This procedure applies to all allegations of misconduct committed by an admitted student, whether on or off University Campus property, other than assessment irregularities which are governed by the Assessment Irregularities Procedure. In event of any conflict between these procedures, the Student Disciplinary Procedures as set out in this document shall take precedence.

There is a Noise Nuisance and Anti-Social Behaviour Protocol [www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm), which details how these types of misconduct will be handled under the Student Disciplinary Procedures.

**Implementation of Procedure: 1 September 2018.**

The Head of the Student Progress Service may determine that staff roles may vary from those otherwise stated in this procedure.

**Advice on 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](http://www.nusu.co.uk/sac)).**

**Introduction**

The purpose of the procedure is to regulate student behaviour in order to provide safety and security for University students and staff and to ensure 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 scope of the procedure (see section A) before it may be characterised as an allegation of misconduct.

The procedure seeks 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.

Allegations of misconduct may be investigated at any level of the Student Disciplinary Procedure and do not need to progress through each of the levels.

**Level 1** - Is the local disciplinary procedure for academic schools, university services and university residences. The authorised person in the school or service may investigate any allegation of misconduct against a student, and take disciplinary action where, on the balance of probabilities, a minor act of misconduct has been committed.

**Level 2** - Is the central procedure administered by the Student Progress Service for alleged acts of misconduct which are not minor in nature and thus do not fall to be considered under Level 1. Level 2 applies to more serious allegations, repeat Level 1 offences or those where the student fails to engage with the Level 1 procedure. After consultation with the Head of Student Progress, Level 1 cases may be forwarded by the Level 1 authorised person for determination under the Level 2 Central Procedure of the University’s "Student Disciplinary Procedure". The Head of Student Progress may, pending a disciplinary hearing, temporarily suspend a student against whom an allegation is made where there is a risk to the safety or security of students or staff of the University (see section E).

**Level 3** - 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 disciplinary hearing by members of the University Disciplinary Panel appointed by the University Education Committee (UEC).
Definitions

Authorised Person: Under the Level 1 Local Procedures the following are authorised persons for dealing with student discipline:
Academic Schools: Head of School/equivalent or nominated deputy
Academic Service Unit: Head of Academic Service Unit/equivalent or nominated deputy
University Residences: Accommodation Manager/equivalent or nominated deputy

Under the Level 2 Central Procedures, the authorised person shall be the Head of the Student Progress Service or nominated deputy.

Disciplinary Appeal 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 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 Committee: A Disciplinary Committee is comprised of one or three members of the Disciplinary Panel, appointed by the Disciplinary Convenor, to consider allegations of misconduct at a Disciplinary hearing.

Disciplinary Convenor: A member of academic staff appointed by University Education Committee (UEC) to convene Disciplinary Committees and Disciplinary Appeal Committees.

Disciplinary Convenor (Deputy): The Disciplinary Convenor shall nominate a Deputy Disciplinary Convenor from the Disciplinary Panel. In this procedure the Deputy Disciplinary Convenor may act in place of the Disciplinary Convenor. Where expedient, the Disciplinary Convenor may additionally appoint a member of the Disciplinary Panel as Acting Disciplinary Convenor.

Disciplinary Panel: The Disciplinary Panel is comprised of persons appointed by UEC who are qualified by reason of their experience of student matters, and three students appointed by UEC 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 of the student 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. More details are available at www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf

Misconduct: A breach of discipline is, for the purpose of these procedures, 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 procedure is improper conduct which interferes with the safety and security of students, staff or visitors to the University or 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 reputation of the University.

Sanctions: These are the penalties imposed upon students when there is a finding of misconduct. See B (3) below for further details of sanctions.

Student Progress Service: The University service appointed by the Academic Registrar to act on the Academic Registrar’s behalf on disciplinary cases. 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.
A. Policy and Scope of Procedure

1. The University may investigate any allegation of misconduct against a student at Levels 1 – 3 as determined to be appropriate, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.

