

Student Disciplinary Procedure (Responder)

Effective from 1 September 2022

This procedure is applicable to **all registered** students and should be read in conjunction with the [Student Disciplinary Policy](#) and [any relevant investigation protocol](#). Reports against admitted students not currently registered at the University will be investigated at the discretion of the Academic Registrar.

This document sets out what a Student Responder can expect if they are the subject of a disciplinary investigation.

If you are a Student Reporter – i.e. you would like to make a report of misconduct about another student - we recommend you read [a different version of this procedure](#) which will outline what you can expect to happen once you make your report.

Please note that the University **does not** seek to address minor disputes or disagreements between students.

INTRODUCTION

Newcastle University has a [Student Charter – Rights and Responsibilities](#) that sets out the University's expectations for the standards of conduct of ALL of its students. These behavioural values are essential to the proper functioning of an academic community and include:

- Behaving in a responsible manner that will foster mutual respect and understanding between all members of the University community;
- Behaving and communicating in ways that are unlikely to offend others;
- Complying with all reasonable requests from University employees;
- Being considerate to neighbours, especially in relation to noise levels and rubbish;
- Acting within the law.

The Student Disciplinary Procedure is used to investigate all reports of *non-academic misconduct* made against a student. It is **not** used for:

- Academic misconduct (i.e. cheating). Reports of academic misconduct are investigated under the [Procedure for Assessment Irregularities](#).
- Complaints regarding the actions of a University employee. Concerns about the behaviour of any University employee should be raised via the [Student Complaints and Resolution Procedure](#).

The Student Disciplinary Procedure includes four investigation protocols that give more information on how the following specific misconduct categories will be investigated by the University:

- [Discrimination and Hate-Related Misconduct](#);
- [Sexual Misconduct and Harassment](#);

- [Antisocial Behaviour and Noise Nuisance](#);
- [Dangerous Behaviours at Organised Student Socials \(including dangerous initiations\)](#).

SUPPORT AND GUIDANCE

We understand that being involved in disciplinary proceedings can be a stressful experience. You may find it helpful to seek support and advice via the following services:

- [Student Health and Wellbeing Service](#)
- [Student Progress Service](#)
- [Student Advice Centre of the Students' Union](#)

If you are required to attend any meetings throughout this process, you may choose to be accompanied by a friend or supporter. We strongly encourage you to access this support. Please see the [guidance on the role of a friend or supporter](#) which outlines the role your friend or supporter may take in any proceedings. Your friend or supporter may not represent you, answer questions on your behalf or cross-examine witnesses, but may be asked to contribute a statement if appropriate.

TERMINOLOGY

Authorised Person: an employee of the University who is authorised to undertake disciplinary investigations. This is usually a Head of School or Accommodation Manager for Level 1 cases, and a member of the Student Progress Service for Level 2 cases. The Authorised Person may nominate another senior colleague to act on their behalf.

The Academic Registrar, or nominee, is a senior member of staff in the University with responsibility for considering and determining reports of student misconduct.

Authorised Person: Is a person authorised to undertake Level 1 student disciplinary investigations on behalf of the University.

A **Case Officer:** is a member of the Student Progress Service authorised to undertake Level 2 student disciplinary investigations on behalf of the University.

Disciplinary Appeal Committee: a Committee made up of two independent senior University employees, appointed by the University Disciplinary Convenor and who were not involved in the original investigation, and a Students' Union Sabbatical Officer, whose role is to assess an appeal against a Disciplinary decision or sanction.

Disciplinary Convenor: An academic employee appointed by the University Education Committee (UEC) to convene Student Disciplinary and Disciplinary Appeal Committee hearings.

Sanction: a penalty that is imposed on a student when it is decided that there has been behavioural misconduct. See *Appendix 1* for a list of examples of misconduct and their likely sanctions.

Student Disciplinary Committee: a Committee made up of one or three impartial senior University employees, chosen by the University Disciplinary Convenor, whose role is to assess evidence presented to them and decide on an outcome and any related sanctions. Members of Student Disciplinary Committees are appointed by the University Education Committee and undergo extensive training on numerous topics relating to disciplinary cases.

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.

Student Reporter: A student who makes a report of misconduct about another student.

Student Responder: The student who is the subject of a report of misconduct.

