



Nottingham Trent  
University

# Student Code of Behaviour

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Academic Year: 2022-2023

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# 1. Introduction and Principles

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- 1.1 Nottingham Trent University ("the University") endeavours to create an atmosphere of mutual trust, harmony and respect for staff and students of the University. Good standards of conduct are necessary for the benefit of all members of the University and for the University's reputation.
- 1.2 This Code of Behaviour ("the Code") sets out the standards of behaviour expected from students and the procedures that will be followed if those standards are not met.
- 1.3 In relation to the Code and its procedures, the University has adopted formally:
  - 1.3.1 the [IHRA](#) (International Holocaust Remembrance Alliance) working definition of antisemitism; and
  - 1.3.2 the APPG (All-Party Parliamentary Group) definition of Islamophobia.
- 1.4 All University staff and students are responsible for reporting alleged misconduct by a student which they witness or which they have evidence to support. It is expected that allegations will be raised in a timely fashion. Delays in raising allegations can impair seriously the ability of the University to conduct a robust and fair investigation.
- 1.5 Allegations of misconduct made in good faith will be taken seriously and dealt with in accordance with the Code. The civil standard of proof whereby an allegation has to be found proven on the balance of probabilities will be used in reviewing such allegations. Misconduct cases are not treated as an offence under the criminal law. Students who have an allegation against them will be presumed to be innocent until proven to have committed a disciplinary offence.
- 1.6 An attempt will be made to resolve unacceptable conduct issues informally, where this is possible. Any investigation necessary will be undertaken as quickly as possible. Students are required to engage with the disciplinary process in terms of meeting deadlines and attending meetings that they are invited to. On occasion, timeframes may need to be extended, and where this is the case the University will be in touch with the Accused Student to explain any delay and the new deadline.
- 1.7 Students may submit anonymous complaints which will be accepted and investigated via the Report and Support process.
- 1.8 The Code shall be reviewed from time to time (and at least every two years) by the Academic Registry Department in conjunction with Legal Services, to ensure that its provisions meet legal obligations and reflect best practice. Approval to the terms of the Code is required from the University Executive Team and Academic Board.

# 2. Definitions

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For the purposes of the Code, the following words and phrases have the meanings indicated:

**"Academic Registrar"** means the Academic Registrar of the University or their delegated nominee in relation to the Code;

**"Accused Student"** means a student against whom allegations of Misconduct or Serious Misconduct have been made;

**“Appeal Officer”** means a member of staff who determines whether an appeal by a student against a disciplinary decision has shown one or more of the permitted grounds of appeal. The Appeal Officer will not have been involved in the process previously;

**“Chair of the Disciplinary Panel”** means the person appointed by the Academic Registrar from a list of potential members, or in the case of FE students the Head of Further Education or nominated deputy;

**“Disciplinary Hearing”** means the formal meeting at which allegations of Serious Misconduct are considered and decided upon by a Disciplinary Panel;

**“Disciplinary Panel”** means those persons, usually two from the University (senior members of staff) and one from the Students’ Union, who are appointed by the Academic Registrar to consider allegations of Serious Misconduct at a Disciplinary Hearing;

**“Head of Further Education”** means the Head of Further Education of the University or their delegated nominee in relation to the Code, where the Misconduct involves an FE student (studying an FE course);

**“Investigating Officer”** means the member of University staff appointed by the Academic Registrar, or in the case of FE students the Head of Further Education, who conducts an investigation into a case of alleged student Misconduct or Serious Misconduct;

**“Misconduct”** means conduct which breaches this Code;

**“Reporting Student”** means a student (or any other person) who makes an allegation that another student(s) has committed a Misconduct or Serious Misconduct offence;

**“Serious Misconduct”** means conduct which breaches the Code and is classified by the University as Serious Misconduct;

**“University premises”** means all buildings and land owned or operated by the University, and for the purposes of applying the Code, shall include UPP-managed halls of residence;

**“We or Us or Our”** means Nottingham Trent University (the University);

## **3. Scope of the Code**

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### **3.1. Who is subject to the Code and when does it apply?**

3.1.1. The Code applies to all HE and FE students of the University (but excludes FE students who are enrolled with Confetti) from enrolment (or arrival in halls of residence or at pre-enrolment activities, if earlier) up to completion of their course of study at the University (to include the period up to and including attendance at graduation or departure from university accommodation, if later).

3.1.2. The Code applies to students’ conduct whether on or off University premises (including online conduct), including non-University-related activities and students living in or visiting all accommodation managed by the University, UPP or privately owned.

3.1.3. Any behaviour which fails to meet the University’s stated expectations in respect of student behaviour, or which interferes with the proper functioning or activities of the University or those who work, study in, or visit the University, or which otherwise damages the University or its reputation can be considered a breach of the Code and dealt with in accordance with the procedures set out in the Code

- 3.1.4. The Code does not apply to academic misconduct which will be dealt with in accordance with the [Academic Irregularities Policy](#) or to conduct/engagement which may be appropriately dealt with under the Fitness to Practice Procedure or [Support to Study Policy](#).
- 3.1.5. Depending on the individual circumstances of a case, referrals to other procedures may be made by the University and an Accused Student may find that they are subject to other procedures at the same time as the Code. The University may decide that matters are considered together to reduce the need for multiple investigations relating to the same incident or where it is in the best interests of the Accused Student to do so. However, the University reserves the right to suspend a procedure until the outcome of another is complete, or decide not to pursue one procedure in favour of another, at its discretion. The Accused Student will be kept informed of any decision to suspend, combine or to pursue one procedure in favour of another.

### **3.2. Who is responsible for the Code?**

- 3.2.1. The Academic Registrar has overall responsibility for the operation of the Code.
- 3.2.2. The Investigating Officer is responsible for co-ordinating the disciplinary process and for retaining a record of the disciplinary incident and its outcome.
- 3.2.3. Where a disciplinary allegation against a student also involves (or may involve) action against a member of University staff (under the Staff Disciplinary Procedure), the Academic Registrar will consider whether to pass the matter to the Human Resources Department for consideration under the Staff Disciplinary Procedure and shall appoint a case manager to co-ordinate the two processes. The case manager shall liaise with all internal stakeholders, including the University's Human Resources department, as necessary.

