconduct which includes the use of force, violence, threats, or intimidation.
- A pattern of misconduct which has been established previously.
- Being under the influence of alcohol or drugs at the time of the alleged misconduct.
- Misconduct that occurred whilst the student was under any type of precautionary measure.

Mitigating factors

There may be certain circumstances in which misconduct is subject to a less severe sanction due to the presence of mitigating factors. Mitigating factors could include, but are not limited to:

- Clear evidence that the alleged offence was committed without the intent to cause harm, damage, or upset.
- Where the student has demonstrated sincere remorse for the misconduct.
- Where the student has clearly accepted responsibility for the misconduct.
- Where the student took immediate steps to remedy the effects of the misconduct.