



Nottingham Trent
University

Further Education Student Code of Behaviour

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1. Introduction to the code of behaviour

1.1 Purpose of the Code

- 1.1.1. Nottingham Trent University ("the University") endeavours to create an atmosphere of mutual trust, harmony and respect. Good standards of conduct are necessary for the benefit of all members of the University and for the University's reputation.
- 1.1.2. 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.
- 1.1.3. In applying this Code, the University seeks to comply with all relevant legislation promoting privacy, equality of opportunity and anti-discrimination.

2. Definitions

- 2.1. For the purposes of the Code, in this document the following words and phrases have the meanings indicated:

"Appeal Hearing" means the formal meeting at which an appeal against the decision of a Disciplinary Hearing is considered and decided upon by an Appeal Panel;

"Reported Student" means a student against whom allegations of misconduct have been made;

"Appeal Officer" means a member of staff who considers an Appeal from a student against the decisions made in a case of Minor Misconduct;

"Appeal Panel" means those persons, usually two from the University and one from the Student Union, who are appointed to consider an appeal at an Appeal Hearing;

"Authorised Officer" and **"Authorised member of staff"** both mean any member of staff who has been authorised by their Dean, Head of Service, or the Deputy Vice-Chancellor, to take action under the Code;

"Breach" and **"Misconduct"** both mean conduct which breaches this Code and is classified by the University as Misconduct for the purposes of the procedures to be followed and the penalties and sanctions which may be applied;

"Chair of Disciplinary Panel" this will be 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 and one from the Student Union, who are appointed to consider allegations of serious misconduct at a Disciplinary Hearing;

"Disciplinary Procedures" means the procedures and processes, described in this Code, which are to be followed in dealing with cases of alleged student misconduct;

"Investigating Officer" means the Deputy Head of Further Education (or nominated deputy) who conducts an investigation into a case of alleged student misconduct;

“Head of Further Education”, “Dean of ARES” or other University Executive Team (UET) member who has responsibility for Student Conduct. Where necessary, they may nominate another member of University staff to act on their behalf;

“Serious Breach” and **“Serious Misconduct”** both mean conduct which breaches this Code and is classified by the University as Serious Misconduct for the purposes of the procedures to be followed and the penalties and sanctions which may be applied;

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

“University Staff” means all University employees, UPP employees in UPP- managed halls of residence, and authorised agency staff working on behalf of the University; and

“Sexual Violence” - we define sexual violence as any sexual act occurring without the consent of all parties, including but not limited to; sexual assault, rape, sexual harassment and stalking.

“Summary Decision” – means a decision and penalty on a Serious Misconduct case can be taken without a Serious Disciplinary Hearing, this can be invoked by the University or requested by the Student when they do not wish to dispute the allegations against them.

3. Scope of the code

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

- 3.1.1. This Code applies to all students of the University 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 halls of residence, if later).
- 3.1.2. The Code applies to students’ conduct whether on or off the University’s premises, including non-University-related activities and students living in or visiting all student accommodation managed by the University, UPP or privately owned.
- 3.1.3. These procedures are intended to address misconduct rather than to resolve disputes between students.

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

- 3.2.1. Students will be aware of the Nottingham Trent University Student Charter, which is accepted by all students at the point of joining the University. The Student Charter is founded on respect, integrity and clear communications, and captures what the University expects of students. As laid out in the Charter, the University aims to provide a safe and productive learning community in which both staff and students will have the opportunity to develop their career ambitions and fulfil their potential. The Code ensures that the University can act accordingly if a student fails to meet these expectations. The specific behavioural expectations are:
 - Treat students and colleagues equally and respectfully, in the spirit of equality and diversity, and creating an inclusive university community;
 - Ensure a safe and secure environment in accordance with health and safety standards;
 - Treat staff and fellow students with dignity and respect;
 - Commit to the terms and conditions of being a Nottingham Trent University student;

- Respect the physical and online environment of the University, including learning, social and living accommodation and behave respectfully towards the University's neighbours as a responsible member of the local community; and
- Familiarise themselves and comply with the University's policies and regulations, including the IS Computer Use Regulations
http://www4.ntu.ac.uk/information_systems/document_uploads/85636.pdf.

