STUDENT DISCIPLINARY PROCEDURES

Protocol for Investigation of behaviours prohibited on organised student socials (including dangerous initiations)

All Newcastle University students are entitled to enjoy a safe and positive experience whilst at Newcastle University, this includes whilst on and off Campus. Newcastle University and the Newcastle University Student Union (NUSU) have agreed a Student Charter – Rights and Responsibilities, which sets out the standards of conduct the University expects of its students in order to ensure a fair and equitable, supportive and non-threatening environment for all members of the University community. All allegations of personal misconduct by students will be investigated in accordance with the Student Disciplinary Procedure.

Newcastle University & NUSU are agreed any event or activity, such as Initiations, which could reasonably be perceived as involving improper coercion or manipulation that results in a risk of physical or mental detriment to students or other parties are banned by the University and NUSU. Full definition in Appendix 1.

This protocol investigates those alleged to have been participating or involved in the following activities or behaviours, which include (but not limited to) are:

- Forced alcohol consumption;
- Forced substance consumption;
- Forced physical challenge or physically risky behaviour;
- Dangerous or criminal/illegal activity;
- Taking improper advantage of any students as a result of an imbalance of power/position;

This definition relates to behaviours at any social event, ceremony or ritual, including initiations. For example, they would not be limited only to activities that occur around the start of the academic year for the purpose of enrolment of new students into organisations.

This definition applies to all student organisations that are associated with Newcastle University and not just to those which are officially affiliated with the Students’ Union.

As a result of organising or taking part in such activities there is a risk of affecting your reputation and/or bringing the university into disrepute and you should be aware that you or your society/club/student group will be subject to University/Students’ Union disciplinary procedures. Depending on level of involvement and positions of responsibility students should expect investigation outcomes to be individual and not indicative of a guaranteed outcome in line with that received by another student.

Any allegations/reports that are received by the University or NUSU will be taken seriously and investigated as described below;

A – University Investigation

The Student Progress Service will consider the details of every reported allegation of any event or activity which could reasonably be perceived as involving improper coercion or manipulation that results in a risk of physical or mental detriment to students or other parties. The Student Progress Service will follow the protocol outlined below to investigate the allegation and determine whether there is sufficient evidence to indicate that misconduct has occurred. The Head of the Student Progress Service shall determine whether it is appropriate for the case to be concluded by the Student Progress Service or whether the case is sufficiently serious to be referred to a Level 3 Disciplinary Committee, in accordance with the rules of the Student Disciplinary Procedure.
Level 2

All acts of misconduct are likely to be initially investigated under Level 2 of the University Student Disciplinary Procedure.

Less serious cases may be concluded by the Student Progress Service and may result in the imposition of one or more of the following advice and/or sanctions:

- A caution, in writing (*not a sanction, but constitutes advice on future conduct together with a record that the advice has been given*);
- A warning, in writing;
- A final warning, in writing;
- Alternative sanctions may also be imposed after consultation with the Disciplinary Convenor.

Where the Head of the Student Progress Service determines that the case is sufficiently serious, the case shall be referred to the Disciplinary Convenor who will determine the arrangements for a Disciplinary Hearing at Level 3, by a Student Disciplinary Committee.

Multiple occurrences of Level 2 acts of misconduct, or a repeat of any Level 2 act of misconduct after a sanction has already been imposed, may be considered as a Level 3 act of misconduct.

Level 3

The more serious acts of misconduct are likely to be considered under Level 3 of the University Student Disciplinary Procedure and will be referred to a Student Disciplinary Committee.

A Student Disciplinary Committee may recommend advice and/or the imposition of one or more of the approved sanctions:

- A caution, in writing (*not a sanction, but constitutes advice on future conduct together with a record that the advice has been given*);
- A warning, in writing;
- A final warning, in writing;
- Disciplinary Suspension;
- Deferred Expulsion from the University;
- Expulsion from the University with immediate effect.

Detailed examples of inappropriate behaviour are stated in Appendix I, identifying that which the University would investigate as misconduct which falls within this protocol, together with an indication of possible level of investigation and discipline. Appendix II outlines the indicative responsibilities of the individuals taking part as well as an indication of possible level of investigation and discipline.