### **3.3. Standards of behaviour - How does the University expect its students to conduct themselves?**

- 3.3.1. [The Student Charter](#), which is accepted by all students prior to joining the University is founded on respect, integrity and clear communications, and captures what the University expects of students.
- 3.3.2. The University encourages all members of its community to be aware of their behaviour and interaction with others, and of the impact this may have. The community is based upon the principles of [respect and consent](#) (please also see the NTSU [respect and consent](#) web pages), and we will not tolerate any form of discrimination on the grounds of age, disability, gender reassignment, race, religion, sex, and/or sexual orientation.
- 3.3.3. For the purposes of clarity, the expected standards of behaviour include all interactions and communications, including social media and online activity, as outlined in the [Computer Use Regulations](#).
- 3.3.4. Expectations of students:
- To be considerate and respectful to the needs of fellow students, staff and visitors to the University;
  - To respect the University's property and that of others;
  - To act as responsible members of the local community and behave as considerate neighbours;
  - To comply with reasonable requests or instructions from members of University staff;
  - To inform the University of any criminal proceedings in which they may become involved or convictions that they receive whilst a student;
  - Not to engage in any conduct which constitutes sexual misconduct (as defined below);
  - Not to engage in any conduct which constitutes any form of discrimination;
  - Not to engage in any harassment or intimidating behaviour;

- Not to engage in any conduct which is intended or is likely to disrupt teaching, learning, examinations, recreational activities or any other activities undertaken by or within the University;
- Not to engage in any conduct which adversely affects or puts at risk the safety, welfare or well-being of others including livestock;
- Not to damage University property or use it for unapproved purposes;
- Not to engage in initiation, hazing or similar events/ceremonies;
- Not to engage in any other anti-social behaviour, including causing excessive noise;
- Not to possess, or use any illegal substances or offensive weapons (including replica weapons airguns, BB guns or anything that can be used as a weapon or cause harm);
- To conduct themselves appropriately in all forms of communication, including social media;
- To produce University-issued ID cards for identification purposes when reasonably requested to do so by University staff;
- Not to behave in an unacceptable way during any internal University processes, which includes but is not limited to:
  - bringing a complaint designed to harass or which is motivated by malice or which is seeking an unreasonable outcome;
  - making unreasonable demands of case handlers;
  - communicating with University staff in an inappropriate manner;
  - submitting inaccurate or false information;
  - persistent refusal to accept a decision once a procedure has been exhausted;
- Not to submit false claims against other members of the University community in order to discredit an individual.

## 4. Disciplinary Offences

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- 4.1 Students may be subject to a formal disciplinary process under the Code if they are suspected of having committed Misconduct (or Serious Misconduct) which amounts to a disciplinary offence.
- 4.2 A list of examples of Misconduct and Serious Misconduct offences are set out in Appendix A (this is a non-exhaustive list).
- 4.3 The University reserves the right not to proceed with any investigation following an allegation against a student if it is considered there are insufficient grounds or evidence to do so. Where this is the case, the Accused and Reporting Student will be informed of the reasons.

## 5. Advice and Support for Students

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- 5.1 [The Students' Union Information and Advice Service](#) provides a free and confidential advice service for students. This advice service is independent of the University and the advisers have considerable experience in assisting and advising both Reporting and Accused Students, and other students who are involved in a disciplinary process as a witness. The advice service also offers support and representation of students during formal Disciplinary Panel Hearings. Students subject to disciplinary action are strongly advised to seek advice and assistance from this Service.
- 5.2 Accused Students and Reporting Students may be encouraged to self-refer or could be referred to the University's [Student Support Services](#) who can offer support advice. Student Support Services will also be able to advise on external support options if appropriate to the student's circumstances.
- 5.3 Under the [Supported Complaints Policy](#), Reporting Students will be given the opportunity to be provided with a peer mentor, facilitated by the Students' Union. The mentor will be available to support the Reporting Student throughout the disciplinary process, and is separate from any other support the University may provide.

- 5.4 Where the Accused Student is invited to attend an investigatory interview, Disciplinary Meeting, other meeting or a Disciplinary Panel Hearing under the Code, they may be accompanied by a companion for support. This person may be a fellow student/friend/partner/parent/carer or a Students' Union Adviser or mentor. The University does not normally permit students to be legally represented during the disciplinary process, except in exceptional circumstances (for example where the Accused Student's conduct may also amount to a criminal offence). The Accused Student must provide the name and contact details of their chosen companion to the University in good time before the meeting/hearing.
- 5.5 The role of the companion is to support the Accused Student. The Accused Student may consult the companion for advice and support during the process/meeting/hearing. The student is expected to communicate and engage with the process themselves and there is no automatic right for a companion or third party to communicate on the Accused Student's behalf. In meetings/hearing the companion may not answer questions on the Accused Student's behalf (unless this is agreed in advance by the Investigating Officer or Chair as a reasonable adjustment for the Accused Student's disability). The University reserves the right not to engage with a companion or third party if, in the view of the Investigating Officer or Chair, they do not behave in an acceptable manner.
- 5.6 Further details of the support services offered both by the University and externally are set out at Appendix D.

## **6. Protocol for Students Causing Serious Concern.**

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- 6.1 If, during an investigation of alleged Misconduct, there are significant concerns that mental or physical illness may have directly impacted on behaviour the Investigating Officer conducting the case may request approval from the Academic Registrar, or in the case of FE students the Head of Further Education, for the case to be considered under the provisions of the [Support to Study Policy](#).
- 6.2 In cases where urgent intervention is required (for example, where the case requires emergency referral to, and liaison with, community mental health services) the provisions of the University's Protocol for Students Causing Serious Concern may be invoked.
- 6.3 In the event of a referral under section 6.1, the Investigating Officer or in Serious Misconduct cases, the Academic Registrar, or in the case of FE students the Head of Further Education, shall have discretion to determine whether any formal disciplinary action already underway against the Accused Student should continue, be suspended or terminated.