The Nottingham Trent Student Charter can be found at:

http://www4.ntu.ac.uk/current_students/resources/student_charter/

3.2.2. The University encourages all members of our community to be aware of their behaviour and interaction with others, and of the impact this may have. Our community is based upon the principles of respect and consent, and we will not tolerate any form of discrimination on the grounds of: age; disability; gender reassignment; race; religion; sex; and/or sexual orientation.

More information on Respect and Consent can be found at:

<https://www.trentstudents.org/respectandconsent> and

<https://www4.ntu.ac.uk/equality-diversity-inclusion/policies-procedures/dignity-respect/index.html>

For the purposes of clarity, the expected standards of behaviour include all interactions and communications, including social media. Social media policy can be found in section 10 of Computer Use Regulations.

3.2.3. Students are expected:

- 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 or convictions that they are involved in whilst a student;
- To produce University-issued ID cards for identification purposes when reasonably requested to do so by University staff;
- Not to engage in any conduct which constitutes sexual misconduct (as defined below);
- 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 any harassment or intimidating behaviour;
- 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 illegal substances or offensive weapons (including replica weapons airguns, BB guns or anything that can be used as a weapon or cause harm);
- To comply with government advice relating to the health & safety of others, including COVID-19, adhering to social distancing and other COVID-19 rules
- To conduct themselves appropriately in all forms of communication, including social media;
- Not to behave in an unacceptable way during any internal University process, including in relation to this Code, including 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; or a 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 actively discredit an individual.

3.2.4 The following (non-exhaustive) list gives examples of potentially Serious Misconduct:

- Alleged or committed criminal offences;
- Behaviour of a threatening, hostile, intimidatory or discriminatory nature, including domestic violence and abuse, bullying, assault, antisemitism, sexism, misogyny/misandry, transphobia, homophobia, sexual misconduct, racism and other associated hate incidents;
- Possessing, supplying or dealing in illegal substances;
- Possession or use of offensive weapons (including replica weapons) on University premises;
- Anti-social or disorderly conduct which causes distress to others;
- Behaviour which poses a serious risk to the safety or welfare of others;
- Organisation or participation in initiation ceremonies;
- Non-accidental damage to property, whether owned by the University or otherwise;
- Conduct in private accommodation, including noise nuisance, which leads to serious or persistent complaints;
- False pretences or impersonation of others;
- Falsification of documents to gain an academic advantage, for example false evidence provided for NEC to gain an extension;
- Falsification or misuse of University records including degree or diploma certificates;
- Conduct which, by whatever means, seriously disrupts or prejudices the work or activities of the University and its community;
- Conduct which could bring the University into serious disrepute;
- Serious or repeated breaches of COVID-19 rules;
- Repeated breaches of this Code, the Student Charter or other University regulations
- Failure or refusal to pay a fine or comply with a penalty previously issued for a breach of the Code.

3.2.5 The following are considered as examples of sexual misconduct (this is not an exhaustive list):

- sexual intercourse or engaging in a sexual act without consent;
- attempting to engage in sexual intercourse or other sexual act without consent;
- sexual violence, rape or sexual assault;
- stalking;
- 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;
- kissing without consent;
- touching inappropriately without consent;
- inappropriately showing sexual organs to another person;
- making unwanted remarks of a sexual nature.

3.2.6 In this Code, the university adopts the IHRA working definition of antisemitism.

3.3. What constitutes a breach of the Code?

3.3.1. Any behaviour which fails to meet the University's stated expectations (above) 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 this Code and can be dealt with in accordance with the procedures and processes set out in this Code.

- 3.3.2 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.

