STUDENT DISCIPLINARY PROCEDURES

These procedures apply to all disciplinary cases from September 2012, except assessment irregularities which, is set out in a different document but which is part of the University Student Disciplinary Procedures. In event of any conflict, the Student Disciplinary Procedures as set out in this document take precedence. September 2012.

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

1. (a) Introduction

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

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

(b) Definition of Misconduct

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

(c) Scope

These procedures apply to all registered students in all locations on and off campus both in the UK and overseas (when it is found that there is some link to the University or its reputation).

Discipline of students within the Students’ Union building shall be the responsibility of officials of the Students’ Union nominated by the Students’ Union. The Students’ Union has an agreement with the University which identifies matters which it will report as a matter of course to the University and matters which it will report to the Police. The agreement is subject to annual review. Examination and other assessment irregularities are normally dealt with in accordance with the University "Procedure for Assessment Irregularities".

(d) Fitness for Professional Practise

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

The following paragraphs elaborate upon, but do not limit the breadth of, the general definition of misconduct in Paragraph 1(b). The following shall, subject to the above, constitute misconduct:

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

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

iii) behaviour which brings the University into disrepute;

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

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

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

vii) failure to comply with a previously-imposed penalty under these procedures;

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

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

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

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

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

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

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

xv) breach of the provisions of the University's Code of Practice for Freedom of Speech;
Examples of Misconduct (continued)

xvi) conduct which constitutes a criminal offence where that conduct:
   a. takes place on University premises, or
   b. affects or concerns other members of the University community, or
   c. damages the good name of the University, or
   d. itself constitutes misconduct within the terms of these procedures.

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

xvii) obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by the University;

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

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

Definitions

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

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

Disciplinary Convenor (Deputy): The Disciplinary Convenor is responsible for appointing a Deputy Disciplinary Convenor from the Disciplinary Panel. Each time that the Disciplinary Convenor is mentioned in these procedures, the Deputy Disciplinary Convenor may act in place of the Convenor. Where expedient, the Convenor may additionally appoint a member of the Disciplinary Panel as Acting Convenor.

Disciplinary Panel: The Disciplinary Panel comprises of members of academic or administrative staff appointed by ULTSEC who are qualified by reason of their experience of student welfare matters, and three students appointed by ULTSEC on the nomination of the Students’ Union.
Friend / Supporter: In accordance with all formal University procedures, a student may be accompanied by a friend or supporter of their choice. The friend or supporter may not act as a representative unless given permission by the person conducting the proceedings and the student. There are limitations on who the friend or supporter can be in a disciplinary context: anyone who may be involved in the incident or otherwise in the proceedings is excluded.

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

Student Progress Service: The University service appointed by the Academic Registrar to act on the Academic Registrar’s behalf on disciplinary cases.

Student Disciplinary Committee: A Disciplinary Committee may, on the determination of the Convenor, consist of either three Disciplinary Panel members or a single Disciplinary Panel member, nominated by the Disciplinary Convenor from the Disciplinary Panel.

2. Procedures: General

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

Any investigation into an alleged act of misconduct, whether carried out under the central or local procedures, shall normally include in its early stages an interview of the student(s) concerned by the relevant authorised person in accordance with the provisions for the Conduct of Hearings set out in paragraph 7.

Failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority, may result in the disablement of the student’s smartcard by Student Progress Service or in consultation with Student Progress Service by another service. The student shall be notified in writing that they must engage within 7 days or they shall be excluded from their degree programme until they do engage.

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

(b) Definition of Authorised Person

Under the Local Procedure, the following persons shall be deemed to be the authorised person for dealing with student discipline:

In Academic Schools: The Head of the School in which the misconduct occurs, or a nominated deputy

In Academic Service Units: The Head of the relevant Academic Service Unit, or a nominated deputy

In University Residences: The relevant Warden or Housing Manager, or a nominated deputy

Under the Central Procedure, all references to the Head of the Student Progress Service should be taken to include anyone nominated by the Head of the Student Progress Service to act on his/her behalf.
 Allegations of misconduct which fall into categories i - x in paragraph 1(e) may be dealt with by the Head of the Student Progress Service or another authorised person. Offences in categories xi - xix in paragraph 1(e) may only normally be dealt with by the Head of the Student Progress Service unless committed in a University residence, in which case the matter may be dealt with by an authorised person under the Disciplinary Procedures for University Residences (Appendix III), provided that the matter does not constitute a serious criminal offence. The Head of the Student Progress Service may, however, in any particular case of alleged misconduct that would normally fall within his/her own jurisdiction, determine that it should nevertheless be dealt with by another authorised person.