## **7. Reporting matters to the Police**

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- 7.1 Where a student is alleged to have committed a criminal offence, it is normally for the victim of the alleged offence to decide whether to report the matter to the Police, save as set out in section 7.3 below.
- 7.2 Where a suspected criminal offence is committed against the University, the University may report the incident to the Police. Where the alleged victim is not the University (for example not a member of University staff or where it is not relating to University property), the University will normally encourage the victim to decide whether to report the matter to the Police.
- 7.3 The University will only in exceptional circumstances report an alleged incident to the Police against the wishes of the alleged victim/Reporting Student where the reporting is necessary to protect the alleged victim/Reporting Student or others from physical or psychological harm, or to prevent a further harm taking place. In such cases the University will explain its decision and reasons to the alleged victim/Reporting Student either in advance or as soon as possible after the report was made.

## 8. Student conduct under Police investigation

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- 8.1 The University reserves the right to either suspend or continue with the disciplinary process in cases where a Police investigation is ongoing. This will be decided by the Academic Registrar on a case by case basis, and where appropriate in dialogue with the Police. The University may interview witnesses prior to making a decision on whether to suspend the process.
- 8.2 The University reserves the right to proceed with the disciplinary process under the Code where the Accused Student has been acquitted in criminal proceedings or where the Police or Crown Prosecution Service have taken a decision not to take any further action.
- 8.6 Where a Police investigation is under way, the University's normal practice is to provide reasonable support to the Accused Student in order for them to be able to continue their studies (unless they are subject to section 9 below) whilst abiding by any bail conditions that may have been placed on them, if practicable to do so.

## 9. Precautionary Action - Suspension and placing of conditions

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- 9.1 Following receipt of an allegation of Misconduct or Serious Misconduct where the level of risk is considered high and where there is no alternative measures that could be put in place to mitigate the risk, the Academic Registrar may make a decision to suspend the Accused Student. This suspension is a precautionary, rather than punitive, measure.
- 9.2 A decision to suspend the Accused Student would be taken where it is considered that the Accused Student's continued access to the University creates a significant risk such as:
- a) Due process under the Code may be inhibited or impeded;
  - b) It is deemed necessary to protect an individual, the University community or the reputation of the University; and/or
  - c) There may be a recurrence of unacceptable behaviour by one or more students,
- the Investigating Officer or the relevant Executive Dean of School/Head of Professional Service can recommend suspension from access to all or parts of University premises, or University non-academic activity until the disciplinary case is concluded, and/or recommend conditions (such as not to contact a named student), with clear reasons, to the Academic Registrar, or in the case of FE students, the Head of Further Education. The Academic Registrar/Head of Further Education has the authority to decide whether to suspend the Accused Student, for how long and the scope of any such suspension.
- 9.3 Any suspension or conditions will be limited to a specific period of time and will be reviewed regularly by the Investigating Officer in consultation with the Academic Registrar/Head of Further Education, but may be extended where it is deemed necessary to do so.
- 9.4 Where a decision has been made to suspend or place conditions on a student, the Investigating Officer will write to the student providing clear reasons for the decision to suspend or for placing conditions on them which will be supported by a statement of the alleged facts, contact details to enable them to continue their studies remotely (where applicable) and a link to University Student Support Services.
- 9.5 A student can appeal against a precautionary decision to suspend and/or place conditions on them to the Academic Registrar, or in the case of FE students, to the Head of Further Education within **5 working days** of the date of the decision letter providing clear representations. The appeal will be considered and the student will be notified of the decision within **5 working days** of receipt of the appeal.

- 9.6 A student can request that the Investigating Officer reviews the precautionary action decision if they can demonstrate that there has been a material change in the circumstances of the case.

## 10. Procedure for Cases of Alleged Misconduct

### 10.1 Triggering the disciplinary process

Action under the Code is initiated by the University becoming aware of an alleged incident of Misconduct or Serious Misconduct (see Appendix B for examples), either by:

- A direct report/complaint via the [Student Code of Behaviour Report form](#); or
- A report from a member of University staff; or
- An incident/allegation brought to the University's attention by a third party such as the Police, community protection officers, members of the community, or staff at UPP-managed halls of residence; or
- An incident/allegation the University becomes aware of or is made aware of (e.g. media/social media).

### 10.2 The investigation process

10.2.1 Where a report of alleged student Misconduct has been received an Investigating Officer will conduct an investigation. A case of alleged Misconduct might be perceived as Serious Misconduct, by the Investigating Officer, when it is first reported to the University, or after initial investigation of the case.

10.2.2 The aim of the investigation is to establish the facts relating to the alleged Misconduct. The investigation will be started as promptly as possible, and normally within **2 working days** of the report being made.

10.2.3 As part of the investigation, the Investigating Officer shall gather relevant evidence, which may involve: interviewing the Reporting Student and the Accused Student (the Investigating Officer may undertake such interviews in person, by telephone or by MS Teams); identifying and interviewing any other relevant individual/witnesses, or obtaining written witness statements from them; and seeking documentary evidence where appropriate (for example emails, logs from relevant University systems or other relevant evidence). The Investigating Officer may also obtain specialist advice if they deem it appropriate.

10.2.4 In requesting an investigatory interview with the Accused Student, the Investigating Officer will write to the Accused Student at least **3 working days** in advance of the investigatory interview, inviting them to the interview and will make clear:

- the nature of the alleged misconduct (in summary form);
- that the interview is being requested in accordance with the provisions of this Code;
- confirming the right to be accompanied by another person during the investigatory interview (see section 5 above);
- that the Students' Union Information and Advice Service is available for advice on the process under the Code; and
- that Student Support Services can be accessed for any student support matters.

10.2.5 In the event that the Accused Student fails, without good reason, to attend an investigatory interview requested under this Code on two or more occasions, the Investigating Officer shall be entitled to continue with the investigation without interviewing the Accused Student provided the Investigating Officer is satisfied that due notice of the date and time of the interview(s) was provided. The Investigating Officer shall decide in their absolute discretion what constitutes 'good reason' under this provision.