4. Advice and support for students subject to disciplinary action

- 4.1 The Students' Union Information and Advice Service provides a free and confidential advice service for students in relation to the operation of this Code. That advice service is independent of the University and the advisers have considerable experience in assisting and advising Reported Students, Reporting Students and other students who are involved in a disciplinary process as a witness. The service also offers support and representation of students during formal Disciplinary Hearings.
- 4.2 Students who are subject to disciplinary action for alleged Misconduct are strongly advised to seek advice and assistance from the [Students' Union Information and Advice Service](#).
- 4.3 Reported 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.
- 4.4 Under our supported complaints policy, reporting students will be given the opportunity to be provided with a peer mentor, facilitated by the Students' Union. This mentor will be available for support for the reporting student in the pursuit of the allegation throughout the disciplinary process, and is separate from any other support the University may provide.
- 4.5 The Reported Student may be accompanied at any investigatory interview, or Disciplinary Hearing by one other person for support. This person may be a friend, partner, parent, carer, Students' Union Adviser, mentor or any other person not acting in a legal capacity. The University does not permit students to be legally represented during the disciplinary process, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the Academic Registrar.
- 4.6 The role of any supporter is to provide support and advise the Reported Student. The Reported student is expected to speak on their own behalf; there is no automatic right for supporter to speak on the student's behalf. The University reserves the right not to engage with the Reported Student's supporter if, in the view of the Academic Registrar, they do not behave in an acceptable manner or respect the nature of the role.

5. Crisis intervention policy for students at risk

- 5.1. If, during a case of alleged misconduct, it is considered that the Student is presenting signs of a physical, psychological or emotional disorder, the Investigating Officer conducting the case may request approval from the Head of Further Education (or their deputised authority) for the case to be considered under the provisions of the [University's Fitness to Study Policy](#), and/or to refer the matter to the University's FE Student Support Services for action under the University's Crisis Intervention Policy for Students at Risk or Protocol for Students Causing Serious Concern.
- 5.2. 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 Crisis Intervention Policy may be invoked.

- 5.3. In the event of a referral under paragraphs 5.1 or 5.2, the Head of Further Education shall have discretion to determine whether any formal disciplinary action already underway against the Reported Student should continue, be suspended or terminated.

6. Referral to the police and criminal proceedings

- 6.1. 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.
- 6.2. Students who are victims of crime are encouraged to report the crime to the police. However, there may be cases where a victim does not wish a crime to be reported to the Police and in those cases the University should only in exceptional circumstances report the alleged crime without the consent of the victim - for example, when the victim is unconscious, or where a crime is witnessed or where the crime has implications for others beyond the primary victim (such as under the University's Safeguarding Children and Vulnerable Adults policy or Section 6 of the Computer Use Regulations regarding Inappropriate Materials).
- 6.3. Where conduct by a student is either subject to an investigation by the Police as a suspected criminal offence or where a student has been charged with a criminal offence and is awaiting trial, the University will review such incidents on a case by case basis looking at the best interests of all parties concerned in determining whether any additional investigation under this Code is appropriate or necessary. For the avoidance of doubt the University will take such measures as set out in section 7 as it may deem necessary to protect all parties concerned pending the outcome of such criminal proceedings.
- 6.4. If conduct by a student is reported to the Police as a suspected criminal offence and the Police decide not to pursue the matter, the University shall still be entitled to pursue its own disciplinary procedures under this Code.
- 6.5. Where a police investigation is underway and or is awaiting criminal trial, the Universities Process may be placed on hold until this is concluded. This is likely to result in the Reported student being suspended, partially suspended or Restriction Agreement in place during this period.
- 6.6. Where a student has been convicted of a violent and/or sexual crime, this will be referred to a Serious Disciplinary Panel.
- 6.7. Where a student has been convicted of a criminal offence, issued with a Fixed Penalty Notice (FPN) or accepts a police caution in relation to behaviour that falls within the scope of the Code, the conviction/FPN/caution will be taken as conclusive evidence that the behaviour took place.
- 6.8. Where there is a police investigation, the Reporting Student and/or Reported Student may be asked by the University to sign a police consent form, which enables the Investigating Officer to obtain records that the police have regarding the case. This may not be provided in a live investigation.

7. Suspension

7.1. When will suspension from the University be considered?

- 7.1.1. A student who is alleged to have committed Misconduct or is the subject of a police investigation for an alleged criminal offence, or against whom a criminal charge is pending, may be suspended from classes, certain parts of the University, certain University activities, or the University as a whole. The Authorised Officer, Investigation Officer, or Heads of School can

recommend suspension to the Head of Further Education. The Head of Further Education has authority to decide whether to suspend an Reported Student, for how long and the extent of any such suspension.

7.1.2. An order of suspension from the University may include a requirement that the Reported Student should have no contact of any kind with certain people who may be connected with or involved in dealing with the alleged misconduct or offence.

