Handbook of Student Regulations
Research Programmes
August 2019-20

Approved by Academic Board on behalf of the Board of Governors, June 2019
As a student of the University, you have various rights arising from the University’s commitment to provide a range of opportunities, services, and resources. You also have the right to challenge the University if you feel that it has failed to deliver on its obligations to you or made a mistake which has disadvantaged you. The University’s Student Appeals and Complaints Officer ensures the fair, transparent and independent operation of the procedures described in this Handbook.

In this document, ‘we’, ‘our’ and ‘us’ refer to the Student Appeals and Complaints Officer at Northumbria University. ‘You’ and ‘your’ refer to students of Northumbria University.

You also have obligations as a member of the University community. All students, staff, visitors to the University, and neighbours in the community, have a right to be treated with dignity and respect. All members of the University community have a duty to support such rights. This Handbook describes the circumstances and procedures to follow when you may wish to challenge the University’s decision or the way you have been treated. It also describes the disciplinary or other actions the University may take if your behaviour is judged to compromise the safety and/or wellbeing of any member of the University community, visitors or its immediate neighbours.

This Handbook brings together, updated and in one document, the rules and procedures which apply to Northumbria University students on research programmes (that is MPhil, PhD, and Professional Doctorate programmes). The appeal and complaint regulations differ for students on taught programmes. Students on these programmes should consult the ‘Handbook of Student Regulations (Taught Programmes) 2019-20’ available at:

https://www.northumbria.ac.uk/handbook

Not all aspects of the regulations will be of immediate concern to students on enrolment: indeed, it is my hope that the disciplinary section will rarely need to be used. Nonetheless, the Handbook explains to you your rights and obligations as delivered by the student contract and as members of the academic community upon enrolment. The guiding principle behind these regulations is that every
member of the University is entitled to be treated with respect, that all members of the University have a duty to facilitate the wellbeing of others and that there should be procedures available to ensure that decisions can be fairly challenged, and inappropriate behaviour effectively managed. I strongly advise all students to make a note of the location of this Handbook on the University’s website:

https://www.northumbria.ac.uk/handbook

It is an essential reference during your period at the University. Please note that, occasionally changes may need to be made to these regulations during the course of the academic year - the definitive version of the Handbook is the version which appears on the University’s webpage at the above URL ¹.

The Office of the Independent Adjudicator

You are also asked to note that all students of the University are, following the exhaustion of the University’s internal procedures, able to raise most grievances they may have in relation to the University with the ombudsman for the higher education sector, the Office of the Independent Adjudicator for Higher Education (OIA). Reference to your ability to utilise the OIA is made in Sections 3, 13 and 17 of the Handbook and Annexes 1-5.

Independent Advice and Guidance

Independent advice and guidance on all matters relating to the ‘Handbook of Student Regulations’ is also available from the Students’ Union at su.enquiries@northumbria.ac.uk.

Jay Wilson
Head of Legal
August 2019

¹ Organisational changes within the University may result in changes to these regulations during the course of the academic year. It is not anticipated that any change in principles will result from organisation changes only. Students will be informed of any material changes the regulations and prompted to consult the version of the regulations on the University’s webpage when they occur.
The contents of this Handbook can be easily navigated by using the bookmarks to the left. Alternatively, you can click on the relevant Section or Appendix below, all of which are hyperlinked. You can return to the contents page at any time, by clicking on the bottom right hand corner of any page. If you are viewing this document on a mobile device you may lose some of these functions, unless you have an Adobe App installed.

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Section 1: Introduction

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk.

When these regulations apply

These regulations apply to matters arising in and decisions taken in relation to the academic year 2019-20.

1.1 Introduction

It is essential to the University’s delivery of its aims and objectives, and for its effective and safe operation as a complex institution and self-governing community, that there should be rules of conduct which must be observed for the benefit of all staff, students and visitors.

1.2 Overview

For the University to achieve its objectives, it is essential that students and staff should be able to work in conditions in which:

- freedom of thought and expression is permitted
- the rights of others is respected
- there is acceptance of sexual and racial equality, avoidance of discrimination on the grounds of religion, race, ethnic origin, age, gender, disability, marital status or sexual orientation, and the right to equality of opportunity
- there is a proper regard for health and safety and mutual wellbeing.

1.3 Glossary

A glossary is supplied in Appendix A of this Handbook.
Any challenge to a University decision must initially be lodged by you and you would normally be expected to pursue the case yourself. In progressing an appeal or complaint, or any other proceeding, you may, in exceptional circumstances, be supported by a ‘Friend’\(^1\). If you wish to be supported by someone who does not meet the definition of a ‘Friend’, to facilitate your engagement with University procedures, this will be permitted at the discretion of the member of staff involved in the procedure. If there is any doubt, the Student Appeals and Complaints Officer may be consulted.

Should you wish to be represented by a ‘Friend’ you must submit a request in writing to the Student Appeals and Complaints Officer from your University email address, normally at least 3 working days in advance of any meeting. You will need to explain why you are unable to represent yourself and evidence this as far as possible. You must also provide written permission for the representative to act on your behalf and receive relevant information from the University. In all procedures, the University reserves the right to put questions or requests for information directly to you if considered necessary.

No person will be allowed to act as a ‘Friend’ where it can be demonstrated that they have the potential to gain personal advantage through their attendance (for example they are subject to the same or a related breach of the University Rules). As the procedures described in this Handbook are not legal processes, the ‘Friend’ may not be a solicitor or barrister or any other person purporting to act in a professional legal capacity, except in the circumstances described below.

In exceptional circumstances it may be appropriate for you to be represented by a member of the legal profession or someone acting in this way. Permission must first be obtained from the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk) who will consult with the Head of Legal before making a decision.

The Student Appeals and Complaints Officer will determine whether the outcome of the proceedings could deprive you of the right to practise your chosen profession or irretrievably prejudice that right:

(a) If the Student Appeals and Complaints Officer judges that this is the case, permission will be granted. The University may then also be

\(^1\) Defined in Appendix A of the ‘Handbook of Student Regulations’ as a member of the University community (i.e. a fellow student, member of staff or Students’ Union Officer).
represented by a legally qualified individual. You will be informed if this is to be the case. You will be responsible for paying any costs of your representation. The University will not reimburse you.

(b) If the Student Appeals and Complaints Officer judges that this is not the case, such representation is at the discretion of the Student Appeals and Complaints Officer. The Student Appeals and Complaints Officer will take account of:

i) The seriousness of the claims and the potential outcome for the student

ii) The principles of natural justice as defined in Appendix B of the Handbook of Student Regulations

(c) The decision of the Student Appeals and Complaints Officer is final. There is no right of appeal for you under this procedure against this decision.

1.6 Supporting Documentation

The Handbook of Student Regulations is not an exhaustive document. You are directed to view the Handbook in conjunction with other official University documentation (e.g. your offer letter, your Student Enrolment Form, Programme Handbooks, Student Assessment Guidance, and other Terms and Conditions).

1.7 Distance-Learning Programmes

These regulations also apply to students on distance-learning programmes, or otherwise off campus. The University will, as far as reasonably possible, make special provision for the circumstances of such students when operating these regulations (for example by arranging for tele-conferencing or telephone communications and arranging contact at mutually convenient local times).

1.8 Annual Report

In order to monitor the effectiveness of these regulations, and further improve University processes, the Student Appeals and Complaints Officer will make an annual report to Education Committee on the operation of these regulations. This will include aggregated anonymous demographic data.
1.9 Contract between Student and University

This Handbook is incorporated into the contract between the student and the University. **Students should pay particular attention to the enrolment conditions set out in Section 2.** The Handbook may be updated from time to time as necessary. The definitive form of the regulations will be that which appears on the University’s website.²

² [https://www.northumbria.ac.uk/handbook](https://www.northumbria.ac.uk/handbook)
Section 2: Student Enrolment Conditions

2.1 Effect of these Conditions

2.1.1 Overview

These conditions are the standard enrolment conditions for undergraduate, postgraduate and all other students of Northumbria University (“the University”). Together with the other documents to which they refer, these conditions form the contract between the University and you, the student, with regard to your course of study or programme of research at the University (“the Programme”). If there is any inconsistency between these conditions and any other document generated by or on behalf of the University, these conditions shall prevail.

2.1.2 Understanding between Student and the University

2.1.2.1 Any document setting out the offer made to you (whether made directly to you by the University or on behalf of the University by the Universities and Colleges Admissions Service or any other agency); and

2.1.2.2 The on-line enrolment task

form the entire understanding between you and the University with regard to the Programme and replace any other written or oral promises, undertakings or representations. In the event of any discrepancy between 2.1.2.1 and 2.1.2.2 then the information contained in your offer letter will prevail over the on-line enrolment task.

2.1.3 Formal Notification of Acceptance

No contract will exist until you formally notify the University of your acceptance of an offer of a place in writing or in the way applicable to your application, whether that is direct to the University or through the University and Colleges Admissions Service or any other agency.
2.1.4 On-line Enrolment Completion

It is a condition of entry onto the Programme that you must complete the on-line enrolment task when requested to do so by the University. By doing so, you are agreeing to pay all fees due, by the dates specified by the University, unless previously agreed otherwise by the appropriate University authorities.

2.2 Fees and Payment

2.2.1 Tuition Fee Payments

You have the right to cancel your agreement with the University within 14 days of enrolment. You will be liable for tuition fees from your first day of teaching. If you enrol less than 14 days before the first day of teaching, your liability begins 14 days from the date of enrolment.

It is your responsibility to ensure that the University’s tuition fees in respect of the Programme (as reviewed and revised from time to time\(^1\)) (“the Fees”), and all other expenses relating to the Programme, are paid promptly. The Fees should be paid on the dates specified in the University’s Credit Control and Debt Management Policy (Section 13 of this Handbook), whether directly by you, or on your behalf by a third party (such as your employer or sponsor).

2.2.2 Not Included in Fees

The Fees do not include any:

2.2.2.1 fees payable in respect of any residential accommodation which may be provided to you by the University or any third party; and

2.2.2.2 examination fees, professional body fees, travelling expenses or other course costs as notified to you in advance as part of the Programme documentation which will (if relevant) be the subject of a separate agreement between you and the University.

\(^1\) Tuition Fees may be liable to an annual inflation increase at the beginning of each academic year in line with the Retail Price Index (RPI).
2.2.3 Non-payment of Tuition

In the event of non-payment of tuition or other fees associated with the programme of study, any Academic Scholarship due will not be paid. Any money due to be paid in respect of an Academic Scholarship will be therefore be offset against any unpaid tuition or other associated fees. The student will be advised of this action by the Finance Department.

It is therefore essential that any student who is late paying their fees contacts the Ask4Help team (0191 227 4646) as a matter of urgency to discuss their financial position.

Students who have unpaid tuition or other programme of study-related fees (e.g. compulsory professional body fees) will be subject to an exclusion process (Section 13, regulation 3.9 of the ‘Handbook of Student Regulations’). This means any student in this position will be removed from the University. The student will not be timetabled for tuition, will not be entered onto subsequent examination lists, nor will there be any subsequent confirmation of marks by the Programme Assessment Board. In addition, the student will no longer be able to use the University’s computer or library facilities or attend any award Congregations.

Important Note

Once excluded the student will still be responsible for payment of the Fees. The debt will be referred to a Debt Collection Agency to recover on behalf of the University. The student will not be allowed to re-enrol, even if they have subsequently been able to make full payment. The only exception to this will be students with extenuating circumstances which will be considered on an individual basis. Details of the appeals procedure appear in Section 13, Appendix 1.

2.3 Failure to Pay Fees

2.3.1 Overdue Fees

If the Fees become overdue and any other amount due to the University in respect of the programme of study remain unpaid the University shall be entitled to take any or all of the following steps:

2.3.1.1 exclude you from the University and end this Agreement, in which case the provisions of condition 2.9 will take effect;

2.3.1.2 withhold provisional marks for any assessed work subject to the requirements of relevant data protection legislation;
2.3.1.3 delay the submission of your provisional assessment results to the relevant Examination Boards with the effect that an award or qualification could not be made or confirmed;

2.3.1.4 withhold your invitation to attend a relevant academic congregation;

2.3.1.5 withhold any formal University certificate or parchment confirming your academic performance at the University; and

2.3.1.6 take legal action to recover the debt.

2.3.2 Outstanding Tuition Fees

If a student has fees outstanding from a previous Academic Year which are not related to the programme of study (e.g. Accommodation), the on-line enrolment process will direct the student to first contact the Finance Department to discuss their outstanding financial liabilities before completing their enrolment.

2.4 University Rules and Regulations

2.4.1 Compliance with Rules and Regulations

You must comply with all codes, rules and regulations of the University in existence during the Programme which relate to the activities of students at the University, or which may apply to you and your particular course option. These include (but shall not be limited to) the following:

2.4.1.1 the University’s Rules and Regulations, as laid down in the Handbook of Student Regulations (as amended from time to time on the University’s webpage and to which students shall be made aware of)

2.4.1.2 all other Terms and Conditions, including relevant health and safety regulations and

2.4.1.3 all codes, rules and regulations of any other relevant organisation or institution (including but not limited to placement provider policies and procedures and professional body codes and regulations), if required as part of the Programme, as amended from time to time.
2.4.2 Termination of Studies as a Result of Disciplinary Action

If your studies with the University are terminated as a result of disciplinary action taken against you in accordance with the disciplinary procedures of the University, this Agreement shall end automatically without the need for any notice, unless the University agrees otherwise in writing.

2.4.3 Expulsion or Withdrawal from Other Institutions or Organisations

If you are expelled, dismissed, withdrawn, or for any other reason leave any institution or organisation other than the University which you are required to attend or be a member of as part of the Programme (e.g. an employer, a placement provider, partner institution, or an exchange programme), the University shall be entitled to end this Agreement immediately by written notice to you.

2.5 Termination of the Agreement in the Light of New Information

In addition to the University’s rights to end this Agreement in condition 2.7.2 the University shall be entitled to end or revise this Agreement immediately by notice in writing to you in the following circumstances:

2.5.1 Change of Circumstances

If after the acceptance of an offer by you and the beginning of your Programme, or before your return to study after a period of interruption, there is a change in your circumstances, or if the University becomes aware of information relating to you not previously known to it (including, but not limited to, information about criminal convictions, subject to the Rehabilitation of Offenders Act 1974 and other conduct – see Section 12 of the Admissions Policy) which in the reasonable opinion of the University makes it inappropriate for you to study on the Programme; or

2.5.2 False or Misleading Information

If, in the reasonable opinion of the University, you have failed to provide the University with all relevant information or have supplied false or misleading information relating to your application for the Programme or return after an interruption; or

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2 Students who are found to have provided false and misleading information to gain admission on to a programme will not be permitted to re-enrol on their current programme of study or enrol any other programme offered by Northumbria University (see regulation 2.9.1)
2.5.3 Disclosure Barring Service

You have been accepted onto a professional programme subject to completion of Disclosure Barring Service checks, which subsequently indicate that the programme entry requirements cannot be satisfied; or

2.5.4 Change in Immigration

If there is a change in your immigration status which results in the University withdrawing its Tier 4 sponsorship.

2.5.5 Confirmation of Termination of Agreement

Such termination of this Agreement will be subject to confirmation by the Vice-Chancellor or in the case of failure to meet professional programme requirements, by the relevant Programme Lead.

2.5.6 Review of any Termination Decision

You may seek a review of any decision to end this Agreement by requesting a review using the procedure as described in Appendix G of the ‘Handbook of Student Regulations’, which will be considered by the Head of Legal. Please note this process is the end of the University’s appeals process. Students who were enrolled at the time of the University’s decision may take their case to the Office of the Independent Adjudicator for Higher Education; prospective students are not entitled to do so. International students should note that lodging such a request for review will not delay UK Visa and Immigration procedures requiring you to leave the country.

2.5.7 UK Visa and Immigration Regulations

Students subject to UK Visa and Immigration regulations should note that, if the University withdraws you from a programme of study, for whatever reason, it must inform ‘UK Visas and Immigration’. This will have implications for your visa and entitlement to remain in this country (see https://www.northumbria.ac.uk/study-at-northumbria/support-for-students/international-student-support/ for sources of advice).

Your attention is particularly drawn to the provisions of condition 2.9.
2.6 Interim Suspension from Studies if Placed in Custody

If you are remanded into custody or receive a custodial sentence during your studies, this fundamentally changes your circumstances and may raise concerns about the risk you present to the University Community. For these reasons, the Academic Registrar and Director of Student, Library and Academic Services (or nominee) will place you on an interim suspension from studies with immediate effect, pending consideration of your case by a case conference in accordance with Section 17 of the ‘Handbook of Student Regulations’. Alternatively, if notwithstanding you being in custody, there remains evidence of a potential immediate risk to the University community, action may be taken to immediately suspend you from the University in accordance with regulation 17.11.2.

2.7 Provision of the Programme

2.7.1 Changes to Programmes

The University will make reasonable efforts to deliver the Programme as described in the University’s current prospectus. However, the information provided is prepared in advance of the academic year to which it applies, and information contained in the prospectus is intended as a general guide rather than a definitive source.

The University will use reasonable action not to make any changes to the Programme, either before you start or during the academic year for which you enrol. However, there are occasions where some changes may be necessary to assist and support the proper delivery of educational services. The types of changes the University might make to a Programme include changes to title, content or location of delivery. The University would usually only make changes where they are:

- 2.7.1.1. for the maintenance of academic standards, for example where a change is required to maintain compliance with the UK Quality Code for Higher Education or to enable the University to keep teaching up to date with research developments;

- 2.7.1.2. a direct result of feedback given by students enrolled on the Programme, whose views are considered on a regular basis via formally agreed mechanisms throughout the academic year or

- 2.7.1.3. required to secure our good operation and legal or regulatory compliance, for example if a change is required to maintain or gain a Professional, Statutory or Regulatory Body accreditation.
**2.7.2 Discontinuation or Suspension of Programme**

The University will only discontinue, suspend or combine a Programme of study, or its module components, if we consider it necessary to do so. For example, the University may need to discontinue or suspend a Programme if the number of students who have applied for the Programme are insufficient to be viable, if there is a change to the law, regulatory framework or Professional, Statutory and Regulatory Body requirement which the University is unable to meet, or to meet the requirements of the University’s quality assurance and enhancement processes.

**2.7.3 Changes to Programmes**

Any changes to Programmes will normally be made in accordance with the requirements for review and monitoring of Programmes as set out in the Programme Framework for Northumbria Awards (PFNA)\(^3\) documentation:

The University will consult with you as a student in advance of changes being decided on and implemented. Consultation with students is described on the University’s webpage at [https://www.northumbria.ac.uk/about-us/university-services/academic-registry/quality-and-teaching-excellence/student-engagement/](https://www.northumbria.ac.uk/about-us/university-services/academic-registry/quality-and-teaching-excellence/student-engagement/).

When discussing changes with you we will make clear the reason for the change. The University will inform you of any changes at the earliest opportunity, explaining the reason for the change.

In the event that the University has taken a decision to discontinue, suspend or combine a Programme or its module components, the University will use reasonable endeavours to ensure that the experience of those students currently studying on the Programme is protected.

If the University makes any significant variation to a Programme, you shall be entitled to:

- request a transfer to an alternative and appropriate programme of study in the University. Whilst we will make every effort to provide this we cannot guarantee that this will be possible.

- withdraw from the programme and terminate this Agreement. We will adjust your tuition fees in accordance with the calculation in Section 13, regulation 13.6. of the ‘Handbook of Student Regulations’

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\(^3\) [https://www.northumbria.ac.uk/about-us/university-services/academic-registry/quality-and-teaching-excellence/programme-design-and-approval/](https://www.northumbria.ac.uk/about-us/university-services/academic-registry/quality-and-teaching-excellence/programme-design-and-approval/)
pursue a complaint about this through the Student Complaints Procedure (Handbook of Student Regulations, Section 10).

The University sets out in its Student Protection Plan what measures it has in place to protect students in the event that a risk to the continuation of studies should arise.

2.8 Limit of Liability

2.8.1 Responsibility and Liability

The University cannot accept responsibility, and expressly excludes liability, for:

2.8.1.1 any loss or damage to your property (including but not limited to any motor vehicle or cycle) while that property is on the premises of the University, unless caused by the negligence of the University or its employees;

2.8.1.2 death or any personal injury suffered by you unless caused by the negligence of the University or its employees.

2.8.2 Failure of Obligations

The University may be liable to you for any direct loss or damage you suffer if we either fail to carry out our obligations under this agreement to a reasonable standard; or breach any relevant duties that we owe to you that are imposed on us by law (including if we cause death or personal injury to you by our negligence), but not to the extent that such failure is attributable to your own fault or action or the fault of a third party.

2.8.3 Computer Equipment and software

Although the University shall endeavour to ensure that computer equipment and software available for your use has reasonable security and anti-virus facilities and protections, you do use such computer equipment and any software provided by the University at your own risk. The University shall not therefore be liable (subject to condition 2.8.5) for any loss or damage suffered by you as a result of use of any computer equipment or software provided or made available by the University to you, including (but without limiting the general nature of this condition) any contamination of software or loss of files as a result of using the University equipment or software.
2.8.4 Breach of Terms and Conditions

If the University is found liable to you for any breach by the University of these terms and conditions or for any other act or omission of the University or its employees or agents, the liability (except for death or personal injury caused by negligence or as set out elsewhere in this clause 2.8) in contract, tort, breach of statutory duty, misrepresentation or any other liabilities, however occurring, is limited to 150% of the total value of the Tuition Fees paid by you or on your behalf to the University whilst enrolled on your programme whether your claim is brought under these terms and conditions or through any other claims.

2.8.5 Liability for Death or Personal Injury

Nothing in this condition 2.8 or in the rest of these conditions shall operate to exclude the University's liability for death or personal injury caused by the University's negligence, or for fraudulent misrepresentations.

2.8.6 Beyond Reasonable Control

Neither you nor the University shall be liable to each other for any failure or delay in performing its obligations if the failure or delay is due to any cause beyond that party's reasonable control, which shall include, but not be limited to, any governmental action, civil and/or international commotion, fire, flood, war, labour disputes or act of God.

The University will also not be liable to you for events outside our control which we could not have foreseen or prevented even if we had taken reasonable care. Events outside our control include industrial action, over or under demand from students, staff illness or staff leaving, significant changes to Higher Education funding, government restrictions with regard to the transmission of serious illness or the consequences of any behaviour by you which compromises the University’s ability to safely deliver the programme (e.g. behaviour which renders it impossible to locate a placement opportunity or work in high risk areas such as particular laboratories). In such circumstances, we reserve the right to change or cancel parts, or all, of your Programme.

2.8.7 Action Taken against You

The University will not be liable for any loss or damage of whatever nature which you may suffer as a result of any action taken against you by the University to terminate this Agreement or disciplinary action by the University (provided the action by the
University is taken properly in accordance with these conditions or the University’s procedures).

2.9 Requirements on Termination of this Agreement

If at any time the University terminates this Agreement as a result of its rights under these Conditions or generally or if this Agreement terminates automatically:

2.9.1 Refusal of Enrolment

The University shall be entitled to refuse to enrol you on the Programme, if at the date of termination you have not already enrolled.

2.9.2 Termination of Studies

The University shall be entitled to require you to stop studying on the Programme, and to leave the University immediately, if at the date of termination you have already enrolled.

2.9.3 Taking Additional Action

Any action taken by the University under conditions 2.9.1 or 2.9.2 will not restrict the ability of the University to take any other action against you to which it may be entitled.

2.10 Special

You agree that you will abide by any special conditions relating to the Programme set out in the Prospectus, or as otherwise notified to you by the University.

2.11 General

2.11.1 Personal Data or Information

The University will process your personal data whilst you are a student of the University and for limited purposes after you have left the University, as outlined in the Student Privacy Notice4.

The University shall process your data for the purposes and in the manner stated in the Privacy Notice and in accordance with relevant Data Protection Legislation (The General Data Protection Regulations, Data Protection Act 2018 etc.). Without prejudice to any other rights which the University may have to disclose your data, the University shall be entitled to provide data regarding you to the University student health service providers, the emergency services, the Higher Education Funding Council for England and any other statutory or governmental body or agency.

The University will retain information about you for the period specified in the University’s ‘Record Retention Schedule’ available on the University’s webpage.

By accepting a place on the Programme, you are consenting to the University processing your data.

2.11.2 Provision of these Terms and Conditions

If any provision of these terms and conditions is or becomes illegal, invalid, void or unenforceable that shall not affect the legality, validity or enforceability of the other provisions.

2.11.3 Communications under this Agreement

Any notice or other communication made under this Agreement shall be in writing and addressed to you at the last home address notified by you to the University or by email to your University email address and personal email address if provided by you. The notice shall be deemed to have been properly served if delivered by hand when left at that home address or if made by pre-paid first class post, 48 hours after being posted to that address, or if emailed to the email address provided by you to the University.

2.11.4 Breach of this Agreement

If you breach this Agreement and the University chooses not to exercise any right which it may have against you, that shall not prevent the University from taking action against you in the future in respect of that breach or any further breaches by you.

5 https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/records-management/records-retention-schedule/
2.11.5 Third Party Rights

The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

2.11.6 Law and Jurisdiction

This Agreement shall be governed by and construed in all respects in accordance with the laws of England and Wales and the parties agree to submit to the jurisdiction of the courts of England and Wales.
Section 3: Student Disciplinary Procedures

Format

If you require this section in a different format, or need a procedural explanation contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Advice and Support

Students may seek independent advice and support about these procedures from the Students’ Union Advice Service https://www.mynsu.co.uk/getsupport/advice/

Section 1 of the ‘Handbook of Student Regulations’, regulation 1.4 and 1.5, provides additional information about who may support a student throughout these procedures 1.

The University’s Student Life and Wellbeing Service 2 also provides a range for support which may be of benefit to students involved in these procedures.

Complaint of Misconduct

Students wishing to lodge a complaint of Misconduct by another student should first contact the Student Progress Team at Student Central to determine whether the issue should be treated as a ‘disciplinary matter’ or a ‘complaint’.

Staff who become aware of student misconduct should either deal with the matter informally (regulation 3.6.1 (i)) or report the matter to the relevant Disciplinary Officer (regulation 3.6.1 (v)).

3.1 Introduction

3.1.1 Overview

On initial enrolment at the University and on re-enrolment in subsequent academic years, students agree to abide by the University’s rules, procedures and

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1 See also Appendix A of the ‘Handbook of Student Regulations’ for a definition of a ‘Friend’
2 https://www.northumbria.ac.uk/study-at-northumbria/support-for-students/
The University also has policies and guidance on student conduct. Students have a responsibility to familiarise themselves with these.

3.1.2 Conduct

(i) The University expects students and their visitors to abide by all agreed regulations and policies. They should not hinder University processes or the learning of other students or in any way challenge or threaten the wellbeing of members of the University or visitors. Behaviour judged to be ‘Misconduct’ (see Appendix 2 to these procedures, noting that these behaviours are not exhaustive) will be treated according to the procedures in this Section.

(ii) Students on professional programmes should note that ‘Misconduct’ of any form may have implications for their fitness to practise (see Section 9 of the ‘Handbook of Student Regulations’). Fitness to Practise Panels therefore have the authority to consider whether a student on a professional programme has committed misconduct in accordance with these regulations.

3.1.3 Principles of Natural Justice

Throughout any investigation of alleged misconduct, the principles of natural justice will be followed.

3.1.4 Burden of Proof

The burden of proof lies with the person or persons alleging the student has committed misconduct under these regulations. A decision on the allegation will be based on ‘balance of probabilities’.

3.1.5 Confidentiality

Disciplinary Procedures will be conducted with strict confidentiality. Where penalties are imposed, the University will ensure that only the student, together with their advisers/representatives, and University Staff as necessary, will be informed of any

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3 Under the University’s Articles of Government [Articles 3(2)(f) and 13(2), July 2012] the Vice-Chancellor has overall responsibility for the maintenance of Student discipline and, within rules and procedures established by the Board of Governors, for the Expulsion, Suspension or Restriction of students on disciplinary grounds. This document describes the rules and procedures established by the Board of Governors under Article 13(2).
4 Available at www.northumbria.ac.uk/governance/terms-and-conditions/
5 See Appendix B of the ‘Handbook of Student Regulations’
6 See Appendix A of the ‘Handbook of Student Regulations’
7 See Appendix A of the ‘Handbook of Student Regulations’
penalties imposed. Only exceptionally, when duty of care obligations require it, may any detail of imposed penalties be shared with other relevant parties.

### 3.1.6 Timescales

Where possible the University will complete the initial investigation and formal stages of these procedures within 60 calendar days of any allegation being made to the student. This timescale does not include the time requires for any legal processes if the allegations arise from a criminal investigation. If the complexity of the case means that these timescales are not achievable, the student will be kept informed of the progress of their case.

### 3.2 Scope of the Procedure

#### 3.2.1 Disciplinary Action

Disciplinary action may be taken against students if there is a complaint from anyone (from either within or outside the University community) that they may have displayed behaviour which the University judges amounts to misconduct as defined in these regulations (Appendix 2).

These rules will normally be applied in respect of alleged misconduct in relation to activities engaged in, or services and facilities enjoyed, as a student (e.g. field trips, exchange programmes), or occurring on or in the vicinity of the premises of the University. These regulations apply to all students of the University when near the University campus such that, on the balance of probabilities, they would be identifiable as a student of the University. **However, the University reserves the right to take disciplinary action against a student in respect of any misconduct wherever it may have taken place**, including on social media.

#### 3.2.2 Enrolment Status

The authority of the University to take disciplinary action extends to students who have interrupted their studies. The University also reserves the right to continue with its disciplinary procedures, should the student withdraw, or leave the University under any other circumstances during the procedure, or take disciplinary action

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8 Any disciplinary action taken against a student in such circumstances will be dependent on the University first demonstrating that it has a legitimate interest in the behaviour which is the subject of investigation. Examples of this may be when the University could demonstrate that the behaviour “brought or could have brought the University into disrepute” (see Appendix 2 (ix) for further details of this principle) or when the alleged victim is the university itself, a student or employee of the university.
where the University becomes aware of a disciplinary issue after the student has left and hear the case in full.

### 3.2.3 Partner Institutions

Where a student is studying on a Northumbria University programme, or jointly run programme with a Collaborative Ventures Partner Institution, they will be subject to the disciplinary procedures of the Collaborative Ventures Partner Institution, whilst studying at that institution.

### 3.2.4 Misconduct in University Residences

Students should consult the University’s [Accommodation Rules](www.northumbria.ac.uk/accommodationrules)\(^9\) for details of what constitutes ‘Misconduct’ in University residences. Any disciplinary action taken will be in accordance with the procedures detailed in these regulations.

### 3.3 Misconduct that is also a Criminal Offence

#### 3.3.1 Reporting of Offences

If the alleged misconduct is a criminal offence, the injured party must decide whether to inform the Police. If the injured party is the University, University Security and the Disciplinary Officer will decide whether to report the matter to the Police. If there is doubt in this matter, the University’s decision will rest with the University Head of Legal in consultation with the Vice-Chancellor as appropriate. If the injured party is a student, or other third party, the University may exceptionally inform the Police without their consent only for the purposes of protecting the victim or for the prevention of further serious offences.

#### 3.3.2 Pausing of Procedures

The University may take immediate precautionary action in accordance with Section 17 of the Handbook to manage risk if necessary (see 3.5 below) but will otherwise pause disciplinary procedures until the outcome of legal proceedings is known.

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\(^9\) Available at [www.northumbria.ac.uk/accommodationrules](www.northumbria.ac.uk/accommodationrules)
3.3.3 Exceptional Permission to Proceed

Exceptionally, University disciplinary processes may proceed when a student has been convicted, but not yet sentenced, under criminal proceedings. Such action shall be limited to instances where the penalties that might result from University disciplinary processes are clearly independent of the possible sentence imposed by the Court. For such disciplinary processes to continue the Vice-Chancellor must first confirm that it is appropriate to do so.

3.3.4 Completion of Legal Proceedings

Once legal proceedings have been completed, the University will resume its disciplinary processes. If the student has been sentenced by a Court, any penalty imposed by the Court will be taken into account when any disciplinary penalty is being decided.

Where there is a finding of guilt as an outcome of police or court action, the University will accept this finding as confirmation the alleged behaviour did occur. Under these circumstances a full investigation of the substantive matter in accordance with 3.6.3 may not be required.

3.3.5 Behaviour May Still be Misconduct

If the matter is not reported to the Police, the University may proceed with its own disciplinary processes based on an alleged breach of these disciplinary regulations.

If legal proceedings do not result in a finding of guilt, the University may still take disciplinary action. The University will still need to take decide whether the alleged behaviour constitutes misconduct as defined in these regulations and the standard of proof under these regulations is ‘balance of probabilities’, which is lower than that of a criminal court. There may also be factors unique to the University context that will not have been considered under legal processes.

3.4 Misconduct Significantly Affected by Health

3.4.1 Student Life and Wellbeing

If the potential misconduct appears to be significantly affected by ill health, staff from the Student Life and Wellbeing Service will be contacted for procedural advice. Otherwise, the disciplinary procedures as described in this section will be followed.
3.4.2 Ill Health and the Panel

Any judgement by the Disciplinary Officer or Disciplinary Panel will be informed by the impact of any health issues. A member of Student Support and Wellbeing with no previous involvement with the case will be on any Disciplinary Panel as judged necessary by the Disciplinary Officer.