10.2.6 Whilst the Investigating Officer will strive to avoid delay, the time required to complete the investigation will be influenced by several factors including the nature of the alleged misconduct, the number and availability of potential witnesses, any ongoing Police investigation and the volume and nature of evidence to be gathered. The Investigation will undertake their investigation promptly but where there is a delay both the Reporting and the Accused Students will be informed of any delay and the reason.

### 10.3 Initial Investigation outcomes and resulting actions

10.3.1 At the end of the investigation, the Investigating Officer shall prepare an investigation report in which they consider all the evidence gathered and, subject to the outcomes of any disciplinary meeting, make a judgement as to whether there is a case to answer and, if so, whether the allegations amount to Misconduct or Serious Misconduct.

10.3.2 The Investigating Officer may:

- a) Decide that the allegations amount to potential Misconduct and can be dealt with by the Investigating Officer via a Disciplinary Meeting ( see section 10.4 below); or
- b) Decide that the allegations amount to potential Serious Misconduct and refer the matter to a Disciplinary Panel Hearing in accordance with section 12 below; or
- c) Decide that no further action should be taken.

### 10.4 Disciplinary Meeting

10.4.1 The Investigating Officer will invite the Accused Student to attend a disciplinary meeting (this may take place in-person, by telephone or online (i.e. via Microsoft Teams) ) with the Investigating Officer, providing the date, time and place/method of the meeting. The meeting will be held as soon as reasonably possible but the Accused Student will be given at least **5 working days**' notice. The Accused Student will be informed of their right to be accompanied at the meeting by one other person for support as set out in Section 5 above.

10.4.2 The notice will set out the allegation(s) of Misconduct, the basis of those allegations and the likely range of penalties if it is decided after the disciplinary meeting that the allegations are proven.

10.4.3 The Accused Student will be provided with copies of all relevant documents related to the case. In limited circumstances (for example risk of harm to a witness) a witness' identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.

10.4.4 On receipt of the notice the Accused Student should:

- a) respond to the allegation (preferably in writing) providing any mitigating arguments that they wish to be taken into consideration, and confirm that they are content for the matter to be dealt with without a disciplinary meeting on the basis of the evidence available and any written comments made by the Accused Student in mitigation; or
- b) confirm to the Investigating Officer that they will attend the disciplinary meeting or request an alternative date if they are unable to attend (providing good reasons). The Investigating Officer shall decide in their absolute discretion what constitutes 'good reason' under this provision.

10.4.5 If the Accused Student does not respond to the notice prior to the date of the meeting, or does not attend the disciplinary meeting, the Investigating Officer will deal with the matter summarily (in the Accused Student's absence) based on the evidence available.

10.4.6 The purpose of the disciplinary meeting is to discuss the evidence gathered and to provide the Accused Student with an opportunity to make representations. The Investigating Officer will then make a decision based on the evidence and any representations from the Accused Student, on whether the allegation is proven.

- 10.4.7 The Investigating Officer will notify the Accused Student of the outcome of the disciplinary meeting, the reasons for the decision and (where relevant) any penalty imposed within **2 working days** of the disciplinary meeting. The Accused Student will also be informed of the right to request an appeal under section 14.
- 10.4.8 In the event that a case of alleged Misconduct is deemed proven and a penalty is imposed, appropriate details will be passed to the Accused Student's School for formal record purposes. The outcome may also be passed to any professional body, an employer where the Accused Student is an Apprentice or other employer where the Accused Student is sponsored where in the University's reasonable opinion it is necessary to do so.
- 10.4.9 The University will normally inform the Reporting Student (and any other relevant parties) of the outcome of the disciplinary process where the University considers it reasonable and appropriate to do so.

## 11. Dealing with matters summarily

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- 11.1 If the Accused Student admits the disciplinary offence before a Disciplinary Meeting or Disciplinary Panel Hearing under the Code has taken place, the Investigating Officer or the Chair of the Disciplinary Panel may (where it is deemed appropriate to do so) dispense with the need to hold the meeting/hearing and instead deal with the matter summarily.
- 11.2 Prior to dealing with the matter summarily, the Accused Student must receive:
- an explanation of the potential consequences of dealing with matters summarily;
  - an outline of the range of penalties that may be imposed; and
  - provide consent to deal with the matter summarily.
- 11.3 If the Accused Student wishes for the matter to be dealt with summarily, they will be required to sign a statement which states that they:
- admit to the Misconduct/Serious Misconduct;
  - acknowledge the potential consequences of their admission under this Code; and
  - provide any mitigation that they wish to provide.
- 11.4 Having considered the evidence, if the Investigating Officer or Chair of the Disciplinary Panel is satisfied that the Accused Student committed the alleged Misconduct/Serious Misconduct (on the balance of probabilities) they will proceed to impose a penalty under this procedure, taking any mitigating circumstances into account where relevant.
- 11.5 It is not appropriate to deal with a matter summarily if: the Accused Student is subject to a Police investigation relating to a criminal offence; if someone was hurt; the allegation relates to discrimination/hate behaviour or sexual misconduct; or if exclusion is within the range of reasonable penalties which could be imposed in the circumstances.

## 12. Disciplinary Panel Hearing

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- 12.1 If the Investigating Officer decides that the allegations should be considered as Serious Misconduct, they will refer the matter to the Academic Registrar, or in the case of FE students, to the Head of Further Education, who will arrange for a Disciplinary Panel Hearing.
- 12.2 The Accused Student will be informed in writing of the date, time and location of the Disciplinary Panel Hearing at least **10 working days** before to enable sufficient time to prepare a case in response based on the information provided by the University. The notice will set out the allegation(s), the basis of those allegations, the likely range of penalties if it is decided after the Disciplinary Panel Hearing that the allegations are proven, and the names of the Disciplinary Panel members.