2. Examination and other assessment irregularities are normally dealt with in accordance with the University’s “Procedure for Assessment Irregularities”.

3. Discipline of students within the Students’ Union building shall be the responsibility of officials of the Students’ Union, nominated by members of the Students’ Union. However, the Students’ Union will report specific matters under agreement to the University as appropriate.

4. Where professional programmes are subject to Fitness to Practice Procedures, cases where misconduct is proven, will be referred back to the relevant school/academic unit for appropriate action.

5. 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, separately from the Student Disciplinary Procedures, invoke relevant Fitness to Practise procedures. In such cases, the disciplinary case file may be shared with other University Officers responsible for such procedures.

6. The Support to Study Procedure may be used by, or with, the authority of the Student Progress Service as an alternative to Student Disciplinary Procedures in rare cases where conduct creates serious concerns about the student’s welfare. [www.ncl.ac.uk/students/progress/Regulations/SPS/2s.htm]

7. Where an allegation of misconduct is being considered under the criminal process then, save for any precautionary action, the University reserves the right to defer Student Disciplinary Proceedings until the criminal investigation or judicial proceedings have come to a conclusion.

8. Where a student has received a custodial sentence as a result of a criminal trial an interim suspension will normally be applied. This suspension will remain in place until the matter has been considered under the University Student Disciplinary Procedures. The University reserves the rights to defer disciplinary proceedings until after the custodial sentence has been served. It should be noted that serving a custodial sentence is not in itself a mitigating circumstance against the outcome of a Student Disciplinary Committee.

9. Examples of Misconduct

The following paragraphs elaborate upon, but do not limit the breadth of, the general definition of misconduct (see definitions above).

a. 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; (Note that the University Council has previously approved a policy for the immediate management of disruptive behaviour on University premises available at: [www.ncl.ac.uk/students/progress/Regulations/SPS/disciplinary.htm]

b. 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;

c. behaviour which brings the University into disrepute;

d. intentional or reckless damage to, or defacement of, University property or the property of members of the University and community;

e. misuse or unauthorised use of University premises, facilities or items of property;

f. 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;

g. distribution of promotional material on University premises without prior approval. In particular, the University will not tolerate the distribution of promotional material that encourages excessive alcohol consumption;

h. failure to treat others (students, staff, neighbours and other people in the community) fairly and with respect. (This applies to all communication methods including, but not limited
to, personal contact, e-mail, written communication, any social media or social community websites.);  

i. obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by the University or using another student’s smartcard to provide a false identity  

j. 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 at any level;  

k. acts of dishonesty, including theft, deceit, or deception in relation to the University, University documentation, its staff or students;  

l. failure to comply with a previously-imposed penalty under these procedures (including non-payment of a disciplinary fine);  

m. action likely to cause injury, impair safety or raise false alarm on or off University premises, such as 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;  

n. harassment of any student, member of staff, or any authorised visitor to the University, whether sexual, racial or bullying, including defamation. (See also The University Equality & Diversity Policy)  

o. Any Sexual misconduct/sexual impropriety, including, but not limited to, non-consensual sexual activity, sexual violence, assault, harassment, and stalking  

p. 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;  

q. breach of the provisions of the University’s Code of Practice for Freedom of Speech;  

r. conduct which constitutes a criminal offence where that conduct:  

- takes place on University premises, or  
- affects or concerns other members of the University community, or  
- damages the good name of the University, or  
- 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.  

s. Improper coercion or manipulation of students to their physical or mental detriment, for example when making others take part in demeaning activities such as associated with initiation.  

t. Assessment irregularities for which academic sanctions are inappropriate.  

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

9. Where in this Procedure reference is made to any named University role, such references are to be read as including reference to their nominees. For overseas campuses and programmes, educational partnerships and joint awards, the head of campus, unit, programme or equivalent 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 the Student Progress Service, if required.  

