

## Student Disciplinary Policy

Effective from 1 September 2022

### 1. Purpose

The purpose of this Policy is to set out how reports of student misconduct will be managed and investigated so that the University can provide a safe and secure environment for all its students, University employees and visitors.

It aims to ensure that student disciplinary matters are dealt with fairly and in reasonable time, at the appropriate level. The Policy should be read in conjunction with [the Student Disciplinary Procedure: Student Reporter \(non-academic\)](#), [Student Disciplinary Procedure: Student Responder \(non-academic\)](#), and the [Assessment Irregularities Procedure \(academic\)](#).

The policy is **not** intended to address minor student disputes or disagreements between students.

### 2. Scope

This policy relates to all reports of misconduct, which breach the University's Student Charter or Regulations, made against a registered student. Reports against admitted students not currently registered at the University will be investigated at the discretion of the Academic Registrar.

For the avoidance of doubt: if, for any reason, there is a conflict between the Student Disciplinary Policy and any related procedures or protocols, the Student Disciplinary Policy will take precedence.

### 3. Roles and responsibilities

**The Academic Registrar**, or nominee, is the senior member of staff in the University with overall responsibility for ensuring a proper outcome of a disciplinary investigation.

**An Authorised Person** is a senior University employee (usually a Head of Academic Unit/Service or their nominee, or the Chair of the Board of Examiners) authorised to undertake student disciplinary investigations under Level 1 of the [Student Disciplinary Procedure: Responder \(non-academic\)](#) or the [Assessment Irregularities Procedure \(academic\)](#).

**The Chair of the Board of Examiners** is the academic member of staff who is responsible for overseeing all academic assessments within an academic unit.

**A Friend/Supporter** may accompany a student during any **formal** meeting held under the Student Disciplinary Procedure or Assessment Irregularities Procedure. A friend/supporter may not represent the student or answer questions on their behalf; their role is to provide

moral and emotional support to the student. Guidance on the role of a friend or supporter may be found here: [Guidance on the role of a friend or supporter.pdf \(ncl.ac.uk\)](#)

**The Disciplinary Convenor**, or nominee, is an appointed academic member of staff responsible for convening Disciplinary Committees and Disciplinary Appeal Committees.

The **Secretary** of any Student Disciplinary Committee is a member of the Student Progress Service. Their role is to provide administrative support for any Level 3 Student Disciplinary Committees. They form no part of the decision-making process.

**Students** are responsible for reading and adhering to the [Student Charter – Rights and Responsibilities](#), which sets out the University's expectations of students. Students who are being investigated under this policy are responsible for cooperating with any investigation into alleged misconduct, for example by attending disciplinary interviews, or providing a statement in response to alleged misconduct.

**The Student Disciplinary Committee** convened to hear a case is responsible for considering allegations of misconduct at a Disciplinary Hearing and deciding whether to uphold or dismiss the allegations.

**The Student Progress Service**, is the service appointed by the Academic Registrar to act on the Academic Registrar's behalf, with the Head of Service and Case Officers, being responsible for undertaking formal Level 2 investigations into all reports of student misconduct both on and off campus and reporting any Level 3 cases at the Student Disciplinary Committee, convened to hear the case.

**The Students' Union** is primarily responsible for the discipline of students within the Students' Union building, and during activities of student societies operating with the support of the Students' Union, but which may be forwarded for consideration under this Policy. Where a risk assessment determines that there are possible safeguarding concerns relating to a Student Disciplinary investigation, the University may share appropriate information with the Students' Union, in confidence, to allow them to discharge their own safeguarding duties.

## 4. Policy

### 4.1. Fairness

All allegations of student misconduct will be investigated thoroughly, fairly and within a reasonable timeframe.

All students will be informed of any formal reports of misconduct made against them and given an opportunity to make a written statement in response. Student Responders have the right to be made aware of all the evidence available against them, whether from a Student Reporter or otherwise.

The University will not normally investigate reports of misconduct submitted anonymously. However, where the University deems it necessary to protect any person's identity and/or personal information, documentation may be redacted before it is shared with the Student

Responder, any Student Reporter and, where relevant, any Student Disciplinary Committee. This is without prejudice to the outcome of any investigation.

Any student giving evidence in the course of an investigation, whether as a Reporter, Responder or witness, should ensure that they do so honestly and objectively. Failure to be honest may, of itself, be an act of misconduct.

The Academic Registrar will consider the case evidence provided and determine an appropriate outcome, unless the reported misconduct is serious enough to warrant consideration by a Student Disciplinary Committee. In this event, The University Disciplinary Convenor will be requested to select members from the panel of suitably experienced and trained staff appointed by the University Education Committee (UEC). Members of the Committee will be asked to confirm that they have no conflict of interest, so as to allow an impartial hearing and decision.