3. Local Procedure

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

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

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

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

i) A formal caution, in writing – this means that the misconduct is considered to be minor but such that the student is cautioned as to future conduct. The student should be informed that no further action will be taken but that the fact of the caution may be taken into account should there be a further act of misconduct.

ii) A warning, orally and in writing, advising the student about their future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student’s studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.

iii) Where a student has previously received a warning, or where the authorised person deems fit, a final warning.

iv) A compensation payment for the direct cost of reparations to property.

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

vi) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.

vii) Exclusion from the use of an Academic Service or from the use of specified facilities belonging to an Academic School. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month, or 14 calendar days in the case of the Computing Service.

viii) In the case of Halls of Residence or other University accommodation, an authorised person shall have the right to impose such further sanctions as are, from time to time, approved by ULTSEC. For the avoidance of doubt, discipline in all University accommodation shall, in the first instance, be considered under the University’s Student Disciplinary Procedures for University Residences.
4. Central Procedure

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

(a) Procedure A

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

i) A formal caution, in writing – this means that the misconduct is considered to be minor but such that the student is cautioned as to future conduct. The student should be informed that no further action will be taken but that the fact of the caution may be taken into account should there be a further act of misconduct.

ii) A warning, in writing, advising the student about future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student's studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.

Where a student has previously received a warning, or where the Head of the Student Progress Service deems fit, the student may receive a final warning.

iii) A compensation payment for the direct cost of reparations to property.

iv) A fine.

The Head of the Student Progress Service may also impose sanctions available under local procedures. In addition, alternative sanctions may also be imposed after consultation with the Disciplinary Convenor.

(b) Procedure B

Where the Head of the Student Progress Service determines that a case is sufficiently serious, the case shall be referred to the Disciplinary Convenor who shall determine arrangements for a hearing under paragraph 4(c). Pending the hearing of an allegation of misconduct the Head of the Student Progress Service may temporarily exclude a student from the University or from such facilities as the Head of the Student Progress Service shall determine. In such a case, the decision to exclude a student shall be reviewed by the Head of the Student Progress Service every two week interval, and the Committee will hear the case, where reasonably practicable, within six weeks.

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

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

(d) The Head of the Student Progress Service shall not be a member of any Disciplinary Committee, but shall be responsible for the preparation and presentation of the charge or charges before the Committee. The Head of the Student Progress Service shall inform the student(s) concerned in writing of the allegations and shall inform the student(s) that the case is to be heard by a Disciplinary Committee or single Disciplinary Panel Member, as determined by the Disciplinary Convenor. A member of administrative staff who has had no involvement in the case shall be appointed as secretary to the hearing and shall be responsible for sending the student(s) any relevant documents, the summoning of witnesses, and generally for the proper presentation of the case.
If it is determined at the hearing that the offence is not proven, no further action shall be taken against the student but if it is determined that misconduct has been committed, one or more of the following sanctions may be imposed:

i) A warning, orally and in writing, advising the student about their future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student’s studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.

Where a student has previously received a warning, or where the Committee deems fit, the student may receive a final warning.

ii) A compensation payment for the direct cost of reparations to property.

iii) A fine.

iv) Suspended exclusion from the University. This means that exclusion has been determined in principle to be an appropriate sanction but that the sanction be suspended. Should the student be found to have committed further misconduct the student shall normally be excluded or expelled from the University.

v) Exclusion from the University or such part as may be specified for a determined period of time.

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

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

viii) Notwithstanding paragraph f), the Committee may impose such other sanctions as are appropriate in all of the circumstances. These include sanctions available under the local procedures.

(f) A student expelled or excluded as a result of disciplinary proceedings shall have no right to a refund of fees.

5. **Supplementary Provisions**

(a) The money raised from all fines shall be credited to the Vice-Chancellor’s Hardship Fund.

(b) Non-payment of compensation of fines levied under these procedures by the given date will result in the disablement of the student’s smartcard. The student shall be notified in writing that the full amount must be paid within 7 days or they shall be excluded from their degree programme until the payment is received.

