

## Nottingham Trent University

### PGR CODE OF BEHAVIOUR

#### 1. Purpose of the Code

- 1.1 Nottingham Trent University is committed to providing a supportive research environment for its doctoral candidates, and 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.
- 1.2 This PGR Code of Behaviour sets out the standards of behaviour expected from doctoral candidates and the procedures that will be followed if those standards are not met.
- 1.3 In applying this Code, the University seeks to comply with all relevant legislation promoting privacy, equality of opportunity and anti-discrimination.
- 1.4 This Code serves the same purpose as the Nottingham Trent University Student Code of Behaviour for all students and therefore doctoral candidates are reminded that on enrolment (annually) they agree to adhere to the terms and conditions of their programme of research and all relevant NTU policies.
- 1.5 This Code applies to all doctoral candidates at the University from acceptance of the terms and conditions of the offer letter, through enrolment and up to and including completion of their programme of research at the University and attendance at Graduation.
- 1.6 The Code applies to doctoral candidates' conduct whether on or off the University's premises, including non-University-related activities and doctoral candidates living in or visiting all student accommodation managed by the University, UPP or privately owned.
- 1.7 Where applicable this Code is also relevant for doctoral candidates who take up residency in halls of residence or those who engage with pre-enrolment activities if these occur prior to commencement of studies (or a departure from halls of residence is later than graduation).

#### 2. Standards of behaviour - How does the University expect its doctoral candidates to conduct themselves?

- 2.1. The University encourages all members of our community to be aware of their behaviour and interaction with others, and of the impact<sub>2</sub> 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; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and/or sexual orientation.

Doctoral candidates will be aware of the Nottingham Trent University Student Charter, which is accepted by all students and doctoral candidates 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 and doctoral candidates. As laid out in the Charter, the University aims to provide a safe and productive learning community in which staff, students and doctoral candidates 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 or doctoral candidate fails to meet these expectations.

This Code is directly associated with the Student Code of Behaviours for Undergraduate (UG) and Postgraduate Taught (PGT) students.

The specific behavioural expectations are:

- Treat all students, doctoral candidates, NTU staff 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, fellow students and doctoral candidates with dignity and respect;

- Commit to the Terms and Conditions of being a Nottingham Trent University doctoral candidate as agreed in the Offer and Acceptance Letters;
- Respect the physical and online environment of the University, including learning, social and living accommodation and behave respectfully towards our neighbours as a responsible member of the local community;

and

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

## 2.2. Doctoral candidates are expected:

- To be considerate and respectful to the needs of fellow students, fellow doctoral candidates, 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 doctoral candidate.
- 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 violence or misconduct;
- Not to engage in any conduct which is intended or is likely to disrupt teaching, learning, examinations, research projects, 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, on University premises (including University and UPP halls of residence) any illegal substances or offensive weapons (including replica weapons airguns, BB guns or anything that can be used as a weapon or cause harm);
- To comply with government advice relating to Health & Safety of others, including COVID-19, adhering to social distancing within University Grounds, Accommodation, Private Accommodation or elsewhere;
- To conduct themselves appropriately in all forms of communication, including social media;
- Not to submit false claims against other members of the NTU community in order to actively discredit an individual;
- To adhere to Nottingham Trent University's Code of Practice (Research), regulations and guidance (e.g. Research Degrees Handbook and associated policies and guidance on the Doctoral School webpages).

## 2.3. In the Code of Behaviour, the following would be 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;
- 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. What constitutes a breach of the Code?**

- 3.1. Any behaviour which fails to meet the University's stated expectations in respect of doctoral candidate behaviour, or which interferes with the proper functioning or activities of the University or those who work, study in, research 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.

### **4. Classification of misconduct or serious misconduct**

- 4.1. There is no hard-dividing line between misconduct and serious misconduct, this may be identified either from the outset or during an investigation.

