

Student Disciplinary Policy

Effective from 1 September 2021

1. Purpose

The purpose of this Policy is to set out how allegations of student misconduct will be managed so that the University can provide a safe and secure environment for all its students, University colleagues 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 Discipline Procedure: Student Reporter \(non-academic\)](#), [Student Discipline 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. What is covered by the policy?

This policy relates to all reports of misconduct made against a student admitted to the University.

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 colleague (usually a Head of Academic Unit/Service or their nominee) 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.

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

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, through the Head of Service and Case Officers, is responsible for undertaking investigations into all allegations of student misconduct both on and off campus, on behalf of the Academic Registrar.

The Student's 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 can be forwarded for consideration under this Policy.

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 against them, whether from a Student Reporter or otherwise.

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, members will be selected from a panel of suitably experienced and trained staff, and the 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, the Student Reporter will be notified in writing of the constitution of the Student Disciplinary Committee. If either the Student Responder or the 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 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. The Disciplinary

Committee may take account of the non-engagement in determining the outcome. Refusal to engage with the disciplinary process may itself result in further disciplinary proceedings.

Where a Student Reporter decides not to actively participate in any Disciplinary Committee hearing, they will 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. Confidentiality

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

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

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 colleagues, such as the Student Responder's Head of Academic Unit.

4.3. Risk assessment and precautionary action

In some cases, it may be decided that a risk assessment needs to be carried out to protect 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.

Interim precautionary measures may include:

- No contact instructions, which prohibit the Student Responder from contacting the 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.
- Temporary suspension of studies of the Student Responder, following consultation with the relevant Head of Academic Unit

Precautionary measures (other than no-contact instructions) are temporary and will be reviewed at least once 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), clearly stating the reasons why you would like your suspension to be reviewed. The review of your suspension will normally be undertaken by a senior academic nominated by the Disciplinary Convenor.

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 the 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 or activities.

4.4. Criminal investigations

Where a report of misconduct is being considered under the criminal process, the University may defer Student Disciplinary Proceedings until the criminal process has concluded.

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

The Student Responder's 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) for the Disciplinary Convenor's consideration. If the application is accepted the student will be made aware of the possible implications of this decision.

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.

4.5. 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.

The Student Reporter and Student Responder may choose to waive their right to attend, and the Student Disciplinary Committee will proceed in their absence.

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 verbatim record of the Student Disciplinary Committee will be made by the Secretary

4.6. Sanctions

If, under the procedures, the report(s) of misconduct made against the Student Responder are upheld, 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 necessary.

4.7. Appeals

Both the 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 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 is 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 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 whilst an appeal within the University is being considered.