6. **Appeals**

(a) A student wishing to appeal against a decision under the Local Procedure shall follow the procedure as shown in the appropriate Local Procedure attached as Appendices I, II and III to this document.

(b) A student wishing to appeal against a decision under the Central Procedure shall follow the appropriate procedure as shown in the following paragraphs.

(c) Where the decision against which a student is appealing involves partial or full exclusion or expulsion, the student shall not, subject to this paragraph, be permitted to attend that part or all of the University, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from
attending their programme of study or for assessment pending the appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the disciplinary hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately because of the University's General Regulations governing registration. Applications should be made to the Disciplinary Convenor who may refuse or grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.

(d) An appeal shall be lodged within 21 calendar days of the decision of the Student Progress Service, the Disciplinary Committee or single Disciplinary Panel member to the Head of the Student Progress Service. The Appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:

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

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment.

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

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

(e) Under these procedures, the appeal shall be to the following person:

i) In a case determined by the Student Progress Service, the appeal shall be to a member of the Disciplinary Panel nominated by the Disciplinary Convenor. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal which does not provide a prima facie case under the specified grounds.

ii) In a case determined by a Disciplinary Committee or single Disciplinary Panel member, the appeal shall be considered by a Disciplinary Appeal Committee. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal which does not provide a prima facie case under the specified grounds

iii) If the Disciplinary Convenor decides that a Disciplinary Appeal Committee should be appointed he or she shall appoint the Committee which shall consist of the following persons:

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

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

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

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

In all proceedings before an authorised person, Disciplinary Panel member, Disciplinary Committee or Disciplinary Appeal Committee, such a person or Committee shall take evidence and receive submissions, either in writing or in person, and consider the allegation and all other circumstances which appear to them to be relevant. The person or Committee may take evidence from such other persons as they think fit in order to reach a decision. In cases in which a student is appealing against the decision of the Student Progress Service or a Disciplinary Committee, the Student Progress Service Officer responsible for the presentation of the original case shall attend to outline the case*. The student shall, in all cases, be invited to attend and present their case, and to be present and be heard during the hearing. Students may waive their right to attend; the hearing shall proceed in their absence. The hearing shall also proceed if the student fails to attend the hearing or give any advance notification of absence for the Chair of the Committee to assess whether there is good cause for an adjournment of the hearing to a later date. All students shall be informed of the allegation against them and given an opportunity to make a written statement. The student may be accompanied by a friend or supporter and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the hearing shall be a matter for the authorised person or the Chair to determine. The student and any other persons present, except, where appropriate, the Secretary to the Committee, shall withdraw whilst the decision is reached. A written but not verbatim record of the hearing shall be made by the Secretary.

*If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.

8. **Overseas Campuses and Programmes**

The principles of this procedure apply to all students regardless of the location of study. The head of campus, unit or programme or a nominee will follow the procedure within the relevant appendix relating to the allegation of misconduct and will consult with or refer the case to Student Progress Service, if required.
1. (a) Introduction

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

(b) Definition of Misconduct

A breach of discipline is, as defined in paragraph 1(b) of the University's "Student Disciplinary Procedures", for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Schools. The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University.

(c) Definition of Authorised Person

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

2. Procedures

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where, on the balance of probabilities, an act of misconduct has been committed. Where, in an Academic School, an authorised person decides that a case is sufficiently serious, the authorised person may temporarily exclude a student from a particular facility belonging to that School, pending further investigation into the alleged misconduct. Where such power is exercised the Head of the Student Progress Service shall be informed immediately. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month.

(b) General Provisions of the Conduct of Hearings. Paragraph 7 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

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

i) A formal caution, in writing – this means that the misconduct is considered to be minor but such that the student is cautioned as to future conduct. The student should be informed that no further action will be taken but that the fact of the caution may be taken into account should there be a further act of misconduct.

ii) A warning, orally and in writing, advising the student about their future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student’s studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.

iii) A compensation payment for the direct cost of reparations to property.

iv) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.

v) Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools and Academic Service Units.
vi) Exclusion from the use of specified facilities belonging to an Academic School. Where such power is exercised, the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month.