- 4.2. 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 bullying, assault, sexism, misogyny / misandry, transphobia, homophobia, sexual harassment, sexual assault, sexual violence, racism and other associated hate incident. This includes online activity as outlined in Section 10 of the Computer Use Policy;
- 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;
- 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 consideration;
- 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;
- Repeated breaches of this Code or other University Regulations;
- Failure or refusal to pay a fine or comply with a penalty previously issued for a breach of the Code; and
- Organisation or participation in initiation ceremonies.

### **REFERRAL TO THE POLICE AND CRIMINAL PROCEEDINGS**

- 5.1. Where a doctoral candidate 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.
- 5.2. Doctoral candidates 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).
- 5.3. Where conduct by a doctoral candidate is either subject to an investigation by the Police as a suspected criminal offence or where a doctoral candidate 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 8 as it may deem necessary to protect all parties concerned pending the outcome of such criminal proceedings.

- 5.4. If conduct by a doctoral candidate 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.
- 5.5. 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 accused doctoral candidate being suspended, partially suspended or Restriction Agreement in place during this period.
- 5.6. Where a doctoral candidate has been convicted of a violent and/or sexual crime, this will be referred to a Disciplinary Panel.
- 5.7. Where a doctoral candidate has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of this Policy, the conviction/caution will be taken as conclusive evidence that the behaviour took place.
- 5.8. Where police investigations are involved, the reporting and/or accused doctoral candidate may be asked to sign a Police Consent form, which enables the investigator to obtain records that the police have regarding the case. This may not be provided in a live investigation.

## **ADVICE AND SUPPORT FOR DOCTORAL CANDIDATES SUBJECT TO DISCIPLINARY ACTION**

- 6.1. The Nottingham Trent Students' Union (NTSU) provides a free advice service for doctoral candidates in relation to disciplinary offences. That advice service is independent of the University and the advisers have considerable experience in assisting and advising students and doctoral candidates who are subject to action under this Code. The service also offers support and representation of doctoral candidates during a formal Disciplinary Panel.
- 6.2. Doctoral candidates who are subject to disciplinary action for alleged misconduct or serious misconduct are strongly advised to seek advice and assistance from the Nottingham Trent Students' Union Information and Advice Service.
- 6.3. The accused doctoral candidate may be encouraged to self-refer or could be referred to the University's Student Support Services (SSS) who can offer support advice. Student Support Services (SSS) will also be able to advice on external support options if appropriate to the doctoral candidate's circumstances.

## **7. CRISIS INTERVENTION POLICY FOR 'STUDENTS AT RISK'**

- 7.1. If, during a case of alleged misconduct or serious misconduct, it is considered that the doctoral candidate is presenting signs of a physical, psychological or emotional disorder, the Investigating Officer conducting the case may request approval from the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise) (or their deputised authority) for the case to be considered under the provisions of the PGR 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.
- 7.2. 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.
- 7.3. In the event of a referral under paragraphs 7.1 or 7.2, the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) shall have discretion to determine whether any formal disciplinary action already underway against the accused doctoral candidate should continue, be suspended or terminated.

## **8. SUSPENSION**

### **8.1. When will suspension from the University be considered?**

- 8.1.1. A doctoral candidate 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 the programme of research, certain parts

of the University, certain University activities, or the University as a whole. The Authorised Officer (e.g. Doctoral School Standards and Quality Manager), Associate Deans of Research, or Postgraduate Research Tutor (PGRT) can recommend suspension to the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority). The Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) have authority to decide whether to suspend an accused doctoral candidate, for how long and the extent of any such suspension.

- 8.1.2. An order of suspension from the University may include a requirement that the accused doctoral candidate 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.
- 8.1.3 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 accused doctoral candidate(s) and the victim(s). At this point, any bursary that the accused doctoral candidate is being paid will be suspended as the programme of research is.

## **8.2. Why is it necessary to consider suspension?**

- 8.2.1. 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.
- 8.2.2. Suspension will not be regarded as an automatic response to an allegation of misconduct and alternatives to suspension may be considered. This will be done on a case by case basis.
- 8.2.3. A doctoral candidate who is suspended will be notified by the Doctoral School 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.