.....
STUDENT DISCIPLINARY PROCEDURE

There are three levels at which a disciplinary decision may be considered:

- **Level 1: Local Resolution**
Most reports of minor misconduct are dealt with locally. An Authorised Person in the Student Responder's School, service or residence may investigate the reported circumstances and decide on appropriate action to be taken.
- **Level 2: Formal Investigation**
Where reports of misconduct are not minor, there is repeated or persistent misconduct, or there has been a lack of engagement with the Level 1 process, a formal investigation will take place. A Disciplinary Case Officer will be appointed from the Student Progress Service to investigate the case and the outcome will be determined by the Academic Registrar after consideration of all the available evidence.
- **Level 3: Student Disciplinary Committee**
Where the Academic Registrar determines that a case is sufficiently serious, the case will be referred to a Student Disciplinary Committee for further consideration.

If someone makes a report of misconduct against you, it may be investigated and determined at any level, it does not necessarily need to progress through each of the levels in turn, and the case can be forwarded to a higher level if the Authorised Person feels it would be more appropriate.

To ensure there is no conflict of interest, each disciplinary situation is handled by an Authorised Person or Case Officer who has no prior involvement in the case.

See: *Appendix 1: Examples of misconduct and likely sanctions*

See also: Relevant investigation protocols

What happens first?

- When a report of misconduct is made against you, an Authorised Person or Case Officer will be appointed to your case. You will also be provided with a named contact in the Student Progress Service who will provide you with individual assistance throughout the process. This is separate from any support provided by the Student Health & Wellbeing Service.
- If you are disabled or have any additional support needs, you can request reasonable adjustments or other arrangements and the University will seek to put in place for you while your disciplinary case is being considered.
- You may wish to speak to your personal tutor/supervisor about submitting a Personal Extenuating Circumstances form for consideration if you feel your studies may have been/may be adversely affected by the Disciplinary investigation.
- You will be informed of the report in writing and will be given an opportunity to make a written statement.
- You may also be invited to attend an interview to discuss the circumstances reported. This will give you the opportunity to provide your version of events, provide clarification, and present any mitigating circumstances that you wish to be considered.
- You may be accompanied by a friend or supporter as discussed in the 'Support and Guidance' section above.
- Evidence from other people (such as witnesses) may be supplied or requested.
- You are expected to respond to the details of the report and be present in person at any interview or hearing. However, if you fail to engage or attend, without good reason, the University may proceed in your absence.
- Notes will be taken of any meetings you are asked to attend, but these will **not** be word for word and meetings will **not** be recorded. You will be provided with a copy of the notes of any meetings you attend, normally with the exception of formal hearings (for example, Student Disciplinary Committees or Appeals Committees).

Level 1: Local Resolution

Most reports of minor misconduct are considered and determined by an Authorised Person in your Academic Unit, service or residence.

After considering all the evidence available to them, the Authorised Person will decide on an appropriate outcome, which may include sanctions being imposed on you.

You will be informed, in writing, of the outcome of your case by the Authorised Person and will be given details of how to appeal any decisions you are dissatisfied with.

Under some circumstances, the Authorised Person may decide it is more appropriate for the case against you to be referred to Level 2 of this procedure. These circumstances include where:

- The reported misconduct is more serious than initially understood;
- The case involves repeated or persistent misconduct;
- You have not engaged fully with the Level 1 investigation.

Level 2: Formal Investigation

Where reports of misconduct are more serious, there has been repeated or persistent misconduct, or you have not engaged fully with the Level 1 process, a Level 2 formal investigation will take place.

A Case Officer will be appointed to investigate the case and the outcome (including any sanctions that are to be imposed on you) will be determined by the Academic Registrar after consideration of all the available evidence. The outcome of the investigation will be shared with relevant University employees within your Academic Unit and will also be shared with any Student Reporter, if applicable.

When the case has been determined, you will be informed in writing whether misconduct was established, whether any precautionary actions (such as no-contact instructions) are to remain in place. You will also be given details of how to appeal any decisions you are dissatisfied with.

Where the Academic Registrar decides that the reported misconduct is sufficiently serious, the case will be referred to a Student Disciplinary Committee instead, to be considered under Level 3 of this procedure.

Level 3: Student Disciplinary Committee

More complex and/or very serious reports of misconduct will be investigated by a Student Disciplinary Committee.

You will be informed in writing within 7 days of interview and/or receipt of a statement if your case is to be heard by a Disciplinary Committee. You will be notified in writing of the constitution of the Student Disciplinary Committee. If you have any concerns about the impartiality of any member of the Student Disciplinary Committee, you may write to the Head of the Student Progress Service within 5 working days to request a review of the Committee membership.