7.1.3. A suspension of this nature may be used when cases are first reported before a full investigation has taken place, or where it is appropriate to protect the potentially Reported student(s) and the victim(s).

7.2. Why is it necessary to consider suspension?

7.2.1. Suspension from the University is not a sanction, but may be used to protect an individual, the University community or the reputation of the University pending a Disciplinary Hearing or a criminal trial, or to allow an investigation to be carried out without hindrance.

7.2.2. Suspension will not be regarded as an automatic response to an allegation of Misconduct and alternatives to suspension may be considered.

7.2.3. A student who is suspended will be notified and be issued confirmation in writing, and that notification will include an explanation of the scope of the suspension and the reasons for the decision to suspend.

7.3. How long will the suspension continue for?

7.3.1. The suspension will continue until the end of the period set by the Head of Further Education unless they decide otherwise.

7.3.2. If the Reported Student has been suspended for more than four weeks, they can request that the suspension be reviewed by the Head of Further Education. If new information becomes known, a review may be conducted within the four-week period. Any such request for review must be made in writing and should set out clearly the reasons for requesting a review. This initial review will be conducted by the Head of Further Education based on those written representations alone.

7.3.3. The Reported Student can request a review if new information becomes known (the "Initial Review"). Any such request for Initial Review must be made in writing and should set out clearly the reasons for requesting a review. This Initial Review will be conducted by the Head of Further Education based on those written representations alone. It is at the sole discretion of the Head of Further Education whether to undertake any further reviews.

7.4. What can Students access during partial suspension?
Please refer to appendix one: Suspension Framework

8. Procedure for cases of alleged misconduct

8.1 Triggering the disciplinary process

Action under the Code is initiated by the University becoming aware of an alleged incident of misconduct, either by:

- A direct report/complaint to an FE member of staff
- An incident/allegation brought our attention by a third party; or

- An incident/allegation we become aware of (e.g. media/social media).

8.2 Initial consideration and investigation process

- 8.2.1. Where a report of alleged student misconduct has been received an Investigating Officer will conduct the investigation. A case of alleged misconduct might be perceived as Serious Misconduct when it is first reported to the University, or after initial investigation of the case.
- 8.2.3 When a case is deemed Serious Misconduct, the Head of Further Education will be informed of the case. The Investigating Officer will undertake a formal investigation.
- 8.2.4. In addition, the Head of Further Education (or deputy) may consider (either at that point or at some later stage in the process) whether the Reported Student should be suspended from classes, certain areas of the University or from the University as a whole, in accordance with the procedure for suspension described at section 7 of this Code.
- 8.2.5 The aim of the investigation is to establish the facts relating to the alleged misconduct, and so permit a judgement to be made as to whether, on the balance of probabilities, the alleged misconduct did take place and, if so, what penalties or sanctions should be applied. Or to refer to a Serious Disciplinary.
- 8.2.6 The Investigating Officer shall gather relevant evidence, which may involve interviewing the reporting person(s) who made the allegation of misconduct, the student reported of the misconduct, any witnesses to the alleged misconduct, and/or any other person that the Investigating Officer believes may assist the investigation.
- 8.2.7. In requesting a formal interview with the Reported Student, the Investigating Officer shall give reasonable notice and shall 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, to assist the investigation into the allegations of misconduct by the Reported Student; and
 - That the Reported Student has the right to be accompanied by another person during the investigatory interview.
- 8.2.8. The University does not permit students to be legally represented during such interviews, except in exceptional circumstances. For the avoidance of doubt, the definition of “exceptional circumstances” in this context is a matter for determination by the University.
- 8.2.9. In the event that the Reported Student fails, without good reason, to attend an investigatory interview requested under this Code, the Investigating Officer shall be entitled to continue with and conclude the investigation.
- 8.2.10. 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, an ongoing police investigation as well as the volume and nature of evidence to be gathered. Students will be informed of any delay.

8.3. Investigation outcomes and resulting actions

- 8.3.1. At the end of the investigation, the Investigating Officer shall consider all the evidence gathered and make a judgement as to whether the allegation is proven - i.e. whether, on the balance of probabilities, the student is guilty of the alleged misconduct.
- 8.3.2. If the allegation of misconduct is considered proven, the Investigating Officer shall decide whether any penalty or sanction should be imposed. Or, if the case is Serious Misconduct, the

student will be informed, and the case referred to Disciplinary Panel after confirmation by the Head of Further Education.