- 12.3 The Accused Student will be provided with a copy of the investigation report and all relevant documents (including witness statements) related to the case. In limited circumstances (for example where there is a risk of harm to a witness) a witness' identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.
- 12.4 The Accused Student will be invited to respond to the allegations in writing. All written documents (including written witness statements) must be received by the Secretary to the Disciplinary Panel at least **3 working days** prior to the Disciplinary Panel Hearing. The Chair of the Disciplinary Panel has discretion over whether to allow the introduction of further evidence which is received at a later time.
- 12.5 The Disciplinary Panel shall consist of:
- a) Dean / Deputy Dean or Head of Professional Service
  - b) Deputy Dean / Head of School Operations / Professional Services Manager
  - c) NTSU Representative
- 12.6 The Accused Student is entitled to be accompanied at the Disciplinary Panel Hearing by one other person for support, as set out in section 5 above. You must inform the Secretary to the Disciplinary Panel of the name and capacity of any accompanying person to the Disciplinary Panel Hearing, at least **3 working days** before the Disciplinary Panel Hearing.
- 12.7 In the event that the Accused Student and/or their companion are unable to attend the Disciplinary Panel Hearing with good reason, the Secretary of the Disciplinary Panel should be informed immediately and an alternative date/time will be arranged.
- 12.8 Every effort must be made to attend the Disciplinary Panel Hearing and failure to attend without good reason may be treated as a separate Misconduct offence. If there is a failure to attend on two or more occasions, the University reserves the right to proceed with the Disciplinary Panel Hearing on the evidence available. The Chair of the Disciplinary Panel shall decide in their absolute discretion what constitutes 'good reason'.
- 12.9 At the discretion of the Chair of the Disciplinary Panel, the Accused Student may be permitted to attend the Disciplinary Panel Hearing by video call.
- 12.10 The requirements governing the conduct of the Disciplinary Panel Hearing can be found at Appendix B.
- 12.11 If the allegation has not been proven, the Chair to the Disciplinary Panel will write to the Accused Student to confirm the outcome and the reasons.
- 12.12 If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the Disciplinary Panel will decide on the appropriate penalty as set out in section 13 below.
- 12.13 The Chair of the Disciplinary Panel will notify the Accused Student of the outcome of the Disciplinary Panel Hearing, the reasons for the decision and any penalty imposed normally within **2 working days** of the Disciplinary Panel Hearing. The Accused Student will also be informed of the right to appeal under section 14 below. In exceptional circumstances the University may require longer than two working days to provide the outcome to the Accused Student. Should this be the case the University will act reasonably at all times and will keep the Accused Student updated of any revised timeframes.
- 12.14 In the event that a case of Serious Misconduct is deemed proven and a penalty is imposed, appropriate details will be passed to the Accused Student's School for formal record purposes. The outcome may also be passed to any professional body, an employer where the Accused Student is an Apprentice or other employer where the Accused Student is sponsored where in the University's reasonable opinion it is necessary to do so.

## 13. Penalties

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- 13.1 The Investigating Officer or the Disciplinary Panel (as appropriate) shall have discretion in making a reasoned judgement to apply an appropriate penalty for any disciplinary offence under the Code taking into account the circumstances of the case, any mitigating factors, and any previous misconduct. The reason for the penalty imposed shall be recorded in writing to the Accused Student and their school.
- 13.2 Penalties under this Code may be one or more of:
- a) an action plan and conditions for improvement of conduct (to be reviewed at a specified period of time, usually within 2 months of being issued);
  - b) a requirement that the Accused Student has no contact with a named person(s) by signing a University restriction form;
  - c) a formal written warning, which will remain on the Accused Student's file for a period of between 6 months and the end of studies (and which may be taken into account in the event of further disciplinary action);
  - d) restorative justice, such as community services;
  - e) a requirement that the Accused Student makes a formal apology reflecting on their actions to those affected by their conduct;
  - f) a requirement to meet, in full or part, the cost of making good any damage caused by or as a result of the Accused Student's conduct;
  - g) a proportionate fine of up to £200, or up to £500 for Serious Misconduct;
  - h) a suspended fine that would only become payable if the Accused Student was subject to further disciplinary action under the Code within a specified timescale (which may be any period up to and including completion of study);
  - i) payment of reasonable compensation;
  - j) relevant training or attendance on recommended education or personal development courses (such as consent workshop, framework referrals, engagement with medical professionals, at the student's expense);
  - k) partial or full suspension from specified extra-curricular/other privileges for a fixed period of time;
  - l) partial or full suspension from specified academic, extra-curricular/other privileges, and or University premises for a fixed period of time for Serious Misconduct;
  - m) exclusion from the University resulting in termination of studies for Serious Misconduct;
  - n) Any other outcome as deemed reasonable by the Disciplinary Panel.
- 13.3 Any penalty is effective immediately once imposed unless the Investigating Officer or Disciplinary Panel decides otherwise.
- 13.4 In the event that a penalty of suspension is imposed, for the avoidance of doubt, any tuition fees will not be refunded for the period of time which a student is under suspension.

## 14. Right of Appeal

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- 14.1 If the Accused Student is dissatisfied with the outcome of the disciplinary process, they have **10 working days** from the date of the outcome to request an Appeal to the Academic Registrar, or in the case of FE students, to the Head of Further Education by email to [REG.StudentMisconduct@NTU.ac.uk](mailto:REG.StudentMisconduct@NTU.ac.uk). Any Appeal will be acknowledged by the Academic Registry Team within **3 working days** of receipt.
- 14.2 A request for an Appeal will be granted on the following grounds only:
- a) That there was a material failure by the University to follow its procedures specified in the Code including where clear reasons were not provided for the decision, or there was evidence of bias; or

