



Nottingham Trent
University

Higher Education Student Code of Behaviour

Version: 4.0
Date: June 2021

Version: 04
Date: 07/06/2021

Details: Review and update by
Angela Constable
Reformatted to current NTU
branding by Grace Cooper

Version: 03
Date: June 2020

Details:
Review and update of document
by Angela Constable

Staff consultation and approval by
Academic Board and ASQC

Version: 02
Date: June 2019

Details:
Review and update of document,
including establishing a
review/approval history. Angela
Constable

Staff consultation and approval by
Academic Board and ASQC

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, the following words and phrases have the meanings indicated:

"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;

"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 and one from the Students' Union, who are appointed to consider allegations of Serious Misconduct at a Disciplinary Hearing. A list of potential members will be maintained by the Academic Registrar, university members will be trained senior members of staff, Students Union members will be trained officers of NTSU;

"Investigating Officer" means the member of University staff appointed by the Academic Registrar, who conducts an investigation into a case of alleged student Misconduct or Serious Misconduct;

"Misconduct" means 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;

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

"Reporting Student" means a student who makes an allegation that another student(s) has committed Misconduct or Serious Misconduct;

"Serious Misconduct" means 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.

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 HE 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 conferment of an award or departure from university accommodation, if later).
- 3.1.2. The Code applies to students’ conduct whether on or off University 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. The Code does not apply to academic misconduct which will be dealt with in accordance with the Academic Irregularities Code of Practice or to conduct which may appropriately dealt with under the Fitness to Practise Procedure.
- 3.1.4. 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 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, 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>

<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 and online activity, as outlined in section 10 of the Computer Use Policy which can be found at:

http://www4.ntu.ac.uk/about_ntu/policies/is_policies/index.html.

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 an investigation of alleged Misconduct, there are significant concerns that mental or physical illness may have directly impacted on behaviour and/or conduct, the Investigating Officer conducting the case may request for the case to be considered alongside or under the provisions of the [University's Fitness to Study Policy](#), and/or to refer the matter to the University's 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 for Students at Risk may be invoked.
- 5.3 In the event of a referral under paragraphs **Error! Reference source not found.** or 5.1, the investigator or in serious misconduct cases, the Academic Registrar 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 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, or if the student is acquitted in subsequent criminal proceedings, 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 the student is awaiting criminal trial, the University's disciplinary process may be placed on hold until this is concluded, or the University may decide to continue with disciplinary action under the Code. The Reported Student may be suspended in accordance with section 7 below. This will be decided on a case-by-case basis in consultation with the police where appropriate.
- 6.6 Where a student has been convicted of a violent and/or sexual crime, this will be referred to a Serious Disciplinary Panel.
- 6.6 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.
- 6.7 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 Serious Misconduct or who 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 Investigating Officer or Executive Deans of Schools can recommend suspension to the Academic Registrar. The Academic Registrar has the authority to decide whether to suspend the student, for how long and the extent of any such suspension, with consultation with the Executive Dean of the Student's School .
- 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 the alleged Serious Misconduct.
- 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/or anyone else involved.

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 Serious Misconduct and alternatives to suspension will 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. The student may appeal against the initial decision to suspend by submitting written representations to the Academic Registrar within five working days of the date of the decision letter. They will consider the appeal, with consultation with the Executive Dean of the Student's School, and will notify the student of their decision within five working days of receipt of the appeal.

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 Academic Registrar unless they decide otherwise.

7.3.2 If the Reported Student has been suspended for more than four weeks, or if new information becomes available, they can request that the suspension be reviewed by the Academic Registrar. Any such request for review must be made in writing and should set out clearly the reasons for requesting a review. The review will be conducted by the Academic Registrar based on the written representations after consultation with the Executive Dean of the Student's School.

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 via the [Student Code of Behaviour Report form](#)
- A report from a member of University staff;
- An incident/allegation brought to the University's attention by a third party such as the police, community protection officers or staff at UPP-managed halls of residence; or
- An incident/allegation the University becomes aware of (e.g. media/social media).
- It is expected that allegations will be raised in a timely fashion. Delays in raising allegations can seriously impair the ability of the University to conduct a robust and fair investigation.

8.2 The investigation process

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.

8.2.1 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 10 working days of the report being made. In cases where there is a police investigation, in order not to prejudice any potential criminal case, we may not be able to start our investigation until advised so by the police.