8.4 Penalties and sanctions in cases of Misconduct

8.4.1. The Investigating Officer shall make a reasoned judgement, based on the balance of probability, as to the nature and level of penalty or sanction to apply in a case of Misconduct, taking into account all the circumstances of the case, including the impact upon the victim and the wider University community. These can include one or more of the following:

- a written warning which will remain on the Student's file (held within the relevant School) for a period of up to 12 months, and which may be taken into account in the event of any further disciplinary action against the Student during that period;
- a fine proportionate to the offence, of up to £100 for each breach of the Code;
- a deferred fine that would only become payable if the Reported Student was subject to further disciplinary action under the Code within a timescale specified by the Investigating Officer (which may be any period up to and including completion of the Reported Student's period of study at the University);
- a requirement that the Student makes a formal apology to those affected by their misconduct;
- a requirement to meet in full or part the cost of making good any damage caused or loss suffered as a result of the misconduct;
- temporary suspension of the Student's access to various University services or facilities for a period of up to 3 months;
- temporary suspension of other relevant privileges, for a period of up to 3 months;
- some other appropriate compensatory action by the Student;
- a restorative justice penalty applied, for example taking part in a community activity; and
- impose a Restriction Agreement.

8.4.2. In the event that a case of alleged Misconduct is deemed proven and a penalty or sanction is imposed, appropriate details will be passed to academic managers in the Reported Student's School for formal record purposes.

8.4.3 In the event that a case of alleged Misconduct is deemed proven, and a suspension imposed, fees will not be refunded for the period of time which a student is under suspension.

8.5 Outcome and right of appeal

8.5.1 The Investigating Officer will notify the Reported Student of the outcome of the investigation, the reasons for the decision and (where relevant) any penalty imposed.

8.5.2 The Reported Student has the right of appeal against the decision of the Investigating Officer in accordance with section **Error! Reference source not found.15**.

8.5.3 Where the student has an action as an outcome, if the student has not appealed but does not respond to this action, this will be referred to the Academic Registrar for referral to a Disciplinary Hearing as non-compliance with the procedure.

9. Referral to serious misconduct

9.1 Scope for a summary decision prior to the Hearing

9.1.1 Following the investigation where a case is Serious Misconduct, the Head of Further Education shall have discretion to decide whether the allegation can be dealt with immediately by summary decision, or whether a full Serious Disciplinary Hearing is required.

- 9.1.2 If the Reported Student does not wish to dispute the allegation, they may request that the matter be dealt with immediately by the Head of Further Education without a Serious Disciplinary Panel. Such a request must be made in writing to the Head of Further Education. The Reported Student must set out in that request any mitigating arguments that they wish to be taken into consideration.
- 9.1.3. If the Head of Further Education determines that the allegation can be dealt with summarily, without the need for a full Serious Disciplinary Hearing, they will make the summary decision and impose whatever sanction or penalty they decide is appropriate. The Head of Further Education shall inform the Reported Student of the penalty imposed, in writing, within 10 working days.
- 9.1.4 A penalty of permanent exclusion from the University can only be imposed after a full Serious Disciplinary Hearing. If the Head of Further Education believes that permanent exclusion may be a possible outcome, the matter cannot be dealt with by summary decision and must be considered at a full Serious Disciplinary Hearing.

10. The serious disciplinary hearing

- 10.1 The Reported Student will be informed in writing of the date, time and location of the Serious Disciplinary Hearing at least 5 working days before.
- 10.2 The Disciplinary Panel shall comprise of three members. The Head of Further Education, a suitably senior and experience member of staff and a representative from the Student's Union

10.2 Implications of non-attendance by the Reported Student

- 11.2.1. If the Reported Student cannot attend the Disciplinary Hearing due to illness or other extenuating circumstances, they must inform the Chair of the Disciplinary Panel as soon as possible. Supporting evidence, such as a medical note, will be required.
- 11.2.2. In such circumstances, the Chair of the Disciplinary Panel may decide to re- schedule the Disciplinary Hearing. In the event that the Reported Student fails to attend the Disciplinary Hearing without giving good cause, the Disciplinary Hearing may proceed in the Student's absence.
- 11.2.3 At the discretion of the Chair of the Disciplinary Panel, the Reported Student may be permitted to attend the Disciplinary Hearing by video call.