3.5 Risk-Management Pending Completion of Disciplinary Processes

3.5.1 Risk Assessment

If at any stage the alleged misconduct demonstrates potential risks to the student or others, the University may immediately undertake a risk assessment and take precautionary action to manage risk in accordance with Section 17 of the Handbook of Student Regulations. Such actions will be investigated independently of any disciplinary proceedings, but the resulting risk assessment will be provided to the Disciplinary Officer to inform any disciplinary penalty.

3.6 Procedure for Dealing with Allegations of Misconduct

3.6.1 Stage 1: The Informal Stage

(i) Staff at all levels have a part to play in assisting with the maintenance of student discipline. It is likely that most cases will be of a minor nature and will be dealt with locally and informally by the individual member of staff most closely involved. Simple and quick advice can be given to correct behaviour by an oral or written warning.

(ii) In most instances, and wherever possible, a written record of the incident and resulting advice should be made, which would normally be an email to the student confirming the action taken and a note on their file. Such written records may be referred to in any further disciplinary incidents.

(iii) If the student is on a professional programme the Programme Leader or nominee should also be consulted to establish whether ‘fitness to practise’

10 Staff may take alternative action as guided by 'When to Refer' but should subsequently inform the Disciplinary Officer.
issues may arise from the incident which require consideration under Section 9 of the Handbook of Student Regulations.

(iv) If it is not possible to resolve the matter at Stage 1, including if the student denies the allegation/s or disputes the outcome, a formal investigation will be undertaken in accordance with 3.6.3. If a Panel is subsequently convened they will have the full range of penalties available to them as detailed in 3.6.6.

(v) Where the complaint is more serious, or if it calls for an investigation, or the alleged offence is outside the normal jurisdiction of the staff directly involved, the matter should be referred to the relevant Disciplinary Officer (Appendix 1) who will decide the next steps in accordance with 3.6.2.

3.6.2 Stage 2: The Formal Stage

Upon receipt of a referral, the Disciplinary Officer will commission an investigation in accordance with regulation 3.6.3, unless they decide that:

(i) the matter is not sufficiently serious that it may justify formal disciplinary action, or
(ii) due to the serious nature of the alleged misconduct the possibility of a Restriction or Leave of Absence should first be considered by a case conference\(^\text{11}\) in accordance with the procedures described in Section 17 of the Handbook, before taking action under these procedures, or
(iii) proceedings should be paused in accordance with regulation 3.3.2
(iv) there is evidence of exceptional reasons not to pursue the case

3.6.3 The investigation process

The investigation will be undertaken in accordance with the procedure described in Appendix F of the ‘Handbook of Student Regulations’ by a member of staff with no previous involvement in the case. Upon consideration of the investigation report, the Disciplinary Officer may decide that, based on the evidence available:

(i) there is no misconduct case to answer:
   (a) and no further action is required
   (b) but the concerns about the student’s behaviour is such that it should be considered in accordance with Section 17 of the Handbook of Student Regulations (Precautionary Action on the Basis of Duty of Care)

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\(^{11}\) Please consult Appendix C of the ‘Handbook of Student Regulations’ for further information about Case Conference procedures
(ii) there is a misconduct case to answer:
   (a) but there is evidence of exceptional reasons not to pursue the case
   (b) but because the student made early admissions and the seriousness of behaviour is such that it can be dealt with by one of the penalties described in 3.6.6 (i-x), a Panel may not be required. If the student agrees to a penalty it will be explained to them how long it will remain on file and whether it can be referred to in future disciplinary or fitness to practise proceedings
   (c) and because the matter cannot be resolved at Stage 1 or because the behaviour is too serious, a Panel should be convened

3.6.4 Panel Membership

If the Disciplinary Officer decides there are grounds for the case to be considered by a Disciplinary Panel, the Panel will be comprised of:

- The relevant Faculty or Service Disciplinary Officer (Appendix 1)
- Any other staff co-opted by the Disciplinary Officer as they deem fit, which may include a Student Life and Wellbeing Manager (see 3.4.2)

A manager from the Student Progress Team will normally be responsible for making a detailed record of the proceedings.

3.6.5 The Hearing and Possible Findings

The Hearing will be convened and conducted in accordance with Appendix E of the Handbook of Student Regulations (‘Hearing Procedures’). The Panel may conclude that, on the ‘balance of probabilities’:

(i) Misconduct did not occur

or

(ii) Misconduct did occur:

   (a) but no further action is required
   (b) and one the penalties detailed in 3.6.6 should be imposed

3.6.6 Penalties for Misconduct

The Disciplinary Officer will establish the facts of the case, and in the event they decide that on the balance of probabilities misconduct has occurred, has the full range of penalties available to them. Any penalty will be informed by the nature
and extent of the misconduct, the need to manage future risk, and the student’s
current conduct record. The Disciplinary Officer may impose one or more of the
following penalties as appropriate\textsuperscript{12} and proportionate to the seriousness of the
misconduct displayed:

\begin{itemize}
  \item[(i)] a warning with a record placed on the student’s file\textsuperscript{13}. The Disciplinary
          Officer will specify the period of time for which such a warning will be
          taken into account in any future disciplinary case if deemed relevant;
  \item[(ii)] a fine or penalty not exceeding £500 (or such revised sum as the Vice-
            Chancellor may from time to time determine);
  \item[(iii)] restitution and/or compensation for damage to, or any loss of, any
            property, or for wasting staff time;
  \item[(iv)] confiscation of any property considered to be dangerous to others;
  \item[(v)] withdrawal of any benefit, facility or privilege relevant to the Misconduct;
  \item[(vi)] in relation to Residences and subject to the tenancy/licence agreement
            between the University and the Student, expulsion from Residences with
            the agreement of the Nominated University Accommodation
            Representative;
  \item[(vii)] a letter of apology
  \item[(viii)] a behaviour agreement\textsuperscript{14}
  \item[(ix)] compulsory attendance at a workshop, or awareness or educational
            session related to the behaviour displayed
  \item[(x)] such other penalty or penalties as the Disciplinary Officer deems fit;
  \item[(xi)] a recommendation to the Vice-Chancellor of a Leave of Absence on the
            basis that the behaviour was driven by health grounds\textsuperscript{15}.
\end{itemize}

\textsuperscript{12} See Appendix F of the ‘Handbook of Student Regulations’ (Decision Making) – Disciplinary Officers and
Panel Members should particularly note the requirement to consider penalties in a stepwise fashion, starting
with the lowest, considering in turn whether they address the concerns raised by the behaviour (6.3.1)

\textsuperscript{13} The University will retain information about students for the period specified in the University’s ‘Record
Retention Schedule’ available on the University’s webpage (https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/records-management/records-retention-schedule/)

\textsuperscript{14} Any agreement should be in writing, set clear terms, expectations, and timescales in relation to the student’s
behaviour, and make clear the potential consequences of breaching the agreement or any further misconduct

\textsuperscript{15} Before any student can return, they must first satisfy the University they are now able to manage the demands
of studying within a university environment with no serious risk to themselves or others, using the procedure
described in 17.15 of the ‘Handbook of Student Regulations’
(xii) a recommendation to the Vice-Chancellor of Expulsion or Suspension from the University, or a Restriction16;

In addition to imposing any of the above penalties, the Disciplinary Officer may withdraw privileges or facilities regarding use of the University Library or sport facilities for a stated period of time. The Disciplinary Officer may also provide pastoral advice regarding behaviour management and signpost the student to relevant therapeutic support services. This advice however will not be issued as a penalty in accordance with these procedures.

3.6.7 Disciplinary Officer Recommendations

Where the Disciplinary Officer makes a recommendation/decision in accordance with paragraph 3.6.6 (xi - xii), the Faculty Associate Pro Vice-Chancellor will be informed.

3.6.8 Notification of Decision

The Disciplinary Officer will notify the student in writing within 10 working days of their decision and any resulting penalties imposed. The student will also be informed they can request a review of this decision within 10 working days (regulation 3.7) or request a ‘Completion of Procedures’ Letter within 1 month if they wish to take their case directly to the OIA17 (regulation 3.8).

3.6.9 Informing the Faculty and Other Relevant Parties

(i) The Programme Leader and the relevant Student Progress Manager within Student Central will be informed of the outcome of any formal disciplinary proceedings, to ensure the matter is properly recorded and any recommendations are taken forward. Where any penalties are imposed, the reasons for the decision will be recorded on the student’s file, along with an indication of how long the matter may be referred to in the file.

(ii) If the student has been subject to precautionary action in accordance with Section 17 of the ‘Handbook of Student Regulations’, the Chair of the case conference will also be informed of the penalty and any new materially

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16 See Appendix A of the ‘Handbook of Student Regulations’ for definitions, noting that expulsion relates to the permanent exclusion from all premises, programmes, services and facilities of the University, and includes a decision by the University not to enrol or re-enrol a student. This penalty would normally be considered in the most serious cases only or where the Panel has concerns that the student would present an ongoing risk to the University community should they seek to return.

17 See Appendix H of the ‘Handbook of Student Regulations’ for further information about the OIA
relevant information relating to risk to inform a review of their risk assessment. Until this review is undertaken, the student will still be subject to the precautionary action.

(iii) Other relevant parties may be informed where there is a duty to protect the public and any information sharing will be done in accordance with relevant data protection legislation, including General Data Protection Regulations (GDPR).

3.6.10 Reconsideration of the same allegation

(i) The University may on occasions reconsider the same allegation if it becomes aware of new materially relevant information which it was not possible to obtain at the time. In taking a decision whether to reconsider an allegation, the University will take into account:

- Whether the outcome of the first Hearing has been called into question and if so, why
- The length of time that has elapsed and the effect this had on the reliability of the evidence to be considered
- The severity of the alleged misconduct, including whether the new evidence indicates there may be increased risk to the University community
- The impact upon the student of undergoing a second disciplinary process

(ii) If the Disciplinary Officer decides that a Panel is required, the original Panel members will reconvene and conduct the Hearing in accordance with these procedures. The Panel will not consider the matter afresh, but reconsider the case in light of the new information only.

3.7 Stage 3: Request for Review

3.7.1 Request for Review

(i) If the student believes they have grounds, they may request a review of the decision that they have committed misconduct, or the penalty imposed, using the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The permitted grounds for a request for a review are:
(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome

(ii) Requests for review need to be submitted to the Student Appeals and Complaints Officer\textsuperscript{18} within 10 working days of the University issuing the decision in writing and will be considered in line with the procedure described in Appendix G.

3.8 Taking a Case to the OIA

3.8.1 Requesting a Completion of Procedures Letter

If the student wishes to challenge the University’s decision, but judge they cannot do so on the grounds permitted in Appendix G, they may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month\textsuperscript{19} of the decision and take their case to the Office of the Independent Adjudicator (OIA)\textsuperscript{20}.

This completes the University’s internal disciplinary appeals process.

\textsuperscript{18} studentappealsandcomplaints@northumbria.ac.uk
\textsuperscript{19} studentappealsandcomplaints@northumbria.ac.uk
\textsuperscript{20} See Appendix H of the ‘Handbook of Student Regulations’

Handbook of Student Regulations (Research Programmes) 2019-20: Section 3
Appendix 1

Disciplinary Officers

Staff designated as Disciplinary Officers and their areas of jurisdiction are as follows (when an incident covers several areas, the relevant Disciplinary Officers will decide which is the most appropriate):

(i) The Faculty Associate Pro Vice-Chancellor (or Director of Campus in the case of London or Amsterdam-based students) or their nominee:

   All conduct not falling within the jurisdiction of any other Disciplinary Officer.

   All conduct relating to behaviour in classes, laboratories and other teaching facilities and other behaviour connected with the operation of Programmes, including Misconduct in relation to examinations and generally concerning the Student’s responsibility as a member of the University.

   In the case of field trips or other off-campus activities, the senior member of staff present is the Disciplinary Officer.

(ii) Student Facilities Manager (or their nominee) together with such person or persons invited by him/her to assist him/her as Disciplinary Officer from time to time:

   All conduct in Residences, partner-landlord residences, or pertaining to the operation of such residences.

(iii) Director of Student and Library Services (or their nominee):

   All conduct in, or pertaining to the operation of, the University Library;

   All conduct relating to student behaviour in the community;

(iv) Director of IT Services (or their nominee):

   All conduct pertaining to the operation of IT services;

(v) Director of Campus Services (or their nominee):

   All conduct pertaining to the operation of sport facilities;

(vi) Such other persons and with such areas of jurisdiction as the Vice-Chancellor may from time to time decide.
## Appendix 2

### Misconduct and Penalty Examples

‘Misconduct’ for the purposes of the University’s disciplinary regulations includes the following behaviours (it is important to note that this list and the examples of the behaviour provided is not exhaustive):

<table>
<thead>
<tr>
<th>Misconduct</th>
<th>Examples of Behaviour</th>
<th>Examples of Penalties&lt;sup&gt;21&lt;/sup&gt;</th>
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</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Behaviour which prevents any member of the University community from properly conducting their business in an appropriate manner</td>
<td><strong>Major</strong>&lt;br&gt;• Intention to deceive the University&lt;br&gt;• Serious disruption of University activities or to the duties of any student or employee of, or visitor to the University, on University premises or elsewhere&lt;br&gt;• Making unreasonable demands which are vexatious or malicious&lt;br&gt;• Repeated incidents of minor examples&lt;br&gt;• Any attempt to make ‘covert’ recordings of lectures, seminars, tutorials or any other such meeting without permission&lt;sup&gt;22&lt;/sup&gt;</td>
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<sup>21</sup> These are example penalties only and any Disciplinary Panel must consider each case on its individual merits, taking into account any aggravating or mitigating factors in relation to the behaviour displayed and the student’s circumstances. Further guidance on decision-making, including proportionality, can be found in Appendix F of the ‘Handbook of Student Regulations’

<sup>22</sup> If any member of staff has concerns a student has covertly recorded a contact, it is advised to check first whether the student has a DSSR that provides for them recording sessions with consent
| Minor | Major |  
|---|---|---|
| • Failure to fully and honestly answer questions or comply with any other instructions when reasonably asked to do so  
• Making unreasonable demands | • Taking property belonging to others without their consent  
• Misappropriation of University funds or assets | • Expulsion  
• Suspension  
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<th>(iv) Damage to the property of the University, staff, students or visitors</th>
<th>Minor</th>
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<tr>
<td>• Misuse of University property, such as equipment</td>
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<td>• A breach of Library and Computing Regulations (Appendix 3 to these regulations)</td>
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<tr>
<td>Minor</td>
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<tr>
<td>• Misuse or falsification of any records or documents</td>
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<td>• Unauthorised entry to University property or premises</td>
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<tr>
<td>• A breach of Library and Computing Regulations (Appendix 3 to these regulations)</td>
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<td>Major</td>
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<td>• Major damage, examples of which may include high value damage and damage causing serious disruption to University activity</td>
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<td>• Repeated incidents of minor damage</td>
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<td>Minor</td>
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<td>• Minor damage</td>
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<td>• Formal warning</td>
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<td>• Workshop or educational session</td>
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<td>• Written apology</td>
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<td>• Fine or compensation</td>
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<td>• Restriction</td>
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<td>• Leave of Absence</td>
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<td>• Expulsion</td>
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| (v) | **Causing a health and safety concern** | **Major**  
Behaviour that caused or could have been caused serious harm, including:  
- use, possession, or supply of controlled drugs or any substance known as a legal high or other alternative name, or allowing the use of University property for such purposes  
- purchasing or attempting to purchase controlled drugs or any substance known as a legal high or other alternative name, or allowing the use of University property for such purposes  
- use or possession of weapons, or allowing the use of University property for such purposes  
- unauthorised use of a fire extinguisher, covering smoke alarms |  
| | |  
| | | **Minor**  
Other behaviour such that a concern was raised, including:  
- Smoking, vaping and drinking alcohol in undesignated areas  
- littering |  
| | | **Expulsion**  
**Suspension**  
**Restriction**  
**Leave of Absence**  
**Confiscation**  
**Workshop or educational session**  
**Formal Warning**  
**Fine**  
**Formal Warning**  
**Written apology**  
**Confiscation** |
<table>
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<th>(vi)</th>
<th>Physical Misconduct</th>
<th>Major</th>
<th>Expulsion</th>
<th>Suspension</th>
<th>Restriction</th>
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<td>• Minor behaviour resulting in serious injury</td>
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<td>Sexual Misconduct</td>
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<td>• Making unwanted sexual remarks</td>
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<td>• Taking and distributing intimate images without consent</td>
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<td>• Verbal abuse relating to someone’s race, religion or belief, sexual orientation, gender, disability, or maternity status</td>
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| • Such abuse via social media  
  • Repeated incidents of minor examples  
  • Any of the behaviours detailed in the **Anti Bullying and Harassment Policy** | • Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University  
  • Repeated incidents of minor examples | • Behaviour which has damaged or could have damaged the reputation of the University |
| • Workshop of educational session | • Expulsion  
  • Suspension  
  • Restriction  
  • Leave of Absence | • Formal Warning  
  • Workshop or educational session  
  • Written Apology |

(ix) **Reputational Damage**

For the avoidance of doubt, this is behaviour while the student is, on the balance of probabilities, identifiable as a student of the University. As such, the behaviour may occur on or off-campus in the community. Identification as a student of the University might, for example, arise because the student has described themselves as a Northumbria student, is wearing Northumbria club or society clothing, or is part of a group identifiable as composed of Northumbria students.
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<th>(x)</th>
<th>Other Behaviour</th>
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|     | • In relation to Residences – breach of the *Accommodation Rules*\(^{26}\)  
|     | • Failure to comply with any ruling made as a result of disciplinary proceedings  
|     | • A breach of the regulations of any of the University’s Clubs  
|     | • A breach of any of the rules/obligations within the Handbook of Student Regulations, the *Student Charter*\(^{27}\), and any other terms and conditions as notified to students from time to time by the University  
|     | • Failure to inform the University when under investigation for, charged of, or convicted of\(^{28}\):  
|     |   - Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;  
|     |   - Offences listed in the Sex Offenders Act 2003;  
|     |   - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;  
|     |   - Offences involving firearms;  
|     |   - Offences involving arson;  
|     |   - Offences listed in the Terrorism Act 2006\(^{29}\) |

Any penalty will need to take into account the seriousness of the misconduct or breach and other relevant regulations relating to the case.

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\(^{26}\) [https://www.northumbria.ac.uk/accommodationrules](https://www.northumbria.ac.uk/accommodationrules)

\(^{27}\) Available at [https://www.northumbria.ac.uk/about-us/student-charter/](https://www.northumbria.ac.uk/about-us/student-charter/)

\(^{28}\) If you need to disclose any of the offences listed, please ask to speak confidentially to a manager in the [Student Life and Wellbeing Service](https://www.northumbria.ac.uk/about-us/student-life-and-wellbeing-service/)

\(^{29}\) Information about the University’s Prevent Duty is available at [https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/governance-services/prevent-duty/](https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/governance-services/prevent-duty/)
Appendix 3

Regulations for the Use of the Library and Computing Facilities

1 Scope

Conditions of use of the University Library and computing facilities and related services and/or any other library and computing facilities accessed through the University facilities.

The use of the resources under these conditions is limited to the user’s period of membership or employment by the University.

2 Definitions

For the purpose of these regulations, the following words have these meanings:

**User or Users** students, staff or any person(s) who enter(s) the University’s premises or make(s) use of University facilities in any way whatsoever.

**Borrower** any person who as a result of the issue of a University Smartcard to him/her is authorised, to access Library resources for his/her own use.

**Username** a form of unique identifier which is given to the user by the University, which together with a personal password of the user is used to identify and authenticate the user when using computing facilities.

**Network** connections and systems on and between the University Campus Network, the UK Joint Academic Network (JANET) and the global Internet.

**Material/Resources** any items of the Library collection including books, journals, electronic resources, theses, microfilm, microfiche, DVDs, illustrations, pictures, films, video tapes, learning spaces and equipment such as computer hardware and software, laptops and printers.

3 Use of University Resources

The University resources provided are for the user’s own individual academic use; they must not be given or lent to anyone else. The use of resources must be restricted to projects concerned only with the user’s own studies, research and
teaching and other University purposes, for which no remuneration other than from funds administered by the University is received by the user whether directly or indirectly.

4 Legal Requirements

4.1 The user is required to conform to the requirements of the law, including:
   - General Data Protection Regulation 2016
   - Computer Misuse Act 1990
   - Copyright, Designs and Patents Act 1988
   - Copyright (Computer Programs) Regulations 1992
   - Obscene Publications Act 1959
   - Telecommunications Act 1984
   - Defamation Act 2013

4.2 Copying of licensed software without permission of the copyright holder is an illegal act and is forbidden.

4.3 Hacking or the introduction of viruses is an illegal act and is forbidden.

5 Copying and Use Restrictions

5.1 It is the responsibility of all users to ensure that they do not infringe copyright law in their use of licensed library collections and the use of licensed software and equipment.

5.2 Intellectual property laws cover copyright, designs, patents and trademarks. Of these the law most likely to be breached is copyright. The rights of copyright owners in the UK are protected through the Copyright, Designs and Patents Act 1988 and subsequent amendments. Copyright law offers protection to a variety of types of material including: literary, dramatic, musical or artistic works, sound recordings, films or broadcasts.

5.3 The University works within what is allowed by fair dealing exceptions in copyright law, and by subscribing to licences that allow copying and reuse beyond what is permitted by copyright law. These licences include; The Copyright Licensing Agency (CLA) HE Licence; the Newspaper Licensing Agency (NLA); Education Establishment Licence; and the Educational Recording Agency (ERA+) licence.

5.4 The user must observe any restrictions placed on the use of specified software, and equipment which are stated in any documentation relating
to the use of such software or equipment.

5.5 The user must abide by the restrictions of copyright law, licences for subscribed electronic materials (including the Eduserv User Acknowledgement of Third Party Rights – see Appendix 4 below), and University licences which allow further copying and reuse in their use of third party materials from the University Library collection.

5.6 Permission must always be obtained from the rights holder for use of third party materials which falls outside copyright law or that which is permitted by licensed resources and the licences to which the University subscribes which allow copying and re-use of material beyond what is permitted by copyright law. Further information and advice relating to the use of copyrighted third party materials is provided by the University’s Copyright Service delivered by the University Library and can be found at - http://library.northumbria.ac.uk/copyright.

6 Use of the Network

6.1 Where the University’s resources are being used to access JANET or other networks and facilities the user must comply with the JANET Acceptable Use Policy or the acceptable use policy of other networks and facilities. Any abuse of the JANET Acceptable Use Policy or the acceptable use policy of other networks and facilities will be regarded as a breach of these regulations.

6.2 The user must not use University resources for the creation, viewing or transmission of material that is grossly offensive, indecent, obscene, or of a defamatory or menacing nature.

6.3 The user must not use University resources to distribute unsolicited commercial material.

6.4 Users should be aware that their use of the Network may be monitored and subject to scrutiny. This includes email messages sent and Internet sites visited.

7 University Policies and Strategies

7.1 The user is required to be aware of, and ensure that their use of the University Library and computing facilities complies with, the University’s policies and strategies, including:

- The University Library Membership and Access Policy and Guidelines
8 Computer Usernames and University Library Membership

8.1 A Northumbria username, University Smartcard (encompassing Library membership) and any other personal usernames issued are for the use only of the person to whom they are issued and are not transferable.

8.2 The user must keep their usernames and passwords confidential.

8.3 Lost University Smartcards should be reported immediately to Student and Library Services.

8.4 Replacement University Smartcards will be charged for at a cost.

8.5 Misuse of your University Smartcard may result in misconduct action being taken in line with Section 3 of the ‘Handbook of Student Regulations’

9 Use of Premises and Equipment

9.1 The University Library seeks to create a safe and supported learning environment. To enter University Library premises users should have a valid University Smartcard or pass issued on application to the Ask4Help Desk. Reference passes will only be issued on production of suitable ID. Temporary reference passes may be provided a maximum of three times in one academic year when staff or students have forgotten their University Smartcard. At specific times access is by University Smartcard only, without this you will not be allowed into the building. To use Open Access computing facilities users should also have a valid username issued by the University. Your University Smartcard, reference pass and/or username must be shown or declared at the request of the Director of Student and Library Services or any other duly authorised officer. Any person without such a smartcard, pass or username may be requested to leave University Library premises.

9.2 Users may bring coats and bags into the University Library premises on condition that such items may be searched by any duly authorised officer who has good reason for concern. Personal belongings should not be left unattended in the Library or used to reserve study spaces.

9.3 The University assumes no responsibility for any damage or theft of users’ property.

9.4 Smoking and the use of e-cigarettes is not permitted on University Library premises.
9.5 Eating and drinking are permitted only in designated areas in University Library premises and in accordance with current Library guidelines. Hot food may not be consumed on University Library premises.

9.6 In other University computing facilities, users must observe local restrictions on eating and drinking and use of mobile phones.

9.7 Consumption of alcohol is not permitted in University Library premises, or in University computing facilities.

9.8 Users of the University Library and computing facilities must not by their conduct disturb other users. The University Library’s code of conduct should be followed at all times.

9.9 The user must not remove equipment from the location to which it has been assigned or tamper with normal operational settings.

9.10 Users are advised to exercise caution when connecting portable devices to University networks.

9.11 Removing University resources without authorisation or stealing or attempting to steal University resources is forbidden.

9.12 The user must not use the resources authorised in such a way as to cause a nuisance to other users, or in such a way that the work of other users, the integrity of the computing equipment or any stored programs or data may be jeopardised.

10 Borrowing Regulations

10.1 Materials may be borrowed from the University Library in accordance with the current loan procedures.

10.2 If University resources are lost or damaged, accidentally or deliberately, the facts must be reported immediately to the University Library. The borrower/user will be required to repay the full cost of replacement or repair, as evidenced by the Library, plus an administrative charge.

10.3 The person named on the University Smartcard is responsible for the care and safe return to the University Library, on or before the date due back of all resources borrowed.

10.4 If the Library material is not returned by the due date then the borrower will be liable to pay a fine for each working day the material is overdue. The fines rate can be consulted via the University Library online. If the material has not been returned by the final due date then the borrower may be liable for the cost of the material as well as the fines.

10.5 The Director, Student and Library Services, reserves the right to recall any material from loan prior to the date due. On receiving a notice of the
termination of loan, the borrower is required to return the material to the University Library immediately.

11 Charges

The user must pay such charges as may be incurred for the use of facilities or services, as determined by the University, such charges being advertised appropriately.

12 Commercial Exploitation

The user must report to the University immediately it comes to his/her notice, any reasonable probability of financial or commercial advantage arising out of his/her use of the University resources whenever this advantage would accrue and whoever would benefit. The user must agree to abide by the general conditions in force in the University on the exploitation of such financial or commercial benefits. Also, see Section 3 of this Appendix.

13 The University

13.1 Accepts no responsibility for the malfunction of any equipment or software, nor failure or integrity of any stored program or data.

13.2 Accepts no responsibility for the malfunction of any personal devices including laptops used in or connected to University facilities.

13.3 No claim shall be made against the University, its employees or agents in respect of any loss alleged to have been caused whether by defect in the resources or by act or neglect of the University, its employees or agents.

14 Breach of University Library Regulations

14.1 The University Library can only function properly and users feel secure to pursue their studies without undue interruption if all Library users behave according to the regulations and follow the Code of Conduct

14.2 Library users may be asked by any Student and Library Services staff to manage their behaviour for the benefit of other Library users and the health and wellbeing of all in the University Library.

14.3 If Student and Library Services staff judge that specific behaviour continues to be inappropriate and is disturbing others, the person concerned may be required to leave the University Library. In exceptional circumstances this may involve the University’s Security staff.
14.4 Student and Library Services staff may also request that students do not enter the University Library if their behaviour is contrary to that stipulated by these regulations. In serious cases, University Security staff may be called.

14.5 After any incident as described in 14.2-14.4 above, or any other disciplinary incident, the Head of Library Services (or their nominee) will consider whether further disciplinary action should be taken in line with Section 3 of the ‘Handbook of Student Regulations’.

(i) Any of the penalties indicated in regulation 3.6.6 may be imposed as a result of a Disciplinary Hearing

(ii) In exceptional circumstances, access to the University Library and its resources may be restricted pending a Disciplinary Hearing (Section 17 of the Handbook of Student Regulations)

15 Information

15.1 Copies of University IT systems strategy and policy documents and the JANET Acceptable Use Policy are available at:

https://www.northumbria.ac.uk/about-us/university-services/it-services/it-regulations-and-guidance/

and

https://community.ja.net/library/acceptable-use-policy

15.2 Latest versions of these regulations and the University’s IT systems strategies and policies are also available on the University web site at

http://www.northumbria.ac.uk/it/regs
Appendix 4

User obligations when using software and online resources under the Eduserv negotiated Chest Agreements

Note: You do not need to actually sign the form below, the users’ obligations become binding as soon as a person uses licensed software or data regardless of whether or not you have actually signed the form.

User Acknowledgement of Third Party Rights

I confirm that whenever I use any “Products” made available to me by my “Organisation”, I accept and will follow the conditions set out below. I understand that “Products” means software and/or on-line resources and that “Organisation” means the university, college or organisation that I am a member of, or that I am employed by or contracted to.

1. I will adhere to any rules which are brought to my attention concerning the use of the Products. I understand that these rules may be put in place by my Organisation, or by the owner or licensor of the Products or by some other party who provides services relating to the use of the Products.

2. I will only use the Products in connection with the role I have in my Organisation which may involve teaching, studying or research, administration or management.

3. I will not use the Products for any private or commercial purpose including any direct or indirect monetary reward, profit, fee, or income generation; nor will I sell, resell, loan, transfer, lease, rent or hire the Products.

4. I understand that I may incorporate extracts from the Products in my own work or articles so long as:
   - my work or article relates to non-commercial research, private study, review or criticism, and
   - I do not extract a greater proportion of the Product that is necessary and that the extract(s) will not be “substantial”, under copyright legislation “substantial” means in terms of quantity or quality, and
   - wherever possible I include a sufficient acknowledgement of the source of each extract.

   If I have any questions about material I may extract and reproduce, I will refer to my Organisation’s librarian or IT support before I go ahead.

5. I will not attempt to by-pass any security measures put in place by any party concerning access to or use of the Products or the systems that support
such access and use. I will keep passwords and any other log-on or account details safe and not disclose them to any other person or party.

6 I will not copy or download any Products except for specific Products where my librarian or IT support tells me that I am entitled to do so. In such cases, I will ensure that no other person or party uses my copies or downloads and that no other person or party makes any further copies themselves. I understand that these User Acknowledgement of Third Party Rights conditions apply to all copies and downloads.

7 I will not remove any ownership, copyright or similar notices from any Product nor from any copies or downloads that I am entitled to make.

8 I will not attempt to alter any Products for example by disassembling or decompiling software code or otherwise, nor will I attempt to replicate or re-create any Products for example by reverse engineering.

9 At the end of my studies, employment or association with my Organisation, I will not attempt to use or access the Products and will destroy all copies and downloads that I have made. I understand that this does not apply to extracts from the Products that comply with paragraph 4 above.

10 If I breach these conditions, I understand that my Organisation, the owners or licensors of the Products and others may be entitled to take disciplinary or legal action against me.

11 If I have any queries about my use of the Products or about any use, I would like to make of the Products; I will ask my librarian or IT System Services. I understand that the librarian or IT support will be able to advise me, or get me advice, on the legal terms and conditions of the contracts or licences applicable to specific Products and also concerning copyright or other relevant legislation.

12 I confirm that I will sign below if required to do so by my Organisation or the Product owners or licensors.30

Agreed by:

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30 You do not have to actually sign the form below, the user’s obligations become binding as soon as a person uses licensed software or data.
Section 4: University Owned or Managed Accommodation – Rent Payments

(Students at UK Campuses only)

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

Rent Payments

It is a requirement that all students resident in University owned or managed accommodation pay their rent in accordance with their tenancy agreement. A failure by any student to pay his/her rent will result in the University serving upon them a notice to quit and if necessary subsequently applying to the court for an order for possession of the accommodation.

Persistent debtors or bad payers will be prevented from returning to University owned or managed accommodation, or to those 3rd Party Accommodation providers where the University have a formal agreement in place.

Any student who is late in payment of rent will be contacted in order to discuss appropriate payment arrangements for outstanding rent payments. These arrangements are to be agreeable by both parties.

Your Tenancy Agreement is a legally binding contract and you will be liable for the rent for the duration of the agreement.
Section 5: Statement on Academic Freedom and Freedom of Speech

These procedures are managed on behalf of the Vice-Chancellor by the Head of Governance.

Format Requirement

If you require this section in a different format, or need a procedural explanation contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Independent Advice and Support

Students may seek independent advice and support from the Students’ Union Advice Service https://www.mynsu.co.uk/getsupport/advice/

Overview

The obligations described in the Statement below apply to both students and staff of the University, and to visitors. These obligations are essential to the operation of the University as an institution enabling high-level learning and research. As a student it is important that you recognise your personal responsibility to support the principles described below. Any actions which frustrate the right to freedom of speech of for all, or the academic freedom of staff, may constitute misconduct (Section 3, Appendix 2, (i) and/or (viii) of the Handbook of Student Regulations) due to the behaviour obstructing the operation of the University or constituting being harassment.