If your case is referred to a Disciplinary Committee you will be given at least seven days' notice of the date of the hearing and you will be provided with all documentation in advance. You are required to provide the committee with any supporting documentation or mitigating evidence that you would like to have considered, as well as any requests for witnesses to be called to support your case, at least five working days in advance of the hearing. The Chair of

the Committee may then request the presence of witnesses, but is unable to compel their attendance.

If you, or your supporting person, is unable to attend on the date of the hearing, you may request for it to be rescheduled. This will be considered by the Chair of the committee. The hearing can only be rescheduled once, and it must be held within 10 working days of the original date proposed.

At the hearing, you will be given the opportunity to answer questions and present your version of events surrounding the reported incident. Any participating Student Reporter or witnesses will also be given the opportunity to answer questions and provide an impact statement, if appropriate.

After considering all the evidence available, the Disciplinary Committee will make a decision on an appropriate outcome, which may include sanctions. There is a defined list of possible sanctions that are appropriate at this level (see Appendix 1). These are also given under the four protocols that accompany this procedure.

You will be informed of the outcome in person if possible and in writing after the hearing, within ten days, with a letter stating the full reasons for the decision. Any Student Reporter will also be informed of the outcome. You will also be given details of how to appeal any decisions you are dissatisfied with.

Risk assessment and precautionary measures

If the reported misconduct relates to behaviours that could pose a risk to the safety or security of any member of the University community, or to the University's reputation, a Risk Assessment will be carried out. You may be asked about your personal circumstances as part of this process.

The information will be gathered by the Case Officer during the initial meetings with you and the Student Reporter, and will be forwarded to a Risk Assessment panel who will decide whether any precautionary measures should be put in place to safeguard or support you or anyone else. Examples of precautionary measures include:

- Alerting the Student Health and Wellbeing Service to the reported misconduct to allow them to conduct wellbeing checks and offer support;
- Imposing no-contact instructions between the you and the Student Reporter (and any witnesses, if applicable);
- Temporarily suspending you from the University, or from certain parts of the campus, while the investigation is ongoing.

Any precautionary measures imposed will be subject to regular review by a Risk Assessment Panel, and do not imply that the University has judged you guilty of misconduct.

You have the right to appeal against any precautionary measures imposed. To do so, you should write to the Academic Registrar via casework@ncl.ac.uk to request a review of the Risk Assessment Plan.

What happens if the police/criminal justice system is involved?

If the report against you is also being investigated by the Police or the criminal justice system, the University may decide to put its internal investigation on hold until the external proceedings have reached a conclusion. Precautionary actions, such as no-contact instructions or temporary suspensions, may still be taken. You may request an interruption to your studies whilst a Police investigation is carried out, but will be required to engage with the Student Disciplinary Procedure before re-commencing with your studies.

The University is not bound by the outcome of any police or criminal proceedings, but it may choose to take these into account when determining the outcome of the case.

Confidentiality (see [Student Disciplinary Policy](#))

In line with the principles of natural justice, you have the right to be made aware of any report submitted against you and all available accompanying evidence. If any document includes personal or sensitive information, redactions may be made prior to sharing these with you.

The University will not normally investigate reports made about another student anonymously. However, a report is made in confidence, the University may consider whether it is appropriate for the Reporter's name any other identifying details to be removed from the report before it is shared with you. This will usually take place as part of a wider risk assessment exercise.

The Student Disciplinary Procedure is an internal and confidential process. It is important that you - and any friend or supporter you choose to accompany you to meetings - should respect this confidentiality and treat all information as confidential. Where confidentiality is breached, this may be treated as an act of misconduct.

Sometimes it is necessary to share details of the Disciplinary investigation with other University employees so that appropriate processes can be followed and support can be offered to all affected parties. In these instances, case details will be limited and the information will be shared in confidence, in line with General Data Protection Regulations.

If, during the course of the investigation, any safeguarding issues are identified or if the University believes that you or someone else is at serious risk of harm, we have a legal duty to follow safeguarding procedures and refer the matter to the Student Health and Wellbeing Service in the first instance. We will normally inform you of this in advance of any referral being made.

Appeals

Both you and any Student Reporter have the right to appeal. You may appeal against:

- Any interim precautionary measure or specific instruction;
- Any decision and/or sanction imposed upon you.