## **8.3. How long will the suspension continue for?**

- 8.3.1. The suspension will continue until the end of the period set by the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) unless they decide otherwise.
- 8.3.2. If the accused doctoral candidate has been suspended for more than four weeks, they can request that the suspension be reviewed by the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority). 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 Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) based on those written representations alone.
- 8.3.3. The accused doctoral candidate 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 Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) based on those written representations alone. It is at the sole discretion of the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority). whether to undertake any further reviews.

## **9. OVERVIEW OF THE DISCIPLINARY PROCESS**

### **9.1 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 PGR Code of Behaviour Report form);
- An incident/allegation brought our attention by a third party; or
- An incident/allegation the University becomes aware of (e.g. media/social media).

## **10. PROCEDURE FOR CASES OF ALLEGED MISCONDUCT AND SERIOUS MISCONDUCT**

### **10.1 Initial consideration**

- 10.1.1. Where a report of alleged doctoral candidate 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.
- 10.1.3. In addition, the Director of the Doctoral School and Research Operations and/or Deputy Vice-Chancellor (Research and Enterprise)(or their deputised authority) may consider (either at that point or at some later stage in the process) whether the accused doctoral candidate should be suspended from their programme of research, certain areas of the University or from the University as a whole, in accordance with the procedure for suspension described in Section 8 of this Code.

### **10.2 The Investigation Process**

- 10.2.1. The aim of the investigation is to establish the facts relating to the alleged misconduct or serious misconduct, and so permit a judgement to be made as to whether, on the balance of probabilities, the alleged misconduct or serious misconduct did take place and, if so, what penalties or sanctions should be applied.
- 10.2.2. The Investigating Officer shall gather relevant evidence, which may involve interviewing the reporting person(s) who made the allegation of misconduct, the doctoral candidate accused of the misconduct, any witnesses to the alleged misconduct, and/or any other person that the Investigating Officer believes may assist the investigation.
- 10.2.3. In requesting a formal interview with the accused doctoral candidate, 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 accused doctoral candidate; and
  - That the accused doctoral candidate has the right to be accompanied by another person during the investigatory interview.
- 10.2.4. The University does not permit doctoral candidates 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.
- 10.2.5. In the event that the accused doctoral candidate 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.
- 10.2.6. Whilst the Investigating Officer will strive to avoid delay, the time required to complete the investigation will be influenced by several factors including the nature of the alleged misconduct, the number and availability of potential witnesses, an ongoing police investigation as well as the volume and nature of evidence to be gathered. Doctoral candidates will be informed of any delay.
- 10.2.7. The Investigating Officer may deem it necessary to convene a Disciplinary Panel to investigate the matter.

## **11. THE DISCIPLINARY HEARING**

- 11.1. The accused doctoral candidate will be informed in writing of the date, time and location of the Serious Disciplinary Hearing at least **three working days** before.
- 11.2. If the accused doctoral candidate 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. In such circumstances, the Chair of the Disciplinary Panel may decide to reschedule the Disciplinary Hearing.

- 11.3. In the event that the accused doctoral candidate fails to attend the Disciplinary Hearing without giving good cause, the Disciplinary Hearing may proceed in the doctoral candidate's absence.
- 11.4. The accused doctoral candidate is entitled to be accompanied at the Disciplinary Hearing by one other person for support. This person may be a friend, partner, parent, carer, Student Union Adviser or any other person not acting in a legal capacity. The University does not permit doctoral candidates to be legally represented at Disciplinary 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.
- 11.5. The accused doctoral candidate must inform the Chair of the Disciplinary Panel of the name and capacity of any person accompanying them to the Disciplinary Hearing, at least **three working days** before the Disciplinary Hearing.
- 11.6. The accused doctoral candidate 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 **two working days** before the date of the Disciplinary Hearing. It is the doctoral candidate's responsibility to ask these witnesses to attend.
- 11.7. To assist the conduct of the Disciplinary Hearing, witnesses called by the accused doctoral candidate should provide written statements of the evidence they intend to give. Such written statements must be submitted to the Disciplinary Panel by the accused doctoral candidate **two days in advance** of the Disciplinary Hearing.
- 11.8. The accused doctoral candidate is entitled to submit relevant documentary evidence (including witness statements) in support of their case. The doctoral candidate must submit any such evidence at least **two working days** before the Disciplinary Hearing.
- 11.9. The Chair of the Disciplinary Panel has discretion over whether to allow the introduction of further evidence at a later time.
- 11.10. 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. Investigation outcomes and resulting actions**