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

(e) Explanatory Notes on Sanctions

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

ii) Non-payment of compensation or fines levied under these procedures by the given date will result in the disablement of the student’s smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be excluded from their degree programme until the full payment is received.

3. Appeals

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

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

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

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

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

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

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

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

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

(b) **Definition of Misconduct**

A breach of discipline is, as defined in paragraph 1(b) of the University’s “Student Disciplinary Procedures”, for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe all University rules and regulations including local regulations for the governance of Academic Service Units. The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University.

(c) **Definition of Authorised Person**

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

2. **Procedures**

(a) The authorised person shall have the right to investigate any allegation of misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed. Where, in an Academic Service Unit, an authorised person decides that a case is sufficiently serious, the authorised person may temporarily exclude a student from that service, pending further investigation into the alleged misconduct. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month, or 14 calendar days in the case of the computing facilities.

(b) **General Provisions of the Conduct of Hearings.** Paragraph 7 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

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

   i) A formal caution, in writing – this means that the misconduct is considered to be minor but such that the student is cautioned as to future conduct. The student should be informed that no further action will be taken but that the fact of the caution may be taken into account should there be a further act of misconduct.

   ii) A warning, orally and in writing, advising the student about their future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student’s studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.
iii) A compensation payment for the direct cost of reparations to property.

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

v) A fine, up to a limit from time to time agreed with the Head of the Student Progress Service.

vi) An authorised person shall also have the power to exclude students from use of that Academic Service. Where such power is exercised the Head of the Student Progress Service shall be informed as soon as is reasonably practicable. The decision shall be subject to written confirmation by the Head of the Student Progress Service where the period of exclusion is in excess of one month, or 14 calendar days in the case of the Computing Service.

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

(e) Explanatory Notes on Sanctions

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

ii) Non-payment of compensation or fines levied under these procedures by the given date will result in the disablement of the student's smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be excluded from their degree programme until the full payment is received.

iii) All exclusions from an Academic Service Unit shall be reported to the Head of the Student Progress Service.

3. Appeals

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

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

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

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment.

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

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

4. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk/.
1. **Introduction**

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

**Definition of Misconduct**

A breach of discipline, as defined in paragraph 1(b) of the University's "Student Disciplinary Procedures", for the purpose of these procedures, an "act of misconduct". The essence of misconduct under this code is improper interference, in the broadest sense, with the proper functioning or activities of the residence, or those who live or work in, or visit the residence. The procedures shall also apply to acts of misconduct committed outside the residence when a student is away in a residence context, or when it is found that there is some link to the residence or its reputation.

**Definition of Authorised Person**

Under these procedures, the following persons shall be deemed to be the authorised person for dealing with student discipline in residences:

In Halls of Residence: The Warden of the Hall in which the misconduct occurs, or a nominated deputy.

In University Flats: The Housing Manager or a nominated deputy.

2. **Procedures (General)**

**An authorised person shall have responsibility for the maintenance of good behaviour and discipline in so far as it affects the residence. An authorised person shall have the right to investigate any allegation of misconduct, and may take disciplinary action when, on the balance of probabilities, an act of misconduct has been committed. An authorised person shall be entitled to deal with any alleged offence, unless it is of sufficient seriousness that it should be referred to the Head of the Student Progress Service, to be dealt with under the Central Procedure of the University's "Student Disciplinary Procedures".**

**General Provisions of the Conduct of Hearings. Paragraph 7 of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.**

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

**Allegations of misconduct which fall into categories i - x (paragraph 1(e)) of the University Student Disciplinary Procedures may, in accordance with paragraph 3 (a) of those procedures, be dealt with by the Head of the Student Progress Service or another authorised person. Offences in categories xii - xix (paragraph 1(e)) may only be dealt with by the Head of the Student Progress Service unless committed in a University residence, in which case the matter may be dealt with by an authorised person under these procedures, provided that the matter does not constitute a serious criminal offence.**
Where a decision is made that the offence should be dealt with by the Head of the Student Progress Service, the matter shall be determined using the University Student Disciplinary Procedures. When an offence is reported to the Head of the Student Progress Service, s/he shall have the right to decide whether, under the Central Procedure, to proceed under Procedure A or B. In such a case, the authorised person shall, when required by the Head of the Student Progress Service, be responsible for the conduct of a preliminary investigation of the allegation, and shall report the outcome of such an investigation to the Head of the Student Progress Service.