Appeal requests must be submitted in writing to casework@ncl.ac.uk within 21 calendar days of the date of the Decision Letter.

You should carefully consider your reasons for appeal so that you can explain why you are appealing. Your reasons should include at least one of the following:

- New material evidence is available that was not previously reasonable available;
- Procedural irregularity;
- Bias or prejudice;
- Excessive or inappropriate sanction;
- The decision was one that no reasonable person/committee could have reached on the evidence available.

The Disciplinary Convenor will decide whether or not your appeal meets the grounds to be admitted. If the Disciplinary Convenor agrees that there are grounds to admit your appeal, the appeal will be considered as follows:

- **Level 1 or 2 cases**

The Disciplinary Convenor will appoint a member of the Disciplinary Panel who was not involved with the original case to consider your appeal. They may review your appeal based on your written submission only, or they may call a Disciplinary Appeal Committee hearing if they believe this would give more appropriate consideration to the case.

- **Level 3 case**

The appeal will normally be considered by a Disciplinary Appeal Committee. You may be invited to attend an appeal hearing, or the Committee may decide to review your appeal based on any written submission alone. The Disciplinary Convenor will decide whether a full re-hearing is required or only a reconsideration of the sanction.

The arrangements for a Disciplinary Appeal Committee hearing are the same as for a Student Disciplinary Committee hearing, although with new committee members. The decision of the appeal may confirm, change or remove the original disciplinary decision or sanction.

If the Disciplinary Convenor determines that there are no grounds to your appeal, the appeal request will be dismissed. The decision of the Disciplinary Convenor or Disciplinary Appeal Committee is final. At that point the procedures of the University will be exhausted and you will be issued with a Completion of Procedures letter.

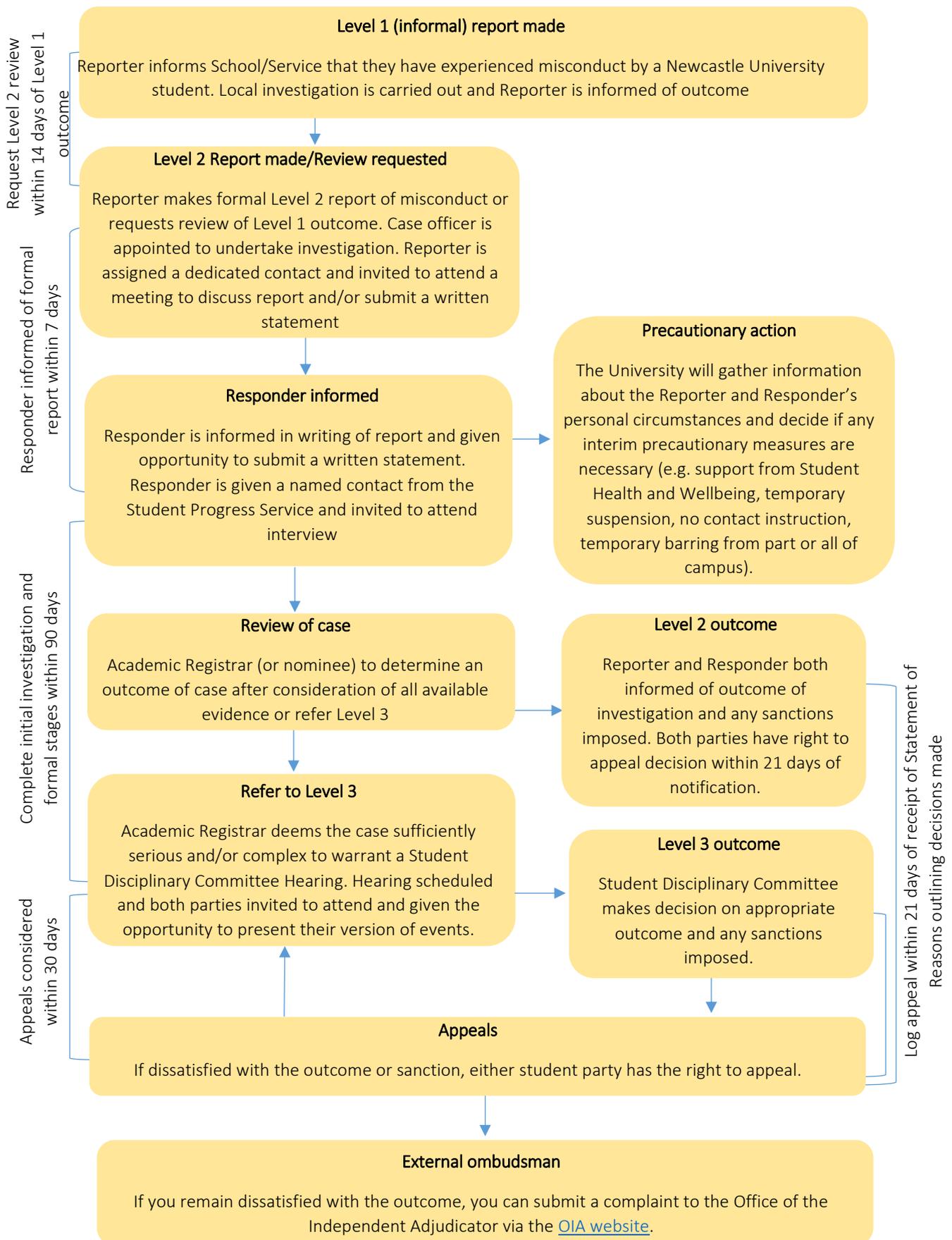
It is important to remember that when submitting an appeal, the decision you are appealing against will stand while your appeal is being considered.