Initial Report:

1. On receipt of an initial allegation, the ‘Reporter’ will be invited to meet with members of staff from the Student Progress Service, and informed they can attend with a friend/supporter (*guidance note on the role of the friend or supporter*). As is their right, where the Reporter declines to attend a meeting they can submit a statement or elect to allow the initial disclosure/Police Disclosure to be investigated without their further involvement.

2. Reporters will be advised of the implications of their decision and their wishes will be respected if they subsequently decide to withdraw their report, unless it is determined by the Head of the Student Progress Service that there are safeguarding issues and an investigation should go ahead. The Reporter will be instructed not to contact the subject of their allegation.
3. The Reporter shall be signposted to relevant support services e.g. Student Health & Wellbeing Service, Police etc. as appropriate.

4. The subject of the allegation, ‘Responder’, will be requested to attend an investigatory interview with the Student Progress Service. They will receive information on the nature of the allegation and have an opportunity to provide a statement in advance of attending the meeting. The Responder will be instructed not to contact the Reporter at any time following this notification. The Responder will be informed that they can attend with a friend/supporter. (guidance note on the role of the friend or supporter)

5. The Responder shall be signposted to relevant support services e.g. Personal Tutor, Student Wellbeing Service, NUSU Student Advice Centre etc.

6. Both parties will be invited to disclose any disability issues, which may impact on their ability to interact with the Disciplinary investigation.

**Investigation by the Student Progress Service (Level 2 of the Student Disciplinary Procedure):**

1. Where the Reporter elects to meet with members of the Student Progress Service to clarify details of the event, they will be given an opportunity to present evidence and/or provide details of witnesses.

2. Members of the Student Progress Service will meet with the Responder, clearly articulate the allegation and give the Responder an opportunity to present their version of events and provide evidence to support their position and/or details of witnesses.

3. Each meeting will be attended by two members of the Student Progress Service. One member will act as the Investigating Officer and lead the investigation of the case. The other member will ensure accurate notes of the meeting are taken and will act as the person with whom each party is able to liaise, whilst the case is ongoing.

4. Where possible the same Investigating Officer will meet with both the Reporter and the Responder to allow for a balanced view of the case.

5. Where it is determined that it is appropriate, witnesses will be contacted and arrangements made, to either meet with members of the Student Progress Service or provide witness statements.

6. Where witnesses provide evidence, the Reporter and the Responder will be given the opportunity to respond to anonymised statements, before the Student Progress Service investigation is concluded.

7. During the investigation, the Head of the Student Progress Service will carry out a risk assessment and this may result in an interim suspension/ban from attending the Campus, for the Responder, in accordance with the University Disciplinary Procedure. This may result and/or include relocation of accommodation or in consultation with the Head of Academic Unit a change to timetabled programme sessions.

8. Where the case is being considered under the criminal process, the Head of Student Progress Service reserves the right to place the Disciplinary Investigation on hold until the criminal investigation or judicial proceedings have come to a conclusion, in accordance with the University Student Disciplinary Procedure.

9. Where the conclusion of the criminal investigation/judicial proceedings result in an acquittal, full consideration will be given to the details of the case and the needs of both students, as to whether a University disciplinary investigation should continue.
10. Following consideration of the case, where the Head of the Student Progress Service or nominee determines that the case is sufficiently serious the case shall be referred to the Disciplinary Convenor, who shall determine the arrangements for a Student Disciplinary Committee, in accordance with the Student Disciplinary Procedure.

11. Where the Head of the Student Progress Service or nominee determines that the case will not be referred to a Student Disciplinary Committee, the outcome, including appropriate advice and/or sanctions, will be communicated to the Responder via email. The Reporter will be informed that the investigation has taken place and the case is closed.

Investigation by Student Disciplinary Committee (Level 3 of the Student Disciplinary Procedure):

1. The Responder will be informed that the case has been referred to a Student Disciplinary Committee and provided with relevant details of the hearing, including that they are able to attend with a friend/supporter, as a witness. The Responder will be given the opportunity to submit a statement to the Disciplinary Committee in advance of the Hearing. They will be apprised of and permitted to respond to any new information that was obtained as part of the investigation and which may form part of the case file presented to the Student Disciplinary Committee.