The Student Responder and, where applicable, any Student Reporter will be notified in writing of the constitution of the Student Disciplinary Committee. If either the Student Responder or a Student Reporter has any concerns about the impartiality of a member of the Student Disciplinary Committee convened to hear the case, they can write to the Head of the Student Progress Service via [Casework@ncl.ac.uk](mailto:Casework@ncl.ac.uk) within 5 working days to request a review of the Committee membership by the Disciplinary Convenor.

If a Student Responder does not engage with the disciplinary process or attend a disciplinary meeting when asked to do so, the case may still be heard and concluded in their absence on the available evidence. The Disciplinary Committee may take account of the non-engagement in determining the outcome. Refusal to engage with the disciplinary process may itself be an act of misconduct and result in further disciplinary proceedings.

Where a Student Reporter decides not to actively participate in any Disciplinary Committee hearing, they will still be given the opportunity to provide an impact statement for consideration by the Committee members but will not receive copies of the hearing papers. They will be informed of the outcome of the investigation in writing.

University disciplinary investigations are civil cases and the standard of proof required is 'on the balance of probabilities.' This means that the Academic Registrar or Disciplinary Committee will make a reasoned judgement as to whether the facts are more likely than not to have happened, based on the evidence available to them.

#### **4.2. Evidence**

The Student Responder and any Student Reporter may submit any evidence they wish to be considered during the course of an investigation. It is for the Investigating Officer and Academic Registrar or, in the event of the case being referred to a Student Disciplinary Committee, the Committee members, to determine the weight that should be given to any submitted evidence.

The Student Responder and any Student Reporter may request witnesses to provide supporting statements and these should be sent via email, directly from the witness(es) to [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk) for inclusion in the case file.

Where a case has been referred to a Level 3 Student Disciplinary Committee, all material evidence should be received by the Committee Secretary at least **five working days** prior to the scheduled hearing. Evidence received after this deadline will be forwarded to the Chair of the Committee who may decide to allow its late admission or, conversely, to postpone the hearing until such a time as the Committee members and the Student Responder/Reporter have had the opportunity to appropriately review the new evidence.

### **4.3. Confidentiality**

All University employees and students involved in any investigation of reported misconduct by a student have a duty of confidentiality to the Student Responder and any Student Reporter.

This means that all parties should refrain from discussing the case with anyone other than people who can be deemed to have a legitimate need to know. This will include the Student Responder's personal tutor or PhD supervisor, so that appropriate pastoral care may be offered.

The Student Responder, Student Reporter - and any friends or supporters who are asked to accompany them to meetings - are also expected to respect the confidentiality of the process.

Students should avoid disclosing unnecessary personal information during the course of the Student Disciplinary investigation or any resultant appeals, unless they feel it is relevant to the issues raised.

The outcome of the Disciplinary Investigation and any sanctions issued will be copied, in confidence, to the Student Responder's personal tutor or (in the case of Postgraduate Research students) supervisor and any relevant University employees, such as the Student Responder's Head of Academic Unit/Degree Programme Director.

### **4.4. Risk assessment and precautionary action**

In some cases, it may be decided that a risk assessment needs to be carried out to protect the Student Reporter/Responder, members of the University community, or the University's reputation.

If it is decided that there is a sufficient risk, interim precautionary actions may be taken. These are temporary and non-judgemental measures which will be put in place immediately to ensure the safety of everyone involved in the investigation or within the University or Placement.

Interim precautionary measures may include:

- No contact instructions, which prohibit the Student Responder from contacting a Student Reporter and any witnesses, and vice-versa;

- Temporary bans on the Student Responder from accessing the University campus or named relevant buildings which make up the University Campus;
- Temporary suspensions on the Student Responder entering any part of the Student Union, following consultation with the relevant Students' Union representatives;
- Temporary suspension of studies of the Student Responder, following consultation with the relevant Head of Academic Unit or nominee.

Precautionary measures (other than no-contact instructions) are temporary and will be reviewed approximately every six weeks, or at key stages within the six week period (for example, if any relevant police investigations are concluded; if there is a reported breach of a precautionary measure; or if the University investigation is concluded).

If you are the subject of a temporary suspension, you have the right to apply to have your interim suspension reviewed. You should apply in writing to the Head of the Student Progress Service (via [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk)), clearly stating the reasons why you would like your suspension to be reviewed. The review of your suspension will normally be undertaken by the Disciplinary Convenor or nominee.