- b) The outcome was not reasonable in all the circumstances (no reasonable decision maker, taking into account all the relevant facts, could have reached that decision); or
- c) New or additional evidence is available which the Accused Student was unable, for good reasons, to provide earlier in the process.
- 14.3 There are no other grounds on which an appeal will be considered by the University.
- 14.4 When submitting an appeal, the Accused Student should set out their concerns clearly and succinctly and provide evidence to support their appeal explaining how their request for an appeal falls into one or more of the grounds set out at section 14.2 above.
- 14.5 An Appeal Officer will be appointed by the Academic Registrar, or in the case of FE, by the Head of Further Education, who will consider the information submitted and make a decision as to whether the request for an appeal is based on one or more of the permitted grounds and within the prescribed timeframe, and will notify the Accused Student within **5 working days** of receipt of the appeal.
- 14.6 If the Appeal Officer considers that the grounds are not satisfied, the Accused Student will be informed of the decision to reject their request for an appeal and a Completion of Procedures Letter (COP) will be issued (see section 16 for further information).
- 14.7 If the Appeal Officer concludes that the appeal falls within one or more of the permitted grounds, The Appeal Officer will review all information collated for the original decision, together with any new evidence presented, (but may contact the Accused Student/or anyone else involved in the matter if considered necessary).
- 14.8 The outcome of the appeal can be that the Appeal Officer shall either uphold the original decision or make a different finding which may overturn the original decision. The Appeal Officer may send the matter back to the same or a different Investigating Officer/Disciplinary Panel to consider again.
- 14.9 The outcome of the appeal is final and will be communicated to the Accused Student in writing, with reasons for the decision, within **20 working days** of the appeal request being accepted.
- 14.10 Where the University considers it reasonable and appropriate to do so, it will also inform the Reporting Student of the outcome of the appeal. The outcome may also be passed to any professional body where in the University's reasonable opinion it is necessary to do so.

## 15. Review of Decisions by Reporting Students

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- 15.1 A student/individual who has reported Misconduct or Serious Misconduct will be kept informed of the investigation, and where reasonable and appropriate to do so, of any outcomes of the investigation. A Reporting Student may not appeal against the outcome or penalty but may make a complaint through the University's [Complaints Procedure](#).

## 16. Office of the Independent Adjudicator

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- 16.1 In the event that the Accused Student remains dissatisfied with the outcome of the disciplinary process they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided they have been issued with a Completion of Procedures Letter (COP). The COP will explain how they can submit a complaint to the OIA. The deadline to submit a complaint to the OIA is 12 months of the date of the COP.
- 16.2 In order to submit a complaint to the OIA, the Accused Student must first have exhausted the University's internal procedure (the procedures within the Code) and have received a COP from the University.

16.3 Further information can be found on the OIA's website at <http://www.oiahe.org.uk/>

## **17. Record Keeping and use of Data**

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- 17.1 A formal disciplinary penalty imposed in accordance with section 13 shall be a permanent part of the Accused Student's student record.
- 17.2 It shall not be considered confidential that an Accused Student has been subject to this procedure. Relevant members of University staff such as staff within Academic Registry, Student Accommodation, the relevant School, Employability Services, Apprenticeship Team, NTU Sport, Student Support Services and HR (where applicable) may also be notified. If the Accused Student is undertaking an Apprenticeship Programme (or other employer sponsored programme), the University will notify their employer.
- 17.3 The University reserves the right to disclose any penalty imposed on an Accused Student (including suspension or expulsion from the University) in any references provided to third parties or in order to comply with any regulatory reporting requirements.
- 17.4 The University collects data about disciplinary outcomes at each stage of the operation of this Code and any associated complaints submitted, including those submitted to any regulator (such as the OIA) and will use these data for:
- a) Internal reporting, evaluation and training/learning purposes (anonymised data); and
  - b) Externally for discussion with regulators in the HE sector.

## Appendix A - Misconduct and Serious Misconduct Offences

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The following are examples of Misconduct and Serious Misconduct which, if proven, may amount to a disciplinary offence leading to formal disciplinary action under the Code.

- a) conduct which prevents, obstructs or disrupts or otherwise interferes with:
  - i. teaching, learning or research carried out within the University or on field trips, field work, placements, internships and/or professional or work experience; or
  - ii. the administration of the University; or
  - iii. the discharge of the duties of any student, member of staff, contractor or any visitor to the University; or
  - iv. the holding of, or orderly conduct of, any meeting or activity of or connected with the University;
- b) breach of any of the conditions set out in the enrolment declaration;
- c) possession, use, distribution, production, being under the influence of during University-related activities, supply of and/or trade in illegal substances and drugs, the misuse of and/or trade in prescription drugs, or any conduct relating to psychoactive substances which is unlawful under the Psychoactive Substances Act 2016;
- d) possession, use or threat of use of offensive weapons (including replica/imitation weapons);
- e) spiking the drinks of others;
- f) smoking in “No Smoking” areas (including e-cigarettes);
- g) deliberate or reckless damage to property, whether owned by the University or otherwise;
- h) any activity constituting a breach of any University policy on [equality and diversity](#);
- i) any conduct which amounts to harassment (for example behaviour which causes alarm or distress or which is unwelcome, uninvited and causes a detrimental effect);
- j) physical attack, aggressive, threatening or intimidating behaviour, indecent, disorderly, offensive or any other unreasonable behaviour or language whether expressed orally or in writing (including electronically and/or via social media);
- k) behaviour which poses a serious risk to the health, safety or welfare of others;
- l) any anti-social or disorderly conduct which causes distress or is intended to cause distress to others;
- m) misuse or unauthorised use of University premises, facilities, or items of property, including misuse of computers and networks;
- n) organisation or participation in initiation ceremonies;
- o) conduct in University, UPP or private accommodation, including noise nuisance, which leads to serious or persistent complaints;
- p) a breach of any Regulation of the University or University/UPP halls of residence and/or the Student Charter;
- q) any action which breaches the code of ethics or code of conduct of any regulatory or professional bodies application to the relevant programmes of study, including professional misconduct, except where that conduct is covered by a Fitness to Practise process;
- r) false pretences or impersonation of others;

- s) acts, omissions, statements intended to deceive the University including deliberate falsification of records, including degree or diploma certificates;
- t) refusal to produce a University Smartcard when required to do so by a member of staff without a reasonable or valid reason;
- u) conduct which, by whatever means, seriously disrupts or prejudices the work or activities of the University and its community or which could bring the University into serious disrepute;
- v) distributing or publishing a poster, notice, sign or any publication which is intimidating, indecent or illegal and is likely to create alarm or distress or causes offence where it is reasonable in all the circumstances for a person to feel offended;
- w) offering, promises or giving a financial or other bribe to a member of University staff or a contractor;
- x) recording meetings without consent (for example making covert recordings);
- y) failure on the part of a student reported under the Code to acknowledge, observe and/or co-operate with any investigation, formal interview, appeal, or other process arising from that report (including failure to attend a disciplinary meeting or hearing without good reason);
- z) failure to comply with any sanction imposed for a breach under the Code;
- aa) other Misconduct or Serious Misconduct that, in the reasonable belief of the Investigating Officer, should be dealt with under the Code.