5.1 University Statement

The University has developed a new joint statement on Academic Freedom and Freedom of Speech. The purpose of the Statement is to re-affirm the University’s statutory obligation and wider commitment as a place of learning, advancement and enquiry to uphold academic freedom and freedom of speech within the law. It summarises key ways in which academic freedom and freedom of speech are secured within the University, and the responsibilities of staff in exercising academic freedom and freedom of speech.
5.2 Academic Freedom

Education Reform Act 1988

The University is bound by Section 202 of the Education Reform Act 1988 which states that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University. This statutory provision is enshrined in Article 10 of the University’s Instrument of Government and is therefore considered as a core obligation upheld by the Board of Governors and senior management.

The University affirms that academic staff have academic freedom within the law, reflecting the above in the Main Statement of Terms and Conditions of Employment. These principles are also included in the University’s Staff Code of Conduct.

Academic Staff are encouraged to test received wisdom in several ways, including:

Testing Received Wisdom: Teaching

Teaching: the University’s goal is to create graduates who think critically and independently and the teaching and learning exchange is a key engine for this to occur. Academic staff have a key role to play in delivering innovative programmes of study and curricular content informed by the latest thinking and research (new ideas), including their own research and scholarship, and that this will include controversial or unpopular views. This includes enriching the curriculum through inviting speakers who may hold controversial or challenging views, and doing so in the context of expressing that their views may be subject to challenge and debate, and to encourage academic colleagues and students to enter into such debate.

Testing Received Wisdom: Research

Research: academic staff have freedom to conduct research and scholarship which will of itself contribute to knowledge, and generate and disseminate new ideas. The University has identified multi-disciplinary research themes (MRDTs) which provide a framework and reference point for research undertaken in the University. This supports academic freedom in helping to foster collaboration and academic communities of practice.
Research which has societal impact may by its very nature be subject to challenge and contested by individuals, groups or bodies. Academic staff should feel free to be able to publish, promote and defend their research on the basis that it is based on robust enquiry and/or evidence, and this in turn may involve the challenging and testing of others’ research and scholarship as part of this process. This should be without fear of reprisal or adverse employment consequences.

Academic Freedom of Research

Institutional Governance and Enfranchisement Processes

Academic Freedom also involves the ability of academics to participate in institutional governance and enfranchisement processes. This includes membership of elected academic staff members on the University’s Board of Governors; two nominees from the Academic Board of the University on the Board; all academic staff being entitled to stand and vote for election to the Academic Board; the Professors, engagement and communication within faculties and departmental meetings; mechanisms for regular and effective consultation and negotiation with the recognised trades unions; the ability to challenge and question decisions taken in the name of the University.

Responsibilities and Obligations

It is important to note that academic freedom is a right upheld by the University as outlined in the University’s Code of Conduct for Staff. Specific responsibilities and obligations include:

i. respecting the democratic rights and freedoms of others academic staff, students, visitors and wider society. This includes ensuring that the right to academic freedom does not support or promote individuals or groups who incite hatred or violence against any group or seek to undermine society’s or a group’s fundamental democratic rights and freedoms;

ii. that in presenting particular perspectives to students, staff and external audiences that such viewpoints have some grounding in scholarship, evidence and a wider context and are subject to robust debate, including accommodating contrary perspectives and opinions;

iii. that academic staff are often seen as representative voices of a particular discipline, subject area, department, faculty or the University and should not seek to express views in such a way as bring any of these into disrepute;
iv. that in presenting research it is in line with the professional norms of the academic and disciplinary community including standards of ethics, procedure, evidence and argument;

v. that research cannot be conducted in isolation from lawful conduct and enquiry, university policy and internal and external considerations which may define the scope or terms and conditions of the research. For example, on rare occasions, research could be undertaken in commercial confidence and external sponsors or the University may require that the research is kept confident, but that such clauses should be restrained to the minimum scope and duration consistent with the protection of IP;

vi. ensuring that research is subject to the University’s ethical procedures and that where research involves access to sensitive material, including extremism-related material for research purposes is approved as a *bona fide* academic activity. As an exempt charity, the Board of Governors as the Trustees has an indirect duty to the Charity Commission and a direct responsibility to HEFCE as ‘principal regulator’ of the University for this purpose, to report any association with a proscribed organisation as a ‘serious incident’, other than for *bona fide* academic research cited above;

vii. to exercise academic freedom so as not to undermine those individuals’ or groups rights to privacy and family life or make them subject to discrimination.

### 5.3 Freedom of Speech

#### Statutory Duty

Freedom of Speech extends beyond that communicated by academic staff. Specifically, Section 43 of the Education (No 2) Act 1986 places a statutory duty on the University that ‘every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers’. Article 10 of the Human Rights Act 1998 enshrines in law that everyone has the right to freedom of expression, written or spoken.

The 1986 duty above includes ensuring that the use of the University’s premises is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group. The University has developed a [Visiting and Events and Speakers Policy](#) which defines the arrangements in place for freedom of speech related to University events and speakers.
Controversial or Sensitive Issues

It is important to note that Freedom of speech does not establish a broad right not to be offended, and the expression of views which some people might find objectionable or offensive is not prohibited generally by the law. The discussion of controversial or sensitive issues, or being critical of others on any grounds does not of itself enable freedom of speech to be prohibited and, if managed effectively, is a fundamental feature of such freedoms.

Obligations and Responsibilities

However, obligations and responsibilities apply in exercising freedom of speech:

i. the Human Rights Act 1998 emphasises the duties and responsibilities in exercising these responsibilities as necessary in a democratic society, including the importance that freedom of speech should not be at the expense of national security, public safety or the prevention of disorder or crime and health;

ii. the protection does not extend to allow someone expressing their view to break the law or breach the lawful right of others. This includes:

- freedom of speech involving threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred of any individuals in society including on religious or racial grounds, or any of the other characteristics listed in the Equality Act 2010, including: age, disability, gender re-assignment, marriage and civil partnership, sex and sexual orientation;

- prohibiting support for, or endorsement of, the freedom of speech of ‘proscribed organisations’ under the Terrorism Act 2000.

Where the University is required to take steps on occasions to inhibit, or modify, freedom of expression which would risk breaking the law or breaching the lawful rights of others, it needs to take steps to ensure that it does not disadvantage or advantage the rights and duties of others on the basis of their protected characteristics.
Section 6: Ethics in Research: Policy Statement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

6.1 Introduction

6.1.1 Overview

The purpose of this document is to clarify the obligations on staff and students who undertake research activity, and to provide a framework for their consideration at Northumbria University. Detailed guidance is available in the University’s Research Ethics and Governance Handbook, which can be downloaded from the Research and Innovation Services Research Ethics web page: https://www.northumbria.ac.uk/research/ethics-and-governance/

6.1.2 The University’s Mission

Northumbria University strives to uphold the highest standards of ethical practice in research and academic integrity. Irrespective of the nature and ethical complexity of a research project, staff and students are expected to ensure that their conduct is driven by the ethical imperative of respect, the intent to do no harm and to contribute to society’s knowledge and practice through engagement in research that has beneficent intent.

Northumbria University’s Ethics In Research Policy Statement (pdf) can be viewed here.

6.1.3 Ethical Considerations

All research is subject to ethical considerations concerning purpose, source of funding, methods to be deployed and wider value and impact. It is important that the ethical implications in carrying out a piece of research are clearly articulated and weighed against the potential value of it so that all those involved proceed with informed consent. The mechanisms for approving research activity are detailed below and in the Research Ethics and Governance Handbook and all staff are...
required to be compliant with this policy to ensure that the wellbeing of all involved in research is protected.

6.1.4 Relevance of Policy

The policy is intended for all those engaged in research activity as they are embodied in different disciplines. It is designed primarily for academic staff, including those on research contracts, but is also relevant to research degree students, taught postgraduate and undergraduate students engaged in projects.

6.1.5 Ethical and Good Practice Guidelines

The policy is built upon ethical and good practice guidelines issued by Research Councils, professional bodies, subject associations and external ethics committees.

6.2 Ethical Principles and Dilemmas

6.2.1 Overview

It is not possible to define absolutely the boundaries of ethical principles, practice and problems. What is advocated, is a fundamental engagement with the ethical principles and dilemmas detailed below as an essential part of the research process, in whatever discipline.

6.2.2 Taking into Account Anticipated Consequences

Regardless of the nature of their work, staff and students who undertake research activity at Northumbria are obliged to take into account the wider direct and indirect anticipated consequences of their work.

6.2.3 Beneficence and Non-maleficence

The principles of beneficence and non-maleficence are fundamental to all research activity. Beneficence is the requirement to promote the interests and wellbeing of others. It is the ethical principle of ‘doing good’ in the widest sense. Non-maleficence is the principle of ‘not doing harm’. Both principles must be applied to all entities, directly or indirectly affected by the research. In practice, these principles frequently conflict, for example as in animal versus human welfare.
6.2.4 Respect for the Rights of Others

Ethical conduct in research demands respect for the rights of others who are directly, or indirectly affected, by the work. In relation to human participants, both their physical and personal autonomy should be respected. Their participation in the research should be on the basis of fully informed consent, and their right to confidentiality, according to prevailing standards, should be guaranteed.

The respect for rights to confidentiality is essential irrespective of any characteristic of the research environment or participants and at all stages of the research process. Further guidance is available in the University Research Ethics and Governance Handbook. Respect for equality and diversity in the management, design and conduct of research activity is essential to maintaining good academic practice.

6.2.5 Fair Treatment of Others

Justice is the ethical principle of fair treatment of others, which requires researchers to weigh up and make judgements about competing claims and interests of those directly or indirectly involved in the research, regardless of the vested interests of researchers.

Researchers should address competing interests at every stage of the research, including the decision of whether it should be carried out in the first place. Researchers should consider the moral justification for differential treatment of research participants, including non-human entities. For example, potential risks to the future should be weighed against technological progress in the present.

6.2.6 Balancing Qualitatively Different Values

Ethical principles will inevitably conflict, resulting in the requirement on the researchers to balance qualitatively different values. In such cases, researchers are obliged to make difficult judgements that cannot be derived from first principles, and should be prepared to draw upon disinterested advice. Where such a conflict cannot be resolved at subject level, or by advice to an external ethics committee or professional bodies’ guidelines, the matter should be referred to the University’s Research Ethics Committee. In all instances, the University strives to promote a high standard of professional conduct amongst staff and students.
Examples of ethical issues in research include:

- Academic subjects vary widely in the range and significance of the ethical problems that arise in their work. Many academic subjects do not involve the direct use of human participants or animals. Some can confine their consideration of ethics in research to broad-based questions concerning its purpose and value and its indirect effects. Even here, the ethical/legal issues will be considerable.

- Where human participants are involved in research, approval may be required from external bodies. The Integrated Research Approval System (IRAS) is a single system for applying for Health Research Authority (HRA) permissions and approvals for health and social care / community care research in the UK. In other cases, routine use of human participants in research (be they peers on taught courses, people in the community or in organisations) occurs without external vetting. This requires a careful and self-reflective approach to the ethical problems that might arise. For example, in surveys, interviews and experiments, researchers must consider the potential of placing human participants/organisations at risk from criminal or civil liability, damage to their social standing and to their emotional well-being.

- It is essential that the conduct of research takes into consideration issues such as, the health and safety of staff and research participants (undertaking risk assessments as appropriate); that research data is stored in a way that is compliant with the General Data Protection Regulations and relevant data protection legislation; that there are systems for the identification and management of academic misconduct; that the Human Tissue Act (2004) and the Animals Scientific Procedures Act 1986 (Amended 2012) are fulfilled; and that intellectual property is appropriately protected.

6.2.7 Examples of Ethical Issues in Research

6.3 University Framework for Considering Ethics in Research

6.3.1 Overview

Each member of staff, (and when appropriate students involved in research) is responsible for abiding by the University’s Policy on Ethics in Research. Advice should be sought, in the first instance, from the Faculty Research Ethics Director.
Ethical approval must be obtained for all research projects prior to the commencement of the research. Students and staff must use the Online Research Ethics and Governance Approval System. Access to the system can be found here.

Staff and Postgraduate Research Students can access the User Guide and the Ethics Online Interactive Guide here.

Undergraduate and Postgraduate Taught Students can access the User Guide and the Interactive Guide here.

6.3.2 Framework

Northumbria's framework for the consideration of ethical issues in research comprises:

(a) formal consideration of ethical issues in research at the discipline level;
(b) monitoring at the level of the Faculty Research Ethics Committee; and
(c) institutional oversight.

It is the responsibility of every Faculty Pro-Vice Chancellor to ensure that appropriate consideration is given to ethical issues arising in and from research activity for staff and students in all disciplines within the Faculty. The Faculty Pro-Vice Chancellor will exercise this responsibility through the Faculty Research Ethics Committee, with the following brief:

• to ensure good practice and a climate of ongoing reflection with regard to ethical issues in research and consultancy;
• to support academic staff and students in the consideration of ethical issues;
• to ensure good practice by the scrutiny of all research and consultancy activity at critical points (which will be defined locally in accordance with the nature of the research activity and the discipline and as outlined by professional bodies).

6.3.3 Faculty Research Ethics Committee

Each Faculty Research Ethics Committee will:

• be chaired by the faculty director of research ethics;
• include academic staff with a significant track record in research and teaching;
• meet as frequently as required, but at least two times per year, and maintain appropriate records of the business conducted;
• will be aware of the legislation and the requirements it places on the University;
• undertake an annual audit to ensure that appropriate ethical standards are maintained.

6.3.4 Annual Faculty Report

The Faculty Pro-Vice Chancellor (working with the Faculty Pro-Vice Chancellor Research and Innovation) and the Faculty Director of Research Ethics are responsible for assuring the University’s Research Ethics Committee that the Faculty Research Ethics Committees are operating effectively. The Faculty Pro-Vice Chancellor will submit an annual report to the Research Ethics Committee at the end of each academic year in a prescribed format to provide:

(a) a brief statement of the local arrangements for consideration of ethical issues in research;

(b) a list of those activities where ethical consideration has been required; and

(c) an indication of the problems which have been referred directly to another internal or external committee for their resolution;

(d) maintain records of all research projects (including dissertations) which involve ethical issues.

6.3.5 Referral of Matters

The Faculty Pro-Vice Chancellor can refer to the Research Ethics Committee any matters which cannot be satisfactorily resolved at Faculty level.

6.3.6 Review of Annual Reports

The Research Ethics Committee will submit the reports to the Research and Knowledge Exchange Committee at the beginning of each academic year.

6.3.7 Terms of Reference

The University’s Research Ethics Committee is a Committee of the Research and Knowledge Exchange Committee, responsible for overseeing the research ethics regulatory and governance framework of the University. The specific responsibilities of the Committee are as follows:

1. Performance Monitoring and Review

1.1 To monitor and review the University’s Research Ethics Policy and Research Ethics and Governance Framework in the light of the
University’s developing ethical experience and the external research ethics environment and to propose changes as required.

1.2 To ensure a framework is in place for the development of staff and systems that support the ethical review and governance of research.

1.3 To consider annual reports and annual audits from Faculties on the management of ethical issues in research and the operation of Faculty level procedures.

2. Policy and Regulation

2.1 To approve, and periodically review, the University’s Research Ethics and Governance Framework.

2.2 To provide written Guidelines on ethical issues in research for use by staff and students of the University.

2.3 To advise on any issues of an ethical nature directly referred to it by the Faculty Pro Vice-Chancellors, Faculty Research Ethics Committee and Service Departments.

2.4 To submit an annual report on the Committee’s activities and the operation of procedures for ethical review of research to the Research and Knowledge Exchange Committee.

2.5 To review the arrangements in place to ensure compliance with the Concordat on Research Integrity.

3. Reporting Relationships/Interactions with other bodies

The Committee has the following sub-committees:

- Faculty Research Ethics Committees

  The Committee will actively consider:

  i. reports from each of the faculties relevant to the remit of the Committee.

  ii. minutes of the meetings of the faculty equivalent committee, which should be scheduled to ensure a written report is provided to each meeting of this committee.

  iii. minutes and reports from the meetings of the other committees of the Committee.

  iv. relevant notes and actions linked to task and finish and steering groups established by the Committee.
The Committee will provide reports to, advise, and receive advice and input from Academic Board, University Executive and their respective committees and groups.

The Chair of the Committee, and the professional support attendees who support the activity area of the Committee, should ensure that members of the Committee have clear obligations and responsibilities on behalf of the Committee to:

- consult with the relevant colleagues in their faculties of services as appropriate on proposals and recommendations arising from the work of the Committee
- report concerns and areas for action both to and from the Committee
- deliver actions arising from the Committee in their own area of responsibility and to report back to the Committee on progress.

### 6.3.8 Membership of the University’s Research Ethics Committee

Membership of the University’s Research Ethics Committee comprises

- Faculty Associate Pro Vice-Chancellor (Research and Innovation – Health and Life Sciences) (Chair)
- All Faculty Research Ethics Directors (one of whom is nominated as Deputy Chair)
- Students’ Union Vice-President (Education)
- Deputy Director (Research) (Research and Innovation Services)
- Secretary: Research policy Manager (Research and Innovation Services)

### Ad Hoc Attendees

The Chair may invite attendees to present items, offer advice and support and confirm activities and actions at the Committee. Inviting attendees to attend entire meetings of the Committee as standard should be avoided, to ensure effective use of colleagues’ times. The number of attendees at a meeting (i.e., individuals who are not members) should not exceed the total membership numbers of the meeting.

### 6.3.9 Statutory Meetings

The University’s Research Ethics Committee has a minimum of two statutory meetings each year but will also be convened as other business requires.
Section 11: QAA Concerns Procedure

Format Requirement

If you require this section in a different format, or need a procedural explanation contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Raising ‘Concerns’

Students can obtain advice from the Student Progress Team or they may seek independent advice and support from the Northumbria Students’ Union Advice: https://www.mynsu.co.uk/getsupport/advice/

Assistance to staff on the investigation of ‘causes for concern’ may be obtained from the Student Appeals and Complaints Officer.

11.1 Introduction

11.1.1 Overview

Occasionally a student may feel that there is a general issue of ‘concern’ that they wish to alert the University to. Such ‘concerns’ are not individual complaints but more general observations on the University’s operations where there is a sense that there is a deficiency which compromises the quality of the service provided in a systemic way. Such ‘causes of concern’ may be raised by following the procedures outlined in section 11.2 below.

11.1.2 Definition of Terms

‘Concerns’ relate to the institution’s policies or practices that are felt to jeopardise academic standards. They are not about a specific dispute between an individual and the University or individual member of the University (for which the student appeal and complaints procedures should be used).

11.1.3 Clarification of Terms

The ‘Quality Assurance Agency’ has indicated that isolated occurrences of bad practice would not normally be sufficient to trigger an investigation by them.
'Concerns’ are therefore serious systemic shortcomings which result in repeated procedural shortcomings in academic standards and quality.

11.2 Concerns

11.2.1 How to Submit a Concern

If a student feels that there are systemic causes for concern about University processes they should first submit their observations in writing to their Programme Leader or Service Director as appropriate. Care must be taken to provide evidence to support the comments. A response should normally be received within 15 working days.

11.2.2 Dissatisfaction with Response

If the student remains dissatisfied with the response they may submit their comments to the Student Appeals and Complaints Officer within 10 working days of receiving the response under 11.2.1 above who will investigate the observations. A response should normally be received within 15 working days.

11.2.3 Continued Dissatisfaction with Response

If the student continues to remain dissatisfied with the response, they may convey their concerns to the ‘Quality Assurance Agency’ (https://www.qaa.ac.uk/en/reviewing-higher-education/how-to-make-a-complaint). Care should be taken to establish that the case meets the QAA criteria for a ‘concern’ and that it is supported by substantial documentary evidence.
Section 12: Students’ Union: Code of Practice

Approved by the Board of Governors 8 May 2017

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

12.1 Introduction

This code of practice has been published by the Board of Governors of Northumbria University in accordance with the requirements of section 22 (3) of the Education Act 1994 (The Act).

The Act requires Northumbria University (the University) and Northumbria Students’ Union (the Union) to comply with a specified set of measures relating to the operation of the Union. These measures relate to its: Memorandum and Articles; membership; elections; service of its sabbatical officers; finances; affiliations; complaints procedure; and notification requirements.

This code sets out clearly the arrangements specified by the Board of Governors to secure observance of the Act, and is subject to periodic review.

12.2 Memorandum and Articles

The Union has been established, and conducts and manages its affairs in accordance with its Memorandum and Articles approved by the Board of Governors and the Board of Trustees/Directors in accordance with Article (13(i)) of the University’s Articles of Government. Amendments to the Union’s Memorandum and Articles must be submitted to, and approved by the Board of Governors and the Union’s Board of Trustees/Directors before any such amendments can take legal effect.

The Board of Governors and Board of Trustees/Directors will review, and, where necessary, revise the Memorandum and Articles in consultation with the Union, every five years.

12.3 Membership

12.3.1 Overview

Reference is also made to the Union’s Board of Trustees which is a separate body responsible for the governance of the Union as a registered charity.
All students registered at the University are automatically members of the Union on enrolment, unless they choose otherwise. Every registered student at the University has the right to choose not to be a member of the Union and/or not to be represented by it, and not to be unfairly disadvantaged by reason of having exercised that right. The Union and the University will publish these rights and make them known to registered students through several media.

### 12.3.2 Consequences for Non-Membership of the Union

The sole consequences for a registered student of the University of choosing not to be a member of the Union are:

(a) loss of eligibility to vote in Union elections or referenda

(b) ineligibility to stand in elections to the Executive Committee of the Union

(c) ineligibility to hold office in any Union club or society

(d) ineligibility to hold any elected or appointed representative role of the Union

### 12.3.3 Withdrawal from Right to Membership

Any student who wishes to withdraw from their right to membership of the Union must indicate their decision in writing to the Union President, or nominee in procedures published by the Students’ Union.

### 12.3.4 Resuming the Right to Membership

Any student who has withdrawn from membership of the Union, and who subsequently wishes to resume their right to membership should indicate their decision in writing to the Union President, or nominee in procedures published by the Students’ Union.

### 12.3.5 Logging Status of Membership

The Chief Executive will ensure that a log of all students who withdraw their right to Union membership, or subsequently resumes their right to membership is maintained, and this should periodically, and no less than annually, be notified to the Head of Legal.
12.4 Elections

12.4.1 Conducting Elections

Election of Sabbatical Officer (and to several other Union posts) will be conducted by secret ballot.

12.4.2 Ensuring Fair and Proper Elections

The Board of Trustees/Directors will appoint a Returning Officer, who shall normally be an NUS representative, to act as Returning Officer responsible for ensuring that the election(s) are fairly and properly conducted. The Returning Officer will be supported in this task by a Deputy Returning Officer who shall be a senior manager of the Union. The Returning Officer will produce a report on the conduct of the election(s) and submit it to the Student Council, the Board of Trustees/Directors and Board of Governors, to confirm the outcome and process for the annual elections.

12.4.3 Duration of Office

No Union member shall hold sabbatical or paid-elected Union Office for more than two years in total.

12.5 Finance

12.5.1 Proper Conduct of Financial Affairs

The Union, through its Board of Trustees/Directors, is responsible for the proper conduct of its financial affairs, and for ensuring that the funds provided to it by the University are used only in accordance with the objects of its Memorandum and Articles, and in accordance with the Act. As well as observing applicable legislation, the Union will develop its own procedures, and make due reference to those of the University including in the areas of Fraud and Corruption and Money Laundering.

12.5.2 Compliance with Requirements

The Union shall require its Chief Executive (a) to satisfy the University at regular intervals to be mutually agreed between the Union and University that it is compliant with all relevant requirements and (b) to advise the Union to change any action or policy it is considering if, in the opinion of the Chief Executive, that action or policy is likely to prove incompatible with the terms of this Code of Practice.
12.5.3 Board of Governors and Board of Trustees

The Union’s Chief Executive is accountable to the Board of Governors, and the Board of Trustees/Directors to:

(a) ensure accounts and accounting records of the Union are maintained in accordance with normal professional accounting principles.

(b) ensure that a sound system of internal financial management and control is in place for the Union.

(c) plan and conduct the financial affairs of the Union to ensure that its total income is at least sufficient, taking one year with another, to meet its total expenditure, and that its financial solvency is maintained.

(d) maintain adequate insurance cover for Union assets and public/employer liabilities.

(e) report regularly through the University’s Executive Group and governance system, in order that the University can assure itself that proper financial procedures and controls are in place, can determine and agree its annual subvention to the Union, and can monitor expenditure on behalf of the Board of Governors. As appropriate, the Board of Governors will place reliance on the Union Board of Trustees/Directors which in turn receives assurance from its Audit and Risk Committee.

(f) ensure that fair written procedures and rules exist for allocating resources to groups, clubs and societies, and that these are observed.

12.5.4 Audited Annual Financial Accounts

The audited annual financial accounts of the Union will:

(a) be prepared within four months of the close of the preceding financial year. The accounts shall be approved by the Board of Trustees/Directors of the Union on the recommendation of its Audit and Risk Committee.

(b) be reported through the Board of Governor’s committee structure to include evidence of adoption by the Board of Trustees/Directors, and published on the Union website in line with its requirements as a registered charity.

(c) include a list of all external organisations to which the Union has made donations in the period to which the accounts relate, and a statement of the sums paid to every organisation on the list and a list
of all external organisations to which the Union is/was affiliated, and a statement of the subscriptions/fees/donation made to the organisations on the list, in the period to which the accounts relate.

12.6 Affiliations

12.6.1 External Organisations Approval

All proposals to affiliate to external organisations shall be approved by the Board of Trustees/Directors subject to ratification by the Student Council, and shall be submitted for approval to the Annual General Meeting.

12.6.2 Review of Current Affiliations

Student Council should approve and review all current affiliations on an annual basis. If an affiliation approved by the Board of Trustees is rejected by Student Council then a referendum of all members will be held to determine continued affiliation.

12.6.3 Annual General Meeting

The Annual General Meeting should review all current affiliations. If a current affiliation is rejected, by members at the meeting, then a referendum of all members will be held to determine continued affiliation.

12.6.4 Register of Current Affiliations

A register of current affiliations, containing details of subscriptions, fees paid, or donations made, should be maintained by the Union, and available for inspection by all members at the offices of the Union, during office hours.

12.6.5 Annual Report

This Register will be produced by the Union on an annual basis and presented to the Board of Governors through means of an Annual Report of the Students’ Union.

12.7 Complaints

12.7.1 Procedure for Complaints
Complaints by any Union member in relation to their dealings with the Union, or in relation to a claim of unfair disadvantage when a student has exercised their right not to be a member of the Union, will be dealt with as follows:

(a) by the Students’ Union’s Bye-Law ‘Procedure for Complaints Against the Students’ Union’

(b) if the complainant is unsatisfied by (a) then they may appeal to the Board of Trustees/Directors as set out in the bye-law.

(c) if their complaint is still not satisfied, they may appeal to the University in accordance with the procedure set out in the by-law.

12.7.2 Dealing with Complaints

All complaints will be dealt with promptly and fairly, and when a complaint is upheld, there will be an effective remedy.

12.8 Restriction Imposed by the Law of Charities

The Union is governed by the laws relating to charities and company law. The Union cannot have a political purpose and must not seek to advance the interests of any political party although it may seek to influence political opinion on issues relating directly to its own stated purposes, provided such activity is within its powers. Expenditure must be at a reasonable level, taking into account these potential benefits to union members, and the financial resources and commitments of the Union. The ways in which charities may, or may not, legitimately engage in political activities is the subject of advice and legislation by the Charity Commission, Courts of Law, Parliament, and Government departments.

12.9 Freedom of Speech

The Union and its members must observe the University’s ‘Statement on Academic Freedom and Freedom of Speech’, which it is required to publish in accordance with the Education No. 2 Act 1986.

12.10 Publication of this Code of Practice

This code will be published in the Handbook of Student Regulations and made available to all students via the Legal Services Team web pages.
Section 13: Credit Control and Debt Management Policy

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

13.1 Student Fee Regulations

These regulations concern the invoicing, payment or remission of tuition fees, which apply to students taking a programme of study at Northumbria University.

13.2 Student Tuition Fee Invoicing

After a student has enrolled onto a programme of study at Northumbria, an invoice will be e-mailed to the individual student’s Northumbria University e-mail address. It is the responsibility of the student to monitor this e-mail address, as it will also be used for any subsequent fee-related correspondence.

13.3 Tuition Fee Loan – Home/EU Students

In the 2019/20 academic year, undergraduate students can defer the payment of tuition fees whilst studying, by applying for and obtaining a tuition fee loan from the Student Loans Company (SLC).

- **All eligible UK/EU undergraduates**, both new and continuing students can apply to the Student Finance England/Wales and N. Ireland; Students Awards Agency for Scotland (SAAS); Student Finance Services European Team (EU) for the tuition fee loan.

  **For full-time students in 2019/20**, this will be a maximum of £9,250 for new students, and £9,000 for continuing students on the ‘old-style’ fee regime.

- **New full-time students** can apply for a tuition fee loan by completing a PN1 form or continuing students by completing a PR1 form. Application forms should be completed online or forms downloaded and completed.
English students can go to the link below (students from other areas can also go to this web site and then follow the links to their funding application forms):
http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/index.htm

13.3.1 Important Notes on the Tuition Fee Loan

- The tuition fee loan value is paid directly to the University.
- The tuition fee loan is deferred and is not repayable until a student is in receipt of an annual salary of over £25,000 for new students (some EU countries may have a different annual salary).

UK/EU New and Continuing Students are those who have been ordinarily resident in the UK for 5 years prior to the start of their course. Eligibility will be determined upon application.

13.3.2 Postgraduate Taught Funding (Home and EU)

From the start of the 2017/8 Academic year, it has also been possible for students on most Postgraduate Taught programmes to obtain funding from the SLC.
https://www.gov.uk/funding-for-postgraduate-study

Note: Successful postgraduate applicants will have the funds remitted direct to them by the SLC, so it will remain the student’s responsibility to ensure that the University is paid in full. As the SLC will pay postgraduate students in three instalments, the University permits tuition fees to be paid in three instalments, subject to the student producing confirmation of funding.

13.4 Student Tuition Fee Payment

Students who do not apply or are not eligible for the Tuition fee loan, will be responsible for their own fees (known as “self-financing”) unless they notify the University that a sponsor will be responsible for paying their tuition fees. In all cases, the University’s default position on payment of tuition fees is payment in full on or before enrolment. Alternatively, tuition fees can be paid through a University approved payment instalment plan.

The payment terms applicable to tuition-fee invoices will vary according to the level of award being studied, mode of study, and the student’s country of residence. In all
cases, instalments must be maintained in line with the tuition provided, with fees to be fully paid before the associated period of study has expired (and before the student progresses onto their next academic year). The table below summarises the main options, although exceptions do apply.
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<th>All students</th>
<th>Home / EU</th>
<th>International</th>
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<tr>
<td><strong>If invoice &lt;=£600, full payment on or before enrolment</strong></td>
<td>• If invoice &lt;=£600, full payment on or before enrolment</td>
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<tr>
<th>Full-time Undergraduate and Postgraduate Research (Invoice &gt; £600)</th>
<th>Home / EU</th>
<th>International</th>
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<td><strong>Full payment on or before enrolment, or 2 instalments, with the 1st payment due immediately</strong></td>
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<th>Part-time Undergraduate and Postgraduate Research (Invoice &gt; £600) (Includes distance learning, but not modules on ‘Carousel step-on/step-off’ type programmes. These are payable up front, on a module by module basis)</th>
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<td><strong>Full payment on or before enrolment, or 6 monthly instalments, with the 1st payment due immediately</strong></td>
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<th>ELAN / Summer School</th>
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13.4.1 Full Time Overseas Students

In all cases, the University’s default position on payment of tuition fees is payment in full on or before enrolment. Alternatively, tuition fees can be paid through a University approved payment instalment plan as outlined above.

**Note:** New Overseas students are permitted to allocate up to £3,000 of their payment towards their English Language (ELAN) course, provided that at least £5,500 remains available to pay the minimum deposit on their main programme fees. (Please refer to “Methods of Payment” section for details of how to pay, but please note that Direct Debit is not an option).

**Important Note for All International Students**

Government Regulations require Universities to monitor student attendance and the payment of outstanding tuition fees and report any transgressions back to the U.K. Visas and Immigration (the Home Office).

It is essential that the University receives the minimum 50% (subject to a minimum payment of £5,500) of total tuition fees prior to enrolment, as failure to do so could affect a student’s registration onto the programme of study.

It could also impact on the eligibility for a confirmation of acceptance for studies (CAS) letter required under legislation to enable a student to obtain a Visa.

13.4.2 Payment by an Authorised Sponsor

If the student has arranged for the tuition fee liability to be paid in whole or in part by a sponsor, the University requires confirmation of such an arrangement directly from the sponsor. It is important this be provided to the Finance Department on or before enrolment in order that the sponsor can be invoiced accordingly.

In the event of a sponsor defaulting on payment, the outstanding tuition fee liability will pass to the student and it is the student’s responsibility to pay the fees. Finance will notify the student in writing that the liability has been transferred and the standard payment terms will apply from the date of the letter.