During the investigation or at conclusion of a disciplinary matter, it may be appropriate for an instruction to be placed on the Student Responder. Possible instructions include, but are not limited to:

- No direct or indirect contact with any Student Reporter, by any means, including but not limited to in person contact, email, telephone, text message, via third parties or on any social media platform;
- Avoidance of certain areas of the campus, particular University Buildings, Accommodation sites or activities.

#### **4.5. Criminal investigations**

Where a report of misconduct is being considered under the criminal process, the University may pause Student Disciplinary Proceedings until the criminal process has concluded. The Student Responder will be informed of this action in writing and given the opportunity to request a review of this action.

Interim preliminary measures, including but not limited to temporary suspensions, barring from campus and no-contact instructions, may be imposed whilst the case is on hold.

The Student Responder's final profile of marks will not normally be considered by a Board of Examiners while a disciplinary case is on hold. Should the student wish the University investigation to proceed with its internal investigations, notwithstanding the criminal process, an application to this effect must be made in writing to the Head of Student Progress Service (via [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk)) for the Disciplinary Convenor's consideration. If the application is accepted the student will be made aware of the possible implications of this decision. The Student Responder may request an interruption to their studies whilst a Police investigation is carried out, but will be required to engage with the Student Disciplinary Procedure before re-commencing their programme.

Where a Student Responder is remanded in custody awaiting trial or has received a custodial sentence as a result of a criminal trial, they will be temporarily suspended from their academic programme until the case is considered by a Student Disciplinary Committee on their release.

The University and any Student Disciplinary Committee or Student Disciplinary Appeals Committee is not bound by the outcome of any police or criminal proceedings but it may take this into account when determining the outcome of a case. University disciplinary investigations seek to establish if there has been a breach of University procedures and are not limited to the investigation of unlawful conduct. The University applies the civil standard of proof ('on the balance of probabilities'), rather than the criminal standard ('beyond reasonable doubt'). The burden of proof lies with the University to demonstrate where they believe misconduct has occurred, rather than with the student to demonstrate their innocence of any charge against them.

#### **4.6. Student Disciplinary Committees**

The Student Responder and, where applicable, the Student Reporter will both be invited to attend and be heard by the Student Disciplinary Committee.

The Student Responder has the right to hear all evidence against them and to be present for the duration of the Student Disciplinary Committee hearing.

A Student Responder may choose to waive their right to attend, and the Student Disciplinary Committee will proceed in their absence, using the evidence available from the disciplinary investigation.

The Student Disciplinary Committee may also proceed if the Student Responder fails to attend 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.

A written but not word for word record of the Student Disciplinary Committee will be made by the Secretary. The hearing must not otherwise be recorded by any attendees without prior permission from the Chair of the Committee.

#### **4.7. Sanctions**

If, under the procedures, misconduct by the Student Responder is found to have occurred, the Academic Registrar or the Student Disciplinary Committee (as appropriate) will decide which of the available sanctions should be imposed.

Multiple sanctions may be imposed simultaneously where this is deemed to be appropriate.

#### **4.8. Appeals**

Only a Student Reporter and the Student Responder have the right to appeal any decision, sanction or interim precautionary measure imposed under the Student Disciplinary Procedure.

To submit an appeal, the student should write to [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk) within 21 days of the Decision Letter or Statement of Reasons (in the case of decisions or sanctions), and they should clearly outline their reasons for appeal.

Where the appealed sanction includes a fine, the fine must be paid by the given date and shall be refunded if the appeal is successful.

Where the decision under appeal involves partial or full suspension or expulsion, the sanction will remain in place while the appeal is being considered and an outcome determined. However, where the decision against which a student is appealing involves occupation of a University Residence, the student shall normally be entitled to remain in occupation of University accommodation (although not necessarily within the same room/flat) whilst an appeal within the University is being considered.

Appeals will be considered by the Disciplinary Convenor (or impartial nominee) who will determine whether the appeal meets the specified grounds to be admitted. The appellant shall be informed in writing as to whether their appeal has been dismissed or admitted for consideration and, where admitted, whether there will be a reconsideration of the sanction only or if the full case should be referred for reinvestigation.

Where an appeal is admitted to consider the sanction only, one member **or** a committee of three members of the University's Disciplinary Panel with no previous involvement in the case may choose to undertake a review of the case based on paperwork alone or may convene an appeal hearing.

Where an appeal is not admitted or where the appeal has been admitted but has considered the sanction only, the student will have no further right to appeal through the University and will be issued with a Completion of Procedures Letter. Where the case is referred for a full reinvestigation and the student remains dissatisfied with the outcome, an appeal may be submitted regarding the reinvestigation.