- 12.1. 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 doctoral candidate is guilty of the alleged misconduct.
- 12.2. 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 doctoral candidate will be informed, and the recommended outcome of the case will be referred to the Deputy Vice-Chancellor (Research and Enterprise) for consideration and approval.
- 12.3. If the accused doctoral candidate does not wish to dispute the allegation, they may request that the matter be dealt with immediately by the Deputy Vice-Chancellor (Research and Enterprise) without a Disciplinary Panel. Such a request must be made in writing to the Deputy Vice-Chancellor (Research and Enterprise). The accused doctoral candidate must set out in that request any mitigating arguments that they wish to be taken into consideration.
- 12.4. If the Deputy Vice-Chancellor (Research and Enterprise) determines that the allegation can be dealt with summarily, without the need for a full Disciplinary Panel, they will make the summary decision and impose whatever sanction or penalty they decide is appropriate. The Doctoral School shall inform the accused doctoral candidate of the penalty imposed, in writing, within **ten working days**.
- 12.5. A penalty of permanent exclusion from the University can only be imposed after a full Disciplinary Panel has met to consider the evidence. If the Deputy Vice-Chancellor (Research and Enterprise) 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.

**13 Penalties and sanctions in cases of misconduct**

- 13.1 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 doctoral candidate'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 doctoral candidate during that period;
  - a requirement that the doctoral candidate 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 doctoral candidate's access to various University services or facilities for a period of up to three months;
  - temporary suspension of other relevant privileges, for a period of up to three months;
  - some other appropriate compensatory action by the doctoral candidate;
  - a restorative justice penalty applied, for example taking part in a community activity; and
  - imposition of a Restriction Agreement.
- 13.2. 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 the Doctoral School and research degrees staff (e.g. Associate Dean of Research and Postgraduate Research Tutor (PGRT)) in the accused doctoral candidate's Academic School for formal record purposes.
- 13.3. 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 doctoral candidate is under suspension and any bursary that the candidate is entitled to will not be paid.

**Penalties and Sanctions for serious misconduct**

- 13.4. In deciding whether to impose a penalty or sanction, and the nature of such penalty or sanction, the Disciplinary Panel (or Deputy Vice Chancellor (Research & Enterprise) 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.
- 13.5. The sanctions and penalties which may be imposed in respect of serious misconduct may include one or more of:
- a requirement that the doctoral candidate makes a formal apology to those affected by their misconduct;
  - a written warning which will remain on the doctoral candidate's file for a period between 6 months and the end of the doctoral candidate's period of study at the University, and which may be taken into account in the event of further disciplinary action against the doctoral candidate 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;
  - suspension from specified academic or extra-curricular activity or other privileges;
  - complete suspension from the programme of research and exclusion from University premises or any part of them for a fixed period;
  - where a doctoral candidate is suspended during or after an investigation or panel, in the event that a case of alleged serious misconduct is deemed proven, the tuition fees – if paid by the doctoral candidate – will not be refunded for the period of time which the doctoral candidate is under suspension;
  - imposition of a Restriction Agreement;
  - immediate termination of the programme of research and formal expulsion from the University on a permanent basis.
- 13.6. 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.