2. The Reporter will be informed that the case has been referred to a Student Disciplinary Committee and given the opportunity to either attend the hearing in person (with a friend/supporter) or submit a statement, referencing what impact the misconduct has had, to the Disciplinary Committee for consideration. Where the reporter chooses to attend the Hearing the Chair of the Disciplinary Committee, will arrange to make proportionate adjustments to enable the Reporter to provide their testimony via Skype if they so wish and be provided with a separate waiting room.

3. In accordance with the Student Disciplinary Procedure, the Reporter remains a witness and as such is not usually privy to any statement submitted by the Responder. However, where a Reporter chooses to attend a Disciplinary Hearing, consideration will be given as to whether the statement provided by the Responder is made available to them.

4. Both parties will be invited to disclose any disabilities which may impact on their ability to interact with the Student Disciplinary Hearing.

5. The Disciplinary Committee will receive all documentation pertaining to the case in advance of the Disciplinary Hearing, including any witness statements which have been submitted.

6. During the Hearing the Disciplinary Committee will clearly articulate the allegation and give the Responder and Reporter (if they choose to attend) the opportunity to present their version of events and answer questions.

7. The Reporter will be given the opportunity to provide an impact statement before the deliberation by the Student Disciplinary Committee.

8. The Responder will be given the opportunity to provide any personal mitigating circumstances in advance of the Disciplinary Committee concluding the case.

9. All available sanctions must be considered by the Disciplinary Committee when reaching an outcome and articulated in their Statement of Reasons.

10. The Decision of the Disciplinary Committee will be disclosed to the Responder following the deliberation process. This will be followed up by a formal letter and Statement of Reasons from the Chair of the Disciplinary Committee.

11. The Reporter will be informed that the case has been concluded and whether evidence of misconduct has been established, whether the Responder will remain on Campus but not disclosing the details of any sanctions imposed.
University Report to NUSU where appropriate:

It is agreed that the University will report all outcomes of investigations into individuals or student groups affiliated to NUSU if it is found that the students are involved in a club or society.

Any result of an investigation held by NUSU is not indicative of the result of an investigation by Newcastle University

B – NUSU Investigation

When NUSU receives a report that falls within the nature of this protocol NUSU will follow the procedure outlined below, which commences with an investigation in accordance with the Disciplinary Policy. It is at the discretion of NUSU as to whether an investigation of an individual, a committee, or entire student group will need to take place and the disciplinary actions that may result can vary between individual cases, committee cases and student group cases, and should not be seen as guaranteed indication of outcome.

Acts of misconduct that are likely to be investigated under the NUSU policy include but are not limited to those listed in Appendix 1.

These cases may be concluded by the Disciplinary Panel and where a club or society is found to be in breach of NUSU policy may result in the imposition of one or more of the following advice and/or sanctions:

- financial penalty up to £350
- financial restitution in full or in part of the cost of making good any damage or loss suffered by the Students’ Union or other members or persons;
- total or partial ban from some or all of NUSU for a specified period of time;
- removal of rights to use some or all of NUSU’s facilities from a specified period of time;
- closure of the group, club or society;
- any combination of the above sanctions;
- Any other sanction deemed appropriate by the panel.

These cases may be concluded by the Disciplinary Panel and where an individual is found to be in breach of NUSU policy may result in the imposition of one or more of the following advice and/or sanctions:

- verbal or written apology;
- total or partial ban from some or all areas of NUSU services, facilities or activities for a specified period;
- withdrawal of rights to participate in or benefit from specified NUSU services, facilities or activities for a specified period;
- suspension from membership of the NUSU for a period of time;
- exclusions from membership to the NUSU;
- financial penalty up to £50
- financial restitution in full or in part of the cost of making good any damage or loss suffered by NUSU or other members or persons;
- any combination of the above sanctions;
- Any other sanction.

Who Conducts the Investigation

1. There will be an Investigating Officer, who will usually be the Sabbatical Officer to whom the original complaint was made. For the purposes of the disciplinary hearing the Investigating Officer does not have the right to act as prosecutor nor to question witnesses. The Investigating Officer must notify the Scrutiny Officer that they are conducting an investigation and give a short description of the nature of the investigation. Investigations into members of
Who Conducts the Hearing

2. The Chair of the Disciplinary Panel will be the Scrutiny Officer (except for cases relating to clubs, societies and media), unless they deem themselves to have a conflict of interest or are unavailable, in which case they will pass their responsibilities to a Sabbatical Officer with the exception of the President.