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

3. Disciplinary Process

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

i) A formal caution, in writing – this means that the misconduct is considered to be minor but such that the student is cautioned as to future conduct. The student should be informed that no further action will be taken but that the fact of the caution may be taken into account should there be a further act of misconduct.

ii) A warning, orally and in writing, advising the student about their future conduct. A formal warning represents a serious statement by the University on the gravity of the misconduct and shall be held on record for the duration of the student’s studies. A warning may be disclosed in reference requests; this is at the discretion of the referee.

iii) Where a student has previously received a warning, or where the authorised person deems fit, a final warning.

iv) A compensation payment for the direct cost of reparations to property.

v) A fine, within limits from time to time agreed with the Head of the Student Progress Service.

vi) Exclusion from any part or parts of the residence, or from attending any social functions or as a guest at the residence.

vii) A written request that the student vacates the room(s) occupied by that student and leaves the residence. Should the student refuse to do so, the University will take necessary legal proceedings to obtain possession.

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

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

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

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

   ii) Non-payment of compensation or fines levied under these procedures by the given date will result in the disablement of the student’s smartcard. The Student shall be notified in writing that the full amount must be paid within 7 days or they shall be excluded from their degree programme until the full payment is received.

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

5. **Appeals**

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

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

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

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

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

   ii) Procedural Irregularity;

   iii) Bias or Prejudice;

   iv) Excessive or Inappropriate punishment;

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

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

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

6. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from [www.oiahe.org.uk](http://www.oiahe.org.uk).
Note 1 – Standards of Personal Conduct

The University expects you to:

- behave in a responsible manner whether on campus, in University accommodation or in the community and observe the rules for using University facilities
- treat others – fellow students, members of staff, neighbours and other people in the community - with courtesy, fairness and respect regardless of their personal circumstances, race, ethnic origin, age, gender, marital or parental status, sexual orientation, religion and belief, disability, political belief or trade union membership. This applies to all communication methods including personal contact, e-mail, written communication and social community websites.
- to behave in a manner which respects the privacy of students and staff
- treat buildings and facilities - on campus, at your accommodation and in the community - with care and respect.

You can expect the University to:

- respect the needs of its diverse community of students and staff
- to ensure students are treated courteously and with fairness, dignity and respect regardless of race, ethnic origin, age, gender, marital or parental status, sexual orientation, religion and belief, disability, political belief or trade union membership and activities. (The University's diversity policies can be seen at www.ncl.ac.uk/diversity/)
- endeavour to provide a safe and secure environment free from fear, intimidation and harassment
- ensure that serious breaches of conduct are investigated and penalties imposed as set out in the Student Disciplinary Procedures at: http://www.ncl.ac.uk/students/progress/student-resources/regulations/disciplinary.htm

Note 2 – How has the allegation against me been generated?

The following are examples of what will be considered under this procedure:

- Formal complaint from another student
- Formal complaint or report from a member of staff
- An incident report from University Security
- A report from Northumbria Police
- A report from the Anti-Social Behaviour Unit / Environmental Health (local Council)
- A complaint from a member of the community
- Misconduct witnessed on CCTV
- Report from software to identify computing / e-mail misuse

Note 3 – I have been asked to attend a Disciplinary meeting

If you have been asked to attend a meeting with your school, accommodation, academic service or Student Progress Service, the letter you receive should indicate what the alleged misconduct is. If the letter does not include any information identifying what the misconduct is, you can request clarity from the sender before you attend the meeting. There may be additional evidence relating to the misconduct, which you may be shown at the meeting unless there is good reason for not doing so such as confidential data relating to other students. You will also be asked to provide a written statement in advance of the meeting.

You can take someone with you to the meeting for support but it is expected, unless there are exceptional circumstances, that you will answer questions yourself and not the person you bring with you. You are
advised to be honest in your responses to assist with the investigation. Anyone found to be deceitful in an attempt to avoid repercussions will be dealt with more severely. If you have encountered any extenuating circumstances that may be relevant to why the misconduct has occurred, you should highlight these, in your statement and at the meeting, to be considered also.