- 13.7. The Disciplinary Panel shall find that the doctoral candidate 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 doctoral candidate committed the alleged misconduct.
- 13.8. 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 accused doctoral candidate within **five working days** of the Disciplinary Hearing. Alternatively, the Panel may choose to communicate its decision in writing only.
- 13.9. Any penalty is effective immediately once imposed unless the Disciplinary Panel decides otherwise.
- 13.10. In the event that the Disciplinary Panel determines that a doctoral candidate is found guilty of serious misconduct and should be formally and permanently expelled from the University under the provisions of this Code, the Deputy Vice-Chancellor's agreement to the proposed expulsion must be obtained before it can take effect.

#### **14 Right of Appeal**

- 14.1.1. If the accused doctoral candidate wishes to contest the decision or the penalty imposed by either the Investigating Officer, the Disciplinary Panel and/or the Deputy Vice Chancellor (Research & Enterprise), they are entitled to submit an Appeal on any of the following grounds:
  - i. 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
  - ii. that significant new or additional evidence is available that was not available during the investigation or at the Disciplinary Panel.
- 14.1.2. There are no other grounds on which an Appeal will be considered by the University.
- 14.1.3. If the accused doctoral candidate wishes to submit an Appeal, they must do so in writing to [RDcomplaintsandappeals@ntu.ac.uk](mailto:RDcomplaintsandappeals@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.
- 14.1.4. If the Appeal is being made on the grounds that new and relevant material or evidence has become available, the accused doctoral candidate must submit that material or evidence as part of the written Appeal.
- 14.1.5. 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 if so, whether the evidence or arguments put forward by the doctoral candidate have sufficient merit to justify invoking the formal Appeal procedure.
- 14.1.6. 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 accused doctoral candidate 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. A

#### **14.2 Consideration of Appeals**

If the Appeal is against a decision made by a Disciplinary Panel, the Appeal shall be considered by the Deputy Vice Chancellor (Research & Enterprise). The Deputy Vice Chancellor (Research & Enterprise) has the power to uphold, amend or overturn the original decision, or refer the matter to an Appeal Panel, for consideration as soon as reasonably practical.

#### **14.3 Appeal Panel – composition**

- 14.3.1. The Appeal Panel shall comprise three members. Two of the Panel members shall be University staff nominated by the Deputy Vice Chancellor (Research & Enterprise), of whom one shall act as Chair. The Panel Chair shall be a senior member of the Doctoral School, a School Postgraduate Research Tutor, a School Associate Dean of Research, or other suitably senior and experienced member of staff. The third Panel member shall be a representative of the Nottingham Trent Students' Union.
- 14.3.2. 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.

#### **14.4 Appeal Hearing – preparatory steps**

- 14.4.1. The doctoral candidate shall be given at least **ten 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.
- 14.4.2. If the accused doctoral candidate 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 doctoral candidate's absence.

#### **14.5 Conduct of the Appeal Hearing**

- 14.5.1. At the Appeal Hearing, the accused doctoral candidate 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 doctoral candidates 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.
- 14.5.2. The accused doctoral candidate must inform the Chair of the Appeal Panel of the name and capacity of any person accompanying them to the Appeal Hearing at least **two working days** before the Appeal Hearing.
- 14.5.3. 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 doctoral candidate has submitted. The accused doctoral candidate 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.
- 14.5.4. The Chair of the Appeal Panel shall have the discretion to allow the introduction of new evidence during the Appeal Hearing.

#### **14.6 Appeal Panel – outcomes**

- 14.6.1. 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.
- 14.6.2. The Chair of the Appeal Panel shall inform the accused doctoral candidate of the Appeal Panel's decision (including the rationale for that decision) in writing within **five 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. OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)**

- 15.1. In the event that the doctoral candidate 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 doctoral candidate must send a copy of their Completion of Procedures Letter to the OIA with the form.
- 15.2. Please note, in order to submit a complaint to the OIA, the doctoral candidate 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.
- 15.3. Further information can be found on the [OIA's website](#).