3. The Disciplinary Panel (except for cases relating to clubs, societies and media) will consist of the Chair of Disciplinary Committee (Scrutiny Officer) and two other elected members of disciplinary committee; a nominated member of trained staff will also attend to advise if requested.

4. The Disciplinary Officers will be Elected Officers as set out in the Strategy & Guidance documents, and usually be members of Disciplinary Committee.

5. Any disciplinary against a club or society member will be heard by the Club or Society committee.

6. Any disciplinary against a Club or Society or committee members will be heard by members of the relevant executive committee, as per the AU or Society Constitution.

The Hearing

7. The Chair of the Disciplinary Panel and the Investigating Officer will decide whether to invoke the disciplinary proceedings (if agreement is not reached the President will be asked to decide). A letter will be sent to the member concerned on the following working day. Paragraph 10 outlines examples of grounds for disciplinary action.

8. The Hearing will be held within 2 weeks after the decision to invoke the proceedings where practicable.

9. If both the member concerned and the Chair agree then the date of the Hearing may be postponed to a specified later date. However, this may happen only once.

10. The letter sent to the member will:
   a) Outline the alleged offence.
   b) Give the date, time and place of the hearing.
   c) Inform the member that they have the right to bring a friend.
   d) Inform the member that they may provide written statements for themselves and/or witnesses to the Chair at least 24 hours in advance of the Hearing.
   e) Inform the member that they have the opportunity to call witnesses but must inform the Chair of any intention to do so at least 24 hours in advance of the Hearing.
   f) Inform the member that copies of the witness statements and incident report will be available for collection from NUSU reception, at least 24 hours in advance of the hearing.
   g) Detail the membership of the Disciplinary Panel, and inform the member that if they wish to lodge any concern about the membership of the panel, that they must do so in writing within 48 hours of receiving the letter.
   h) Inform the member that if they fail to appear, the case will be held in their absence.
   i) Inform the member that they may request to have the hearing recorded and that they must inform the Chair of this within 48 hours of receiving the letter.
   j) Include a copy of the General Misconduct Disciplinary Regulations.
11. If a concern is raised about the members of the panel the Chair will make the final decision about whether to uphold any concern and thereby replace a member of the panel. In the event that the concern is over the Chair’s membership then the President shall make the final decision as to whether to uphold the complaint.

12. In any circumstance where the President judges themselves to have a conflict of interest they may choose to turn to another Sabbatical officer to take a decision in their place.

13. The hearing will be ordered as follows:
   a) Introductions.
   b) Investigating Officer presents their findings.
   c) Member presents their case.
   d) Panel calls on witnesses of the alleged offence.
   e) Panel asks questions of parties as it sees fit.
   f) Member is asked to leave the room while the panel discusses and reaches a decision as to their findings, and if necessary decides upon a suitable sanction.
   g) Member is called back into the room and informed of the panel’s decision.
   h) If applicable the Chair informs the member of their right to appeal against the decision.

14. Neither the panel, nor the member, have the authority to compel the attendance or contribution of a witness against their will. It will normally be the responsibility of the member to notify any witnesses they wish to attend and to inform them of this fact.

15. A witness had the right to request that the member leaves the room, the request may be granted at the discretion of the panel.

16. The panel shall call upon staff advisors in matters for which they require legal or professional clarification or in such instances where the NUSU legal responsibilities may require them to take account of employment law issues or employee/employer rights. These advisors will normally be present throughout the hearing.

17. The Disciplinary Panel shall have the power to adjourn, continue or postpone a hearing at its discretion.

18. The findings of the panel may be decided by a majority vote.

19. The panel reserves the right to inform the University of any sanction imposed on an individual.

20. After the Hearing, the Chair will notify both parties in writing of the outcome and will report the finding to the next SU Council, unless doing so would in any way breach the Data Protection Act.

21. In line with the Data Protection Act 1988 the member has the right to receive an intelligible written record of the hearing. Once the requested written record has been provided the member may be required to sign an agreement that the written record is intelligible and accurate.

Any appeals against the outcome of the investigation should follow the standard process outlined in the NUSU Disciplinary Policy.

**Report to Newcastle University where appropriate:**

It is agreed that the Disciplinary Panel will report the outcome of the investigation into individuals or student groups to the University Student Progress Service if it is found that the students or groups are in breach of the Protocol for Initiations.