11.3 Right of the Reported Student to be accompanied at the Hearing

- 11.3.1. The Reported Student is entitled to be accompanied at the Disciplinary Hearing by one other person for support, as set out in section 4
- 11.3.2. The Reported Student must inform the Chair of the Disciplinary Panel of the name and capacity of any person accompanying them to the Disciplinary Hearing, at least 3 working days before the Disciplinary Hearing.

11.4 Calling of witnesses by the Reported Student

- 11.4.1. The Reported Student is entitled to call witnesses to give evidence at the Disciplinary Hearing in support of their case. The names of any such witnesses must be notified in writing to the Chair of the Panel at least 3 working days before the date of the Disciplinary Hearing. It is the Students responsibility to ask these witnesses to attend.

11.4.2. To assist the conduct of the Disciplinary Hearing, witnesses called by the Reported Student should provide written statements of the evidence they intend to give. Such written statements must be submitted to the Disciplinary Panel by the Reported Student 3 days in advance of the Disciplinary Hearing.

11.4 Submission of evidence by the Reported Student

11.4.1. The Reported Student is entitled to submit relevant documentary evidence (including witness statements) in support of their case. The student must submit any such evidence at least 3 working days before the Disciplinary Hearing.

11.4.2. The Chair of the Disciplinary Panel has discretion over whether to allow the introduction of further evidence at a later time.

12 Conduct of the Serious Disciplinary Hearing

12.1 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, or the questions asked.

12.2 An Reported Student may also admit to the allegation of misconduct at any time during the Disciplinary Hearing. Should this occur, the Chair of the Disciplinary Panel can decide to end the Hearing and impose a penalty or to continue with the Disciplinary Hearing.

12.3. The case against the Reported Student, including the evidence produced by the investigation into the alleged misconduct, shall be presented to the Disciplinary Panel by a University Representative. The University Representative may call witnesses to give evidence. The Reported Student may be asked to leave the room while witnesses give their evidence (these circumstances are likely to be constrained to sexual violence, hate or harassment cases).

12.4. The Reported Student shall have the opportunity to respond to the allegations and to the case as presented by the University Representative and may call witnesses in support of their case.

12.5. Witnesses called by the University and by the Reported Student will only be questioned by the Disciplinary Panel.

12.6. If witnesses do not attend the Disciplinary Hearing, then statements collected or received prior to the hearing may be used in their absence under the discretion of the Chair of the Disciplinary Panel.

12.7. The Reported Student and the University Representative shall then have the opportunity to make final submissions to the Disciplinary Panel, which may include any statement the Reported Student may wish to make in mitigation.

12.8. The Disciplinary Panel shall then retire to consider the evidence and the arguments presented to them.

13. Outcomes

13.1. The Disciplinary Panel shall find that the student has committed a serious breach of the Code if they are satisfied that, on the balance of probability, it is more likely than not that the student committed the alleged misconduct.

13.2. The Disciplinary Panel may choose to recall the parties on the same day and deliver its decision orally, in which case the decision will also be confirmed in writing to the Reported Student within

5 working days of the Disciplinary Hearing. Alternatively, the Panel may choose to communicate its decision in writing only.

- 13.3. In the event that a case of alleged Serious Misconduct is deemed proven and a penalty or sanction is imposed, appropriate details will be passed to academic managers in the Reported Student's School for formal record purposes.