10. Students who consider they have a disability or condition which affects their ability to engage with the Disciplinary process, need to disclose this with appropriate evidence, for a reasonable adjustment to be made during the handling of the case.  

11. In implementing this Procedure, the University will at all times remain mindful of its duty of care of the confidential and sometimes sensitive nature of disciplinary matters. It will also remain mindful of its obligations under the Data Protection Act 1998. All University staff and students involved in any investigation of misconduct by a student have a duty of confidentiality to the student to limit disclosure to those who need to know. The student is also expected to respect the confidentiality of the process.
B. Procedures: General

1. Any investigation into an alleged act of misconduct at any Level, shall normally include 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 Section I.

   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 itself lead to disciplinary proceedings. When a student of an allegation refuses to engage, or attend, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement.

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

2. i) Allegations of misconduct which fall into categories a - j in paragraph A6f may be dealt with under either Level 1 or Level 2 depending on the circumstances of the case.

   ii) Allegations of misconduct which fall into categories h - t in paragraph A6f. normally fall within Level 2 unless committed in a University residence, in which case the matter may be dealt with under a Level 1 of the Procedure, provided that the alleged misconduct would not constitute a serious criminal offence if it were proved in court.

   iii) The Head of the Student Progress Service may, however, determine that a case normally dealt with under Level 2 of the procedure shall be dealt with under Level 1 of the Procedure.

3. i) A written caution may be issued on the determination of an allegation. A caution is not a sanction but constitutes advice on future conduct together with a record that the advice has been given. The student should be informed that a caution may be taken into account should any misconduct be found in the future. A caution may be issued even when no misconduct has been found. However a caution may also be issued as a minimum response to a finding of very minor misconduct. A caution will not be disclosed in references.

   Where it is determined that misconduct has been committed, one or more of the following sanctions may be imposed (as indicated under Levels 1,2 and 3). Guidance or direction may be given as to whether - a finding of misconduct should be disclosed in a reference. Beyond this, the disclosure of sanctions in references is at the discretion of the referee.

   ii) A formal warning advising the student about their future conduct. This represents a serious statement by the University of a finding of misconduct (the gravity/level of misconduct will be identified on a case by case basis) and shall be held on record for the duration of the student's studies.

   iii) Where a student has previously received a warning, or where it is deemed fit, the student may receive a final warning.

   iv) A compensation payment for the direct cost of reparations to property or other reasonable loss of money by person(s), institution or third party as a result of the misconduct.

   v) A fine (Exemplar Fines and Charges [www.ncl.ac.uk/students/progress/Regulations/SPS/fines.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/fines.htm), Noise Nuisance Protocol www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm).

   vi) Disciplinary suspension from the University or such part as may be specified for a determined period of time.

   vii) Deferred expulsion from the University. This means that expulsion has been determined in principle to be an appropriate sanction but that the sanction be deferred. Should the student be found to have committed further misconduct the student shall normally be expelled from the University following referral to the Disciplinary Convener.

   viii) 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 Disciplinary Committee.

   A student expelled or suspended as a result of disciplinary proceedings shall have no right to a refund of fees.
C. Level 1 Local Procedure

1. The Level 1 Disciplinary Procedures provide a framework for maintaining order in all Academic Schools, University Services and University Residences. Where an allegation of misconduct falling within Level 1 is made known to an authorised person in an Academic School, University Service or a University Residence, the matter may be dealt with under Level 1 of the Procedure.

2. The authorised person shall refer the matter to the Head of the Student Progress Service for determination under the Level 2 Central Procedure where the authorised person is unable to reach a decision on the case, 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.

3. 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.

4. General Provisions of the Conduct of Hearings. Section I of the University's "Student Disciplinary Procedures" shall apply to the conduct of all hearings.

