

Student Discipline Procedure (Responder)

Effective from 1 September 2021

This procedure is applicable to **all** students and should be read in conjunction with the [Student Discipline Policy](#) and any [relevant investigation protocol](#). It 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 against 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 & 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 Discipline 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 behaviour of a member of staff. Concerns about the behaviour of a member of staff should be raised via the [Student Complaints and Resolution Procedure](#).

The Student Discipline Procedure includes four protocols that give more information on the following specific misconduct categories:

- [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. Please see the [guidance on the role of a friend or supporter](#). We strongly encourage you to access this support.

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TERMINOLOGY

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

Disciplinary Appeal Committee: a Committee made up of two independent senior members of staff 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: A member of academic staff appointed by the University Education Committee 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 misconduct. See *Appendix 1* for a list of examples of misconduct and their likely sanctions.

Student Disciplinary Committee: a Committee made up of three independent senior members of staff whose role is to assess evidence presented to them and decide on an outcome and any related sanctions. Members of Student Disciplinary Committees undergo extensive training on numerous topics relating to disciplinary cases.

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

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

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STUDENT DISCIPLINE 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 your 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 more serious, 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 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 in addition to any support provided by the Student Health & Wellbeing Service.
- If you have a disability or support need, the University will consider whether reasonable adjustments, or other arrangements, need to be put in place for you while your disciplinary case is being considered. PEC?
- 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.
- Non-verbatim notes will be taken of any meetings you are asked to attend, but meetings will **not** be recorded. You will be provided with a copy of the notes of any meetings you attend, 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 unhappy about.

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.

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 unhappy about.

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, which is made up of three senior members of staff who have had no prior involvement with the case.

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 two working days in advance of the hearing.

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 reporting student 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. 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. You will also be given details of how to appeal any decisions you are unhappy about.

Risk assessment and precautionary measures

If the reported misconduct relates to behaviours that 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.

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](#))

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.

The members of staff who will be informed of the progress and outcome of a Student Disciplinary case will be identified in confidence and disclosed as part of the initial discussion of the case with you.

Appeals

Both you and the 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 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 for 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 be considered by a Disciplinary Appeal Committee and you will be invited to attend an appeal hearing. The Disciplinary Convenor will decide whether a full re-hearing is required or only a reconsideration of the sanction.

The arrangements for an appeal 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.