**Note 4 – What will happen next?**

Once all evidence has been considered, including your written statement and verbal evidence at the meeting, a decision shall be made on a suitable outcome. A number of factors shall be taken into consideration on your case. These may include:

- How serious is the misconduct considered to be?
- What regulations / instructions / other have been breached?
- What sanctions have been imposed previously on other students in similar cases?
- Are there any extenuating circumstances that have attributed to the misconduct occurring?
- Have you admitted what you have done?
- You have not admitted to doing anything that constitutes misconduct but it is believed that you have.
- Have you been the subject of any previous disciplinary cases and were sanctions imposed?
- What affect will the sanctions have on you?

If Student Progress Service believes that gross misconduct has occurred, it is likely that they shall refer the case onto a Student Disciplinary Committee to consider the full sanctions available under the Procedure including suspended exclusion, exclusion, suspended expulsion and expulsion from the University.

Please refer to the Student Disciplinary Procedure for full details of possible sanctions that may be imposed: http://www.ncl.ac.uk/students/progress/student-resources/regulations/disciplinary.htm

**Note 5 – What does the outcome mean?**

The outcome of a disciplinary case shall be taken into consideration by your school and may affect when your profile is considered for progression or award of qualification. A period of exclusion from the University will mean that you are not entitled to continue with your degree programme until the exclusion is completed. A suspended exclusion / expulsion is imposed to reflect the seriousness of the case and also indicates that exclusion / expulsion from the University has been considered, any further misconduct (dependent on the details of the sanction) occurring once this sanction has been imposed is likely to result in immediate exclusion / expulsion from the University. Expulsion shall normally mean that you must leave the University with immediate effect and you will not receive any qualification from the University or have any further association with the University – no references will be given and you cannot join the Alumni Association. A formal warning will be recorded on your academic record to reflect the gravity of misconduct.

Outcomes of disciplinary cases may be reported to professional bodies on certain degree programmes and may also be disclosed in reference requests.

**Note 6 – Do I need to do anything after the outcome is given?**

Please read the outcome carefully as there may be instructions given that must be fulfilled such as writing a letter of apology, attending regular follow up meetings with Student Progress Service, engaging with the Student Wellbeing Service, etc. You must comply with the full outcome and if you are unsure about anything, it is your responsibility to ask for clarity.

You must also ensure that you do everything possible to ensure that no further misconduct occurs.
Note 7 – Can I appeal against the outcome?

Yes, you can appeal and full information on appealing is available at the end of the part of the procedure that applies to your case – main (central) procedure or appendices for local procedures.

Please note that you must submit your appeal in writing within 21 calendar days of the outcome from the authorised person. The Disciplinary Convenor will decide if a late appeal may be accepted.

If there is a genuine reason why your appeal may be delayed, you are advised to lodge intent to appeal with Student Progress Service and provide reasons why there will be a delay. The authorised person shall inform you if additional time will be allowed. If the authorised person does not allow additional time, the Disciplinary Convenor will decide if the late appeal may be accepted.

A decision given verbally by a Student Disciplinary Committee at the end of a Disciplinary Hearing is confirmed in writing to the student by letter from the Secretary to the Committee (a member of Student Progress Service staff). A full report on the reasons for the decision will be provided by the Chair of the Student Disciplinary Committee and will be sent to the student normally within 14 calendar days unless there is good reason for a delay (the student will be advised of the reason for delay). A request for additional time (1 week) to compile an appeal upon receipt of this report shall normally be granted provided the student has lodged a prior intent to appeal within the 21 calendar day’s time frame.

It is important that you detail your reason(s), referred to as ground(s), for your appeal. There is a list of grounds for you to choose from. If more than one ground applies, please detail this in your letter of appeal:

i) That fresh material evidence is available, which was not available for good reason prior to the outcome being determined;

ii) Procedural Irregularity;

iii) Bias or Prejudice;

iv) Excessive or Inappropriate punishment;

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

You must ensure that you include a full explanation of your reasons for appealing and it is expected that you shall be able to provide evidence to support your case. It is unlikely that your appeal will be successful without good evidence to support your claims.

If you are unsure whether to include something as evidence or not, please include it and allow the Disciplinary Convenor determine the relevance. There will not be a further opportunity for your case to be considered by the University and therefore it is important that you disclose everything at the earliest opportunity.

You are advised to read the full Student Disciplinary Procedure available with this guidance or at:
http://www.ncl.ac.uk/students/progress/student-resources/regulations/disciplinary.htm