Any overpayment by the student will only be refunded once the student has provided the University with written notification from the sponsor that they accept fully liability for the tuition fee outstanding.
It is the student’s responsibility to provide proof of sponsorship otherwise, they will become liable for the full fee.

13.5 Withdrawal or Taking a Break in a Programme of Study

13.5.1 Home Full, Part-Time and Distance Learning (Undergraduate and Postgraduate)

In the event of a student requesting to interrupt, withdraw or transfer from a programme of study, they must advise the Student Transition Team, in writing, via the Change of Circumstances portal (www.northumbria.ac.uk/changeofcircs). This is accessed via the Northumbria portal.

Once the student registers their intent to interrupt or withdraw, should the University subsequently be unable to contact the student, the University will complete the process on behalf of the student after 21 days.

13.5.2 Full Time Overseas Students (Undergraduate and Postgraduate)

In the event of an international student requesting to interrupt, withdraw or transfer from a programme of study, they must advise the Student Transition Team, in writing, via the Change of Circumstances portal (www.northumbria.ac.uk/changeofcircs).

This is accessed via MyNorthumbria. Once the student registers their intent to interrupt or withdraw, should the University subsequently be unable to contact the student, the University will complete the process on behalf of the student after 21 days. In addition, the student must seek advice from an immigration adviser in Student Support and Wellbeing (www.northumbria.ac.uk/internalsupport) regarding their visa status.
13.6 Fee Reductions

13.6.1 Home and EU Full, Part-time and Distance Learning Students (Undergraduate and Postgraduate)

You have the right to cancel your agreement with the University within 14 days of enrolment. You will be liable for tuition fees from your first day of teaching. If you enrol less than 14 days before the first day of teaching, your liability begins 14 days from the date enrolment.

All Home/EU students who cease or pause their programme of study* at Northumbria University, will be liable for a tuition fee depending on the term in which they pause or cease their programme:

- **During term 1**, you will be charged 25% of the total academic year’s fee
- **During term 2**, you will be charged 50% of the total academic year’s fee
- **During term 3**, you will be charged 100% of the total academic year’s fee

*This includes through interruption, withdrawal, suspension or expulsion from a programme of study.

N.B. – re-registration fees (also known as ‘exam fees’) of £125 are **not** subject to the reductions below, and will remain payable in full.

Care – the rules above do not apply to the fees for distance learning modules studied under the University’s ‘Carousel step-on/step-off’ programmes. These are invoiced up front on a module by module basis as a student progresses, and no reduction is applicable in the event of pausing or ceasing a programme.

(Term dates will be calculated on a pro-rata basis for Research students to recognise their flexible start dates).

13.6.2 International Students (Undergraduate and Postgraduate)

In the event of a student withdrawing or taking a break from a programme of study after 4 weeks of commencing the course the full semester fee will be due. For students withdrawing anytime in the second semester the full fee for the academic year will be due.
In both cases, the University will retain in full any deposit and it will be used to offset the level of fee due. Any outstanding fee due over and above the non-refundable deposit paid will need to be remitted by the student.

Care – the rules above do not apply to the fees for distance learning modules studied under the University’s ‘Carousel step-on/step-off’ programmes. These are invoiced up front on a module by module basis as a student progresses, and no reduction is applicable in the event of pausing or ceasing a programme.

N.B. – re-registration fees (also known as ‘exam fees’) of £125 are not subject to the reductions below, and will remain payable in full.

13.6.3 Distance-Selling Regulations

13.6.3.1 Contract via Distance Communications

If this contract has been made between us by means of distance communications (i.e. if up to the point when you will place a tick in the box to state that you have read, understood and accepted the terms and conditions of this contract there has been no face-to-face contact between us, or visit to our University, or if your only contact with us has been via one of representatives e.g. an overseas agent), you are entitled to cancel the offer of a place to study with us and this contract by writing to us within fourteen (14) days from the date of the beginning of week 1 of the academic year in which you enrol with a cancellation/withdrawal notice in writing by post (see www.northumbria.ac.uk/cancellation).

13.6.3.2 Event of a Cancellation

In the event of cancellation, we will refund any fees and charges already paid by you (or by any third party on your behalf) within 30 days of processing your withdrawal, in accordance with the University’s Refund Policy.

13.6.3.3 Returns of Benefits

Where applicable you agree to return any benefit, for example, scholarships and grants you may have received as a result of your application, including any study materials and any documentation provided by us to you; and you will bear all the costs associated with doing so.
13.7 Deposit Regulations for International Students

In 2019/20, all international students are required to pay a non-refundable deposit of £5,500 in advance of enrolment and before any Certificate of Acceptance for Studies (CAS) can be issued for visa purposes.

13.8 Deposit Refund Regulations for International Students

In the event of a new student accepting an unconditional offer, any deposit becomes non-refundable and non-transferable except in the following circumstances:

- In the unlikely event that the programme was cancelled; or
- The student is refused a UK student visa

In either of these two situations, students are entitled to receive a full refund. (Please remember to keep a copy of any documents you send).

Any refund due will be paid to the original account from which it was received. In the event of a student not enrolling at the University in the semester for which the offer is valid or enrolling at the University and subsequently withdrawing from the programme at any time, the deposit and any voluntary additional pre-payment of fees made are also non-refundable and non-transferable.

The only partial exceptions to this regulation are the two following situations, in which the deposit amount is still non-refundable and non-transferable, but any voluntary additional pre-payment made, less any additional fees which are due at the time of withdrawal, will be refunded / transferred as indicated below:

13.8.1 Transfer to Another Recognised UK University

In the event of a student transferring to another recognised UK university for the start of the same semester, the deposit is non-refundable but any additional prepayment made will be transferred to the university concerned, once Northumbria has received evidence from that university that it is acting as a Tier 4 sponsor.

A “recognised” UK university is defined as any university in the UK which is a registered Tier 4 Sponsor. No transfer of funds will be made if a student transfers to any other type of institution.
13.8.2 Withdrawal to Return Home

If unforeseen personal extenuating circumstances force a student to return to their home country and withdraw from the University, then any refund due would be paid once the student provides satisfactory evidence as requested by the University of the circumstances, as well as satisfactory evidence that they have returned to their home country and intend to remain there for at least the duration of their UK student visa.

13.8.3 Timescales for Refunds

Refunds will be returned within 20 working days from the date finance receive the request to refund.

13.9 Exclusion as a Result from Non-Payment of Fees

In the event of non-payment of tuition or other fees associated with the programme of study, students will be subject to the exclusion process. This means the student will be removed from the University Administration System.

The student will not be timetabled for tuition, will not be entered onto subsequent examination lists, nor will there be any subsequent ratification of marks. In addition, the student will no longer be able to use the University’s computer or library facilities (students should be aware that, 8 weeks after being excluded, their IT account will be deleted).

**Also,** in the event of non-payment of tuition or other fees associated with the programme of study, an Academic Scholarship will **not** be paid; any money due to be paid in respect of an Academic Scholarship will therefore be offset against any unpaid tuition or other associated fees. The student will be advised of this action by the Finance department.

13.9.1 Contacting Finance about Late Fees

It is therefore essential that any student who is late paying their fees contacts the Ask4Help team (01912274646) promptly to discuss their financial position.

**Important Note**

Once excluded the student will still be responsible for payment of the fees. The debt will be referred to a Debt Collection Agency to recover on behalf of the University. The student will not be allowed to re-enrol, even if they have subsequently been able to make full payment.
The only exception to this will be students with extenuating circumstances, which will be considered on an individual basis.

Details of the appeals procedure appear in Appendix 1. Further, international students will be reported as a transgression to the UKVI. This may result in a requirement that they and their dependant family members leave the country. Any appeal under Appendix 1 will not delay the Home Office decisions that they must leave.

13.10 Methods of Payment

The following methods of payment are available as follows:

- **Telephone automated Payments System**: + 44 (0)191 270 2444
- **Bank Transfer – using the following details**:
  - **Bank**: Barclays Bank Plc
  - **Branch**: Newcastle City Branch
  - **Address**: 49-51 Northumberland Street
  - **City**: Newcastle upon Tyne
  - **Postcode**: NE1 7AF
  - **Account Name**: University of Northumbria at Newcastle
  - **Account No.**: 1 A/C
  - **Sort Code**: 20:59:42
  - **Account Number**: 00909297
  - **IBAN Code**: GB63 BARC 2059 4200 909297
  - **SWIFT Code**: BARC GB22
  - **BIC Code**: 8030

**Note**: Please state any Student reference/invoice number when making a transaction.

- **Direct Debit** – complete a Direct Debit mandate online by clicking onto: [https://payments.northumbria.ac.uk/open/](https://payments.northumbria.ac.uk/open/)

- **Online by Debit card** - by clicking onto: [https://payments.northumbria.ac.uk/open/](https://payments.northumbria.ac.uk/open/)

- **Cheque** made payable to University of Northumbria, with student name, student number and date of birth on the back of the cheque. **Note**: We do not accept American Express
13.11 Tuition Fees 2019-20

Details of the tuition fees for a particular course and the applicable scholarships, bursaries and discounts may be obtained by locating your course in the ‘Advanced Course Search’ at http://www.northumbria.ac.uk/?view=CourseSearch and then clicking on the Fees tab.
Appendix 1: Exclusion Appeals Procedure

Overview

The procedures outlined below enable you to appeal against the decision that you be excluded due to non-payment of tuition fees or other fees associated with your programme. If you wish to appeal against such exclusion, it is especially important that you note the timescales governing the lodging of appeals. The University may pause the normal procedures for recovering the outstanding Tuition Fee during the appeal procedure. Such a decision is at the discretion of the Faculty.

If the University’s internal procedures (i.e. Stages 1 to 3 below) for considering an appeal have been completed without resolution of the dispute, the University will then resume normal procedures for recovering the outstanding tuition fee. This will be done even if the student subsequently chooses to progress their complaint externally (such as to the OIA).

In the case of international students with a student visa, the UK Visas and Immigration (the Home Office) will be informed that you are no longer in full time study, once the ‘Final Exclusion Letter’ has been issued.

Any appeal using these university procedures will not delay the Home Office requirements that you (and any dependants) leave the country. You may therefore have to complete the appeal process from your home country.

Independent Advice and Assistance

If you require independent assistance with the formal appeal or request for review then you can contact staff at Northumbria Students’ Union Advice

https://www.mynsu.co.uk/heretohelp/advice/ who can offer support and guidance when submitting an appeal.

Stage 1: Informal Stage

If you would like further details as to why you have been excluded, you can speak informally to a member of the Finance Department. You can also discuss your situation with a Welfare and International Adviser in the Student Life & Wellbeing Service. You must do this in less than 10 working days of the date on your ‘Final Exclusion Letter’.
If you remain dissatisfied, you can appeal by submitting and Appeal Form Exclusion for Non-Payment of Fees to the Finance Department, supplying any missing or additional documents that could not have been provided earlier. You must do this such that your appeal documents arrive at Finance Department within 10 working days* from the date on your ‘Final Exclusion Letter’.

The appeal will be considered by a member of staff from the Finance Department who has had no previous decision-making role in your case. They will consult the Student Progress Team as part of their investigation.

You will receive a decision letter, normally within 10 working days of receipt of your appeal. The decision letter will provide you with details of the review stage (Stage 3 below) and details of the OIA (Appendix H).

### Stage 3: Request for Review

3.1 If you believe you have grounds, you may request a review of the decision to exclude you for non-payment of fees using the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The permitted grounds for a request for a review are:

- *(a)* correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

  *and/or*

- *(b)* there is new information that could not be provided earlier and this significantly affects the outcome

*(i)* Requests for review need to be submitted to the Student Appeals and Complaints Officer¹ within 10 working days of the Finance Team issuing its Stage 2 decision in writing and will be considered in line with the procedure described in Appendix G.

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¹ studentappealsandcomplaints@northumbria.ac.uk
You have been excluded due to non-payment of your tuition fees or other fees associated with your programme of study.

**STAGE 1: Informal Process**

For further details you can speak informally to the Finance Department within 10 working days of the date on your Final Exclusion Letter.

You can also discuss your case with a Welfare and International Advisor in the Student Life & Wellbeing Service.

Finance attempts to resolve your issue at this stage.

You remain dissatisfied with this outcome.

**STAGE 2: Formal Appeal**

You complete an Exclusion Appeals Form. You gather and include any missing and additional documents that you could not have provided earlier.

You submit the form and all supporting documents to Finance within 10 working days of the date on your Final Exclusion Letter.

An independent member of the Finance Department will consider your appeal. They will also consult the Student Progress Team.

Finance sends you a Review Decision Letter within 10 working days of receiving your appeal.

Finance rejects your appeal. You remain dissatisfied with this outcome; move onto Stage 3 Request for Review

Finance upholds your appeal.
Section 14: Students’ Intellectual Property Rights

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Overview

This section seeks to reconcile conflicting interests: on the one hand, the view that you have intellectual property rights on the basis that you produced the work and, on the other, the view that the University has such rights on the basis that your work is produced as part of a University course. This Section is to be interpreted in a spirit of reasonableness.

14.1 Intentions of Regulations

These regulations are intended to protect the interests of you and the University in all matters of intellectual property.

Undergraduate Students

14.2 Intellectual Property Rights

Subject to the provisions below the University makes no claim on intellectual property rights, including the copyright, design rights and patent rights in any work whatsoever produced by you in the course of any undergraduate studies.

14.3 Royalty-Free Licences

Undergraduate students (i.e. Levels 4, 5 or 6), you may be required to grant to the University an irrevocable royalty-free licence to use the work, or any part of it, for non-commercial purposes including academic teaching and research. External third party organisations may also require licences to use the work created if the intellectual property has been created as part of a collaborative arrangement.

14.4 Existing Intellectual Property

In the case of an undergraduate student project that derives from the existing intellectual property of the University or involves substantial collaboration with academic staff, the University will retain ownership of the intellectual property.
14.5 Jointly Created Projects

If a student project generates intellectual property, and that intellectual property was jointly created by the undergraduate student and academic staff, to such an extent that it is impossible to segregate each party's intellectual contribution, then the University will discuss ownership or joint ownership with the student on a case by case basis as appropriate.

14.6 Intellectual Property Rights

All postgraduate students (i.e. Levels 7 or 8), you will agree to assign to the University all intellectual property rights, including the copyrights, design rights and patent rights in any work whatsoever produced by you in the course of your studies (with the exception of copyright in your thesis). You will agree that, if requested by the University, you will execute and sign any documents required by the University to enable it to protect or deal in any of the rights in the work created.

14.7 Postgraduate: Income Generation

In line with the University’s policy for exploitation of intellectual property, and provided that the relevant income thresholds are met, you will be offered a share of income generated from the intellectual property created by you as a postgraduate student. Where intellectual property is identified as having commercial value, an Income Sharing Agreement will be negotiated and entered into with you, with such terms being negotiated on its own merits.

14.8 Postgraduate: Income Sharing Agreement

You may apply for release from an Income Sharing Agreement if you feel that the University has not made substantive or crucial contribution to the generation of the intellectual property in question. In the first instance you should consult your supervisor.

14.9 Infringement

You warrant that all work is your own and does not infringe any rights of third parties.
14.10 Academic Misconduct and Plagiarism

You give permission for a copy of any work of whatsoever produced by you in the course of your studies to be assessed for academic misconduct, including the use of plagiarism software, where the University deems this to be necessary (see Section 16).

14.11 Failure to Observe Regulations

Failure by you to observe these regulations may result in disciplinary action being taken against you.

14.12 Confidentiality

From time to time, issues may arise concerning the question of the confidentiality project work carried out while on work experience with external companies or bodies, or seconded by such companies or bodies. Such matters fall outside this Handbook (which is concerned with the relationship between you and the University) and are for the company or body in question to determine. Where necessary, the University will assist in resolving such matters.
Section 15: Conditions of Issue of Parking Permit

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Conditions

15.1 No responsibility or liability is accepted by the University for damage to or loss of any vehicle or its contents parked on University premises.

15.2 The permit must be clearly displayed in the windscreen at all times the vehicle is in the car park.

15.3 The permit is not transferable, except when specifically authorised for shared or ‘pooled’ permits. No alterations or changes must be made to a permit.

15.4 The University retains the right to withdraw a permit at any time.

15.5 Vehicles must be properly parked in authorised parking zones. A permit holder may be required to move the vehicle or may be issued with a Parking Charge Notice if it is badly parked, obstructing traffic flow or causing other hazards. In an emergency or if no permit is displayed, your vehicle may be moved.

15.6 A breach of the regulations may result in one of the following penalties:

   a) Issue of a Parking Charge Notice. The fine will be reduced by 50% if paid within 14 days.
   b) Withdrawal of the car parking permit.
   c) Removal of the offending vehicle at the owner’s expense.

15.7 Car parking provision is extremely limited at both Coach Lane and City Campuses. Coach Lane Permits are not valid in City Campus car parks except when authorised for transitional use. You are advised not to bring a car unless absolutely necessary as there are no guarantees a space will be obtained. It is the responsibility of a permit holder to find a suitable space and to park in a responsible manner.

15.8 There are no car parking facilities available on campus for students living in Halls of Residence except for those with special needs. Students living in halls are advised not to bring their cars.
15.9 Applicants may only apply for a parking permit on their own behalf and they must possess a valid driving license.

15.10 At Coach Lane Campus, staff and students are requested not to park on the residential housing estates or on the main highway.

15.11 At Coach Lane East, ANPR controlled pay and display parking is in operation. Full details of the conditions of parking are displayed on signage throughout the car park.

15.12 Whilst parked or driven on University property permit holders must ensure that their vehicle is in a roadworthy condition, has a valid MOT, is displaying a valid Road Fund licence and is insured.

15.13 All permit holders whilst driving on University property must adhere to all speed limits, and posted traffic signs and road markings.

15.14 Threatening and abusive language toward staff enforcing parking regulations will not be tolerated and may result in the offender’s permit being withdrawn.
Section 16: Data Protection has now been removed

For information about how the University will process your personal data whilst you are a student of the University and for limited purposes after you have left the University, please consult the Student Privacy Notice¹.

¹ https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/gdpr/gdpr---privacy-notices/
Section 17: Procedures for Precautionary Action on the Basis of Duty of Care to the Student and Others

Imminent Risk

In an acute or dangerous situation where it is believed that a student's behaviour presents an imminent risk to themselves or others, University Security should be contacted on 3200.

Format Requirement

If you require this section in a different format, or need a procedural explanation, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Guidance

Guidance may also be sought from Student Life and Wellbeing Service¹ which offers a range of support services to students who may be involved in these procedures.

Independent Advice and Support

Students may seek independent advice and support from the Students’ Union Advice Service http://www.mynsu.co.uk/heretohelp/advice/.

Related Sections of the Handbook

If the behaviour in question may be a breach of the University’s disciplinary regulations, separate procedures will be followed under Section 3: disciplinary matters. It may also be helpful for staff to consult 'When to Refer'.

¹ https://www.northumbria.ac.uk/study-at-northumbria/support-for-students/
Introduction

17.1 Safe and Secure Environment

A necessary condition for effective learning, debate and research is that students and staff have a safe, secure, environment in which to work and study. This requires a culture of respect and sense of security.

17.2 Duty of Care

The University has a Duty of Care to ensure the wellbeing of all:

- staff,
- students,
- all third parties interacting with students as part of their studies (including clients while students are on placement and staff providing services on behalf of the University),
- visitors.

In addition, the University has an obligation to take the necessary steps to facilitate all the due processes of University operations. The regulations and obligations as set out in the ‘Handbook of Student Regulations’ is one tool used by the University to help ensure this. The University’s ‘Duty of Care’ obligations requires a significant commitment by all as many of the University’s facilities are open 24/7 and includes substantial accommodation and recreational facilities. It is within this context that the procedures below should be read.

17.3 Duty of Care Obligations

Occasionally the behaviour of a student may raise concerns about the risk to others should the same or similar behaviour occur again.

The regulations below describe the University’s procedure for identifying action to be taken as a consequence of its Duty of Care obligations to all members of the University community and to visitors. These regulations also apply when a student’s behaviour poses a risk to themselves, wherever this behaviour has occurred. These regulations describe precautionary actions taken to support the wellbeing of all. In taking action under these procedures the University is making no judgement on the behaviour of the student other than to determine the risks such behaviour indicates. Any action taken under these regulations is not a disciplinary action but failure to comply with any conditions imposed under these regulations will be considered ‘misconduct’ and a potential disciplinary issue.
The University recognises the individual student’s right to privacy and a separation of their obligations to the University in their ‘student life’ from their ‘private life’. These regulations balance those rights against the rights of the University community as a whole to work and study in a safe, secure environment. However, incidents occurring in a student’s ‘private’ life will be considered by the University if they indicate a potential continuing risk to the wellbeing of the student or others. In exceptional circumstances, these procedures may be followed when the University becomes aware of incidents that occurred before the student enrolled at the University.

If the behaviour in question may be a breach of the University’s disciplinary or fitness to practise regulations, this will be investigated as a separate matter according to Sections 3 and 9 of the ‘Handbook of Student Regulations’ respectively.

17.4 Awareness of Risky Behaviour

Any member of staff may first become aware of student behaviour that may pose a risk to themselves or others. All staff should follow the procedures described below in such circumstances. Appendix 2 provides examples of different forms of behaviour that may indicate risk. The list is provided to aid judgement of what action to take, particularly with respect to regulation 17.10 – ‘minor’ vs regulation 17.11 – ‘major’ risk indicators. The list is not definitive; a judgement must be made for each individual case.

17.5 Actions Prompted by Duty of Care Obligations

All actions taken under these regulations will be prompted by the University’s Duty of Care obligations to:

17.5.1 the individual student concerned;
17.5.2 other members of the University community;
17.5.3 ‘all third parties’ involved with the student’s learning or service experience (e.g. clients of students while on placement or other third parties interacting with students during their studies, such as participants in research conducted by a student);
17.5.4 visitors to the University.

17.6 When the University Will Take Action

Wherever possible, when concerning behaviour arises, the University will offer pastoral support and advice. Formal action will only be taken after a risk assessment
demonstrates major risks (regulation 17.11). The risk-management procedures used will always minimise the impact on the student’s personal and academic life as far as possible. The University will only take action under regulation 17.5.1, based solely on risk to the student themselves, if it has been established that the student’s studies at the University and/or engagement in university life are likely to be material factors in the observed behaviour and resulting risk.

17.7 Action Taken by the University

Any action taken by the University will be based on a risk assessment informed by all relevant parts of the University (Appendix 3). Procedures resulting in action by the University will be fully informed by the principles of natural justice throughout. The student will be kept as fully informed as possible, consistent with managing risk and avoiding prejudicing other procedures.

17.8 Collaboration

Throughout the operation of these procedures, it is expected that there will be collaboration amongst those responsible for the student as necessary in order to ensure that the fullest information is available and the student is appropriately supported. Such collaboration will be on a strict ‘need-to-know’ basis in order to maintain confidentiality as far as is possible consistent with Duty of Care obligations.

17.9 External Agencies

These regulations do not prevent the Student Life and Wellbeing Service engaging with external agencies on the basis of its other duty of care and safeguarding obligations when necessary.

Procedure

17.10 Stage 1: Minor Risk Situations

17.10.1 In the first instance, if there is concern about a student and the risk to others is judged to be very small, support and guidance may be provided by the student’s Guidance Tutor or Student Life and

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2 See Appendix B of the Handbook of Student Regulations for further information

3 This may be the Guidance Tutor or any other member of staff who first becomes aware that the student may benefit from additional support
Wellbeing Service (consult 'When to Refer'). If there are serious concerns about a student, the procedure in 17.11 should be immediately followed.

17.10.2 The Guidance Tutor should consult the Student Life and Wellbeing Service if there is any uncertainty in the action they should take.

17.10.3 The Guidance Tutor should arrange a meeting with the student. This should be an informal and supportive meeting in which the Guidance Tutor outlines their reasons for concern and obtains relevant information to help the student. The student should be reminded of their responsibility to be mindful of the impact of their behaviour on others, and of the University’s Duty of Care obligations. A record should be kept of the main points of the discussion. Examples of possible outcomes include, but are not limited to, the student:

17.10.3.1 reflecting on their behaviour;
17.10.3.2 seeking help from the Student Life and Wellbeing Service or other professional help;
17.10.3.3 avoiding particular situations that result in damaging behaviour;
17.10.3.4 submitting a PEC form;
17.10.3.5 completing an action plan within an agreed period.

17.11 Stage 2: Major Risk or Ongoing Situations

17.11.1 If a meeting has already been held under 17.10 above or there are concerns of a major risk, staff should consult the document ‘When to Refer’ and inform the Head of Student Life. Staff may also take any reasonable action to mitigate any immediate risk to the student or others (examples of such action may include instructing a student not to come on to campus or confiscating their smart card).

17.11.2 Upon receipt of a referral, in cases of great urgency, the Head of Student Life and Head of Security may advise the Vice-Chancellor to restrict or suspend a student with immediate effect for a maximum of five working days provided that, within this period a case conference is convened (17.11.3). The Vice-Chancellor shall then confirm, amend, or withdraw this initial decision.

17.11.3 In all other cases, the Head of Student Life or their nominee will make direct contact with the student to provide further support. If they judge

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4 Throughout these regulations, this may mean another appropriate manager within Student Life and Wellbeing Service.
17.11.4 The purpose of a case conference is to ensure fully informed decisions are made about how to most appropriately manage risks according to regulation 17.5. A risk assessment (Appendix 3) will be undertaken and any necessary risk-management actions identified.

17.11.5 Possible outcomes from the case conference are:

17.11.5.1 the student may continue to study with appropriate support from their Faculty and other agencies within the University, and or / the use of other agreed voluntary action, such as an agreement not to contact particular individuals

17.11.5.2 that the identified risks are such that a Restriction or Leave of Absence is recommended to the Vice-Chancellor (or nominee, see Appendix 1), (17.12) normally within two working days. The terms of such a restriction may include restricted access to University facilities, no contact of any kind with a named person or persons, and compliance with a behavioural management plan. A Restriction or Leave of Absence will only come into operation once confirmed by the Vice-Chancellor (or their nominee) (17.12);

17.11.5.3 where appropriate, a recommendation that the student’s fee liability be reviewed.

17.12 Recommendation of a Restriction or Leave of Absence

17.12.1 The Vice-Chancellor will consider the recommendation of the case conference and, normally within two working days of receiving the recommendation, decide whether to confirm or amend the recommendation.

17.12.2 The Vice-Chancellor will decide for what period or periods the student will have a Restriction or Leave of Absence placed on them, taking into account where the student is on their programme’s academic cycle and any visa implications. The maximum period of a Restriction or Leave of Absence shall be 12 months. The Restriction or Leave of Absence may be renewed by the Vice-Chancellor at that point for up to a maximum of a further 12 months. If during the Leave of Absence the student has not successfully applied to return to study, the student may be withdrawn at
the end of a maximum of 24 months based on their long-term risk to the University.

17.12.3 The student will be promptly informed in writing of the decision of the Vice-Chancellor, with the grounds for this action and the supporting evidence made clear, usually in the form of the risk assessment (Appendix 3). It will be emphasised that this is not a disciplinary matter and the student will be signposted to the Student Life and Wellbeing Service and Student Progress Team for appropriate advice and support. International students will be signposted to the visa team. Details of the ‘Appeal Stage’ (regulation 17.13) will also be provided.

17.12.4 Copies of the Vice-Chancellor’s report will also be sent to the student’s Faculty and any other relevant officers of the University.

17.12.5 When the Vice-Chancellor has delegated the power to restrict or place on a Leave of Absence under these regulations (Appendix 1), the Student Appeals and Complaints Officer (or nominee) will provide the Vice-Chancellor with a copy of the risk assessment and inform them of any recommendations and actions taken.

17.12.6 Any proposed change or removal of a Restriction, Leave of Absence, or other action by the University under these procedures, will require a further case conference (regulation 17.11.3) at which a further risk assessment will be undertaken and the actions of the University previously agreed, will be reviewed.

17.13 Appeal against a Restriction or Leave of Absence

17.13.1 The student may appeal against a restriction or Leave of Absence, normally within 10 working days of the notice (17.12.3) from the Vice-Chancellor. The student should submit their case in writing to the Chair of the case conference. Supporting evidence should be provided if appropriate (if such evidence cannot be provided within 10 working days the student should inform the Chair of the case conference within this 10 working day period and provide a reasoned argument and evidence where possible for an extension).

17.13.2 The Chair will arrange for the original case conference to reconvene, normally within 5 working days, to consider the appeal and produce a revised risk assessment in the light of the new information. A recommendation to the Vice-Chancellor will normally been made within 2 working days of the case conference being held. The Vice-
Chancellor will normally, within 2 working days of receiving the recommendation:

17.13.2.1 confirm the original decision to impose a restriction or Leave of Absence;
17.13.2.2 amend or otherwise vary the original decision;
17.13.2.3 withdraw the original decision.

17.13.3 The Chair will provide the student with the Vice-Chancellor’s judgement on their appeal, normally within two working days of the judgement being made. Details of the ‘Request for Review’ stage (regulation 17.14) and the OIA\(^5\) will also be provided.

17.14 Request for Review

17.14.1 If the student is dissatisfied with the outcome of their appeal under 17.13 they may request a review of the decision of the Vice-Chancellor in accordance with the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The only permitted grounds for a request for a review are:

(a) correct procedures were not followed in the consideration of the case and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome

Requests for review need to be submitted to the Student Appeals and Complaints Office\(^6\) within 10 working days of being sent your decision. A decision on the request will be taken in accordance with the procedure described in Appendix G, and normally within 20 working days.

17.14.2 Regulation 17.14.1 represents the final opportunity under the University’s internal processes to challenge the original decision of the Vice-Chancellor under 17.12. If the Student remains dissatisfied, they may take their case to the OIA\(^5\).

\(^5\) See Appendix H of the ‘Handbook of Student Regulations’ for further information

\(^6\) studentappealsandcomplaints@northumbria.ac.uk
17.15 Subsequent Challenge to a Restriction or Leave of Absence

17.15.1. Any challenge may be made no less than 3 months after any appeal (regulation 17.13), subsequent request for a review (regulation 17.14), or previous challenge to a Restriction or Leave of Absence made under regulation 17.15. If new materially significant information becomes available, any challenge must be submitted in writing to the Student Appeals and Complaints Officer\(^7\) and must support the argument that they are now able to manage the demands of studying within a university environment with no serious risk to themselves or others. The Student Appeals and Complaints Officer will judge whether “new materially significant information” has been provided. If this is not the case, the request will be rejected and a ‘Completion of Procedure Letter’ issued. If the request is accepted, it will be considered as below. The judgement of the Student Appeals and Complaints Officer will be final in this matter and will not be subject to further internal appeal.

17.15.2. Before permitting such a return to study, the University must be assured that the risk of any re-occurrence of the behaviour prompting the initial decision of the University is now minimal. The challenge to a Restriction or Leave of Absence will be considered by a Student Advisory Panel, normally including an appropriate risk assessment (Appendix 3) and support plan.

17.15.3. The University cannot guarantee that places on a particular programme or module will remain available but where a programme or modules are unavailable, it will endeavour to arrange acceptable alternatives. If a student is not able to return to their original programme of study due to being unable to satisfy the requirements of that particular programme, advice will be provided to the student of any alternative programme that may be appropriate.

17.15.4. The Student Advisory Panel shall consist of:

- Faculty Associate Pro Vice-Chancellor (or nominee) with no previous involvement in making the original decision to Restrict the student or place them on Leave of Absence (Chair)

- The Assistant Director of the Student Life and Wellbeing Service (if not previously involved) or his/her nominee.

\(^7\) studentappealsandcomplaints@northumbria.ac.uk
• A Sabbatical Officer of the Students’ Union who has had no previous involvement with the Student.

The Chair may co-opt such other members (on an advisory basis) as they deem necessary. Such advisory members may be from within or without the University.

The Student Appeals and Complaints Officer (or nominee) shall act as Clerk to the Panel and arrange administrative support as necessary.

A member of the case conference originally involved shall present the University’s case.

17.15.5. The Hearing will be convened and conducted in accordance with the procedures described in Appendix E of the ‘Handbook of Student Regulations’.

17.15.6. The Student Advisory Panel may decide to adjourn its proceedings at any time in order to obtain further information, including, but not confined to, a further opinion of the University’s Medical Adviser or other relevant professionally qualified person as to the fitness and capability of the student.

17.15.7. The Student Advisory Panel will base its judgement on a re-assessment of the risk the behaviour will occur again (Appendix 3). In the light of this, the Panel may:

• Uphold the last action taken by the Vice-Chancellor under these regulations;
• Recommend that the decision of the Vice-Chancellor be amended in the light of the new information now available. The Panel may recommend a change to any existing conditions of a Restriction or Leave of Absence;
• Recommend that an existing Restriction or Leave of Absence be removed. The student may be advised to consult Student Life and Wellbeing Service to determine appropriate continuing support;
• If the Leave of Absence has been in place for a total of 24 months, recommend to the Vice-Chancellor that the student now be withdrawn under regulation 17.12.2.