5. Where an authorised person determines that a student has committed an act of misconduct, one or more of the following sanctions may be imposed:
   - A caution, in writing (This is not a sanction – see 3(i)).
   - A warning, in writing.
   - A compensation payment.
   - A fine.
   - Confiscation without compensation of items prohibited by rules and regulations relating to Academic Schools, Academic Service Units and University Residences.
   - Interim Suspension from the use of specified facilities in an Academic School, e.g. laboratory or student common room. 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.
   - Exclusion from any part or parts (including accommodation) of a University Residence, or from attending any social functions or as a guest at the residence.
   - Deferred Eviction from University accommodation (and residence site). This means that any expulsion from a residence has been determined in principle to be an appropriate sanction but that the sanction be deferred. Should the student be found to have committed further misconduct the student shall normally be expelled from University Accommodation.
   - Eviction from University accommodation (and residence site). A written request will be given to the student to vacate the room(s) occupied by that student and to leave the residence and accommodation site. Should the student refuse to do so, the University will take necessary legal proceedings to obtain possession. A student expelled from a University residence is not permitted to return to that residence or accommodation site for any reason for the remainder of the academic year unless special permission is given by the authorised person. A breach of this would in itself, be deemed misconduct and subject to these procedures.

   If an eviction from a University residence is issued in the last month or at the end of the academic year when there may be no direct effect upon the student, the case may be referred to Student Progress Service for alternative sanctioning to be considered and imposed, as deemed appropriate.

6. Fines, in respect of University Residences, 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.

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

8. Where an allegation of misconduct falls to be considered under this level of the 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, the case may be determined at either Level 2 or Level 3.
D. **Level 2 Central Procedure**

1. Acts of misconduct which fall to be considered by the Head of the Student Progress Service under paragraph B (2) of these procedures, and acts in relation to which a case is referred from an authorised person under paragraph C (2) of the Level 1 Procedure, shall be dealt with under the Level 2 Procedure.

2. 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 may be imposed:
   
   i) A caution, in writing. *(not a sanction, but constitutes advice on future conduct together with a record that the advice has been given)*
   
   ii) A warning, in writing.
   
   iii) A final warning, in writing.
   
   iv) A compensation payment.
   
   v) A fine.
   
   vi) Sanctions available under local procedures.
   
   vii) Alternative sanctions may also be imposed after consultation with the Disciplinary Convenor.

   For cases involving noise nuisance and anti-social behaviour, the Noise Nuisance Protocol [www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm](http://www.ncl.ac.uk/students/progress/Regulations/SPS/NNP.htm) will be followed.

E. **Interim Suspensions**

1. During the investigation of a disciplinary matter the Head of the Student Progress Service may determine that an interim suspension be applied to suspend the student from the University pending determination of the allegations against the student. Instances where interim suspensions may be applied include, but are not limited to, the following:

   - **Criminal matters:**
     - Alleged acts of violence
     - Alleged sexual offences
     - Alleged possession of drugs with intent to supply
     - Alleged harassment
   
   - **Non-criminal matters:**
     - Alleged further offences within University procedures, including alleged breaches of instructions under G 3 below.

2. A student subject to an interim suspension may subject to 4 below not be on University property other than for specific appointments which must be agreed in advance, and in writing, by the Head of the Student Progress Service. Subject to NUSU agreement this interim suspension normally includes the Student Union.

3. Similarly such a student may not, subject to 4 below, attend classes as normal or for other activities on University premises. To mitigate the impact of the interim suspension on the student’s studies requests for occasional and limited access to services and facilities, such as appointments with key staff or to attend examinations, will be considered by the Head of the Student Progress Service. Ordinarily, learning material will be made available electronically and a member of academic staff will be appointed to manage liaison with the student ensure the availability of materials and discuss academic queries.

4. Notwithstanding 2 and 3 above, the Head of the Student Progress Service may determine that an interim suspension is limited to specified areas, activities and facilities of the University including accommodation, the Sports Centre facilities and the Student’s Union.