What if you are not satisfied with the final outcome once all University procedures have been completed?

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University subscribes to this scheme. If you are dissatisfied with the outcome offered by the University, you can seek an external review by submitting a complaint via the [OIA website](#).

Complaints to the OIA must be submitted within 12 months of the date of the Completion of Procedures letter.

Quick guide: how will my case be handled under the Student Disciplinary Procedure (where the Responder is a Newcastle University student)?



Appendix 1: Examples of misconduct and possible sanctions

Example of misconduct	Indicative level of procedure	Likely sanction
Obstruction of, or interference with, the activities of any student, visitor, or employee of the University.	Level 1	<ul style="list-style-type: none"> - Caution - Written warning
Intentional or reckless damage to the property of the University or members of its community.	Level 1	<ul style="list-style-type: none"> - Caution - Written warning
Misuse or unauthorised use of University premises, facilities or property.	Level 1	<ul style="list-style-type: none"> - Caution - Written warning - Antisocial fines
Acts of dishonesty, including theft, deceit or deception.	Level 1 or 2	<ul style="list-style-type: none"> - Caution - Written warning - Antisocial fines
Obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by the University.	Level 1	<ul style="list-style-type: none"> - Caution - Written warning - Antisocial fines
Using another student's smartcard to provide a false identity.	Level 1	<ul style="list-style-type: none"> - Caution - Written warning - Antisocial fines
Failure to treat others fairly and with respect. This applies to all communication methods both online and offline.	Level 1 or 2	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines
Behaviour which brings the University into disrepute.	Level 1 or 2	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines
Failure to comply with a previously-imposed Disciplinary sanction, or failure to cooperate with a University disciplinary investigation when requested to do so.	Level 2 or 3	<ul style="list-style-type: none"> - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Anti-social behaviour and/or noise nuisance, including noise disturbance in the local community.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect

Harassment of any student, employee, or visitor to the University. This includes bullying, hate-related incidents and discrimination related to a person's actual or perceived age, disability, gender, race or ethnicity, religion or belief, pregnancy or maternity, sex, sexual orientation, or socio-economic status.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Behaviours prohibited on organised student socials (including dangerous initiations).	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
The use of inappropriate behaviours or language directed towards another person. Examples include being violent, threatening, coercive, indecent, abusive, aggressive, humiliating, inconsiderate or disrespectful whether in person or via text, telephone, email or social media.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Conduct which constitutes or may constitute a criminal or unlawful offence.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Dealing drugs	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Physical violence towards another person.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion

		- Expulsion with immediate effect
Any sexual misconduct, including harassment, stalking, assault, or violence.	Level 2 or 3	- Caution - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect

Further examples of misconduct relating to specific categories, including their indicative levels of investigation and likely sanctions can be found in the following Investigation Protocols:

- [Anti-Social Behaviour and Noise Nuisance](#)
- [Dangerous Behaviours at Organised Student Socials \(including dangerous initiations\)](#)
- [Discrimination and Hate-Related Misconduct](#)
- [Sexual Misconduct and Harassment](#)