17.15.8. The Panel will make its recommendation to the Vice-Chancellor, normally within five working days of its meeting. The Vice-Chancellor will make a decision in the light of this recommendation, normally within two working days of its receipt. The Vice-Chancellor’s decision will be provided to the student by the Student Appeals and Complaints Officer.
17.15.9. Should the Student be dissatisfied with the judgment of the Student Advisory Panel they may either request a review of the Panel's judgement (regulation 17.14) or take their case to the OIA. Details will be provided by the Student Appeals and Complaints Officer.

17.16 Automatic Removal of Precautionary Action

If the student leaves the University (e.g. completes their studies, withdraws or exits at any stage) any precautionary actions currently in place will be automatically removed.
Appendix 1

Authority to Suspend, Restrict or place a student on a Leave of Absence

Under University regulations, the Vice-Chancellor has responsibility for Restriction or Leave of Absence of a student. For Restriction or Leave of Absence under the procedures described in these ‘Duty of Care’ regulations this authority remains with the Vice-Chancellor but, in cases of urgency, the Vice-Chancellor delegates this power to the following:

1. Head of Legal
2. Deputy Vice-Chancellor
3. Pro Vice-Chancellor for Research and Innovation
4. Academic Registrar
Appendix 2

Possible Indicators of Minor vs Major Risks

The following list provides examples of behaviour, which may be an indicator of ‘minor’ or ‘major’ risk. This list is illustrative and is not exhaustive; it is intended to aid the judgement of whether to consider a case under regulation 17.10 or 17.11. Combinations of these behaviours, or other confounding factors, may warrant classifying the case as indicating a potential ‘major’ risk.

Some of these behaviours may require proceedings under student disciplinary regulations (Section 3) or the University’s Attendance Monitoring procedure but may still warrant checking whether there may also/alternatively be duty of care issues.

1. Behaviours Potentially Indicative of ‘Minor Risks’
   a. Minor Risks to Others:
      i. Isolated incidents of:
         1. verbal abuse or intimidation
         2. inappropriate use of social media
         3. minor damage to property
         4. breach of house rules
         5. noise disturbance
         6. refusal to comply with reasonable requests
         7. deliberate disruption to classes
         8. anti-social behaviour which causes some distress to others and / or reputational harm or damage to the University’s relationship with the community
   
   b. Minor Risks to Self:
      i. Low level alcohol or substance use
      ii. Evidence of low level emotional distress
      iii. Some non-attendance at classes
      iv. Isolated incident of reckless behaviour

2. Behaviours Potentially Indicative of ‘Major Risks’ to Others:
   a. Major Risks to Others:
      i. Arrest for any criminal offence which did not occur on University premises, which may include:
         1. sexual and violent offences
         2. arson
         3. terrorism offences
4. possession or supply of controlled substances
5. possession of an offensive weapon/firearm including imitation or replica products
6. criminal damage
7. threatening, abusive or insulting behaviour
8. serious acts of theft, fraud, or deliberate falsification of records
ii. Serious or persistent acts of bullying, harassment or intimidation
iii. Serious infringement of University Health and Safety rules
iv. Actions which are likely to bring the University into serious disrepute and/or cause interference to the normal operations of the University
v. Multiple or repeated ‘minor’ behaviours under regulation 17.10

b. Major Risks to Self:
i. Serious self-harm
ii. Threats of / attempted suicide
iii. Persistent non-attendance at classes
iv. High level alcohol or substance use
v. Serious or repeated reckless behaviour
vi. Self-neglect resulting in risk to self and/or distress to others
vii. Social isolation
viii. Being a victim of sexual exploitation
ix. Being a victim of other serious offence
x. Homelessness.
Appendix 3
SAMPLE Risk Assessment Form for Precautionary Action on the
Basis of Duty of Care

<table>
<thead>
<tr>
<th>Risk Assessment Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Student:</td>
</tr>
<tr>
<td>Student No:</td>
</tr>
<tr>
<td>Programme and Level of Study:</td>
</tr>
<tr>
<td>Case Conference No:</td>
</tr>
<tr>
<td>Date of Case Conference:</td>
</tr>
</tbody>
</table>

This document will be shared with the Vice-Chancellor and the student concerned as an explanation to them as to why the University is recommending that precautionary action be taken against the student to manage their risk.

<table>
<thead>
<tr>
<th>Background Information</th>
</tr>
</thead>
</table>
| 1a. Summary of current behaviour
(consider when and where the behaviour occurred, who was involved, levels of premeditation, use weapons):

<table>
<thead>
<tr>
<th>1b. Is there a pattern of behaviour?</th>
<th>☐ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If so, provide details of previous incidents, highlighting the recurring aspects of the behaviour:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Has the student has been seen by SSW and their views sought in relation to their behaviour and the risk assessment?
☐ Yes ☐ No
If yes, detail their views and if not, explain why not and how SSW will seek to engage the student.

3. Is the student known to other agencies and have their views been sought in relation the risk assessment?
☐ Yes ☐ No
If yes, detail their views, and if not, explain why not and how SSW will seek to engage them?

4. Has the student has been arrested for the current behaviour?
☐ Yes ☐ No
If no, go to Section 5

When were they arrested? Click or tap to enter a date.

What is the alleged offence?

Have they been released under investigation? ☐ Yes ☐ No

Have they been bailed? ☐ Yes ☐ No
If so, provide the bail conditions:

5. Accommodation Tick Address Details

University Managed Accommodation ☐

Private Accommodation ☐
6. Risk of potentially harmful behaviours

<table>
<thead>
<tr>
<th>Potential behaviour risk</th>
<th>Risk factors</th>
<th>Protective factors</th>
<th>Outstanding risk</th>
<th>Recommended action</th>
</tr>
</thead>
<tbody>
<tr>
<td>- What harmful behaviour may occur?</td>
<td>- Consider risk factors in Appendix I and list which apply with evidence in support</td>
<td>- Consider protective factors in Appendix I and list which apply with evidence in support</td>
<td>- Taking into account risk and protective factors, what risks are outstanding and need to be managed?</td>
<td>- Could the outstanding risk be managed by informal action?</td>
</tr>
<tr>
<td>- Who is at risk from this behaviour?</td>
<td></td>
<td></td>
<td>- Is the risk Low, Medium, or High (see section 7)?</td>
<td>- Is a restriction or leave of absence needed to manage current risk? If so, explain why lesser interventions cannot manage the risk</td>
</tr>
<tr>
<td>- When/where is this likely to occur?</td>
<td></td>
<td></td>
<td></td>
<td>- Give details of proposed informal action or formal precautionary action and how it would manage risk</td>
</tr>
</tbody>
</table>
## Overall Level of Risk

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Description</th>
<th>Tick</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low risk:</strong></td>
<td>No evidence at present to indicate that student presents a risk of further harmful behaviour, considering whether they present any additional risk to that presented by any other student. No precautionary restriction required</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Medium risk:</strong></td>
<td>Some risk identified but student is unlikely to cause further harm unless circumstances change. Consider informal behavioural management plan / pastoral support or Precautionary Restriction if regulations permit</td>
<td>☐</td>
</tr>
<tr>
<td><strong>High risk:</strong></td>
<td>Potential harmful behaviour could occur at any time and if the behaviour occurred, the impact would be serious. Consider Precautionary Restriction or Leave of Absence if regulations permit</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Very high risk:</strong></td>
<td>Student presents an immediate risk of harm to others. Consider Leave of Absence if regulations permit</td>
<td>☐</td>
</tr>
</tbody>
</table>

## Is there evidence to indicate the student may be vulnerable and at risk? ☐ Yes ☐ No

If yes, detail the concerns below and ensure the concerns are addressed in Section 9 below

## Summary of Risk and Vulnerability Management Planning

## Informal Action

With reference to section 6 above, consider what action the University can take in accordance with its policies and procedures to mitigate the risk factors and enhance the protective factors. As far as possible, vulnerability should be managed outside formal precautionary action unless the student’s vulnerability is directly associated with the risk they present to the University community

<table>
<thead>
<tr>
<th>Actions</th>
<th>Person responsible</th>
<th>By when</th>
</tr>
</thead>
</table>
10. **Restriction Recommended?**  ☐ Yes  ☐ No

If yes, detail the conditions ensuring that the conditions map on to the risks identified in the Risk Assessment at section 6 above and explain why lesser interventions cannot manage the risk. Be specific as to times and locations to which restrictions apply.

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Person responsible</th>
<th>By when</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Rationale for decision** *(Has a previous pastoral plan failed to interrupt the behaviour? Is the behaviour displayed so serious that only formal precautionary action is judged to be sufficient to manage risk?):*

11. **Leave of Absence Recommended?**  ☐ Yes  ☐ No

If yes, please detail any permitted qualifications to the Leave of Absence and explain below why lesser interventions cannot sufficiently manage the risk.

**Rationale for decision** *(Has a previous pastoral plan or restriction failed to interrupt the behaviour? Is the behaviour so serious or so frequent and widespread, that it is judged that only a Leave of Absence can manage the risk?):*
### 12. Responsibilities of / referrals to other agencies

<table>
<thead>
<tr>
<th>Risk factor / protective factor</th>
<th>Agency and contact details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 13. Actions to be taken if further harmful behaviour occurs or Restriction or Leave of Absence is breached

<table>
<thead>
<tr>
<th>Action</th>
<th>Person responsible</th>
<th>By when</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</table>

### Information Sharing

### 14. Who else needs to be informed?

<table>
<thead>
<tr>
<th>Information to be shared</th>
<th>With whom</th>
<th>Reason for sharing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Prior to sharing information with external third parties (i.e. the Students’ Union, the police) the DPO must be consulted:

<table>
<thead>
<tr>
<th>Has the DPO been consulted prior to sharing?</th>
<th>☐ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, state the agreed condition(s) for processing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If no, state why not:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix I

Risk Factors associated with student’s behaviour

- Family and relationships
- Social isolation
- Accommodation
- Education / Employment
- Financial issues
- Alcohol use
- Substance use
- Lifestyle / Peers
- Emotional and mental health
- Physical health
- Attitude to their behaviour
- Lack of motivation to change
- Other

Protective Factors mitigating the student’s risk

- Family support
- Accessing professional support
- Engaging with studies
- Motivated to change
- Existing restrictions, e.g. conditions from Police Caution
- Other
Annexe 1: Withdrawal (Research): Failure to Demonstrate Satisfactory Academic Performance

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

Independent Advice and Support

Students may seek independent advice and support from the Students’ Union Advice Service http://www.mynsu.co.uk/heretohelp/advice/

Overview

Appeals against Project Approval or Annual Progression decisions may be lodged according to PGR Student Regulations Annexe 2. Appeals against the outcome of a viva voce examination may be lodged according to the regulations in Annexe 3.

An ‘academic appeal’ (Annexes 1, 2, and 3) is a questioning of a decision made by an examiner (this includes a member of academic staff assessing your progress) or an Examination Team.

A ‘complaint’ (Annexe 4) is an expression of dissatisfaction with how you have been treated or a service provided by, or on behalf of, the University.

Dissatisfaction with the supervision received should be expressed as a Complaint (see Annexe 4). Complaints about supervision should be lodged in a timely manner (i.e. at the time issues arise, not after assessment) using the procedure described in Annexe 4. Complaints about supervision that are lodged after the assessment may be dismissed on the basis that they have not been lodged in a timely manner.

1.1 Principles

1.1.1 Overview

The University’s Articles of Government (July 2012) state that Academic Board is the body responsible for ‘policies and procedures for assessment ... of the academic performance of students; ... academic standards; ... and procedures for the expulsion of students for unsatisfactory academic performance’. Academic Board exercises these responsibilities by laying down academic regulations, which state the level of attainment necessary for the final award; the definition of timely...
duration; and the following requirements:¹

Satisfactory progress must be made throughout the programme with regard to the required level of timely academic achievement; and progress will be monitored as follows:

a) completion of Project Approval (which is also a ‘progression’ point for your research degree registration)²;

b) the Principal Supervisor monitors satisfactory and timely progress throughout the programme in the normal course of formal supervision meetings with the student;³

c) by successful completion of Annual Progression;

Continued enrolment is conditional upon the programme having approved status and upon satisfactory/timely progress being maintained by you to meet University requirements for Project Approval and Annual Progression. If you do not satisfy these requirements, standard procedures apply to withdraw the you from the University for failure at Project Approval, Annual Progression (or unsatisfactory academic performance, as determined by the Principal Supervisor).¹

The decision to withdraw you on academic grounds is therefore taken on behalf of Academic Board; and appeals against that decision are also formally considered on behalf of Academic Board.

Appeals against failure at Project Approval or against the outcome of Annual Progression may be lodged according to PGR Student Regulations, Annexe 2. Appeals against the outcome of the viva examination may be made according to the regulations in Annexe 3. Appeals against withdrawal due to unsatisfactory academic progress may be lodged according to the regulation 1.4 of this Annexe 1.

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot therefore be upheld without clear evidence that the original decision of an examination board, or other academic judgement, is insecure.

1.1.2 Faculty Postgraduate Research Committees

Academic Board delegates to Faculty Postgraduate Research Committees authority, via the Graduate School Committee, for managing elements of PGR activity within University-approved mechanisms, including student progression and the withdrawal of students from programmes for unsatisfactory academic performance. Faculty Postgraduate Research Committees are therefore

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¹ See Section 3 of the Academic Regulations for Research Awards for the full text available at https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school/  
² In Professional Doctorate programmes the combination of the initial research outline and taught advanced research bridging element are regarded as an equivalent to the standard postgraduate research Project Approval (PA), Section 3.3 of Regulations for Research Awards, available at https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school/  
³ Where students are remotely located and face-to-face meetings are not possible, ‘contacts’ will be conducted by other means (e.g. telephone).
responsible for academic decisions regarding your withdrawal for failure to demonstrate satisfactory academic performance.

### 1.1.3 Expulsion and Withdrawal

In addition, the University’s *Articles of Government* state that the Vice-Chancellor is responsible for implementing decisions to expel students for academic reasons. This responsibility is routinely delegated to Faculty Pro Vice-Chancellors who exercise authority to implement Faculty Research Degrees Sub-Committee recommendations and so to withdraw you for unsatisfactory academic performance.

### 1.1.4 Provision of Supervision

Faculty Pro Vice-Chancellors are also responsible for their Faculty’s provision of supervision to research degree students. The primary purpose of PGR supervision is to support you in the successful completion of your programme in accordance with the University’s regulations. The requirements of supervision are set out in the University’s PGR Code of Practice. Throughout the programme, the Principal Supervisor exercises academic judgement to monitor your progress and feedback, in writing, to you both formally and informally their assessment of your performance.

Should you fail to demonstrate the required level of timely academic achievement, attempts will be made by the Principal Supervisor to help you remedy the situation before any question of withdrawal arises (by promptly informing you of their concerns and providing advice). If necessary, the Principal Supervisor issues an informal and/or formal written warning to you, indicating the need to improve academic performance and providing you with clear requirements (of both content and timescale for improvement) which you must meet.

The Principal Supervisor also identifies situations where you have failed to satisfy the University’s published attendance requirements, to submit written work as planned or to meet requirements of relevant professional codes of conduct. In all such circumstances, the Principal Supervisor alerts you (via informal and/or formal written warnings) to the fact that you are responsible for remedying the situation, and that continued unsatisfactory performance over a sustained period of time can lead to you being withdrawn from the University for unsatisfactory academic performance.

As the requirement of supervision contact enables such close monitoring and feedback, it is expected that your difficulties in meeting the required level of timely academic performance will normally be identified first in the context of supervision, and that appropriate informal written warnings will be issued and documented in

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4 *Articles of Government, 2f*
5 PGR Code of Practice, available at [https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school](https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school), sections referring to QAA indicators 9 - 12
6 Where the Faculty PGR Director or the Faculty Pro Vice-Chancellor or the Faculty Postgraduate Research Committee Chair is also the student’s Principal Supervisor, then special arrangements must be made to safeguard the student and ensure that the decision-making roles are separated from the supervisor role.
that context.

1.1.5 Withdrawal due to Lack of Academic Achievement

The following procedures describe the process whereby a student is withdrawn from the University for failure (at any point in the programme) to demonstrate timely academic achievement at the appropriate level as defined by the University’s academic regulations, including failure to demonstrate due attendance, or meet requirements of the relevant professional codes of conduct. In addition, there are procedures for you to appeal against this decision.

1.1.6 Scope of Regulations

The following regulations do not apply to circumstances where you have already provided evidence, in accordance with University procedures, of ill health and personal circumstances affecting academic performance.

1.1.7 Breakdown of Supervisory Relationship

In circumstances where either you or the Principal Supervisor provide evidence that the supervisory relationship has broken down, you should seek advice from the Independent PGR Counsellor (https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school/).

1.1.8 Principles of Natural Justice

All these procedures are operated in accordance with the principles of natural justice (Appendix B).

1.1.9 Burden of Proof

In situations where you are challenging University decisions, the burden of proof lies with you to demonstrate an insecurity in the University’s decision-making. The judgement of the appeal will be made on the basis of the balance of probabilities.

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7 If extenuating circumstances are affecting your work you must discuss these with your supervisor. Consult the Graduate School if you may need to request a formal adjustment of assessment procedures.
1.2 Requiring a Research Degree Student to Withdraw for Failure to Demonstrate Satisfactory Academic Performance

1.2.1 Opportunities to Remedy Shortcomings

Your progress is routinely supported and monitored by formal supervision of a frequency stated in Academic Regulations for Research Awards and the Code of Practice. Supervision provides a framework within which your difficulties in demonstrating satisfactory and timely academic performance can be addressed. Where your difficulties persist in the programme, you will always be given at least two opportunities to remedy shortcomings in a structured context (i.e. Informal Stage 1 and Formal Stage 2) before you are required to withdraw from the University for failure to demonstrate satisfactory academic performance.

1.2.2 Standard of Written Records

In order to operate these procedures, it is essential that written records of Project Approval, Supervision Meetings, Annual Progression and any other mechanisms approved by the Faculty Postgraduate Research Committee are maintained in a complete, accurate and transparent way.

1.2.3 Discrepancy in Judgement

Where there is a discrepancy in the judgement on your academic achievement between the supervision team and the Faculty Postgraduate Research Committee (and its Panels), the Faculty Postgraduate Research Committee’s judgement takes precedence.

1.2.4 Normal Supervision Context

In the context of normal supervision, the Principal Supervisor meets with you to routinely discuss the level required for the award. They comment, orally and in writing, on whether (in the supervisor’s academic judgement) your engagement with the programme is at the right level and progress is timely. This makes it possible to address difficulties at an early stage. Where students are remotely located and face-to-face meetings are not possible, ‘contacts’ will be conducted by other means (e.g. telephone, videoconferencing).

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8 Available at https://one.northumbria.ac.uk/service/ar/gs/Pages/Regulations.aspx
9 ‘engagement’ includes the student’s work, progress or attendance
1.2.5 Stage 1 Informal Warning

Should the Principal Supervisor judge that your engagement with the programme is not at the right level and/or is not timely, the Principal Supervisor alerts you to this and identifies the deficiencies; discusses and agrees with you realistic and timely objectives within your project plan to bring progress back on track; alerts you to the fact that it is your responsibility to remedy the situation; and warns you of the risk of being withdrawn from the University for unsatisfactory academic performance, if the objectives are not met as agreed in the action plan. This informal Stage 1 warning is both oral and written and is documented in the supervision report.

1.2.6 Ongoing Monitoring

The Principal Supervisor continues to monitor your engagement with the programme, judging whether progress is satisfactory, and feeds ongoing assessment back to you orally and in writing at each meeting, and documents progress. In assessing your progress, the Principal Supervisor consults with the other members of the supervision team.

1.2.7 Stage 2 Formal Warning

Should you continue to demonstrate (in the judgement of the Principal Supervisor) unsatisfactory engagement with the programme over a sustained period of time (e.g. 2 months) by failing to meet the level and/or timescales required by the project plan, the Principal Supervisor issues a formal Stage 2 warning to you, orally and in writing, as follows:

a) that your continued engagement with the programme has been unsatisfactory;

b) that specific objectives and/or timescales in the agreed project plan have not been met;

c) mutually agrees a further set of objectives and timescales to remedy the situation by the next deadline (normally the next formal supervision meeting);

d) Informs you that the full Supervision Team will assess the quality and timeliness of the work produced by you at the next deadline, and that input from an independent member of the Faculty Postgraduate Research Committee (nominated by the Faculty Postgraduate Research Committee Chair specifically to represent Faculty Postgraduate Research Committee with regard to authority for withdrawing a student for failing to demonstrate satisfactory academic performance) will also be taken into account in assessing the work;
e) That failure to meet the requirement after a formal Stage 2 warning normally triggers the procedure for you to be withdrawn from the University for unsatisfactory academic performance.

This formal Stage 2 warning is documented in writing, in the formal supervision report, which is copied to the Faculty PGR Director and to your file.

### 1.2.8 Recommendation to Faculty Pro Vice-Chancellor for Withdrawal

If, at the next deadline, you do not demonstrate satisfactory engagement with the programme, in the Supervision Team’s judgement and with input from the independent Faculty Postgraduate Research Committee representative, the Faculty Postgraduate Research Committee may recommend to the Faculty Pro Vice-Chancellor that you should be withdrawn from the University for unsatisfactory academic performance. You will be notified of the Faculty Postgraduate Research Committee’s decision.

### 1.3 Confirming Withdrawal for Failure to Demonstrate Satisfactory Academic Performance

#### 1.3.1 Confirmation of Procedures

When the procedures outlined above result in a Faculty Postgraduate Research Committee’s recommendation you should be withdrawn from the University for failure to demonstrate satisfactory academic performance, and before that decision can be actioned by the Faculty Pro Vice-Chancellor, an independent and senior member of the Academic Faculty (normally the Faculty Associate Pro Vice-Chancellor) will confirm that all procedures have been followed satisfactorily and that the decision is procedurally sound. Should it then become clear that there is no evidence that you have received two warnings (Stages 1 and 2) then the situation would be remedied and you will be given a further (second) opportunity to demonstrate satisfactory academic performance to the satisfaction of the Faculty Postgraduate Research Committee.

#### 1.3.2 Role of Faculty Pro Vice-Chancellor

Once the Faculty Postgraduate Research Committee’s recommendation to withdraw you has been confirmed as procedurally sound, it is then the responsibility of the Faculty Pro Vice-Chancellor to decide whether or not they will action the recommendation of the Faculty Postgraduate Research Committee.
Normally, the Faculty Pro Vice-Chancellor actions the Faculty Research Degrees Sub-Committee’s recommendation and issues a letter to you (normally within 10 working days) notifying you that you are now withdrawn for unsatisfactory academic performance. You will be informed of your right of appeal within 10 working days and provided with a link to the relevant regulations.

The Faculty Pro Vice-Chancellor also submits a full written report of the case to the Vice-Chancellor (for information), as Chair of Academic Board. A report of the withdrawal should also be made to the Faculty Postgraduate Research Committee and to the Graduate School Committee.

You are reminded that an important responsibility rests on you to make evidence available, if extenuating circumstances significantly affecting your academic performance arise. You must promptly discuss with your supervisor and consult the Graduate School. It may weaken your case, in the event of an appeal, if relevant information concerning the health or other personal circumstances of the student is not made known until the outcome has been decided.

Formal Appeals against the decision to withdraw you for unsatisfactory academic performance (regulation 1.4.4) should normally be submitted within 10 working days of receiving written notice of you being withdrawn. Appeals lodged after this period will only be considered in exceptional circumstances.

Appeals may be made on the following grounds:

a) that there have been procedural or organisational irregularities in the programme management, or in the application of the procedures requiring you to withdraw for unsatisfactory academic performance, that prejudiced your case;

b) that particular relevant information about your health or other personal extenuating circumstances was either:
   
   i. not properly taken account of during the procedures described in regulations 1.2 to 1.3 above
or

ii. that information relating to such circumstances which could not previously be made available is now being made available. In this case, a valid reason for its earlier non-submission must accompany any appeal. (Regulation 1.3.4 above states the student’s responsibility to ensure that details of personal extenuating circumstances are properly communicated in a timely fashion). If a student submits evidence of such circumstances after the judgement on academic progress has been reached, and there is no good and valid reason for not having submitted sooner, then the appeal will not be considered. Relevant medical and/or other supporting documents covering the relevant time-period must be provided.

1.4.2 Academic Judgement Definition

Appeals are not permitted which are based on questioning the academic judgement\(^{10}\) of members of staff (i.e. including supervisors)\(^{11}\). The judgement of demonstration of competence standards involves academic judgement. A competence standard is an academic, medical, or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

1.4.3 Appeal against Withdrawal

If you consider that you may have grounds for appeal against being withdrawn for unsatisfactory academic performance, you should promptly consult in the first instance with the Graduate School Team or Graduate School Registrar in order to make every effort to see whether the problem can be resolved through less formal processes. Only after any procedural issues have been clarified and if you remain convinced that you have firm grounds for appeal (see regulation 1.4.1 above) should a formal appeal (regulation 1.4.5) be submitted.

\(^{10}\) The OIA defines academic judgement as, “academic judgment is not any judgment made by an academic. It is a judgment that is made about a matter where only the opinion of an academic expert will suffice, so for example a judgment about assessment, a degree classification, research methodology or course content/outcomes will normally be academic judgment ... We consider that the following areas do not involve academic judgment: decisions about the fairness of procedures, whether they have been correctly interpreted, what the facts are, how a university has communicated with the student, whether an opinion has been expressed outside the areas of competence, the way evidence has been considered and/or whether there is evidence of bias or maladministration. In addition, we would not normally interfere with a professional judgement made, for example, by staff at a placement... Decisions on whether a student’s work contains plagiarism or whether s/he is fit to practise in a profession will normally be matters of academic or professional judgment, but that judgment must be evidence based.” (OIA-Guidance Note: Eligibility and the Rules, 9 July 2015)

\(^{11}\) With regard to supervision, the University’s Academic Regulations for Research Awards and the PGR Code of Practice specifies the level and nature of supervision which the Faculty provides and which is the student’s entitlement. Students should raise issues about supervision during their programme using the Research Degree Student Complaints Procedure (Annexe 4). This must be done in a timely manner
1.4.4 Lodging a Formal Appeal

If you remain dissatisfied with the University’s decision and feel that you have clear grounds for appeal as permitted under regulation 1.4.1, you may lodge a formal appeal by completing and submitting an Appeals Form to the Student Appeals and Complaints Officer. The **deadline for the receipt is normally 10 working days after the Faculty Pro Vice-Chancellor has issued the letter confirming withdrawal for unsatisfactory academic performance (regulation 1.3.3)**. Appeals received after the expiry of this period will be accepted only in exceptional circumstances. If it may not be possible to meet this deadline you should inform the Student Appeals and Complaints Officer within this 10 working days period.

1.4.5 Receipt of Appeals Form

On receipt of an Appeals Form from you, the Student Appeals and Complaints Officer asks the Graduate School for relevant information.

1.4.6 Possible Outcomes of an Appeal

The Student Appeals and Complaints Officer will consider this information and any other information deemed relevant and, acting on behalf of the Vice-Chancellor, will decide which of the following lines of action is appropriate:

a) if the issues raised are best addressed by the Graduate School, you will be directed to the Graduate School for information. You may still subsequently lodge a Formal Stage appeal if they so wish;

b) if, on a balance of probabilities, it is judged that you have already established your case, the appeal will be referred to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor (or nominee) to reconsider the case, in the light of evidence put forward by you, as soon as possible;

c) reject the appeal on the basis that:

i. it does not map onto either of the grounds permitted in regulation 1.4.1 or because no basis for supporting the appeal exists on the evidence of the documents immediately available;

ii. the appeal was submitted later than is normally permitted without good reason;

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12 Available from the University’s web page at: [www.northumbria.ac.uk/handbook](http://www.northumbria.ac.uk/handbook)

13 If the student remains dissatisfied with the decision of the Faculty Pro Vice-Chancellor after it has reconsidered the case, they may submit a further appeal.

14 If the appeal is rejected the Student Appeals and Complaints Officer will inform the student of their remaining right to seek a review of the decision (regulation 1.5 and Appendix G) and the OIA (Appendix H). The Faculty Registrar and other relevant University staff will be provided with a copy of the appeal outcome.
iii. the appeal is based on a questioning of academic judgement or the academic integrity of academic staff;

iv. in the case of an appeal based on personal extenuating circumstances that had not been reported to the Graduate School by the due time (regulation 1.3.4), if a good and valid reason for failing to report these circumstances has not been established;

d) if we accept your reason for submitting personal extenuating circumstances information late, your appeal will be referred to the Faculty Postgraduate Research Committee\textsuperscript{15} for reconsideration. They will take into account the new evidence which is now available\textsuperscript{16}

e) investigate the appeal in greater detail according to the procedure described in regulation 1.4.7.

The Student Appeals and Complaints Officer will advise you of the outcome of this preliminary stage, normally within 30 working days of receiving the Stage 2 appeal. If the investigation will take longer than this, you will be informed.

\textbf{1.4.7 Further Investigation Required}

In the event that the Student Appeals and Complaints Officer considers that further investigation is required (regulation 1.4.5 e)), they will seek additional information as appropriate and may, exceptionally, meet with you to clarify the details of the case. The Student Appeals and Complaints Officer will then:

a) produce a preliminary analysis of the appeal identifying the issues to be considered and all the relevant facts obtained;

b) send a copy of this analysis to you with an invitation to comment on the factual accuracy of the analysis within 10 working days. If you wish to see any of the documents referred to in this analysis you may do so by arrangement with the Student Appeals and Complaints Officer;

c) in the light of any comments on this preliminary analysis, the Student Appeals and Complaints Officer shall decide which of the following lines of action is appropriate:

i. refer the case to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor for reconsideration in the light of the evidence now available\textsuperscript{13};

ii. reject the appeal because there is no reasonable case to reconsider the decision of the Faculty Pro Vice-Chancellor\textsuperscript{14};

\textsuperscript{15} The Student Appeals and Complaints Office does not have the power to accept or reject an extension request. We also do not have the power to judge the appropriate length of an extension

\textsuperscript{16} If you are still dissatisfied with the decision of the Faculty Postgraduate Research Committee once it has reconsidered your case, you can submit a further Stage 2 Formal Appeal.
iii. exceptionally, when clear grounds to either reject or uphold the appeal have not been established, refer the case to an Appeals Panel for further consideration (regulation 1.4.9).

1.4.8 The Panel

The Panel will normally be convened within 20 working days of the decision to convene and will be convened and conduction in accordance with Appendix E of the ‘Handbook of Student Regulations’.

1.4.9 Interim Period of Attendance

As the continued attendance of you at the University will be dependent on the outcome of the appeal, you may, at the discretion of the Vice-Chancellor, be allowed to remain on the programme until the outcome is known. During any such interim period of attendance you are normally required to continue your research. This entails continuation of any relevant studentship payments for the interim period and/or clarification by the Faculty on continued liability for fees.

It is expected that your supervision team will remain unchanged and that the supervisors will continue to support you throughout all stages of the University’s Appeals process and until the process has concluded.

1.4.10 Appeals Panel Membership

Appeals Panels are normally constituted as follows:

a) Chair: Faculty Associate Pro Vice-Chancellor (Research & Innovation) from a different Faculty to you, or other appropriate senior academic member of staff;

b) one member of Academic Board of recognised research standing from a different Faculty to you;

c) one student member of Academic Board.

A member of a relevant profession may attend the Panel as an adviser as determined by the Student Appeals and Complaints Officer.

The Student Appeals and Complaints Officer (or nominee) shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal will be received by Panel members at least 5 working days before the Panel.

1.4.11 Role of Appeals Panel

The Panel will hear and judge your appeal. The Hearing will be conducted in accordance with Appendix E of the ‘Handbook of Student Regulations’, subject to the following:
a) If you fail to attend the hearing, the Panel shall decide whether to proceed in your absence or to inform the Vice-Chancellor and Academic Board that it is not able to arrive at a judgement. Where a Panel is not able to reach a decision in the absence of you, then the Vice-Chancellor, taking into account all of the evidence accumulated, will decide whether or not the appeal is upheld;

b) The Panel shall invite the Faculty and any other relevant person, to submit evidence and respond to questions from the Appeals Panel as appropriate. No other persons will have the right of attendance but the Panel should be able to receive evidence from, and invite attendance by any other individual at its discretion. Where possible, the Clerk to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.

1.4.12 Appeals Panel’s Findings

The Panel submits a written report of its findings (for approval) to the Faculty Postgraduate Research Committee, via the Faculty Pro Vice-Chancellor. This is done as soon as possible, and normally not later than 5 working days after it has met. A copy of the report is also sent to the Secretary of the University’s Academic Board for information.

1.4.13 Outcome of Appeal

In the interests of minimising the time taken to resolve an appeal, the Faculty Pro Vice-Chancellor may act on behalf of the Faculty Postgraduate Research Committee in carrying the process forward. The Clerk to the Panel shall inform you of the outcome of your appeal and provide you with details of the review stage (regulation 1.5) and of the OIA17. If the Panel finds in your favour, the case is referred back to the Graduate School, to require the Faculty Postgraduate Research Committee in conjunction with the Faculty Pro Vice-Chancellor to re-consider the case taking account of the outcome of the Panel13. The final decision about whether or not you have demonstrated timely engagement with the programme at the required level must, however, rest with the Faculty Postgraduate Research Committee in conjunction with the Faculty Pro Vice-Chancellor.