**The following will always be considered as Serious Misconduct:**

- a) sexual misconduct, which is a broad term encompassing any unwarranted behaviour of a sexual nature that is committed without consent or by force, coercion, manipulation or intimidation. Sexual misconduct can occur between strangers or acquaintances, including people who are involved in an intimate or sexual relationship. Sexual misconduct can be committed by a person of any gender, and can occur between people of the same or different gender. Sexual misconduct includes, but is not limited to the following conduct:
  - sexual intercourse or engaging in a sexual act without consent;
  - attempting to engage in sexual intercourse or other sexual act without consent;
  - kissing without consent;
  - sharing or distributing private sexual materials of another person without consent (through any medium - for example: images, video, voice recordings, text message, letters, emails, etc);
  - intimidation, or promising resources or benefits in return for sexual favours; touching inappropriately without consent;
  - inappropriately showing sexual organs to another person;
  - making unwarranted remarks of a sexual nature; and/or
  - repeatedly following another person without good reason and in a manner which causes the person being followed to feel alarmed or threatened (stalking).
- b) conviction of a serious criminal offence by any court of a competent jurisdiction, including an offence committed outside University premises;
- c) conduct resulting in the student receiving a formal Police caution or other penalty imposed by the Police regardless of whether the student is actually charged or convicted of an offence, or where a student receives a conviction by a court;
- d) behaviour of a threatening, hostile, intimidatory or discriminatory nature, including, but not limited to:

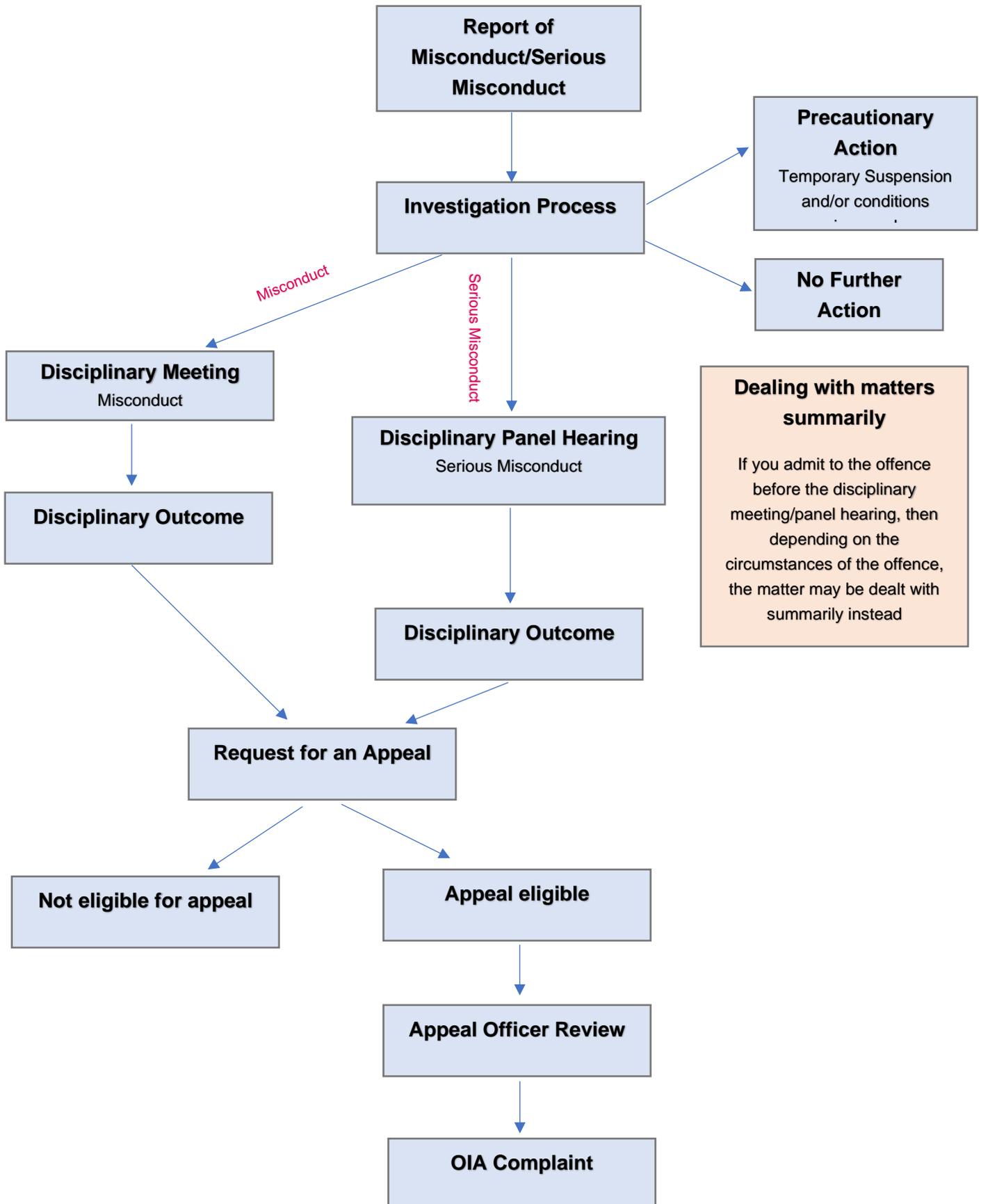
- domestic violence and abuse;
  - bullying;
  - verbal/physical assault;
  - Antisemitism;
  - sexism;
  - misogyny/misandry;
  - transphobia;
  - homophobia;
  - sexual misconduct;
  - racism;
  - ablism;
  - other associated hate incidents.
- e) misconduct which is motivated by hostility or prejudice based on a person's protected characteristic (sex, race, religion or belief, age, gender reassignment, sexual orientation, pregnancy, disability or marital status) ("hate incident").