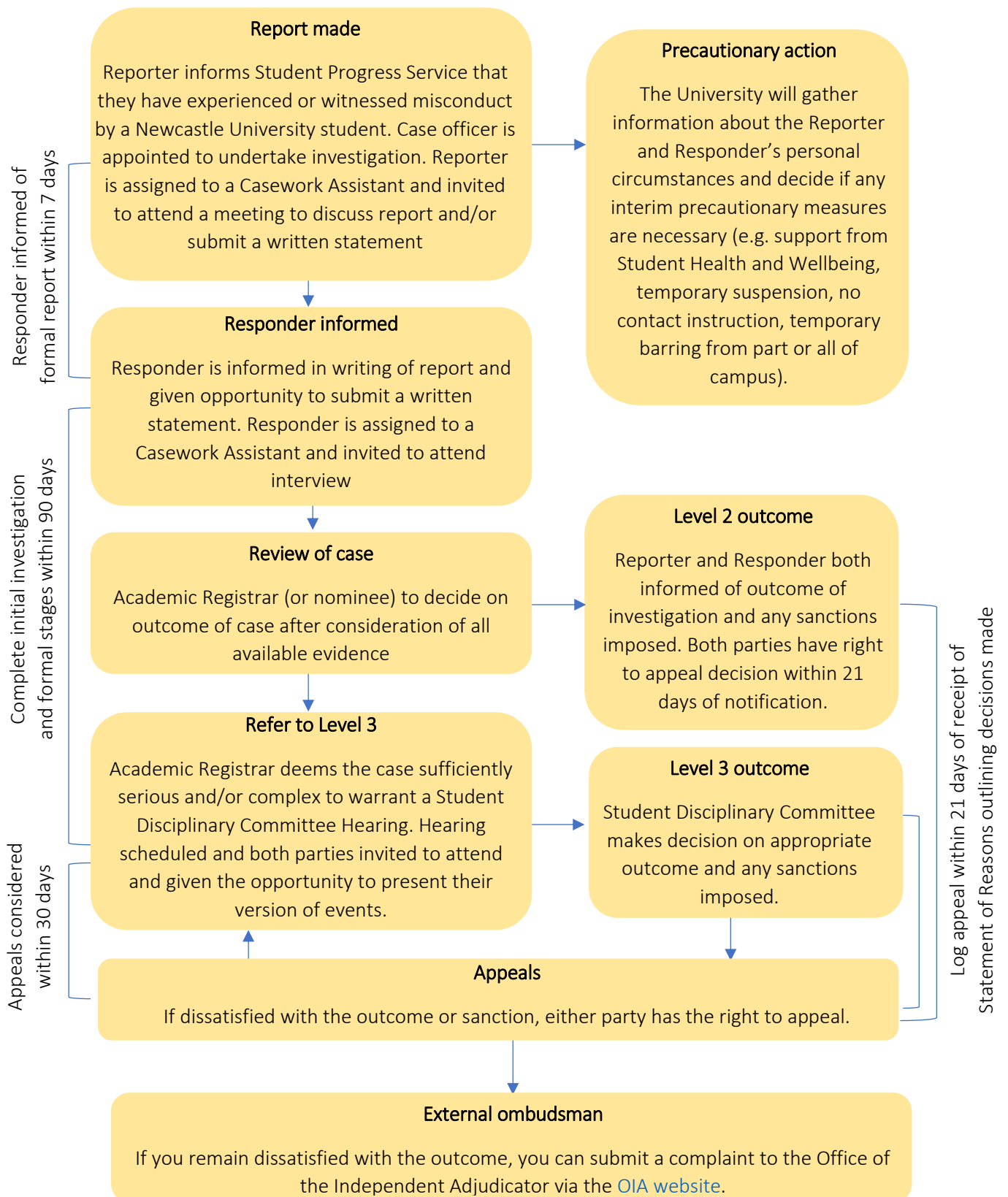
If the Disciplinary Convenor determines that there are no grounds to your appeal, the appeal request will be dismissed. The decision of the Disciplinary Convenor or Disciplinary Appeal Committee is final. At that point the procedures of the University will be exhausted and you will be issued with a Completion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

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

Quick guide: how will a case against me be handled under the Student Disciplinary Procedure?



Appendix 1: Examples of misconduct and likely 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	- Caution - Written warning - Antisocial fines
Intentional or reckless damage to the property of the University or members of its community.	Level 1	- Caution - Written warning - Antisocial fines
Misuse or unauthorised use of University premises, facilities or property.	Level 1	- Caution - Written warning - Antisocial fines
Acts of dishonesty, including theft, deceit or deception.	Level 1 or 2	- Caution - Written warning - Antisocial fines
Obstruction of, or improper or fraudulent interference with, attendance monitoring of any student by the University.	Level 1	- Caution - Written warning - Antisocial fines
Using another student's smartcard to provide a false identity.	Level 1	- 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	- Caution - Written warning - Final warning - Antisocial fines
Behaviour which brings the University into disrepute.	Level 1 or 2	- Caution - Written warning - Final warning - Antisocial fines
Anti-social behaviour and/or noise nuisance, including noise disturbance in the local community.	Level 2	- Caution - Written warning - Final warning - Antisocial fines
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	- 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	- Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
The use of inappropriate behaviours or language directed towards another person.	Level 2 or 3	- Written warning - Final warning

Examples include being violent, threatening, coercive, indecent, abusive, aggressive, humiliating, inconsiderate or disrespectful whether in person or via text, telephone, email or social media.		<ul style="list-style-type: none"> - 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"> - Written warning - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Dealing drugs	Level 3	<ul style="list-style-type: none"> - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Physical violence towards another person.	Level 3	<ul style="list-style-type: none"> - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Any sexual misconduct, including harassment, stalking, assault, or violence.	Level 3	<ul style="list-style-type: none"> - 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](#)