5. Review of interim suspension
   
   i) An interim suspension shall be subject to review every two weeks or at key stages within the two weeks as determined by the Head of the Student Progress Service.
   
   ii) Where a student has been subject to an interim suspension for a period of 6 weeks or more during the teaching term the student may apply in writing to the Head of the Student Progress Service for a review of the interim suspension. The student shall specify the grounds for the review, including a material change of circumstances.
   
   iii) A review will normally be conducted by a member of the Student Disciplinary Panel or
other senior academic nominated by the Disciplinary Convenor.

F. **Level 3 Disciplinary Committee**

1. 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 2 below. Pending the hearing of an allegation of misconduct and when there are reasonable grounds for doing so, the Head of the Student Progress Service may impose on a student an interim suspension from the University or from such facilities as the Head of the Student Progress Service shall determine. Section E applies to cases where interim suspensions have been applied.

2. The Disciplinary Convenor, shall determine whether the case shall be heard by a Disciplinary Committee of either three Disciplinary Panel members or a single Disciplinary Panel member. The Disciplinary Convenor shall nominate the member or members and Chair of the Committee. The Head of the Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary.

3. 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, 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 providing administrative support for the Panel.

4. 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 may be imposed:
   i) A warning, in writing.
   ii) A final warning, in writing.
   iii) A compensation payment.
   iv) A fine.
   v) Disciplinary suspension.
   vi) Deferred expulsion from the University.
   vii) Expulsion from the University with immediate effect.
   x) Other sanctions as are appropriate in all of the circumstances, including sanctions available under Level 1
   xi) Deemed withdrawal

G. **Supplementary Provisions**

1. Money raised from fines will normally be used for the education of students and the promotion of activities to combat Anti-social behaviour. Non-payment of compensation or fines levied under these procedures by the given date will be deemed to be failure to comply with a previously-imposed penalty under these procedures and may result in further disciplinary action being taken. Outstanding payments may also be reported to the Finance Office for debt collection action to be initiated.

2. During the investigation or at conclusion of a disciplinary matter it may be appropriate for the authorised person or Disciplinary Committee to place an instruction on the student. Possible instructions include, but are not limited to, the following:
   - No direct or indirect contact with the complainant
   - Avoidance of certain areas or activities.

3. A breach of a specific instruction of either (i) an interim suspension or (ii) a disciplinary suspension – without good cause shall be regarded as a disciplinary offence. The Head of the Student Progress Service will consider each case on its merits to determine the appropriate response which may include warnings and recommendations for stronger sanctions should the overall case proceed to a disciplinary hearing.
4. In some circumstances a breach in 3 above may be regarded as sufficiently serious that the student be deemed to have withdrawn from the registration agreement 'to conform to the discipline of the University and to all statutes, regulations and rules (www.ncl.ac.uk/pre-arrival/regulations) in force for the time being in so far as they concern me'. Such a decision may only be reached after a review normally conducted by a member of the Student Disciplinary Panel or other senior academic nominated by the Disciplinary Convenor. A review for this purpose shall be treated as a disciplinary hearing under this procedure. If it is determined that the breach is sufficiently serious that the student be deemed to have withdrawn from the registration agreement, the Head of the Student Progress Service will process the withdrawal with immediate effect.

5. In the event that further misconduct is alleged or established following a sanction of deferred expulsion (F.4), the Chair of the Committee that decided on the deferred expulsion (or a member of the Student Disciplinary Panel with recent experience of chairing Disciplinary Committees) shall determine whether or not the deferred expulsion should be enacted, but may not decide to impose an additional sanction for the further misconduct. The review may either be conducted on the basis of written submissions or by means of a hearing. The Head of the Student Progress Service will make any necessary arrangements for consideration of the further misconduct.

H. Appeals

1. i) A student wishing to appeal against a decision under Student Disciplinary Procedure or against sanctions imposed as a result of a breach of previously imposed sanctions/specific instructions shall follow the appropriate process as set out in the following paragraphs. An appeal against a decision under Level 1 Local Procedure may also be made using the following procedure.