1.4.14 Attendance of Panel at Faculty Discussions

The Panel may recommend its Chair, or another member of the Panel acting on behalf of the Chair, to attend discussions in the Faculty at which the disputed case is to be reconsidered, in order to:

17 See Appendix H of the Handbook of Student Regulations for further information
a) ensure that the conclusions and views of the Panel are fully understood by the Faculty; and
b) act as an observer, to satisfy the Faculty Postgraduate Research Committee that all relevant factors have been taken into account.

1.4.15 Reconsideration of Case by Faculty

With regard to those cases that are referred back to the Graduate School, the Faculty Postgraduate Research Committee, in consultation with the Faculty Pro Vice-Chancellor, is required to review the case normally before the next meeting of the Faculty Postgraduate Research Committee, taking careful account of the findings and conclusions of the Panel; and to provide a report to the Panel of the action then taken. Academic Board expects that the decision then arrived at by the Faculty Postgraduate Research Committee will have taken full account of all relevant factors and will represent justice being done in respect of the appeal.

1.4.16 Panel of Enquiry Report

Once the report of the Panel of Enquiry has been approved by the Faculty Postgraduate Research Committee, or by the Faculty Pro Vice-Chancellor on its behalf, then copies should be sent to you, all witnesses, as well as the Faculty Pro Vice-Chancellor and Faculty Registrar.

1.5 Stage 3: Request for Review

1.5.1 Grounds for Requesting a Review

If you believe you have grounds, you may request a review of the decision to withdraw you by using the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The permitted grounds for a request for review are:

(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome
Requests for review need to be submitted to the Student Appeals and Complaints Officer\(^\text{18}\) within 10 working days of the University issuing the decision in writing and will be considered in line with the procedure described in Appendix G.

### 1.6 Taking your case to the OIA

#### 1.6.1 Requesting a Completion of Procedures Letter

If you wish to challenge the University’s decision but judge you cannot do so on the grounds permitted in Appendix G, you may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month\(^\text{19}\) of the decision and take your case to the Office of the Independent Adjudicator (OIA)\(^\text{20}\). This completes the University’s internal student appeals process.

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\(^{18}\) [studentappealsandcomplaints@northumbria.ac.uk](mailto:studentappealsandcomplaints@northumbria.ac.uk)

\(^{19}\) [studentappealsandcomplaints@northumbria.ac.uk](mailto:studentappealsandcomplaints@northumbria.ac.uk)

\(^{20}\) See Appendix H of the ‘Handbook of Student Regulations’
Annexe 2: Appeals against the Outcome of Project Approval or Annual Progression Examination

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

Overview

The procedures set out in this document are quite distinct from those concerning students who are required to withdraw from the University for Unsatisfactory Academic Performance (Annexe 1) and the procedures for appealing against the outcome of a viva voce research degree examination (Annexe 3).

An ‘academic appeal’ (Annexes 1, 2, and 3) is a questioning of a decision made by an examiner (this includes a member of academic staff assessing your progress) or an Examination Team.

A ‘complaint’ (Annexe 4) is an expression of dissatisfaction with how you have been treated or a service provided by, or on behalf of, the University. Dissatisfaction with the supervision received should be expressed as a Complaint (see Annexe 4). Complaints about supervision should be lodged in a timely manner (i.e. at the time issues arise, not after assessment) using the procedure described in Annexe 4. Complaints about supervision that are lodged after the assessment may be rejected on the basis that they have not been lodged in a timely manner.

Independent Advice and Support

You may seek independent advice and support from the Students Union Advice Service http://www.mynsu.co.uk/heretohelp/advice/

2.1 Principles

2.1.1 Overview

The University’s Articles of Government (July 2012) state that Academic Board is the body responsible for ‘policies and procedures for assessment and examination of the academic performance of students’. Academic Board exercises this responsibility by laying down academic regulations for all matters relating to Project Approval and Annual Progression; and by delegating conduct of these arrangements to Faculty Postgraduate

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1 Section 3.3 a
Research Committees\textsuperscript{2} via the Graduate School. The decision that a student has failed Project Approval or Annual Progression is therefore taken on behalf of Academic Board; and appeals against that decision are also formally considered on behalf of Academic Board.

2.1.2 Scope of Procedures

Procedures exist to enable you to appeal against a Project Approval or Annual Progression outcome, and to have that appeal considered in accordance with the principles of natural justice\textsuperscript{3}.

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot therefore be upheld without clear evidence that the original decision of an examination board, or other academic judgement, is unsound.

2.1.3 Grounds for Appeal

Appeals may be made on the following grounds:

a. procedural or organisational irregularities which occurred in the conduct of the Project Approval or Annual Progression, and which have a direct bearing on the outcome;

b. bias on the part of staff conducting the assessments. The reason for claiming bias must be fully explained;

c. that particular relevant information about your health or other personal extenuating circumstances was either
   i. not properly taken account of during the assessments,
   and/or
   ii. that information relating to such circumstances which could not previously be made available is now being made available. \textbf{In this case, a valid reason for its earlier non-submission must accompany any appeal. (Regulation 2.1.6 below states the student’s responsibility to ensure that details of personal extenuating circumstances are properly communicated in a timely fashion).} If you submit evidence of such circumstances after the judgement on Project Approval or Annual Progression has been reached, and there is no good and valid reason for not having submitted the evidence sooner, then the appeal will not be considered. Relevant medical and/or other supporting documents covering the relevant time-period must be provided

\textsuperscript{2} Academic Regulations for Research Awards
\textsuperscript{3} See Appendix B of the Handbook of Regulations for further information

Handbook of Student Regulations (Research) 2019-20: \textit{Annexe 2}
2.1.4 Appeals based on Academic Judgement

Appeals are not permitted which are based on questioning the academic judgement\(^4\) of members of academic staff or external examiners, or their academic integrity, or the quality of supervision provided during the programme\(^5\).

2.1.5 Record Keeping

Full and accurate records will be maintained for the organisation of Project Approval and Annual Progression, and for all decisions taken by the Faculty Postgraduate Research Committee in order that the reasons for decision-making may be clear to all.

2.1.6 Providing Evidence

You are responsible for providing evidence to the Faculty Postgraduate Research Committee in advance, through the Principal Supervisor, of any factors which might adversely affect your Project Approval or Annual Progression performance, and which might give grounds for a subsequent appeal. If presented after Project Approval or Annual Progression, such information would only be considered if accompanied by a valid explanation of the failure to present the information at the due time.

2.1.7 Burden of Proof

The burden of proof to demonstrate an insecurity in the assessment decision lies with you. Decisions on appeals will be made on the basis of the balance of probabilities.

2.2 Stage 1: Informal Procedure

2.2.1 Informal Resolution

If you consider that you may have grounds for appeal against the Project Approval or Annual progression decision, you should promptly consult the Graduate School Manager (or nominee) in the first instance in order to make every effort to see whether the problem can be resolved through less formal processes. Only after any procedural issues have been clarified and if you remain convinced that you have firm grounds for

\(^4\) The OIA (see Appendix H) describe academic judgement as “a judgement that is made about a matter where only the opinion of an academic expert will suffice, …” (see Annexe 1, regulation 1.4.2 for a more complete description). The judgement of demonstration of competence standards involves academic judgement. A competence standard is an academic, medical, or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

\(^5\) With regard to supervision, the University’s Research Degree Code of Practice specifies the level and nature of supervision which the Faculty provides and which is the student’s entitlement. Students should raise issues about supervision during their programme (i.e. before Annual Progression) using the Research Degree Student Complaints Procedure (Annexe 4) available from www.northumbri.ac.uk/handbook and see later in this Handbook. This must be done in a timely manner. Late complaints will only be considered in exceptional circumstances.
appeal (see regulation 2.1.3 above) should a formal appeal (regulation 2.3) be submitted.

### 2.2.2 Purpose of Stage 1

The purpose of the Stage 1 process is to provide you with swift and accessible redress for issues of obvious procedural irregularity. To this end, Stage 1 of the appeal process is located in the Graduate School in order to provide swift and local guidance.

### 2.3 Stage 2: Formal

#### 2.3.1 Lodging a Formal Appeal

If you remain dissatisfied with the University’s decision and feel you have clear grounds for appeal as permitted under regulation 2.1.3, you may lodge a formal appeal by completing and submitting the relevant appeals form\(^6\) to the Student Appeals and Complaints Officer. The **deadline for the receipt of the Stage 2 appeal is normally 10 working days after you receive the notification in writing of the Project Approval or Annual progression judgement.** If it may not be possible to meet this deadline, you should inform the Student Appeals and Complaints Officer within this 10 working days period. Appeals lodged after this period will only be considered in exceptional circumstances.

#### 2.3.2 Original Resolution Put on Hold

While the Stage 2 appeal is being progressed, action following the Faculty Postgraduate Research Committee’s original resolution (i.e. the subject of the appeal) is put on hold\(^7\).

#### 2.3.3 Acknowledgement

On receipt of an appeals form from you, the Student Appeals and Complaints Officer acknowledges receipt and requests all relevant information from the Faculty and Graduate School.

#### 2.3.4 Possible Outcomes of Appeal

The Student Appeals and Complaints Officer will consider this information and other any information deemed relevant and, acting on behalf of the Vice-Chancellor, shall decide which of the following lines of action is appropriate in this case:

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\(^6\) Available from the University’s web page at [www.northumbria.ac.uk/handbookresearch](http://www.northumbria.ac.uk/handbookresearch)

\(^7\) This is to provide an opportunity to ensure continuous work (such as experiments) is not made void while the University’s decision is being challenged. Students should note that, if the appeal is then rejected at Stage 2, Faculty Postgraduate Research Committee actions will be resumed irrespective of whether the student goes to stage 3 of the appeals process, or the OIA.
a) refer the appeal back to the person nominated to deal with such matters within the Graduate School in order that Stage 1 may be fully completed;

b) If, on a balance of probabilities, it is judged that you have already established your case, the appeal will be referred to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor to reconsider the case, in the light of evidence put forward by you, as soon as possible.

c) reject the appeal on the basis that:
   i. the appeal does not map onto either of the grounds permitted in regulation 2.1.3 or because no basis for supporting the appeal exists on the evidence of the documents immediately available;
   ii. the appeal was submitted later than is normally permitted without good reason;
   iii. the appeal is based on a questioning of academic judgement or the academic integrity of academic staff;
   iv. in the case of an appeal based on personal extenuating circumstances that had not been reported to the Graduate School by the due time (regulation 2.1.6), if a good and valid reason for failing to report these circumstances has not been established;

d) if we accept your reason for submitting personal extenuating circumstances information late, your appeal will be referred to the Faculty Postgraduate Research Committee for reconsideration. They will take into account the new evidence which is now available.

e) investigate the appeal in greater detail according to the procedure described in regulation 2.3.5.

The Student Appeals and Complaints Officer will advise you of the outcome of this preliminary stage, normally within 30 working days of receiving the Stage 2 appeal. If the investigation will take longer than this, you will be informed.

### 2.3.5 Further Investigation

In the event that the Student Appeals and Complaints Officer considers that further investigation is required (regulation 2.3.4 (e)), they will, as appropriate, seek additional information and may, exceptionally, meet with you to clarify the details of the case. The Student Appeals and Complaints Officer will then:

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8 This will be without prejudice of your right to return to Stage 2 if you remain dissatisfied with the outcome to Stage 1 of the appeals process.
9 If you remain dissatisfied with the decision of the Faculty Postgraduate Research Committee and believe you have grounds after it has reconsidered the case, you may submit a further appeal.
10 If the appeal is rejected the Student Appeals and Complaints Officer will inform the student of their remaining right to seek a review of the decision (regulation 2.4 and Appendix G) and about access to the OIA (Appendix H). The Faculty Registrar and any other relevant members of staff will be provided with a copy of the appeal outcome.
11 If you are still dissatisfied with the decision of the Faculty Postgraduate Research Committee once it has reconsidered your case, you can submit a further Stage 2 Formal Appeal.
a) produce a preliminary analysis of the appeal identifying the issues to be considered and all the relevant facts obtained;
b) send a copy of this analysis to you with an invitation to comment on the factual accuracy of the analysis within 10 working days. If you wish to see any of the documents referred to in this analysis they may do so by arrangement with the Student Appeals and Complaints Officer;
c) in the light of any comments on this preliminary analysis, the Student Appeals and Complaints Officer shall decide which of the following lines of action is appropriate:
   
i. refer the case to the Faculty Postgraduate Research Committee for reconsideration in the light of the evidence now available;
   ii. reject the appeal because there is no reasonable case to reconsider the decision of the Faculty Postgraduate Research Committee;
   iii. exceptionally, when clear grounds to either reject or uphold the appeal have not been established, refer the case to an Academic Board ad hoc Panel of Enquiry for further consideration (regulation 2.3.6).

2.3.6 Academic Board Panel of Enquiry

The Panel of Enquiry will normally be convened within 20 working days of the decision to convene it and the Panel will be convened and conducted in accordance with Appendix E of the ‘Handbook of Student Regulations’.

2.3.7 Panel of Enquiry Membership

Academic Board Panels of Enquiry will normally be constituted as follows:

a) Chair: Faculty Associate Pro Vice-Chancellor (Research & Innovation) (or their nominee) from a different faculty to you, or other appropriate senior academic member of staff;
b) one member of Academic Board of recognised research standing from a different Faculty to you;
c) one student member of Academic Board

A member of a relevant profession may attend the Panel as an adviser as determined by the Student Appeals and Complaints Officer.

The University Student Appeals & Complaints Officer (or nominee) shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal will be received by Panel members at least 5 working days before the Panel.
2.3.8 Duty of Panel of Enquiry

The Panel will hear and judge your appeal. The Hearing will be conducted in accordance with Appendix E of the Handbook of Student Regulations, subject to the following:

a) the Chair of the Panel decides, after taking account of both the written evidence assembled and your wishes, and also giving full regard to natural justice, whether evidence from each party can be heard in the others’ presence;

b) If you fail to attend the Hearing, the Panel shall decide whether to proceed in your absence or to inform the Vice-Chancellor and Academic Board that it is not able to arrive at a judgement. Where a Panel is not able to reach a decision in the absence of you, then the Vice-Chancellor, taking into account all of the evidence accumulated, will decide whether or not the appeal is upheld. The Panel shall invite the Faculty and others that it chooses, to submit evidence and respond to questions from the Panel of Enquiry as appropriate. No other persons have the right to attend, but the Panel can, at its discretion, receive evidence from, and invite attendance by, any other individual. Where possible, the Clerk to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.

2.3.9 Panel of Enquiry Written Report

The Panel of Enquiry will submit (for approval) a written report of its findings to the Faculty Postgraduate Research Committee (via the Faculty Pro Vice-Chancellor as Chair) as soon as possible, and normally not later than 10 working days after it has met. A copy of the report is also sent to the Secretary of the University’s Academic Board for information.

Once the Report has been approved by the Faculty Postgraduate Research Committee, or by the Faculty Pro Vice-Chancellor on its behalf, copies are then sent to you, all witnesses, as well as the Chair of Faculty Postgraduate Research Committee, Head of the Graduate School and Faculty Registrar for information.

2.3.10 Panel of Enquiry Outcomes

If the Panel of Enquiry rejects the appeal, you will be provided with details of the review stage (regulation 2.4 and Appendix G) and of the OIA (Appendix H). If the Panel of Enquiry finds in your favour, the case is referred back to the Faculty Postgraduate Research Committee, requiring them to reconsider the case and take account of the Panel of Enquiry’s findings. The final decision on the candidate’s position must, however, rest with the Faculty Postgraduate Research Committee.
2.3.11 Recommendation of Chair to attend Faculty Postgraduate Research Committee

The Panel of Enquiry may recommend its Chair, or another member of the Panel acting on behalf of the Chair, to attend the meeting of Faculty Postgraduate Research Committee at which the disputed case is to be reconsidered, in order to:

a) ensure that the conclusions and views of the Panel of Enquiry are fully understood by the Faculty Postgraduate Research Committee; and

b) act as an observer, to satisfy Academic Board that all relevant factors have been taken into account.

2.3.12 Cases of Referral

With regard to those cases that are referred back to the Faculty Postgraduate Research Committee for reconsideration, the Faculty Postgraduate Research Committee is required to reconsider the case normally at the next meeting of the Faculty Postgraduate Research Committee, taking careful account of the findings and conclusions of the Panel of Enquiry; and then to provide a report back to the Panel of Enquiry stating the action which has been taken in the light of the appeal outcome. Academic Board expects that the decision then arrived at by the Faculty Postgraduate Research Committee will represent justice being done in respect of the appeal.

2.4 Stage 3: Review Stage

2.4.1 Grounds for Requesting a Review

If you believe you have grounds, you may request a review of the decision by using the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The permitted grounds for a request for review are:

(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome

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12 If you remain dissatisfied with decision of the Faculty Postgraduate Research Committee and believe you have grounds after it has reconsidered your case, you may lodge a further appeal.
Requests for review need to be submitted to the Student Appeals and Complaints Officer within 10 working days of the University issuing the decision in writing and will be considered in line with the procedure described in Appendix G.

2.5 Taking your case to the OIA

2.5.1 Requesting a Completion of Procedures Letter

If you wish to challenge the University’s decision but judge you cannot do so on the grounds permitted in Appendix G, you may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month of the decision and take your case to the Office of the Independent Adjudicator (OIA).

This completes the University’s internal student appeals process.

13 studentappealsandcomplaints@northumbria.ac.uk
14 studentappealsandcomplaints@northumbria.ac.uk
15 See Appendix H of the ‘Handbook of Student Regulations’
Appealing against Project Approval or Annual Progression Decisions

**Stage 1  I  Informal Process**

- You may raise immediate questions with the Graduate School, Faculty PGR Director or Faculty Registrar

**Stage 2  I  Formal Stage**

- SACO receives your formal appeal within 10 working days of the notice to withdraw

  - Your issue is best addressed by a Graduate School explanation. You may still lodge an appeal after this
  - Further investigation is required
  - Appeal is based on extenuating circumstances yet to be reported by the Faculty. Your documents are sent to the Graduate School who follow appropriate procedures. You may still appeal after this

  - Appeal upheld. It goes to Faculty Postgraduate Research Committee for reconsideration
  - Appeal rejected.
  - You receive an analysis of the evidence (without a conclusion) to comment on any inaccuracies

  - SACO consider the analysis of evidence and your comments

    - Clear case. SACO decides to uphold or reject your appeal
    - Unclear case. Your case goes to a Panel

**Stage 3  I  Request for a Review**

You must submit a Request for Review within 10 working days of the Stage 2 decision.

- If you feel that there has been a procedural irregularity or new evidence has emerged, you can request a review of the Stage 2 decision.

  - Your request for a review is accepted; back to Stage 2 or to a Panel
  - Your request for review is rejected.

Return to Contents
Annexe 3: Appeals against the Outcome of a Viva Voce Research Degree Examination

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

Independent Advice and Guidance

Students may seek independent advice and support from the Students’ Union Advice Service http://www.mynsu.co.uk/heretohelp/advice/

Overview

The procedures set out in this document are quite distinct from those concerning students who are required to withdraw from the University for failure to demonstrate satisfactory academic performance (Annexe 1) and the procedures for appealing against the outcome of Project Approval or Annual Progression examinations (Annexe 2).

An ‘academic appeal’ (Annexes 1, 2, and 3) is a questioning of a decision made by an examiner (this includes a member of academic staff assessing your progress) or an Examination Team.

A ‘complaint’ (Annexe 4) is an expression of dissatisfaction with how you have been treated or a service provided by, or on behalf of, the University. **Dissatisfaction with the supervision received should be expressed as a complaint (Annexe 4).** Any such complaint should normally be lodged before the viva voce examination. **Complaints about supervision should be lodged in a timely manner (i.e. at the time issues arise, not after assessment) using the procedure described in Annexe 4. Complaints about supervision that are lodged after the assessment may be rejected on the basis that they have not been lodged in a timely manner.**
3.1 Principles

3.1.1 Overview

The University’s Articles of Government (July 2012) state that Academic Board is the body responsible for ‘policies and procedures for assessment and examination of the academic performance of students … [and] procedures for the award of qualifications’. Academic Board exercises this responsibility by laying down academic regulations for all matters relating to research degree examiners, examinations and awards; and by delegating conduct of these arrangements the Graduate School Committee. Appeals against the viva voce (oral) examination outcome are therefore considered on behalf of the Vice Chancellor as Chair of Academic Board. Appeals are formally considered on behalf of Academic Board.

3.1.2 Reason for Procedures

Procedures exist to enable students to appeal against a viva voce (oral) examination outcome and operate in accordance with the principles of natural justice.

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot therefore be upheld without clear evidence that the original decision of an examination board, or other academic judgement, is unsound.

3.1.3 Grounds for Appeal

Appeals may be made on the following grounds:

a) procedural or organisational irregularities which occurred in the conduct of the viva voce (oral) examination, and which have a direct bearing on the outcome of the examination;

b) bias on the part of staff conducting the assessments. The reason for claiming bias must be fully explained and evidenced as far as possible;

c) that particular relevant information about the student’s health or other personal extenuating circumstances was either
   a. not properly taken account of during the assessment and/or
   b. that information relating to such circumstances that could not

1 Section 3.3 a)
2 See Appendix B of the Handbook of Student Regulations for further information
previously be made available is now being made available. **In this case, a valid reason for its earlier non-submission must accompany any appeal.** (Regulation 3.1.6 below states the student's responsibility to ensure that details of personal extenuating circumstances are properly communicated in a timely fashion). If a student submits evidence of such circumstances after the judgement on academic progress has been reached, and there is no good and valid reason for not having submitted sooner, then the appeal will not be considered. Relevant medical and/or other supporting documents covering the relevant time-period must be provided.

### 3.1.4 Appeals based on Academic Judgement

Appeals are not permitted which are based on questioning the academic judgement of members of academic staff or external examiners, or their academic integrity, or the quality of supervision provided during the programme.

### 3.1.5 Full and Accurate Records

Full and accurate records will be maintained for the organisation of viva voce (oral) examinations, and for all decisions taken by the Graduate School Committee in order that the reasons for decision-making may be clear to all.

### 3.1.6 Responsibility of the Student

The student is responsible for providing evidence to the Graduate School in advance of any factors which might adversely affect their viva voce examination performance, and which might give grounds for a subsequent appeal. If presented after the examination, such information would only be considered if

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3 The OIA (see Appendix H) describe academic judgement as “a judgement that is made about a matter where only the opinion of an academic expert will suffice…”. See Annex 1, regulation 1.4.2 for a more complete description. The judgement of demonstration of competence standards involves academic judgement. A competence standard is an academic, medical, or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

4 With regard to supervision, the University’s Research Degree Code of Practice specifies the level and nature of supervision which the Faculty provides and which is the student’s entitlement. **Students should raise issues about supervision during their programme using the Research Degree Student Complaints Procedure (Annexe 4) available from**

www.northumbria.ac.uk/handbook

5 Several documents about extenuating circumstances are located on the Graduate School website:

https://www.northumbria.ac.uk/researchandconsultancy/graduateschool/documents/?view=Standard

https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school/
accompanied by a valid explanation of the failure to present the information at the
due time.

3.1.7 Burden of Proof

The burden of proof to demonstrate an insecurity in the assessment decision lies with
the student. Decisions on appeals will be made on the basis of the balance of
probabilities.

3.2 Stage 1: Informal Procedure

Overview

If a student considers that s/he may have grounds for appeal against the outcome of
a viva voce research degree examination, they should promptly consult in the first
instance with the Graduate School administrator who dealt with the examination in
order to make every effort to see whether the problem can be resolved through less
formal processes. Only after any procedural issues have been clarified and if the
student remains convinced that they have firm grounds for appeal (see regulation
3.1.3 above) should a formal appeal (regulation 3.3) be submitted.

3.2.1 Purpose of Stage 1

The purpose of the Stage 1 process is to provide the student with swift and
accessible redress for issues of obvious procedural irregularity. To this end, Stage 1
of the appeal process is located in the Graduate School in order to provide swift and
local guidance.

3.3 Stage 2 Process

3.3.1 Lodging a Stage 2 Appeal

If the student remains dissatisfied with the University’s decision and feels that they
have clear grounds for appeal as permitted under regulation 3.1.3, they may lodge a
formal appeal by completing and submitting the relevant appeals form6 to the Student
Appeals and Complaints Officer. The deadline for the receipt of the Stage 2
appeal is normally 10 working days after confirmation in writing of the
examination outcome. If it may not be possible to meet this deadline the Student

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6 Available from the University’s web page at www.northumbria.ac.uk/handbook
Appeals and Complaints Officer should be informed within this 10 working days period. Appeals received after the period will only be considered in exceptional circumstances.

### 3.3.2 Original Resolution put on Hold

While the Stage 2 appeal is being progressed, action following the University Graduate School Committee’s original resolution (i.e. the subject of the appeal) is put on hold.

### 3.3.3 Acknowledging Appeals Form

On receipt of an Appeals Form from a student, the Student Appeals and Complaints Officer acknowledges receipt and obtains relevant information from the Graduate School, the Faculty and other information as appropriate.

### 3.3.4 Possible Outcomes of Appeal

The Student Appeals and Complaints Officer will consider all relevant information and, acting on behalf of the Vice-Chancellor, shall decide which of the following lines of action is appropriate in this case:

- a) if the issues raised are best addressed by a procedural explanation, the student will be directed to the Graduate School administrator who dealt with the examination. The student may still subsequently lodge a Stage 2 Formal Appeal if they so wish;

- b) if the appeal is based on extenuating circumstances which have not yet been considered by the Graduate School - forward documents to the Graduate School for consideration. If the student is dissatisfied with the Graduate School’s response they may then lodge a Stage 2 Formal Appeal;

- c) if, on a balance of probabilities, it is judged that the student has already established their case, the appeal will be referred to the University Graduate School Committee to reconsider the case, taking into account fully the evidence put forward by the student, as soon as possible. This may include consideration of a claim for personal extenuating circumstances to be taken into account;

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7 This is to provide an opportunity to ensure continuous work (such as experiments) is not made void while the University’s decision is being challenged. Students should note that, if the appeal is then rejected at Stage 2, Graduate School Committee actions will be resumed irrespective of whether the student goes to stage 3 of the appeals process, or the OIA.

8 If the student remains dissatisfied with the decision of the Graduate School Committee after it has reconsidered the case, they may submit a further appeal.
d) Reject the appeal on the basis that:
   
   i. the appeal does not map onto either of the grounds permitted in regulation 3.1.3 or because no basis for supporting the appeal exists on the evidence of documents immediately available;
   
   ii. the appeal was submitted later than is normally permitted without good reason;
   
   iii. the appeal is based on a questioning of academic judgement or the academic integrity of academic staff;
   
   iv. in the case of an appeal based on personal extenuating circumstances that had not been reported by the due time (regulation 3.1.6), if a good and valid reason for failing to report these circumstances has not been established;

   e) investigate the appeal in greater detail according to the procedure described in regulation 3.3.5.

The Student Appeals and Complaints Officer will advise the student of the outcome of this preliminary stage, normally within 30 working days of receiving the Stage 2 appeal. If the investigation will take longer than this, the student will be informed.

3.3.5 Further Investigation

In the event that the Student Appeals and Complaints Officer considers that further investigation is required (regulation 3.3.4 (e)), they will seek additional information, as appropriate, from the Chair of the Graduate School Committee, Principal Supervisor of the student, PGR Director and the Faculty Pro Vice-Chancellor or Faculty Associate Pro Vice-Chancellor (R&I) in the Faculty to which the student belongs, and may, exceptionally, meet with the student to clarify the details of the case. The Student Appeals and Complaints Officer will then:

   a) produce a preliminary analysis of the appeal identifying the issues to be considered and all the relevant facts obtained;

   b) send a copy of this analysis to the student with an invitation to comment on the factual accuracy of the analysis within 10 working days. If the student wishes to see any of the documents referred to in this analysis they may do so by arrangement with the Student Appeals and Complaints Officer;

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9 If the appeal is rejected the Student Appeals and Complaints Officer will inform the student of their remaining right to seek a review of the decision (regulation 3.4 and Appendix G) and the OIA (Appendix H). (regulation 3.5). The Graduate School and any other relevant members of staff will be provided with a copy of the appeal outcome.
c) in the light of any comments on this preliminary analysis, the Student Appeals and Complaints Officer shall decide which of the following lines of action is appropriate:

i. refer the case to the Graduate School Committee to reconsider the case, taking into account fully the evidence put forward by the student, as soon as possible;

ii. reject the appeal because there is no reasonable case to reconsider the decision of the Faculty Postgraduate Research Committee

iii. exceptionally, when clear grounds to either reject or uphold the appeal have not been established, refer the case to an Academic Board ad hoc Panel of Enquiry for further consideration (regulation 3.3.6).

### 3.3.6 Academic Board Panel of Enquiry

The Panel of Enquiry will normally be convened within 20 working days of the decision to convene it and will convened and conducted in accordance with Appendix E of the ‘Handbook of Student Regulations’.

### 3.3.7 Panel of Enquiry Membership

Academic Board Panels of Enquiry will normally be constituted as follows:

a) Chair: Faculty Associate Pro Vice-Chancellor (Research & Innovation) (or nominee) from a different faculty to the student, or other appropriate senior academic member of staff;

b) one member of Academic Board of recognised research standing (not being members of the Graduate School Committee or nominated viva voce (oral) Examiners for the student or members of the same faculty as the student);

c) one student member of Academic Board.

A member of a relevant profession may attend the Panel as an adviser as determined by the Student Appeals and Complaints Officer.

The Student Appeals and Complaints Officer (or nominee) shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal will be received by Panel members at least 5 working days before the Enquiry.
The will hear and judge the student’s appeal. The Hearing will be conducted in accordance with Appendix E of the ‘Handbook of Student Regulations’, subject to the following:

a) if the student fails to attend the Enquiry, the Panel shall decide whether to proceed in his/her absence or to inform the Chair of Graduate School Committee that it is not able to arrive at a judgement. Where a Panel is not able to reach a decision in the absence of the student, then the Chair of Graduate School Committee, taking into account all of the evidence accumulated, will decide whether or not the appeal is upheld;

b) the Panel shall invite University Graduate School Committee, the Faculty and others that it chooses, to submit evidence and respond to questions from the Panel of Enquiry as appropriate. No other persons will have the right of attendance but the Panel should be able to receive evidence from, and invite attendance by any other individual at its discretion. Where possible, the Clerk to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.

### 3.3.9 Panel of Enquiry Written Report

The Panel of Enquiry will submit (for approval) a written report of its findings to the University Graduate School Committee as soon as possible, and normally not later than 10 working days after it has met. A copy of the report is also sent to the Secretary of the University’s Academic Board for information.

Once the Report has been approved by the Graduate School Committee, or by the Pro Vice-Chancellor (Research and Innovation) on its behalf, then copies are sent to the student, all witnesses, as well as the Head of the Graduate School and the Faculty Registrar for the Graduate School for information.

### 3.3.10 Panel of Enquiry Outcomes

If the Panel of Enquiry finds against the student, the Student Appeals and Complaints Officer shall inform the student that the appeal has been unsuccessful and provide details of the review stage (regulation 3.4) and of the OIA\(^\text{10}\). If the Panel of Enquiry finds in the student’s favour, the case is referred back to the University Graduate School Committee, requiring them to reconsider the case and take account of the Panel of Enquiry’s findings\(^8\). The final decision on the candidate’s position must, however, rest with the Graduate School Committee.

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\(^8\) See Appendix H of the ‘Handbook of Student Regulations’ for further information
3.3.11 Panel of Enquiry Recommendations

The Panel of Enquiry may recommend its Chair, or another member of the Panel acting on behalf of the Chair, to attend the meeting of Graduate School Committee at which the disputed case is to be reconsidered, in order to:

a) ensure that the conclusions and views of the Panel of Enquiry are fully understood by the Graduate School Committee; and

b) act as an observer, to satisfy Academic Board that all relevant factors have been taken into account.

3.3.12 Case Referral

With regard to those cases that are referred back to University Graduate School Committee for reconsideration, the University Graduate School Committee is required to reconsider the case, normally at the next meeting, taking careful account of the findings and conclusions of the Panel of Enquiry; and then to provide a report back to the Panel of Enquiry stating the action which has been taken in the light of the appeal outcome. Academic Board expects that the decision then arrived at by the University Graduate School Committee will represent justice being done in respect of the appeal.

3.4 Stage 3: Request for Review Stage

3.4.1 Request for Review

If the student believes they have grounds, they may request a review of the decision using the procedure described in Appendix G of the ‘Handbook of Student Regulations’. The permitted grounds for a request for review are:

(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome
Requests for review need to be submitted to the Student Appeals and Complaints Officer\(^\text{11}\) within 10 working days of the University issuing the decision in writing and will be considered in line with the procedure described in Appendix G.

### 3.5 Taking your case to the OIA

#### 3.5.1 Requesting a Completion of Procedures Letter

If you wish to challenge the University’s decision but judge you cannot do so on the grounds permitted in Appendix G, you may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month\(^\text{12}\) of the decision and take your case to the Office of the Independent Adjudicator (OIA)\(^\text{13}\).

This completes the University’s internal student appeals process.