14 Penalties for Serious Misconduct

- 14.1. In deciding whether to impose a penalty or sanction, and the nature of such penalty or sanction, the Disciplinary Panel (or the Head of Further Education if making a summary decision) shall consider the seriousness of the offence, any mitigating factors, any record of previous misconduct, the impact upon the victim and the wider University community and shall be mindful of the need for fairness and proportionality.
- 14.2. The sanctions and penalties which may be imposed in respect of Serious Misconduct may include one or more of:
- a requirement that the Student makes a formal apology reflecting on their actions to those affected by their misconduct;
 - a written warning which will remain on the Student's file for a period between 6 months and the end of the student's period of study at the University, and which may be taken into account in the event of further disciplinary action against the Student during that period;
 - a requirement to meet in full or part the cost of making good any damage caused by or as a result of the misconduct;
 - a fine up to a maximum of £500;
 - a suspended fine that would only become payable if the Reported Student was subject to further disciplinary action under the Code within a timescale specified by the Disciplinary Panel (which may be any period up to and including completion of the Reported Student's period of study at the University);
 - suspension from specified academic, extra-curricular or other privileges;
 - a requirement that the Reported Student has no contact with a named person(s) by signing a university restriction form;
 - complete suspension from studies and exclusion from University premises or any part of them for a fixed period;
 - immediate termination of all studies and formal expulsion from the University on a permanent basis.
 - Attendance on any recommended education courses or personal development programme e.g. Consent Workshop, Framework referrals or engagement with medical professionals at the student's expense.
 - a restorative justice penalty applied, for example taking part in a community activity,
 - Any other outcome as deemed reasonable by the Disciplinary Panel
- 14.3. The Disciplinary Panel shall have discretion to apply some other penalty or sanction which is, in the Panel's opinion, appropriate to the nature and severity of the offence.
- 14.4. Any penalty is effective immediately once imposed unless the Disciplinary Panel decides otherwise.
- 14.5. In the event that a Disciplinary Hearing determines that a student is found guilty of serious misconduct and should be formally and permanently expelled from the University under the provisions of this Code, the Dean of ARES's agreement to the proposed expulsion must be obtained before it can take effect.

15 Right of Appeal

15.1.1 If the Reported Student wishes to contest the decision or the penalty imposed by either the Investigating Officer, Head of Further Education or the Disciplinary Panel, they are entitled to submit an Appeal on any of the following grounds:

- That there was a material failure by the University to follow the procedures specified in this Code including that the level of sanction or penalty imposed is disproportionate as authorised in the Code; or
- That significant new or additional evidence is available that was not available during the investigation or at the panel (evidence to be submitted along with the appeal).

15.1.2. There are no other grounds on which an Appeal will be considered by the University.

15.1.3. If the Reported Student wishes to submit an Appeal, they must do so in writing to REG.StudentMisconduct@NTU.ac.uk within 10 working days from the date on the letter notifying them of the decision, detailing the reasons for the Appeal and stating the grounds on which the Appeal is being made.

15.1.4. If the Appeal is being made on the grounds that new and relevant material or evidence has become available, the Reported Student must submit that material or evidence as part of the written Appeal.

15.1.6. An Appeal Officer shall consider whether the Appeal has been made on one or more of the permitted grounds and within the prescribed timeframe and if so, whether the evidence or arguments put forward by the student have sufficient merit to justify invoking the formal Appeal procedure.

15.1.7. If the Appeal Officer decides that the Appeal is not within the permitted grounds for appeal, or is outside the prescribed timeframe, or that the evidence or arguments are not sufficient to justify invoking the formal Appeal procedure, the Reported Student shall be informed in writing (Completion on Procedures Letter) that the Appeal has been rejected on that basis, and that the original outcome remains unchanged. Such a decision by the Dean of ARES is final and there is no other right of appeal within the University's procedures.

15.2 If the Appeals Officer decides that the appeal does fall within the permitted grounds, it will be considered in accordance with paragraph 15.2 below.

15.2 Consideration of Appeals

15.2.1 If the appeal is against a decision made by an Investigating Officer the Head of Further Education will appoint an Officer to consider the appeal. This person will not have had any involvement in the investigation and will report to the Head of Further Education as to whether the appeal should be upheld.

15.2.2 If the appeal is against a summary decision of the Head of Further Education, then a Panel will be convened to consider the appeal.

15.2.3 The Appeal Officer will review all information collated for the original decision, together with any new evidence presented, on the papers (but may contact the Reported Student and/or anyone else involved in the matter if they consider it necessary).

15.2.4 The Appeal Officer shall inform the Reported Student of their decision (including the rationale for that decision) in writing within 10 working days of the appeal being referred to them (Completion of Procedures Letter). The decision is final and there is no further right of appeal within the University's procedures.

15.2.5 The Head of Further Education has the power to uphold the original decision of the Disciplinary Panel, overturn the original decision, alter the penalty imposed or order an Appeal Hearing re-hearing.