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

2. An appeal shall be lodged within 21 calendar days of the decision to the Head of 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.

3. Where the decision under appeal involves partial or full suspension 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. The appellant may apply for permission to attend if it would be unreasonable to prevent attendance on their programme of study or for assessment pending the appeal. Grounds for such an application for permission 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 Head of the Student Progress Service 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.

4. Where the decision against which a student is appealing involves occupation of a University Residence, the student shall be entitled to remain in occupation whilst an appeal within the University is being considered. In all other circumstances in which the student is appealing against partial or full exclusion from a University Residence, the appellant may not use residence facilities or attend the residence whilst the appeal is being determined.

5. The appeal shall be considered initially by the Disciplinary Convenor to decide whether there is sufficient evidence under the specified grounds for consideration of an appeal. The Disciplinary Convenor may determine that the appeal does not establish such a case and dismiss
the application. Where, however, the Convenor determines that such a case has been established, the appeal shall be considered as follows:

i) In a case determined under Level 1 or 2 of the procedure, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Disciplinary Convenor.

ii) In a case determined under Level 3 of the procedure, the appeal shall be considered by a Disciplinary Appeal Committee.

iii) In a case where a deferred expulsion has been activated, the appeal shall be considered by a member of the Disciplinary Panel nominated by the Disciplinary Convenor.

6. 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.

7. Where the Disciplinary Convenor dismisses an appeal or the nominated Disciplinary Panel member or Disciplinary Appeal Committee confirms the finding of misconduct 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. Where a student submits their case to the OIA, for external review, all relevant information shall be disclosed to the OIA to allow a review to take place.

I. General Provisions for the Conduct of Hearings

1. Except as provided in I(b) below, 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 where a student is appealing against the decision of the Student Progress Service or a Disciplinary Committee, the Student Progress Service Officer conducting the interview or responsible for the presentation of the original case shall attend to outline the case. Unless specifically provided elsewhere, the student shall 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, 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.

2. In the case of an appeal only, the Disciplinary Convenor may authorise a hearing on the basis of the papers alone where it is expedient and just to do so. In such a case the parties shall be given appropriate notice and invited to make a full submission in writing.

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

2 Normally such a hearing would only take place when the facts of the case are not disputed, when the level of sanctions is likely to be lower than a disciplinary suspension and when the case is to be heard by a single Disciplinary Panel member.
J. **Monitoring**

The Head of the Student Progress Service shall make an annual report to University Education Committee (UCE) of all cases investigated under this procedure, including:

- The number of formal Level 2 Disciplinary Cases, and whether they were upheld or rejected;
- The nature of the matters raised and any remedial action recommended and taken.

K. **Confidentiality**

All information obtained during a disciplinary investigation will be held in accordance with Data Protection legislation and the University's Student Privacy Notice. 

[www.ncl.ac.uk/data.protection/documents/StudentPrivacyNotice20180525.pdf](http://www.ncl.ac.uk/data.protection/documents/StudentPrivacyNotice20180525.pdf)

All information provided to the Academic School/Service, Student Progress Service, Academic Registrar, Pro-Vice-Chancellor, or to other officers dealing with the matter in the course of an investigation of an allegation of misconduct, shall be treated as confidential, subject to the need to divulge information to investigate a case and any requirements of the Data Protection legislation. It is equally important that the Subject of the Investigation, also respects the need for confidentiality throughout the disciplinary process. Where confidentiality is breached this may be deemed a further act of misconduct under the University’s Disciplinary procedures.

Students should avoid disclosing unnecessary personal information (e.g. medical conditions etc.) during an investigation unless they feel that it is relevant to the issues raised. Students must also avoid disclosing personal data of another person/s in their complaint unless they have been given permission by them to do so.

Relevant members of staff will be informed of the outcome in confidence. Senior members of staff may also receive a copy of the outcome in confidence, in order for the University to learn/act on issues identified from a disciplinary investigation.