8.2.2 The Investigating Officer shall gather relevant evidence, which may involve interviewing the Reporting Student, the Reported Student, any witnesses to the alleged misconduct, and/or any other person that the Investigating Officer believes may assist the investigation. This may include specialist advice.

8.2.3 In requesting an 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 against the Reported Student; and
- That the Reported Student has the right to be accompanied by another person during the investigatory interview, as set out in section 4 above.
- That the Reported Student can access the Students' Union Information and Advice Service;
- That the Reported Student can access Student Support Services.

8.2.4 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.

8.2.5 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 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 prepare an investigation report in which they consider all the evidence gathered and make a judgement as to whether there is a case to answer and, if so, whether the allegations amount to Misconduct or Serious Misconduct

8.3.2 The Investigating Officer may:

- If misconduct is not disputed by the student or they admit to misconduct, the investigator may conclude and issue an outcome letter including any appropriate penalty
- Decide that the allegations amount to potential Misconduct and can be dealt with by the Investigating Officer as detailed below;

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

On receipt of the notice the Reported Student should:

Respond in writing to the allegation (including any mitigating arguments that they wish to be taken into consideration)

If the Reported Student does not respond within five working days they will be deemed to have accepted the allegation and the matter being dealt with summarily by the Investigating Officer in accordance with paragraph 8.4

- Decide that the allegations amount to potential Serious Misconduct and refer the matter to a Disciplinary Hearing or Summary Decision in accordance with paragraph 9;
- Decide that no further action should be taken.

8.4 Penalties for 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 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 Reported 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 Reported Student during that period;
 - a fine proportionate to the offence, of up to £200 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 Reported 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 Reported Student's access to specified 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 Reported Student;
 - a restorative justice penalty applied, for example taking part in a community activity,
 - written apology including reflection on their behaviour;
 - a requirement that the Reported Student has no contact with a named person(s) by signing the university restriction agreement.
 - 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.
 - Any other outcome as deemed reasonable by the Investigator
- 8.4.2 In the event that a case of alleged Misconduct is deemed proven and a penalty 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 penalty of temporary suspension is 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 0.
- 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 A DISCIPLINARY HEARING

9.1 The Disciplinary Hearing

- 9.1.1 If the Investigating Officer decides that the allegations should be considered as a Serious Misconduct, they will refer the matter to the Academic Registrar (or nominated Deputy) who will confirm that the case be taken to a Disciplinary Hearing.

- 9.1.2 The Reported Student will be informed in writing of the date, time and location of the Disciplinary Hearing at least 10 working days before. The notice will set out the allegation(s) against the Reported Student.
- 9.1.3 The Reported 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 (e.g. a risk of harm to a witness) a witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.

9.2 9.2 Implications of non-attendance by the Reported Student

- 9.2.0 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.
- 9.2.1 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 Reported Student's absence.
- 9.2.2 At the discretion of the Chair of the Disciplinary Panel, the Reported Student may be permitted to attend the Disciplinary Hearing by video call.

9.3 Right of the Reported Student to be accompanied at the Disciplinary Hearing

- 9.3.0 The Reported Student is entitled to be accompanied at the Disciplinary Hearing by one other person for support, as set out in section 4 above.
- 9.3.1 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.

9.4 Calling of witnesses by the Reported Student

- 9.3.2 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 Disciplinary Panel at least 3 working days before the date of the Disciplinary Hearing. It is the Reported Student's responsibility to ask these witnesses to attend.
- 9.4.1 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.

9.5 Submission of evidence by the Reported Student

- 9.5.1 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.
- 9.5.2 The Chair of the Disciplinary Panel has discretion over whether to allow the introduction of further evidence at a later time.

9.6 Scope for a summary decision

- 9.6.1 If the Reported Student does not wish to dispute the allegation, they may request that the matter be dealt with immediately by the Academic Registrar, without a Disciplinary Hearing. Similarly the Academic Registrar may determine that a Summary Decision is in the best interest of the student, then the student will be advised of such. A request or confirmation of a summary decision must be made in writing to the Academic Registrar. The Reported Student can set out in that request any mitigating arguments that they wish to be taken into consideration.
- 9.6.2 If the Academic Registrar determines that the allegation can be dealt with summarily, without the need for a full Disciplinary Hearing, they will make the summary decision and impose one or more penalties in accordance with section 12. Academic Registry shall inform the Reported Student of the penalty imposed, in writing, within 10 working days.
- 9.6.3 A penalty of permanent exclusion from the University can only be imposed after a full Disciplinary Hearing. If the Academic Registrar 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 Disciplinary Hearing.