\(^{11}\) studentappealsandcomplaints@northumbria.ac.uk

\(^{12}\) studentappealsandcomplaints@northumbria.ac.uk

\(^{13}\) See Appendix H of the ‘Handbook of Student Regulations’
Annexe 4: Research Complaints Procedure

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

Advice and Support

Students with concerns may find it helpful to first consult staff in the Graduate School or their Independent PGR Counsellor¹.

Students may also seek independent advice and support from the Students’ Union Advice Service http://www.mynsu.co.uk/heretohelp/advice/

4.1 Introduction

4.1.1 Overview

All at the University hope that the student experience will be a good one and that there will be few occasions when there is any dissatisfaction or disappointment with the service and facilities provided. We recognise however that occasionally this will not be the case and the procedures set out below describe how a complaint may be lodged. The University treats complaints seriously and all complaints lodged will be considered in good faith. The majority of complaints should be resolved informally by speaking promptly and directly with the member of staff concerned. The procedures described below explain how this might be done and what to do in the case of very serious complaints or if you remain dissatisfied with the University's response. The University has a number of trained mediators and you should consider mediation, or other forms of conciliation, as an alternative to the complaints procedure if you think this might be helpful (contact the University Student Appeals and Complaints Officer or Student Support and Wellbeing for further information).

4.1.2 Complaint vs Appeal

It is important to distinguish between a complaint and an academic appeal:

a) a complaint is an expression of dissatisfaction with how you have been treated or with a service or facilities provided by the University. When considering making a complaint you should compare your experience against what the University undertook to provide, or what you might reasonably have expected, and consider how your expectations were not met. A complaint is

¹ https://www.northumbria.ac.uk/about-us/university-services/academic-registry/academic-support/the-graduate-school/
also the vehicle to express concerns about the supervision received, **such complaints should be lodged as soon as possible in order that appropriate actions may be taken, and in any event, before any assessment.** Complaints usually involve seeking an identifiable outcome to resolve the issue. A complaint of misconduct by a fellow student is treated as an allegation of misconduct under the student disciplinary procedure (Section 3) of this Handbook. Contact the Faculty Student Complaints Manager or the Student Appeals and Complaints Officer in the first instance;

b) **an academic appeal is a questioning of a decision made by an Examiner.** You may not question the assessment decision of the Examiners but if you feel that there was an error in procedure or Examiners did not have all the information available that they should have, this might be the basis of an appeal. See Annexes 1, 2 or 3 of the ‘Handbook of Student Regulations (Research)’. Dissatisfaction with the supervision received is not a permitted basis for an appeal. Such concerns should first be expressed as a complaint;

c) sometimes several issues may be involved such that it is not immediately clear whether the case should be dealt with as a complaint or an appeal. Should this be the case staff and students should consult the Student Complaints Manager or the Student Appeals and Complaints Officer for guidance. Sometimes it becomes apparent during investigation that the case needs to be reclassified—should this happen the matter will be discussed with the student concerned and the implications of the change in classification explained.

### 4.1.3 Scope of Procedure

This procedure covers all matters other than those involving complaints against the Students’ Union: see the procedure described in paragraph 4.5 below. (See also paragraph 4.6 for complaints that do not fall under either procedure.)

### 4.2 Principles

#### 4.2.1 Purpose of Procedure

The procedures have been developed by the University to ensure that complaints made by students are treated seriously and, if found to be valid, acted upon to ensure that the student’s position is protected as far as it is possible for the University to do so. It applies to matters affecting an individual student or group of students, except where the matters fall within another established procedure (see paragraph 4.3.1 below). Appendix A of the Handbook of Student Regulations (Research) (www.northumbria.ac.uk/fullresearchhandbook) defines a ‘student’ for the purposes of the complaints procedure.
The chief principles are that:

a) the deadline for receipt of complaints shall normally be 3 months after the alleged event(s) concerned which gives rise to the complaint. Only in exceptional circumstances will a complaint be considered beyond this time limit;

b) the burden of proof lies with the person bringing the complaint. Complaints will be decided on the basis of the balance of probabilities;

c) throughout the complaints process the student may be accompanied by a Friend. Upon occasion, and with the agreement of all the parties concerned, the student may be represented by such a Friend;

d) the principles of natural justice are complied with when a complaint is investigated;

e) student complaints should be dealt with seriously and fairly. You will not be disadvantaged as a consequence of having made a complaint (whatever the outcome). If appropriate, the University will take initiatives to ensure that this is the case;

f) student complaints should be dealt with quickly, simply, and as locally as possible;

g) student complaints should be treated in a consistent fashion across the University;

h) there should be a reasonable expectation that legitimate complaints will be addressed properly;

i) the procedure should be used only where all other routes of consultation, representation or redress have been exhausted;

j) a complaint may be lodged by an individual student or a group of students. In the latter case, a common statement of the concerns and the redress sought should be produced and signed by all those concerned. It is helpful if a spokesperson for the group is identified and agreed by all. If separate complaints regarding a similar issue are received, the Student Complaint Manager may invite the group of students to produce a single submission to be considered as a group complaint;

k) it does not affect the rights of students to pursue legal remedies (if appropriate);

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2 See Appendix A of Handbook of Student Regulations for definition

3 ‘Friend’ is defined in Appendix A (see regulations 1.3 and 1.4 of Section 1 of the ‘Handbook of Student Regulations’ for exceptionally going beyond this definition).

4 See Appendix B of this ‘Handbook’ for further information
l) only proper and valid complaints will be investigated;

m) vexatious and/or malicious complaints shall be considered misconduct by the complainant, and hence for disciplinary action to be dealt with under provisions elsewhere in the Handbook of Student Regulations (Section 3: Student Disciplinary Rules and Procedures);

n) to prevent the submission of malicious or vexatious complaints, no action will be taken in respect of anonymous, or anonymised complaints. The complaints process is an open and transparent process and anonymous complaints will only be actioned in exceptional circumstances

o) at any stage, the complaints procedure can be suspended if both parties agree to mediation or any other form of dispute resolution procedures in order to attempt to resolve the dispute. This would be without prejudice to continuation of the complaint should the student wish. The Student Appeals and Complaints Officer may be contacted by either party at any point in the complaints procedure to discuss this;

p) Section 13, Appendix 1, provides a mechanism for students to challenge exclusion due to failure to pay tuition fees. Some complaints may involve a variety of issues that impact on the amount of tuition fees due or when they should be paid. In the case of such complaints the Faculty may pause the University’s normal procedures for recovering outstanding tuition fees. If the University’s internal procedures for considering a complaint have been completed without resolution of the dispute, the University will then resume normal procedures for recovering outstanding tuition fees. This will be done even if the student subsequently chooses to progress their complaint externally (such as to the OIA).

4.3 Scope of the Procedure

4.3.1 Existence of Multiple Procedures

The procedure may not be used where another procedure is in existence, including:

a) the procedures for student discipline and appeals;

b) the outcome, or the potential outcome, of the procedures for Project Approval, Annual Progression, viva voce examinations and/or assessment, and the procedures for appeals against the decisions taken by the Faculty Postgraduate Research Committee or University Graduate School Committee;

c) appeals against requests from the University to students to withdraw for unsatisfactory performance generally;

d) any other agreed procedures within the University.
Where doubt exists on which procedure to use, definitive advice should be obtained from the Student Appeals and Complaints Officer.

In addition, a student may discuss issues of concern with a Student Welfare and International Adviser within Student Support and Wellbeing, a PGR student representative on the appropriate Faculty Postgraduate Research Committee or Graduate School Committee, or with a representative of the Students’ Union.

### 4.3.2 Concurrent Actions by Students

If a concern is already being considered under other procedures (e.g. as indicated in 4.3.1 above) it may not also be pursued concurrently under the Student Complaints Procedure; equally complaints raised under the Student Complaints Procedure may not also be pursued concurrently under other existing procedures.

### 4.3.3 Concurrent Actions by Staff

Staff may not concurrently initiate actions under other existing University procedures for matters that are the subject of consideration under the Student Complaints Procedure.

### 4.3.4 Timescale

Procedures shall normally be completed according to the timescales indicated in these regulations. If for any reason these timescales cannot be met, the student shall be informed.

### 4.3.5 Issues with Unclear Responsibilities

If you have a concern about an issue for which it is not clear who is responsible (e.g. general facilities) you should consult the Graduate School, the Student Complaints Manager or the Student Appeals and Complaints Officer for advice.

### 4.4 Complaints against Service Departments or Faculties and Matters which Fall under the Auspices of a Faculty

#### 4.4.1 Overview

These regulations should be read in conjunction with the flow diagram appearing in Appendix 1.

a) the vast majority of complaints should be resolved informally and directly with the person concerned. Occasionally the issue being complained about may be especially serious and sensitive e.g. allegations of sexual misconduct, harassment, discrimination or other incidences of serious misconduct, such that it would be inappropriate to have to speak directly to the person concerned, or the
allegations may be such that the University may ultimately need to follow other procedures. Such complaints are described as ‘Category B’ complaints in these regulations and are dealt with in a separate manner recognising the great seriousness of the complaint to both the complainant and the subject of the complaint. All other complaints are described as ‘Category A’;

b) every Faculty and Service will have a ‘Student Complaints Manager’ (or where this is not possible, the Independent PGR Counsellor may be consulted) to provide advice about the Student Complaint Process and help determine whether the nature of the complaint is such that it may be ‘Category B’. If you have concerns about going directly to the person concerned to discuss your complaint, you should first consult the Student Complaints Manager in confidence;

c) it is the responsibility of the Faculty Pro Vice-Chancellor/Service Director to ensure that all students are aware of the appropriate person to whom a student may make a complaint. Notices shall be posted in all Faculties, Services and other areas of the University to ensure that students are aware of their rights in this respect. Students off campus should seek advice as indicated at the beginning of this Section;

d) for both ‘Category A’ and ‘Category B’ complaints there are three stages in the University’s procedures as follows:

i. Stage 1 - The Informal Stage, in the majority of cases it is expected that the whole matter is dealt with directly and confidentially by the parties directly concerned;

ii. Stage 2 - The Formal Stage, the complaint is investigated by an independent person, usually the Student Complaints Manager;

iii. Stage 3 - The Review Stage, if you feel that there was a procedural irregularity or other permitted basis for review (see Section 4.4.4 following) in the complaints procedure followed you may request a review of the decision at Stage 2.

At the end of this process, if you remain dissatisfied with the outcome you may take your case outside the University, to the ‘Office of the Independent Adjudicator for Higher Education’.

4.4.2 Stage 1: Informal Stage Category A Complaints

i. it is expected that in the first instance complaints will be made directly to the person delivering the service. If you are unsure who this person is you may contact the Graduate School in the first instance. The member of staff concerned may wish to be accompanied at such a meeting. Consult the Student Appeals and Complaints Officer if you have any concerns with this. At

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5 See Appendix H of the Handbook of Student Regulations for further information
this stage, the person to whom the complaint is made will discuss it informally with you and other persons who are involved, with a view to resolving the complaint without recourse to more formal procedures;

ii. in cases where the student might feel intimidated by approaching the subject directly they may first discuss their concerns with the Student Complaints Manager (because of the particular nature of research degree programmes, it may sometimes be more appropriate that an Independent PGR Counsellor be involved).

iii. If uncertainties remain the Student Appeals and Complaints Officer may be consulted about how to progress the complaint. Ultimately, if the complaint appears to be ‘Category A’, communication between the complainant and the staff involved will be facilitated;

iv. the identification of a complaint as potentially ‘Category B’ is sufficient reason for the complainant to subsequently not to have to speak to the subject of the complaint in person e.g. when alleging sexual harassment or discrimination;

v. in addition, a student may discuss issues of concern with a Student Welfare and International Adviser within the Student Support & Wellbeing Service; a PGR student representative on the appropriate Faculty Postgraduate Research Committee or Graduate School Committee; and with the Students’ Union;

vi. the University hopes that the majority of complaints can be resolved informally. Discussions taking place at this stage shall remain confidential unless both parties agree to the sharing of information with others or the complaint goes to Stage 2;

vii. a student who wishes to make a complaint is in the first instance strongly encouraged to identify in writing the issues about which they are dissatisfied and the outcomes they desire to rectify this. This should form the basis of the discussion with the staff concerned;

viii. during this stage, the person to whom the complaint is made will discuss it informally with the student and other persons who are involved, to explore whether the complaint can be resolved without resorting to more formal procedures. It is expected that informal complaints will normally be concluded within 10 working days of the initial discussion; undue delay beyond this period may be reason for the matter proceeding to the next stage;

ix. both the student and the person to whom the complaint is made should seek to bring the informal complaint to a clear conclusion in an appropriate timescale, even if there is no agreement.

In order to maintain confidentiality, no complaint about a named member of staff shall be raised within University committees or open meetings. Complaints should be raised using the procedure described in this Annexe, starting at ‘Stage 1’.
4.4.3. Stage 2: Formal Stage Category A Complaints

i. If the student considers the complaint unresolved at the end of Stage 1 they may progress to Stage 2, the formal stage of the procedure, by submitting a completed Research Student Complaints Form\(^6\) to the Student Complaints Manager. The deadline for submitting a formal complaint shall normally be 10 working days from the informal meeting at Stage 1;

ii. the Stage 2 procedure is as follows:

a. the student emails a Student Complaints Form and any supporting documentation to the Student Complaints Manager (or nominee) (Appendix A). In the case of a complaint about a Faculty Pro Vice-Chancellor/Director of Service or Associate Pro Vice-Chancellor/Faculty Registrar, the case should be considered by an appropriate member of staff who has had no prior decision-making role in the case and of sufficient seniority to be independent (e.g. a Faculty Pro Vice-Chancellor/Director of Service or Associate Pro Vice-Chancellor/Faculty Registrar, from another Faculty/Service Department). If in doubt, contact the Student Appeals and Complaints Officer in the first instance;

b. on receiving a written complaint, the Student Complaints Manager shall, as soon as possible, and not later than 10 working days after receiving the complaint:

   i. acknowledge receipt in writing to the student;

   ii. advise any member(s) of staff concerned, in writing that a complaint has been received and the substance of the complaint;

   iii. the Student Complaints Manager shall conduct an investigation according to Appendices D and F of the Handbook if Student Regulations and then:

      1. decide whether the complaint is within this procedure or should be dealt with by other means;

      2. consider such evidence, written or otherwise, and hold such discussions deemed appropriate. In this respect; students and staff may be asked to give evidence. Any student questioned during this investigation may be accompanied by a Friend or by their Trade Union representative. Any member of staff may be accompanied by a work colleague or a member of their Trade Union;

      3. if evidence of potential serious misconduct emerges the Student Complaints Manager may categorise the Formal

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\(^6\) Available at [www.northumbria.ac.uk/handbook](http://www.northumbria.ac.uk/handbook)
4. Complaint at this point as ‘Category B’ when it would then be investigated further as described in 4.4.5 (i) – (ii));

or

the Student Complaints Manager will report their findings to the student, and any relevant member(s) of staff, normally within 30 working days. If the complaint is upheld, either in whole or in part, a proposed remedy or other form of redress will be offered. The report provided to the student must include details of the remaining opportunities for the student to pursue their complaint further and be sufficiently detailed for them to understand the University's response to their complaint; at this point Stage 2 of the complaints process is deemed complete and the student will be informed of the remaining opportunity to request a review of the Stage 2 decision (4.4.5) and given details of the OIA.

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4.4.4 Informal Stage Category B Complaints

Stage 1 – The Informal Stage

i. if the complaint is identified by the Student Complaints Manager as potentially of a sensitive nature such as an allegation of sexual misconduct, harassment, discrimination or other serious breach of professional conduct it will be considered as a potential ‘Category B’ complaint. The Student Complaints Manager will explain the procedure to be followed to the student and pass details to an Independent Manager within the Faculty/Service;

ii. the Independent Manager will consider the evidence available and speak to both the complainant and the subject of the complaint if they judge it to be necessary. The Independent Manager will determine whether the evidence available supports grounds for a formal investigation under staff management procedures. Any student questioned during this investigation may be accompanied by a Friend or by their Trade Union representative. Any member of staff may be accompanied by a work colleague or a member of their Trade Union;

iii. if the preliminary investigation concludes that the evidence available does not support grounds for a formal investigation under staff management procedures, the complaint should be treated as a ‘Category A’ complaint. In these circumstances the complainant should raise their concerns directly with the member of staff concerned (4.4.2 (i)), but if it remains inappropriate to do so the case will be considered by the Student Complaint Manager in accordance with Stage 2 of the Category A complaint procedure.

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7 See Appendix H of the Handbook of Student Regulations for further information
4.4.5 Formal Stage Category B Complaints

Stage 2 – The Formal Stage

i. if the preliminary investigation concludes that the evidence available does support grounds for a formal investigation under staff management procedures, Stage 1 will be deemed to be complete and Stage 2 will be undertaken according to the appropriate University staff procedures. The student may be questioned further when they may again be accompanied by a Friend³ or their Trade Union representative;

ii. at the conclusion of the University’s investigation the Student Complaints Manager will report the relevant findings (with due regard to the confidentiality of the University staff management procedures) to the student, and any other relevant members of staff. If the complaint is upheld, either in whole or in part, a remedy or other form of redress will be offered. The report provided to the student must include details of the remaining opportunities for the student to pursue their complaint further and be sufficiently detailed for them to understand the University’s response to their complaint; at this point Stage 2 of the complaints process is deemed complete and the student will be informed of the remaining review stage (4.4.4) and given details of the OIA⁸.

4.4.6 Request for Review

If the student is not satisfied with the decision and believes they have grounds, they may submit a request for review in accordance with the procedure described in Appendix G of the Handbook of Student Regulations. The only permitted grounds for a request for review are:

(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome

The request for review needs to be submitted to the Student Appeals and Complaints Office within 10 working days of being sent your Stage 2 decision. A judgement on the request will be taken in accordance with the procedure described in Appendix G, and normally within 20 working days.

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³ See Appendix H of the ‘Handbook of Student Regulations’ for further information

8 See Appendix H of the ‘Handbook of Student Regulations’ for further information
4.4.7 Requesting a Completion of Procedures Letter

If you wish to challenge the University’s decision but judge you cannot do so on the grounds permitted in Appendix G, you may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month of the decision and take your case to the Office of the Independent Adjudicator (OIA). This completes the University’s internal complaints process.

4.5 Procedure for Complaints against the Students’ Union

4.5.1 Overview

Section 22 of the Education Act 1994 provides that there should be a complaints procedure available to all students who:

a) are dissatisfied in their dealings with the Students’ Union, or

b) claim to be disadvantaged by reason of their having exercised the right (also in Section 22) not to be a member of the Union, or, in the case of a representative body which is not an association, that he/she does not wish to be represented by it.

Any Full Member, or student eligible for Full Membership but who has exercised the right not to be a member in accordance with the Education Act 1994 is consequently entitled to complain about unfair or unreasonable treatment by the Students’ Union.

4.5.2 Outline of Procedure

The procedure is as described in the Students’ Union Byelaw ‘Procedure For Complaints Against the Students’ Union’ (available on the University’s web page and from the Students’ Union). Any Full Member of the Students’ Union, or student eligible for Full Membership but who has exercised the right not to be a member in accordance with the Education Act 1994 is entitled to complain about unfair or unreasonable treatment by the Students’ Union. In summary, the procedure is as follows:

a) Stage 1, the informal stage - it is expected that most complaints will be resolved informally at the earliest opportunity. The complainant, or group of complainants, should raise the matter with the manager or Sabbatical Officer for the activity or event in question. This may be done orally at the time or electronically. A response should normally be received within seven working days of receipt of the complaint;

b) if the student remains dissatisfied they may lodge a Stage 2-formal complaint. A Complaints Form should be completed (available from the Students’ Union website) and emailed to the Students’ Union President

\* studentappealsandcomplaints@northumbria.ac.uk
\* See Appendix H of the ‘Handbook of Student Regulations’
A written response from the Students' Union President (or nominee) should normally be received within 15 working days;

c) if the student remains dissatisfied with the response at b) above they may seek a review on the following grounds only (normally within 10 working days of receiving the outcome from the Students' Union President (4.5.2 b));

   i. There was a procedural irregularity in the investigation of the complaint that materially affected the outcome from Stage 2 (b) above

   ii. That relevant information, that could not previously be made available, has subsequently emerged.

Such requests should be submitted to the Students' Union Chief Executive (chiefexecutive@northumbria.ac.uk);

d) step c) is normally the end of the Students' Union internal complaints procedure but, if the student feels that the consideration of the complaint was not conducted in a fair and democratic manner a further challenge may be lodged with the University’s Student Appeals and Complaints Officer:

   i. The 1994 Education Act requires the University to ensure that the Students’ Union “operates in a fair and democratic manner”. If the student feels that the consideration of their complaint has not been considered in such a way they may appeal. This is the only permitted ground on which an appeal may be lodged.

   ii. The student must specify why they feel that their complaint has not been considered in a proper manner by the Students’ Union. To aid this they should complete a Review Request Form (Appendix G) and email to the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk). Requests must be submitted within 10 working days of being notified of the final response of the Students’ Union to their complaint.

iii. The Student Appeals and Complaints Officer will review the case on the basis of the documentation provided and decide on the appropriate action of:

   (a) rejecting the challenge at this stage on the basis that it is not based on the permitted grounds in regulation c) above or that no supporting basis for the challenge has been established;

   (b) or uphold the challenge and return the complaint to the Students’ Union to reconsider the complaint in the light of the Student Appeals and Complaints Officer’s analysis.

iv. The Student Appeals and Complaints Officer will normally inform the student of their judgement within 15 working days of receiving their appeal and issue a ‘Completion of Procedures Letter’. A student who disagrees with the judgement
may then take this complaint to the Office of the Independent Adjudicator for Higher Education

4.6 Other Complaints

4.6.1 Overview

From time to time, there may be complaints made by students which do not fit comfortably into the procedures above, for example, complaints about misleading statements in University documentation, or other complaints which neither originate from within a Faculty nor against the Students’ Union. In all such cases, the complaint should be addressed to the Student Appeals and Complaints Officer, who will investigate the complaint according to such procedures as appear appropriate to the nature of the complaint, broadly following stages similar to those specified in Section 4.4 above. Complaints by students about another student are likely to be allegations of misconduct, and appropriately dealt with under Section 3 of the Handbook of Student Regulations (Research), Student Disciplinary Rules & Procedures:

www.northumbria.ac.uk/handbookresearch

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11 See Appendix H of the Handbook of Student Regulations for further information about Completion of Procedures Letters and the OIA
You raise a complaint

Student Complaints Manager, or SACO, provides informal advice if necessary

The Student Complaints Manager, or SACO, identify your complaint as a potential Category B complaint

Category B

Independent Manager (IM) conducts preliminary investigation of your claim

IM determines need to move to Staff Procedures

IM finds no grounds for further investigation as potential Category B

Category A

You and the subject of your complaint meet

Your complaint is resolved – no further action

Complaint unresolved at Stage 1. The Student Complaints Manager considers your complaint at Stage 2 Formal.

HR completes investigation

Case rejected

Proceed to staff management procedures

The issues potentially warrant an investigation under the staff management procedure

You are notified of the outcome (with due regard to the confidentiality of staff management procedures if treated as Category B)

If you remain dissatisfied with the Stage 2 decision, you can request a review and/or take your case to the OIA

Notes:

- **Category A**: is the majority of complaints
- **Category B**: complaints in which HR are required to investigate staff
- 3 month deadline for lodging complaints
- Stage 2 Complaint must be lodged within 10 working days of Stage 1
- Stage 3 Request must be lodged within 10 working days of Stage 2
Annexe 5: Appeals against the Outcome of Extension Requests or Circumstances Affecting Progress Decisions

**Format Requirement**

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

**Independent Advice and Support**

You may seek independent advice and support from the Students Union Advice Service [http://www.mynsu.co.uk/heretohelp/advice/](http://www.mynsu.co.uk/heretohelp/advice/)

**Overview**

The procedures set out in this document are quite distinct from those concerning students who are appealing against the outcome of a Project Approval or Annual Progress examinations (Annexe 2) and the procedures for appealing against the outcome of a Viva Voce Research Degree examination (Annexe 3).

An 'academic appeal' (Annexes 1, 2, and 3) is a questioning of a decision made by an examiner (this includes a member of academic staff assessing your progress) or an Examination Team.

A 'complaint' (Annexe 4) is an expression of dissatisfaction with how you have been treated or a service provided by, or on behalf of, the University. Complaints about supervision should be lodged in a timely manner (i.e. at the time issues arise, not after assessment) using the procedure described in Annexe 4. Complaints about supervision that are lodged after the assessment may be rejected on the basis that they have not been lodged in a timely manner.

**5.1 Principles**

**5.1.1 Overview**

The University's *Articles of Government* (July 2012) state that Academic Board is the body responsible for 'policies and procedures for assessment and examination of the academic performance of students'.\(^1\) Academic Board exercises this

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\(^1\) Section 3.3 a

**Handbook of Student Regulations (Research) 2019-20: Annexe 2**
responsibility by laying down academic regulations for all matters relating to Project Approval, Annual Progression, Thesis Submission, and Viva Voce procedures; and by delegating conduct of these arrangements to Faculty Postgraduate Research Committees via the Graduate School Committee. The decision that a student has grounds for an Extension Request or Circumstances Affecting Progress is therefore taken on behalf of Academic Board; and appeals against that decision are also formally considered on behalf of Academic Board.

5.1.2 Scope of Procedures

Procedures exist to enable you to appeal against an Extension Request or Circumstances Affecting Progress decisions, and to have that appeal considered in accordance with the principles of natural justice².

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot therefore be upheld without clear evidence that the original decision of an examination board, or other academic judgement, is unsound.

5.1.3 Grounds for Appeal

Appeals may be made on one or both of the following grounds:

a. that correct procedures were not followed when considering your request or circumstances and this significantly affected the outcome

b. there is new information that could not be provided earlier and this significantly affects the outcome

5.1.4 Providing Evidence

You are responsible for providing evidence to the Faculty Postgraduate Research Committee in advance, through the Principal Supervisor, of any factors which might adversely affect your Project Approval or Annual Progression performance, and which might give grounds for a subsequent appeal³. If presented after Project Approval, Annual Progression, or a Viva Voce examination, you should appeal in accordance with Annexe 2 of this Handbook. Information would only be considered if accompanied by a valid explanation of the failure to present the information at the due time.

² See Appendix B of the Handbook of Student Regulations for further information
³ Several documents about extenuating circumstances are located on the Graduate School Intranet site at https://one.northumbria.ac.uk/service/ar/gs/Pages/PGRCircumstances.aspx
5.1.5 Burden of Proof

The burden of proof to demonstrate an insecurity in the decision lies with you. Decisions on appeals will be made on the basis of the balance of probabilities.

5.2 Stage 1: Informal Procedure

5.2.1 Informal Resolution

If you consider that you may have grounds for appeal against the Extension Request or Circumstances Affecting Progress decision, you should promptly consult the Graduate School Manager (or nominee) in the first instance in order to make every effort to see whether the problem can be resolved through less formal processes. Only after any procedural issues have been clarified and if you remain convinced that you have firm grounds for appeal (see regulation 5.1.3 above) should a formal appeal (regulation 5.3) be submitted.

5.2.2 Purpose of Stage 1

The purpose of the Stage 1 process is to provide you with swift and accessible redress for issues of obvious procedural irregularity. To this end, Stage 1 of the appeal process is located in the Graduate School in order to provide swift and local guidance.

5.2.3 Timescales for Stage 2 Formal Appeals

If you remain dissatisfied, you should lodge a Stage 2 Formal Appeal. The deadline for lodging a Stage 2 appeal is 10 working days after the date that the University issued its Extension Request or Circumstances Affecting Progress decision.

If you submit your appeal after this deadline, we will only accept your appeal in exceptional circumstances. If you cannot meet this deadline, you must inform us within this 10-working day period.

If you cannot obtain a response at Stage 1 within the 10 working days, and this causes you to lodge your Stage 2 appeal late, you must provide us with evidence of this.
5.3 Stage 2: Formal Stage

5.3.1 Lodging a Formal Appeal

If you remain dissatisfied with the University’s decision and feel you have clear grounds for appeal as permitted under regulation 5.1.3, you may lodge a formal appeal by completing and submitting the relevant Appeals Form⁴ to the Student Appeals and Complaints Officer⁵. The deadline for the receipt of the Stage 2 appeal is normally 10 working days after you receive your original decision. If it may not be possible to meet this deadline, you should inform the Student Appeals and Complaints Officer within this 10 working days period. Appeals lodged after this period will only be considered in exceptional circumstances.

5.3.2 Overview

On receipt of an Appeals Form, the Student Appeals and Complaints Officer acknowledges receipt and requests all relevant information from the Faculty and Graduate School.

We will consider your Stage 2 Formal Appeal on behalf of the Vice-Chancellor. This stage is normally completed within 30 working days of receiving the formal appeal. Sometimes, we may need longer to make enquiries, and we will keep you informed if this is the case.

The Student Appeals and Complaints Officer does not have the power to accept or reject an extension request. We also do not have the power to judge the appropriate length of an extension. If we uphold your appeal, we will ask the Faculty Postgraduate Research Committee to reconsider your claim.

5.3.3 Possible Outcomes of Appeal

The Student Appeals and Complaints Officer will consider this information and any other information deemed relevant and, acting on behalf of the Vice-Chancellor, shall decide which of the following lines of action is appropriate in this case:

a) refer the appeal back to the person nominated to deal with such matters within the Graduate School in order that Stage 1 may be fully completed⁶;

⁴ Available at www.northumbria.ac.uk/handbook
⁵ studentappealsandcomplaints@northumbria.ac.uk
⁶ If you remain dissatisfied with the outcome you may lodge a further appeal

Handbook of Student Regulations (Research) 2019-20: Annexe 5
b) if, on the balance of probabilities, it is judged that you have already established your case, the appeal will be referred to the Faculty Postgraduate Research Committee to reconsider the case, in the light of evidence put forward by you, as soon as possible.

c) reject the appeal on the basis that:
   i. the appeal does not map onto either of the grounds permitted in regulation 5.1.3 or because no basis for supporting the appeal exists on the evidence of the documents immediately available;
   ii. the appeal was submitted later than is normally permitted without good reason

You will be informed of your right to request a review or a Completion of Procedures Letter, so you can take your case to the Office of the Independent Adjudicator (OIA).

5.4 Stage 3: Review Stage

5.4.1 Requesting a Review

If you believe you have grounds, you may request a review of the decision to withdraw you by using the procedure described in Appendix G of the 'Handbook of Student Regulations'. The permitted grounds for a request for review are:

(a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

(b) there is new information that could not be provided earlier and this significantly affects the outcome

Requests for review need to be submitted to the Student Appeals and Complaints Officer within 10 working days of the University issuing the decision in writing and will be considered in line with the procedure described in Appendix G.

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7 If you remain dissatisfied with the decision of the Faculty Postgraduate Research Committee after it has reconsidered the case, you may submit a further appeal.
8 See Appendix H of the Handbook of Student Regulations for further information about Completion of Procedures Letter and the OIA
9 studentappealsandcomplaints@northumbria.ac.uk

Handbook of Student Regulations (Research) 2019-20: Annexe 2
5.5 Taking your case to the OIA

5.5.1 Requesting a Completion of Procedures Letter

If you wish to challenge the University’s decision but judge you cannot do so on the grounds permitted in Appendix G, you may request a Completion of Procedures Letter from the Student Appeals and Complaints Officer within 1 month of the decision and take your case to the Office of the Independent Adjudicator (OIA).

This completes the University’s internal student appeals process.

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10 studentappealsandcomplaints@northumbria.ac.uk
11 See Appendix H of the ‘Handbook of Student Regulations’
Appendix A

Glossary

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

If a named officer below is not available, a member of staff of equivalent experience and authority will be identified.

Glossary

For the purposes of this Handbook, the following definitions apply:

**Academic Appeal**

A challenge by an individual student to a decision directly affecting the assessment process (a PEC or Late Authorisation decision) or decision made by the Examination Board under the academic regulations.

**Academic Judgement**

The OIA defines academic judgement as “a judgment that is made about a matter where the opinion of an academic expert is essential. So for example a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course will normally involve academic judgment”.

The OIA considers that the following areas do not involve academic judgment:

“decisions about the fairness of procedures and whether they have been correctly interpreted and applied, how a higher education provider has communicated with the student, whether an academic has expressed an opinion outside the areas of their academic competence, what the facts of a complaint are and the way evidence has been considered, and whether there is evidence of bias or maladministration”

The OIA further states that:
“Decisions about whether a student’s work contains plagiarism and the extent of that plagiarism will normally involve academic judgment, but that judgment must be evidence based”¹.

**Assistant Director of Student and Library Services**

The ‘Assistant Director of Student and Library Services’ (or an appropriate senior manager within the Student Life and Wellbeing Service nominated by them).

**Balance of Probabilities**

A standard of proof that results in a judgment that, based on the evidence available, an event is more likely to have occurred than not. This standard of proof is lower than that of the criminal justice system’s standard of proof defined as ‘beyond reasonable doubt’.

**Burden of Proof**

The responsibility to prove or disprove a disputed fact or issue.

**Complaint**

A formal expression of dissatisfaction with the services provided by the University or about how you have been treated.

**Case Conference**

A meeting in which relevant university staff considers complex student cases and how best to manage risk. See Appendix C of the ‘Handbook of Student Regulations’ for further information.