## Appendix B – Conduct of Disciplinary Panel Hearing

1. The Chair of the Disciplinary Panel shall manage the Disciplinary Hearing and ensure proper and reasonable conduct of those taking part. The Chair has the power to postpone, continue or adjourn the Disciplinary Hearing and to limit the length of time of the Disciplinary Hearing, the number of witnesses called, and the questions asked.
2. A Secretary to the Disciplinary Panel will be appointed by the Academic Registrar, or in the case of an FE student, by the Head of Further Education. The Secretary's role will be to correspond with the Accused Student about the Disciplinary Panel Hearing, and will provide the relevant documentation to the Disciplinary Panel Members; they will also take minutes at the Disciplinary Panel.
3. The Academic Registrar, or in the case of FE students, the Head of Further Education, will also appoint an advisor (this may be the Secretary) to the Disciplinary Panel whose role it will be to advise the Disciplinary Panel members on the Code and conduct of the Disciplinary Hearing.
4. The case against the Accused Student, including the evidence produced by the investigation, shall be presented to the Disciplinary Panel by the Investigating Officer. The Investigating Officer may call witnesses to provide further evidence. The Chair of the Panel will determine the most appropriate means for the provision of this evidence taking into account the circumstances of the case, the best interests of all parties and having had due regard to the guidance documentation available to support panel members on this issue.
5. The Accused Student shall have the opportunity to respond to the allegations and to the case as presented by the Investigating Officer and may call on relevant witnesses in support of their case. At least **3 working days** advance notice needs to be provided to the Disciplinary Panel to arrange their attendance in accordance with Section 11. Opportunity to respond to any information given by a witness (through the Disciplinary Panel) will be provided.
6. The Chair of the Disciplinary Panel may permit a witness to attend the Disciplinary Hearing by video call, or may make other arrangements to enable a witness to give evidence and respond to questions.
7. If witnesses do not or are unable to attend the Disciplinary Hearing, statements collected or received prior to the Disciplinary Hearing may be used in their absence at the discretion of the Chair of the Disciplinary Panel.
8. The Disciplinary Hearing may be adjourned at the discretion of the Chair of the Disciplinary Panel in the interests of fairness (for example if new evidence comes to light which could not have reasonably been disclosed in accordance with the prescribed timescales under the Code).
9. The Accused Student and the Investigating Officer presenting the University's case shall have the opportunity to make final submissions to the Disciplinary Panel, which may include any statement the Accused Student may wish to make in mitigation.
10. The Accused Student may admit to the allegation of Serious Misconduct at any time during the Disciplinary Hearing. Should this occur, the Chair of the Disciplinary Panel can decide to end the Disciplinary Hearing and move to the consideration of penalty or to continue with the Disciplinary Hearing.
11. Following the Disciplinary Hearing, members of the Disciplinary Panel will consider whether the allegation made against the Accused Student has been proven on the balance of probabilities.
12. If the allegation has not been proven, the Chair of the Disciplinary Panel will write to the Accused Student to confirm the outcome and the reasons.

13. If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the Disciplinary Panel will decide on the appropriate penalty as set out in section 13.
14. The Chair of the Disciplinary Panel will notify the Accused Student of the outcome of the Disciplinary hearing, the reasons for the decision and any penalty imposed within **2 working days** of the Disciplinary Hearing. You will also be informed of your right to appeal under Section 14.
15. In the event that a case of Serious Misconduct is deemed proven and a penalty is imposed, appropriate details will be passed to academic managers in the Accused Student's School for formal record purposes.
16. Where the University considers it reasonable and appropriate to do so, it will also inform the Reporting Student of the outcome of the Disciplinary Hearing.

## Appendix C – SCoB Flow Chart



## Appendix D – Support for Students

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The University provides a number of Student Support Services which are open to any student against whom an allegation of misconduct is made under this Code and any student who is a victim of or witness of misconduct. Students are encouraged to engage with Student Support Services and take up appropriate support available to them.

- a) **Mental Health and Wellbeing Support**  
Support and advice to students who may be experiencing personal difficulties, who may be struggling to cope at University or who just need someone to talk to. Please visit the [Student Hub](#) for more information or call 0115 848 2990.
- b) **Report and Support**  
[we will put some information in here about Report and Support when it is available]
- c) **Silvercloud – online support**  
SilverCloud offers secure, immediate access to online cognitive behavioural therapy (CBT) programmes for a range of mental health concerns. They can be tailored to your specific needs. Find out more information and sign up [here](#).
- d) **Disability and Dyslexia Support**  
A dedicated service for students who have a disability, long term medical condition or a specific learning difficulty (including dyslexia). Find further information [here](#) or call us on 0115 8482085.
- e) **Support for students with individual needs**  
Advice and guidance to support individual needs such as care leavers or caring responsibilities, sexual violence support. Please see further information [here](#) or call us on 0115 8482085.
- f) **General Student Advice**  
Advice and guidance on financial and money management, help with personal, emotional or academic issues. Visit our Student Services Centre in Newton Building, find further information [here](#) or call us on 0115 8482085.
- g) **Nottingham Trent Students Union Advice Centre (NTSU)**  
NTSU runs a free and independent information advice centre to support students in a number of areas, including but not limited to academic support, health and wellbeing, housing, money. Further information [here](#).
- h) **Peer Support Scheme**  
The NTSU Peer Support Scheme offers support from students to students with similar experiences, problems or conditions. It is a free, confidential and independent from NTU service offered by the NTSU. Further information [here](#)