15.2.6 Where the University considers it reasonable and appropriate to do so, it will inform the Reporting Student of the outcome of the disciplinary process.

15.3 Appeal Panel – composition

15.3.1. The Appeal shall comprise of three members. The Dean of ARES as chair (or nominated deputy), a suitably senior and experience member of staff and a representative from the Student's Union

15.3.2. Persons who have been affected by, or involved in dealing with the alleged misconduct, including members of the original Disciplinary Panel, shall not be eligible to serve on the Appeal Panel.

15.4 Appeal Hearing – preparatory steps

15.4.1. The student shall be given at least 10 working days written notice of the Appeal Hearing and shall be provided with a copy of the record taken at the original Disciplinary Hearing, and any report that the Disciplinary Panel may have prepared for the Appeal Panel.

15.4.2. If the Reported Student cannot attend the Appeal Hearing due to illness or other extenuating circumstances, they must inform the Chair of the Appeal Panel as soon as possible. Supporting evidence, such as a medical note, will be required. In such circumstances, the Chair of the Appeal Panel may decide to re-schedule the Appeal Hearing. In all other circumstances the Appeal Hearing may proceed in the student's absence.

15.5 Conduct of the Appeal Hearing

15.5.1. At the Appeal Hearing, the Reported Student may be accompanied by one other person to be a witness to the proceedings for support. This person may be a friend, partner, parent, Students' Union representative or any other person not acting in a legal capacity. The University does not permit students to be legally represented at Appeal Hearings, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.

15.5.2. The student must inform the Chair of the Appeal Panel of the name and capacity of any person accompanying them to the Appeal Hearing at least 3 working days before the Appeal Hearing.

15.5.3. The Appeal Hearing shall not be a re-run of the original case, but a review of the original decision based on the grounds of the Appeal that the Student has submitted. The Reported Student will present the grounds on which the Appeal is based to the Appeal Panel. A representative of the Disciplinary Panel will present the grounds on which their decision was based.

15.5.4. The Chair of the Appeal Panel shall have discretion to allow the introduction of new evidence during the Appeal Hearing.

15.6 Appeal Panel – outcomes

15.6.1. The Appeal Panel has the power to uphold the original decision of the Disciplinary Panel, overturn that original decision, alter the penalty imposed or order a re-hearing.

15.6.2. The Chair of the Appeal Panel shall inform the Reported Student of the Panel's decision (including the rationale for that decision) in writing within 5 working days of the Appeal Hearing

(Completion of Procedures Letter). The decision of the Appeal Panel is final and there is no further right of appeal within the University's procedures.

16. Office of the Independent Adjudicator (OIA)

- 16.1. In the event that the student is not reasonably satisfied with the outcome of their Appeal, they may request the OIA to consider the case. A complaint must be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter from the University and submitted directly to the OIA using the OIA's form. The student must send a copy of their Completion of Procedures Letter to the OIA with the form.
- 16.2. Please note, in order to submit a complaint to the OIA, the student must first have exhausted the University's internal procedure (the procedures within this Code) and have received a Completion of Procedures Letter from the University.
- 16.3. Further information can be found on the OIA's website at: <http://www.oiahe.org.uk/>

Appendix 1 Suspension Framework

SUSPENSION TYPE	USED IN CASE	SUSPENDED FROM	ACCESS TO	CAN STUDENT SIT EXAMS
Protective suspension	fitness to study concern, for students own protection – potential repercussions	University campus, including accommodation. NTU Sports and/or societies	NOW Lesson captions Student email address Skype meetings with tutors – student needs to arrange these themselves. Student Support Services	Yes, as long as alternative arrangements can be made, included sitting at different campus.
Partial suspension	Police investigation involved, Suspected of serious misconduct	University campus, including accommodation. NTU Sports and/or societies	NOW, Lesson captions –restricted access to communicate on forums/lecture captions. Student email address Student Support Services	Yes, as long as alternative arrangements can be made, included sitting at different campus.
Full Suspension	Police and/or court proceedings. Prevent concerns	All Campuses, premises and services.	Student Account frozen	No
Termination of studies	Fitness to study process completed. Student Code of Behaviour process completed.	All Campuses, premises and services.	Student Account frozen	No