Any result of an investigation held by NUSU is not indicative of the result of an investigation by Newcastle University.
Anonymity

Throughout both NUSU and Newcastle University Investigations the ‘Reporter’ will have to provide identification upon their initial report, however after this may request their name be kept anonymous from all subsequent investigation.

Monitoring Statement

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

- The number of Level 2 and Level Disciplinary Cases, with their outcomes;
- The nature of the matters raised and any remedial action recommended and taken.

Confidentiality Statement

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.

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.
Appendix I

Definitions, Principles and Values

The focus is on **behaviours prohibited on organised student socials (including dangerous initiations)**. This includes any event or activity which could be reasonably perceived as involving coercion or manipulation that results in a risk / occurrence of physical or mental detriment to students or other parties.

The list that follows should not be considered to be exclusive, in cases where an alleged act of misconduct does not fit within one of the prescribed categories, the Head of the Student Progress Service and/or the Disciplinary Convenor will exercise their discretion to determine under what Level of the Student Disciplinary Procedure the case will fall.

Activities or behaviours include, but are not limited to:

- Forced alcohol consumption
- Forced substance consumption
- Forced physical challenge or physically risky behaviour
- Forced humiliation
- Dangerous and / or criminal activity
- Taking improper advantage of any students as a result of imbalance of power / position.

**Scope of the definition:**

This definition relates to behaviour at any organised social event, ceremony or ritual, including at 'initiations', taking place at any time (i.e. not just associated with the beginning of the year). The term ‘forced’ applies to any instance where an individual feels pressurised or believes that they ‘must’ participate in order to be accepted into a particular group or in order not to ‘lose face’ among peers or friends.

The term ‘reasonably perceived’ applies both to the individual affected, and to any observer.

**Principles and Values**

We value and maintain a University community environment in which dignity and respect for all are upheld. All members of the University community are responsible for their own behaviour and its impact on others. The principles of dignity and respect apply at all levels of the University community and in all situations on- and off-campus (including online).

**No compulsion or coercion** - Events or activities which involve tacit or explicit improper coercion or manipulation of students to their physical or mental detriment, or which compromise human dignity, have no place in the University community.

No member of the University community should ever feel compelled or pressurised to participate in an activity which may compromise their physical or mental wellbeing or dignity. No-one should be subject to ridicule or exclusion if they decline to participate in an activity.

**Consideration for each other** - All members of the University community should be considerate to others. This includes avoiding participation in or encouraging activities that may compromise the dignity, safety or wellbeing of others.

**No secrecy** - All members of the University community should feel empowered to report activities that may compromise the dignity, safety or wellbeing of others and know how to do this.
### Appendix I

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<tr>
<th>Definition of Participation</th>
<th>Indicative Level of procedure, Newcastle University</th>
<th>Indicative Advice and/or Sanction, Newcastle University</th>
<th>Indicative Advice and/or Sanction, NUSU</th>
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<tbody>
<tr>
<td>Knowledge of the event taking place and not acting to stop it</td>
<td>Level 2</td>
<td>Cautions Warning</td>
<td>As Stated in Disciplinary Policy</td>
</tr>
<tr>
<td>Attending or participating in an organised event as a first year/new member of the group</td>
<td>Level 2</td>
<td>Cautions Warning</td>
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<tr>
<td>Actively involved in helping run the activities during the event</td>
<td>Level 2/3</td>
<td>More serious sanction that could include Suspensions, deferred expulsion Expulsion</td>
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<tr>
<td>Helping to organise/plan the event</td>
<td>Level 2/3</td>
<td>More serious sanction that could include Suspensions, deferred expulsion Expulsion</td>
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<tr>
<td>Positions of responsibility i.e. Executive Committee members, regardless of attendance</td>
<td>Level 2/3</td>
<td>More serious sanction that could include Suspensions, deferred expulsion Expulsion</td>
<td></td>
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<tr>
<td>Position of responsibility i.e. Executive Committee members, actively involved in helping run the activities during the event</td>
<td>Level 2/3</td>
<td>More serious sanction that could include Suspensions, deferred expulsion Expulsion</td>
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<tr>
<td>Position of responsibility i.e. Executive Committee members, and helping to organise/plan the event</td>
<td>Level 3</td>
<td>More serious sanction that could include Suspensions, deferred expulsion Expulsion</td>
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