10. Conduct of the Disciplinary Hearing

- 10.1 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.
- 10.2 An Reported 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.
- 10.3 The case against the Reported Student, including the evidence produced by the investigation into the alleged Serious Misconduct, shall be presented to the Disciplinary Panel by a University Representative. The University Representative may call witnesses to give evidence. In exceptional circumstances, and determined by the Chair of the Panel, 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)
- 10.4 The Reported Student shall have the opportunity to respond to the allegations and to the case as presented by the University Representative and their witnesses (including if the reported student has been asked to leave the room) and may call witnesses in support of their case.
- 10.5 Witnesses called by the University and by the Reported Student will only be questioned through the Disciplinary Panel. 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.
- 10.6 If witnesses do not attend the Disciplinary Hearing, then 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.
- 10.7 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.

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

11. Outcomes

- 11.1 The Disciplinary Panel shall conclude that the Reported Student has committed Serious Misconduct if they are satisfied that, on the balance of probabilities, that the Reported Student committed the alleged Serious Misconduct.
- 11.2 The Disciplinary Panel may choose to recall the parties on the same day and deliver its decision orally, in which case the decision, the reasons for the decision and any penalty to be imposed 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.
- 11.3 In the event that a case of alleged Serious Misconduct is deemed proven and a penalty is imposed, appropriate details will be passed to academic managers in the Reported Student's School for formal record purposes.

12. Penalties for Serious Misconduct

- 12.1 In deciding whether to impose a penalty, and the nature of such penalty, the Disciplinary Panel (or the Academic Registrar if making a summary decision) shall consider the severity of the Serious Misconduct, 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.
- 12.2 The penalties which may be imposed in respect of Serious Misconduct include one or more of:
- a requirement that the Reported Student makes a formal apology reflecting on their actions to those affected by their conduct;
 - a written warning which will remain on the Reported Student's file for a period between 6 months and the end of the Reported Student's period of study at the University, and which may be taken into account in the event of further disciplinary action against the Reported 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 Serious 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

12.3 Any penalty is effective immediately once imposed unless the Disciplinary Panel decides otherwise.

12.4 In the event that a penalty of suspension is imposed, fees will not be refunded for the period of time which a student is under suspension.

13. Right of Appeal

13.1 If the Reported Student wishes to contest the decision or the penalty imposed by either the Investigating Officer, Academic Registrar or the Disciplinary Panel, they are entitled to submit an appeal on one or more 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).

13.2 There are no other grounds on which an appeal will be considered by the University.

13.3 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.

13.4 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.

13.5 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 will notify the Reported Student within 5 working days of receipt of the appeal.

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

13.7 If the Appeals Officer decides that the appeal does fall within the permitted grounds, it will be considered in accordance with paragraph 13.2 below.

13.2 Consideration of Appeals

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

13.2.2 If the appeal is against a summary decision of the Academic Registrar, then a Panel will be convened to consider the appeal.

- 13.2.3 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).
- 13.2.4 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.
- 13.2.5 The Academic Registrar 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.
- 13.2.6 Where the University considers it reasonable and appropriate to do so, it will inform the Reporting Student of the outcome of the disciplinary process.

14. Appeal Hearing

- 14.1 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.
- 14.2 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. If the Reported Student does not attend, the Appeal Panel will consider the case in your absence.
- 14.2.1 Conduct of the Appeal Hearing**
- 14.2.2 The Reported Student is entitled to be accompanied at the Appeal Hearing by one other person for support, as set out in section 4 above.
- 14.2.3 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.
- 14.2.4 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.
- 14.2.5 The Chair of the Appeal Panel shall have discretion to allow the introduction of new evidence during the Appeal Hearing.
- 14.2.6 Appeal Hearing – outcomes**
- 14.2.7 The Appeal Panel have the power to uphold the original decision of the Disciplinary Panel, overturn the original decision and/or alter the penalty imposed.
- 14.2.8 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.

15. REVIEWS OF DECISIONS BY REPORTING STUDENTS

- 15.1 A student who has reported a misconduct will be kept informed of the investigation, and where reasonable and appropriate of any outcomes of the investigation and whether a penalty has been applied. A Reporting Student may not appeal against the outcome or penalty but may make a complaint through the university's complaint procedure.

16. OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)

- 16.1 In the event that the Reported Student is not satisfied with the outcome of the disciplinary process 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 In order to submit a complaint to the OIA, the Reported 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/>