**Completion of Procedures Letter**

A letter produced by the Student Appeals and Complaints Officer (SACO) which confirms that the University’s internal student dispute processes have been completed, enabling a student to take their case to the Office of the Independent Adjudicator (OIA).

**Confidentiality**

Information will be shared on a need-to-know basis only. For example, for the purposes of conducting an investigation, safeguarding others, or because the University is legally required to do so.

**Consent**

The voluntary agreement to participate in an activity, whereby the individual has both the freedom and capacity to make that decision.

¹ OIA Scheme Rules April 2018
| **Clerk** | a member of staff responsible for the administration of and procedural advice to a Panel. |
| **Disadvantage** | that because of a decision or information made available, you have been placed in a less advantageous position. |
| **Disciplinary Officer** | a designated member or staff involved in the Stage 2 Formal Stage of the Student Disciplinary Process or their nominee. |
| **Examination Board** | a meeting of examiners at which marks are confirmed and / or decisions are made about progression or academic award. At Northumbria University it is known as the Programme Assessment Board (PAB). |
| **Exclusion** | the prohibition on attendance at or access (including electronic access) to any part of the University and its facilities. Excluded students may not offer themselves for assessment and any outstanding assessments will not be considered by Examination Boards. This usually arises due to Tuition Fee debt. |
| **Expulsion** | permanent exclusion from all premises, Programmes, services and facilities of the University and the termination of all mutual obligations except as regards any undischarged financial liabilities of the Student to the University. This includes a decision by the University not to enrol or re-enrol the Student. Expulsion from Residences will be subject to the tenancy/licence agreement between the University and the Student. |
| **Faculty** | a group of University departments that specialise in a particular group of subjects. At Northumbria University these are: Arts, Design and Social Sciences; Business and Law; Engineering and Environment; and Health and Life Sciences. |
| **Faculty Associate Pro Vice-Chancellor** | the head of a Faculty or their nominee. |
| **Faculty Registrar** | a senior member of staff with particular faculty responsibilities |
| **Fitness to Practise** | a standard of behaviour required of students on a professional programme, completion of which gives the |
student licence to practice in accordance with the standards and ethics of their chosen profession

**Friend**

a member of the University Community (i.e. a fellow student, member of staff, or Students’ Union Officer).

**Hearing**

‘Hearings’ are the University’s formal mechanism for considering an allegation made by one party against another.

**Independent Manager**

a senior member of staff who, under the Student Complaint Procedure, determines whether there are grounds for a potential Category B complaint to be considered in accordance with the University’s staff management procedures.

**Leave of Absence**

the temporary suspension of studies and all associated activities at the University. This may be subject to qualification such as permission to attend for the purpose of examination, or other form of assessment.

**Malicious**

intent to cause harm or distress

**Materially Relevant**

of meaningful significance to the case, as opposed to information that is irrelevant or of such a minor nature it has no significant impact on the case.

**Misconduct**

Any behaviour outlined in Section 3, Appendix 2 which can lead to disciplinary action.

**Module**

units of learning that have specified learning outcomes and a specified volume of credit at one level only. Each module successfully completed at a level contributes to a number of credits as determined at the validation of the programme.

**Natural Justice**

The impartial and fair manner in which all disputes against the University are handled to ensure all parties receive a fair hearing.

See Appendix B of the ‘Handbook of Student Regulations’ for more details.
Office of the Independent Adjudicator (OIA) an independent body whose role is to externally review individual complaints by students against their University.

Personal Tutor a member of the teaching staff so designated or, where not applicable, another appropriate tutor as designated by the Director of Programmes or the Programme Leader.

Procedural Irregularity circumstances in which approved University processes have not been correctly followed.

Professional Judgement a judgement that is made about a matter where the opinion of a professional expert is essential. The OIA explains that, “Decisions about whether a student has reached the necessary professional standards and is fit to practise involve professional judgment. When reviewing a complaint involving matters of professional judgment we will look at whether the higher education provider has followed correct and fair procedures and reached a reasonable decision, but we will give great weight to the decision of the panel or individuals who have made an assessment based on professional judgment.”

Programme an approved course of study that provides a coherent learning experience leading to a qualification, also known as course.

Programme Assessment Board (PAB) the examination board which considers individual student overall performance to ratify marks and determine progression on the programme and conferment of award/classification. This may also be known as the Examination Board.

Programme Leader a person nominated to be responsible for managing a ‘programme’, or their nominee.

Programme Requirements the rules regarding the modules and assessments necessary for successful completion of a Degree Programme.

\(^2\) OIA Scheme Rules April 2018
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratified Marks</td>
<td>Marks that have been confirmed by the Programme Assessment Board.</td>
</tr>
<tr>
<td>Residences</td>
<td>Residential accommodation owned, leased, or otherwise occupied by the University and provided to students under tenancy or licence agreements between the University and students.</td>
</tr>
<tr>
<td>Restriction</td>
<td>Selective exclusion from attendance at or access (including electronic access) to the University or prohibition on exercising the functions or duties of any office or committee membership of the University or the Students’ Union, the exact details to be specified in writing. Restriction may include a prohibition on communicating in any way with individual members of the University community.</td>
</tr>
<tr>
<td>Request for Review</td>
<td>A request by a student for a review of a Stage 2 decision taken by the University in accordance with the ‘Handbook of Student Regulations’. See Appendix G for further information.</td>
</tr>
<tr>
<td>Staff</td>
<td>All persons employed in the service of the University.</td>
</tr>
<tr>
<td>Stage 2 Decision</td>
<td>A decision taken by the University in accordance with the ‘Handbook of Student Regulations’ at the formal stage of the process.</td>
</tr>
<tr>
<td>Standard of Proof</td>
<td>The strength of evidence required to prove a case has been established, see also ‘Balance of Probabilities’.</td>
</tr>
<tr>
<td>Student</td>
<td>(i) A person who is currently enrolled as a student of the University on an academic programme of the University, whether full-time, part-time, sandwich, or as a research student, or was so enrolled at the time of the decision being appealed against or the incident(s) being complained about; (ii) A person elected to full-time office in the University’s Students’ Union (‘a sabbatical officer’).</td>
</tr>
<tr>
<td>Student Appeals and Complaints Officer</td>
<td>The Student Appeals and Complaints Officer (SACO), or their nominee, who ensures the fair, transparent and independent operation of the procedures described in the ‘Handbook of Student Regulations’.</td>
</tr>
<tr>
<td>Student Complaints Manager</td>
<td>A senior member of staff e.g. Student Progress Team Manager or Senior Manager in a Service Department or their nominee with responsibility for investigating formal complaints</td>
</tr>
</tbody>
</table>
Suspension

A total prohibition on attendance at or access (including electronic access) to the University and University facilities and on any participation in University activities for a specified period, but it may be subject to qualification such as permission to attend for the purpose of an examination, or other form of assessment.

Suspension from Residences will be subject to the terms of the tenancy licence agreement between the University and the Student.

University

Except where specified otherwise, each and every one of the University’s campuses and other sites whether inside or outside the United Kingdom at which persons are enrolled on an academic programme of the University.

University Community

All students enrolled at the University, all University staff or a Students’ Union Officer.

Upheld

A judgement has been made that sufficient evidence exists and the necessary grounds have been met.

Vice-Chancellor

The Vice-Chancellor and Chief Executive of the University, or their delegate.

Vexatious

Unreasonable behaviour that is without merit, which is obsessive, persistent, prolific or repetitious, and may cause annoyance, frustration or worry to others.

Working Day

Any day except a Saturday, Sunday, Bank Holidays or a day of normal University vacation.
If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

(i) All allegations made against students or staff of the University, or challenges of University decisions or actions, are accepted in good faith\(^1\) and taken seriously.

(ii) When an allegation is investigated, the principles of natural justice will be applied, ensuring that all parties receive a fair hearing. These principles include, but are not limited to, the following:

a. The allegation shall be dealt with in an impartial and fair manner
b. No one shall be the judge in his or her own cause
c. If a Hearing is convened there shall be:
   1. adequate prior notice of the Hearing
   2. provision of the detail of the allegation and the response to both parties in advance of the Hearing
   3. impartiality on the part of those hearing the allegation
   4. provision for both parties to be able to fully articulate their views
   5. provision for both parties to be informed of the outcome of the allegation and the reasons for any decision made\(^2\)

(iii) If a student believes, and can evidence, that the principles of natural justice have not been applied when their case has been considered, this will be grounds for appeal or review on the basis of procedural irregularity.

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1 The assumption that the student has an honest belief in the validity of their claims
2 In the case of complaints against members of staff that are categorised as ‘Category B’ the complainant will be entitled to a full report of the findings of the investigation subject to no details being provided about any staff management procedures resulting from the complaint.
Appendix C Case
Conference Protocol

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Case Conference Protocol

1. Purpose of a case conference: to fully explore complex student cases involving a combination of issues. Such cases may or may not involve issues and procedures covered by the ‘Handbook of Student Regulations’ and could include the following:
   a. pastoral support
   b. academic support
   c. risk assessment and risk management, relating to the risk the Student may present to themselves, other students and staff, the University and the wider community
   d. compliance issues such as visa compliance, information sharing or other obligations of the University

2. The Student will be informed that such a meeting will be, or has been, convened to consider their case unless there are exceptional circumstances for not doing so, e.g. to minimise the risk to other members of the University or to avoid interfering with any subsequent Police or University investigation.

3. The Student does not have the right to attend a case conference convened under these regulations, but unless there are exceptional circumstances, the Students' views on their risk should normally be sought before any risk assessment is finalised. A report of key outcomes from the case conference, usually in the form of the Risk Assessment, will be provided to the Student along with a letter from the Vice-Chancellor confirming the details of any Restriction or Leave of Absence. If a student requests a copy of the minutes, they will be supplied to the Student in line with General Data Protection Regulations (GDPR).

4. The role of each member in a case conference is as follows:
   a. Manager from the Student Life and Wellbeing Service, usually the Head of Student Life. They provide expertise in pastoral support and
behavioural management and may be supported by other specialist staff from the Student Life and Wellbeing Service;

b. Student Progress Team Representative to provide programme knowledge or to liaise with appropriate Faculty academic and support staff;

Other staff as co-opted by the Chair

i. ‘Security’, to provide relevant background information as appropriate and risk-assessment and risk-management expertise;

ii. ‘Accommodation’, to provide relevant background information as appropriate and risk-assessment and risk-management expertise;

iii. Students’ Union officer, if the issues have a Students’ Union origin or dimension. They provide relevant background information as appropriate and risk-assessment and risk-management expertise relating to the student experience;

iv. ‘Media and Communications’, to assess the impact information that is, or may become, in the public domain has on risk-assessment and/or risk-management. They do not act in a decision-making role;

v. Other University staff as judged necessary by the Chair;

vi. Members of relevant external agencies as judged necessary advisers in exceptional circumstances by the Chair. They do not act in a decision-making role.
Appendix D

Undertaking an Investigation

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Undertaking an Investigation

Within this appendix the terms ‘complaint’ and ‘complainant’ are used in a generic sense to mean the matter being disputed with the University and the student raising the dispute. The equivalent terms for some sections of the ‘Handbook of Student Regulations’ will be ‘appeal’ and ‘appellant’ respectively.

1. All investigations should be conducted in an open and transparent manner, while ensuring the maintenance of confidentiality1 as appropriate. Any investigation should also be conducted in accordance with the principles of natural justice2 and the ‘Handbook of Student Regulations’.

2. The purpose of any investigation is to:
   a. gain an understanding of what the complainant believes should have happened and why they believe this
   b. gain an understanding of why the complainant feels the matter is unresolved
   c. establish the facts based on the points raised by the complainant
   d. find an appropriate resolution

3. Upon receipt of a complaint the investigator3 will undertake an initial screening, checking that:
   a. the complaint is in time
   b. the matter cannot be resolved informally
   c. other procedures are not more appropriate
   d. the complaint is eligible for investigation in accordance with the Handbook of Student Regulations
   e. whether the student has a disability and whether any reasonable adjustments are required

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1 See Appendix A of the ‘Handbook of Student Regulations’ for definition
2 See Appendix B of the ‘Handbook of Student Regulations’ for definition
3 The investigator must be someone who has had no previous decision making role in relation to the matter being raised
4. If accepted for investigation, the investigator shall:
   a. clarify any unclear details of the complaint that are with the complainant
   b. inform the party subject to the complaint that a complaint has been received and forward the documentation for an initial response
   c. gather all the materially relevant information, ensuring that when information is requested from other parties a deadline for providing that information is provided. Sources of evidence may include, but are not limited to:
      i. documentation relating to any informal attempts to resolve the complaint
      ii. relevant policies and procedures
      iii. minutes from meetings
      iv. medical records if appropriate
      v. witness statements
      vi. hearsay
      vii. expert advice from professional staff

5. In some instances, a meeting may be appropriate. If a meeting is convened, the investigator shall:
   a. identify a suitable time and place for the meeting
   b. inform the student they may be accompanied by a ‘Friend’
   c. prepare for the meeting by familiarising themselves with any evidence already received and considering relevant questions to ask
   d. ensure that all parties understand the purpose of the meeting and each other’s roles
   e. take notes of the meeting. These notes:
      i. in principle, should be made available to all parties
      ii. may be requested by the subject of the meeting at a later date under relevant data protection legislation if they have not already been supplied
      iii. will be requested by OIA should the student file a complaint with the OIA
      iv. may be used to compare notes from different elements of the investigation with a view to resolving discrepancies
      viii. may require a signature

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Because audio recording affects individuals’ ability to talk openly, audio recording will only be permitted in exceptional circumstances. Covert recording is a breach of trust and may be treated as misconduct (see regulation Section 3, Appendix 2 of the Handbook of Student Regulations).
ix. do not necessarily need to be typed, because the OIA accepts handwritten notes as contemporaneous evidence of a telephone call or meeting
f. explain that information provided in the meeting may be referred to in the complaint outcome
g. conduct the meeting in an inquisitorial manner without being adversarial

6. If an investigation reveals other issues (i.e. not raised by the student) they should also be considered, for example:
   a. An appeal is essentially a student questioning the security of a mark or judgement by the Examination Board
      i. If the investigation reveals an actual or potential insecurity in the Examination Board decision, this should be investigated, even if not originally flagged by the Student. The University should do this as it would not be reasonable to ignore such an issue and it would undermine our academic standards
   b. If the investigation of a complaint reveals additional ways in which a student has been disadvantaged or otherwise treated inappropriately, these should be addressed along with the subject matter of the initial complaint

7. Resulting decisions must only be based upon the entirety of the evidence gathered throughout the course of the investigation. An analysis of the evidence will require the decision-maker to consider the following questions:
   a. Is it accurate and reliable? Consider whether or not the evidence obtained is:
      i. objective (factual and impartial) or subjective (biased, and therefore potentially prejudicial)
      ii. expert or personal opinion
      iii. real or circumstantial
      iv. contemporaneous or retrospective
   b. Is it materially relevant? Consider whether the evidence obtained assists in proving or disproving that an event occurred
   c. Is it sufficient? Consider whether the entirety of the evidence gathered is sufficient to prove that, on the balance of probabilities an event is more likely to have occurred than not, noting that one piece

\[\text{See Appendix F of the ‘Handbook of Student Regulations’ for further guidance in relation to decision making}\]
of real evidence or a number of circumstances may be sufficient to take a decision on the balance of probabilities

8. Findings of an investigation should be presented in a clear and accurate report and should include the following:

   a. Sources of information
   b. A chronology
   c. Details of the complaint made
   d. An analysis of the evidence
   e. The reasoning employed when using balance of probabilities
   f. A recommendation based upon the evidence available and University regulations

When it has not been possible to use probability to judge what most likely happened, the investigator should record ‘I have had to retain an open mind on this’.
Appendix E

Hearing Procedures

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

1 Purpose of Hearings

1.1. ‘Hearings’ are the University’s formal mechanism within the ‘Handbook of Student Regulations’ for considering an allegation made by one party against another. They provide an opportunity for allegations and a counter-argument to be made in the presence of both parties so that each may challenge the other. These points will be heard before a ‘Panel’ (which may be one or more people) which will make a judgement on the case.

2 Convening a Hearing

2.1. The Student will normally be given at least 10 working days’ notice of the date and time of the Hearing. In all cases, the Student will be informed of:

i. the matters to be considered at the Hearing, including a Statement of Case and all supporting evidence in the case of disciplinary, fitness to practise and withdrawal matters
ii. the Panel membership
iii. their right to be accompanied by a ‘Friend’
iv. the need to supply the names of any witnesses and declare any conflict of interest with Panel members (see 2.2. below) within 2 working days of receiving the notice
v. the need to supply any written submissions no later than 2 working days before the Hearing (failure by the Student to supply their evidence by this deadline, may result in a delay in the proceedings – see 4.2 below)
vi. the fact that the Hearing may proceed in their absence

2.2. Students will need to declare any conflict of interest or any other reason why one of the Panel members would not be able to fairly judge their case in advance of the Hearing. The Student should put their case in writing to

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1 See Appendix A of the ‘Handbook of Student Regulations’ for definition
the Chair\textsuperscript{2}, who will consult with the Student Appeals and Complaints Officer and Students' Union as appropriate, and judge whether the proposed Panel members should be changed. The judgement of the Chair will be final. Papers will only be sent to the Panel members, after the Panel membership has been confirmed or no objections from the Student have been received.

2.4. All students are expected to attend Hearings. Failure by the Student to attend after receiving proper notice of the Hearing, does not prevent the case proceeding in their absence and a decision being taken. If the Student provides a valid reason for their non-attendance, the Panel may agree for the Hearing to be re-arranged at the next available opportunity.

2.5. Confidentiality will be maintained in so far as is consistent with these regulations and the need to conduct a full and fair investigation.

3. **Principles for Conducting a Hearing**

3.1. Hearings will be conducted in accordance with the principles of natural justice\textsuperscript{3}.

3.2. The party with whom the burden of proof\textsuperscript{4} lies needs to demonstrate there are sufficient grounds to support their case.

3.3. The standard of proof\textsuperscript{4} for judging the case shall be the ‘balance of probabilities’\textsuperscript{4}.

3.4. The judgement of the Panel will be based on the evidence before it.

3.5. It is essential that the Student feels empowered to present their argument. This may include challenging the evidence presented by the University.

3.6. Students can be accompanied by a ‘Friend’, but in disciplinary and fitness to practise matters, the Student will be expected to speak for themselves and explain their actions and respond to allegations if the Chair of the Panel judges this to be necessary.

3.7. The proceedings are ‘inquisitorial’, not ‘adversarial’. The purpose of the Hearing is to enable the Panel to obtain secure, relevant information to inform its judgement of the case. Hearings should be sufficiently relaxed to enable all to fully engage in the process whilst recognising the formal status and gravity of the meeting.

\textsuperscript{2} If the Student’s challenge is to the Chair’s selection, the Student should put their case in writing to the Student Appeals and Complaints Officer at studentappealsandcomplaints@northumbria.ac.uk. The decision of the Student Appeals and Complaints Officer will be final

\textsuperscript{3} See Appendix B of the ‘Handbook of Student Regulations’

\textsuperscript{4} See Appendix A of the ‘Handbook of Student Regulations’ for definition
3.8. Students should normally be entitled to question the complainant(s) or other witness(es). However, in some wholly exceptional cases this may not be appropriate. An example of such circumstances include, but are not limited to, cases where a complainant or witness alleges that they are the victim of intimidation, harassment, or violence and they have a reasonable fear of reprisal. In such cases, the Chair shall consult with the Student Appeals and Complaints Officer and with other officers of the University and/or of the Students' Union as appropriate. The outcome may be that the Student is provided with suitably redacted copies of documentary evidence to remove all references which may identify the names and addresses (as the case may be) of such complainant(s) or witness(es). If a complainant or witness declines a request to attend a Hearing with no good reason, this may weaken the University’s case.

3.9. If the Chair has agreed to not allow the Student to question a complainant or witness, the Chair should invite the Student to provide the questions they wish to pose. If the Chair considers such questions relevant, they shall put such questions (in the absence of the Student and their ‘Friend’) to the complainant or witness. The Student will be provided with a full report of the response subject to any redaction they judge necessary to preserve anonymity or appropriate protection.

3.10. Hearings are not a legal process. If a student appears before the Panel with a ‘Friend’ acting in a professional legal manner without prior approval, the Chair of the Panel may stop the Hearing. If such behaviour persists, the Hearing should be paused and the Student Appeals and Complaints Officer consulted.

3.11. If the Hearing is a Review Panel, the Panel will only address the issues successfully raised in the request for review and will not consider the original case afresh.

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5 In some situations the University cannot compel a witness to attend, for example, members of the public or employees of external organisations. In such situations, the Panel will take this into account when considering the weight that can be given to the evidence.

6 In order that the appropriate format for the continuation of the Hearing may be determined, the Student Appeals and Complaints Officer would judge whether it was appropriate for such legal support to be available to the student. If this were permitted, a judgement would be made as to whether the Hearing could continue or needed to be adjourned, and on what basis.
All Hearings will open as follows:

4.1 Welcome:

i. identify all those present,

ii. confirm that everyone has had sight of the documentation prior to the Hearing,

iii. confirm everyone’s understanding of the documentation and terminology used;

iv. explain the purpose and format of the Hearing;

v. confirm with whom the burden of proof lies, that they will be the first to present their case and will have the final opportunity to sum up, and what will be the standard of proof used.

4.2 If either party seeks to introduce at any point in the Hearing information which was not provided in advance of the Hearing, the Chair of the Panel will make a judgement as to whether the new information is materially relevant and subsequently make a judgement as to whether it is necessary to pause proceedings to allow full consideration of the new evidence.

For Disciplinary Hearings, and other occasions where the burden of proof lies with the University as opposed to the student, please refer to Section 5 below, otherwise the Order or Proceedings will then be as follows:

4.3 The Student presents their case.

4.4 Questions from the Panel to the Student.

4.5 Questions from the University representative to the Student.

4.6 The University presents its case.

4.7 Questions from the Panel to the University representative.

4.8 Questions from Student to the University representative.

4.9 Summing up by the Student.

For the purpose of the Hearing a University representative from the relevant Faculty of Service either making the counter-argument against the Student’s allegations or bringing the allegations against the Student in the Hearing will present the University’s case.
4.10 Panel deliberates in private. Exceptionally the Panel may recall either party, in the presence of either party to ask further questions.

5 Order of Proceedings for Disciplinary, Fitness to Practise, and Withdrawal Hearings

5.1 The University representative presents their case.
5.2 Questions from the Panel to the University representative.
5.3 Questions from the Student to the University representative.
5.4 The Student presents their case.
5.5 Questions from the Panel to the Student.
5.6 Questions from University representative to the Student.
5.7 Summing up by the University representative.
5.8 Panel adjourns to consider the case in private. Exceptionally the Panel may recall either party, in the presence of the other party, to ask further questions.

5.9 Where there is a finding of misconduct or fitness to practise concerns and a decision on penalty or sanction reached, prior to confirming any decision on penalty or sanction, the Panel will provide the Student with an opportunity to comment on this and highlight any mitigating circumstances.

6 Conclusions and Recommendations

6.1. In reaching a conclusion, the Panel should consider both the written and oral evidence presented

6.2. The proceedings of the Hearing and the subsequent private discussion should be recorded. A verbatim record is not required, but the record should be sufficiently detailed to enable a report to be written that makes the reasons for the Panel’s recommendations clear and to enable an examination board to use it as a basis for reconsideration of the case.

6.3. The report should be prepared with due regard to confidentiality.

6.4. The Panel may judge whether the party with whom the burden of proof lies has demonstrated grounds to support their case and take action in accordance with the relevant section of the ‘Handbook of Student Regulations’.
6.5. The opportunity should also be taken to separately produce a list of issues for the University to consider as a separate matter as part of its quality assurance and enhancement procedures.

See Appendix F of the ‘Handbook of Student Regulations’ for further guidance on decision-making.
Appendix F Decision Making

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Decision Making

1. Principles

1.1 The principles of natural justice will be applied throughout
1.2 All decision-making will be evidence-based
1.3 The standard of proof\(^1\) for judging the case shall be the ‘balance of probabilities’ – based on the evidence available, is the allegation more likely to have occurred than not?

2. Identifying the key issues

2.1 Organise all the materially relevant evidence and start by identifying the key issues being raised in the evidence:

Appeal

- What is the alleged procedural irregularity?
- What is the alleged bias on the part of examiners?
- What mitigating circumstances have not properly taken account of or why was the information not available for the Programme Assessment Board

Complaint

- What is being alleged should have been done, that was not
- What is the complainant alleging was wrong about how they have been treated

Discipline

- What is the alleged misconduct\(^2\)?

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1 See Appendix A of the ‘Handbook of Student Regulations’ for definition
2 If the student is on a professional programme they have additional behavioural obligations which apply in all aspects of their life, whether directly associated with the University or not
Note: while the investigation will have been driven by Pt. 2 above, if at any point the investigator or adjudicator discovers other insecurities in University processes these should be addressed. Otherwise ‘fishing’ for evidence/issues should not occur.

3. Considering the evidence

3.1. Is there any evidence missing?
3.2. What or who is the source of the evidence?
3.3. Is the evidence relevant to the argument being made?
3.4. How reliable or independent is the evidence?
3.5. Does the evidence map on to any relevant timescale?

4. Conclusions for each allegation

4.1 Make a judgement whether the allegation is proven or not, remembering the standard of proof is ‘balance of probabilities’

4.2 Explain the reasoning behind each conclusion:

- “… should have happened but did not. This was an error that disadvantaged you in the following ways …”
- “The facts are not as alleged in … because …”
- “It was your responsibility to …”
- “There is insufficient evidence to definitely establish what happened. On the balance of probabilities, I consider that … happened for these reasons …”

5. Outcome

5.1 If a Panel is making a judgement, the Panel should make every effort to obtain a unanimous agreement. If this is not possible, the judgement shall be based on the majority view

5.2 If an appeal or complaint is proven:

- In all cases fully acknowledge any error by the University
- Apologise

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3 If you feel unable to make a judgement on the balance of probabilities, say so, explain why and use a phrase to the effect “I have consequently had to retain an open mind on this allegation”. It cannot then be used in the judgement.
• If possible, indicate why the error occurred and what steps will be taken to minimise the risk of it happening again
• Consider how the resulting disadvantage can be removed and corrected
• Consider redress, financial or otherwise, taking into account any distress or any inconvenience that may have been caused by the error

5.3 If an allegation of misconduct or fitness to practise is proven:

- The Panel will need to decide on a proportionate penalty or sanction and will need to consider:
  - **The options permitted in the regulations in a stepwise fashion, starting with the lowest penalty or sanction.** This is critical and it should be made clear to the Student in any outcome letter why the Panel judged lesser penalties or sanctions to be inappropriate
  - The seriousness of the behaviour and the extent of harm that was caused or could have been caused
  - Whether the Student has failed to respond to lesser penalties or sanctions
  - The risk of further behaviour
  - Any aggravating or mitigating circumstances in relation to the behaviour (see 6 below) or the student’s circumstances

- A disciplinary penalty should be based on:
  - Punishment for doing wrong
  - Managing future risks
  - Deterrence to the individual and to others
  - Managing the student to minimise further risk (e.g. a restriction). Any risks arising from the identified behaviour must be identified and the seriousness of the risk and likelihood of it occurring should be stated so that it is clear how the penalty manages/reduces this risk
  - Repairing the harm done where appropriate
  - Ensuring that the working and social environment of the University (for students, staff and visitors) continues to be a safe, positive, experience
  - Section 3 Appendix 2 of the ‘Handbook of Student Regulations’

The purpose of a ‘fitness to practise’ sanction is explained in regulation 9.7.8.

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4 The OIA provides guidance on redress in ‘Putting Things Right (February 2019)’
5 If the student is on a professional programme there is a specific obligation to consider the duty of the student to conform to the relevant professional body’s expectations of behaviour and to appropriately manage the risk to the public
6. Aggravating and Mitigating Factors for Disciplinary and Fitness to Practise

6.1 Aggravating factors in relation to the Student’s behaviour may include the following:

- Premeditation
- Major impact
- Intent to cause harm
- Group action
- Targeting of a vulnerable individual
- Repeat behaviour
- Lack of remorse
- Behaviour breaches previous penalty or sanction

6.2 Mitigating factors in relation to the Student’s behaviour may include the following:

- Lack of intent
- Minor impact
- Isolated incident
- Expression of remorse
- Appropriate attempt to repair the harm
- Compelling health issues or other personal circumstances at the time
- A material change in personal circumstances since the incident occurred
- A greater degree of provocation than normally expected

6. Explaining the outcome

In all cases, provide full details of the remaining opportunities for the Student to continue their dispute with the University if they so wish. This applies even if the challenge was supported or was not investigated, e.g. because judged out of time.
Appendix G

Requests for Review

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk).

1. Requesting a Review of a Stage 2 Decision

1.1 Students may request a review of a Formal Stage 2 decision taken by the University, which may relate to the following sections of the ‘Handbook of Student Regulations’:

- Section 2 - Termination of Agreements (all programmes)
- Section 3 - Disciplinary Hearings (all programmes)
- Section 7 - Academic Appeals (taught programmes)
- Section 8 - Withdrawals for Unsatisfactory Academic Progress (taught programmes)
- Section 10 – Student Complaints (taught programmes)
- Section 13 - Exclusion for Non-Payment of Tuition Fees (all programmes)
- Section 17 - Precautionary Action taken by the University on the Basis of Duty of Care (all programmes)
- Annexes 1-5 (research programmes)

2. Grounds for Review

2.1 The permitted grounds for requesting a review are narrow. Students must show using evidence, that:

a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

   and/or
b) there is new information that could not be provided earlier and this significantly affects the outcome

Requests for review are not permitted on a questioning of academic or professional judgement.1

2.2 If students wish to challenge the decision but feel they cannot do so on the permitted grounds, they may request a Completion Letter from the Student Appeals and Complaints Office at studentappealsandcomplaints@northumbria.ac.uk within 1 month of being sent their Stage 2 decision. This letter enables them to take their case to the Office of the Independent Adjudicator.2

3. How to request a review

3.1 Students can request a review by completing a Request for Review Form (available at www.northumbria.ac.uk/handbook) and submitting it to the Student Appeals and Complaints Office at studentappealsandcomplaints@northumbria.ac.uk

3.2 The request must be submitted within 10 working days from the date they were sent the University’s Stage 2 decision. If they are unable to submit their request by the deadline, they must inform the Student Appeals and Complaints Office within the 10 working days.

3.3 Late requests for review will only be considered in exceptional circumstances. If a valid reason for wishing to submit a late request for review is not provided, the request will be rejected without any consideration of the argument supporting the request for a review itself and a Completion of Procedures Letter will be issued.

3.4 Students should not supply evidence submitted in support of their case at Stage 2. Students need to demonstrate why they feel they have grounds for a review of that decision and clearly indicate which ground/s they are basing their request for a review on. The burden of proof is on the Student and it is for them to demonstrate there is substance to any claim that their case was not properly considered or that they have new information that could not be provided earlier.

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1 See OIA Scheme Rules April 2018 and Appendix A of the ‘Handbook of Student Regulations’ for further information
2 See Appendix H of the ‘Handbook of Student Regulations’ for further information
3 See Appendix H of the ‘Handbook of Student Regulations' for further information
4. How a decision is taken

4.1 The request will be considered by the Student Appeals and Complaints Officer or their nominee, unless the request for review relates to:

- an Academic Appeal (Section 7) decision, in which case an independent member of staff, from a different Faculty to that of the Student, will consider the request
- a Duty of Care (Section 17) decision, in which case an independent senior member of staff will consider the request
- a Termination of Agreement decision (Section 2) or a disciplinary decision to restrict, suspend or expel a student (Section 3), in which case the Head of Legal will consider the request

4.2 The decision-maker will obtain the file produced at Stage 2 of the proceedings, but will only consult the file to verify the argument as made by the Student. The decision-maker does not reinvestigate or consider the University's Stage 2 decision afresh. The decision-maker's role is to ensure that procedures have been correctly followed at Stage 2 and to decide whether the Student has evidenced their stated grounds for review. Possible outcomes are:

a) Reject the request for a review on the basis that:

   a. The request was not submitted within the permitted time-period and a good and valid reason for lateness of the request was not provided
   b. The request is not based on any of the permitted grounds as set out in 2.1 above
   c. The request has failed to clearly demonstrate any of the permitted grounds as set out in 2.1 above

At this point, the Student Appeals and Complaints Office will issue a Completion of Procedures Letter to enable the Student to take their case to the Office of the Independent Adjudicator (OIA).

or
b) Accept the request on the basis that an argument has been submitted that clearly demonstrates one or more of the grounds as set out in 2.1 above.

5. How cases are reconsidered if the request is accepted

5.1 The decision-maker will not have decided whether procedures were correctly followed at Stage 2 but will be recognising that arguments have been made by the Student, which requires their case be considered further to ensure it is clearly evident that procedures have been correctly followed. The decision-maker will produce a report explaining the reasons why there is an uncertainty whether the correct procedures were followed at Stage 2. The case will be reconsidered at Stage 2 in the light of the decision-maker’s report and the request for review documentation. The case will not be considered afresh.

5.2 The case will be reconsidered by the same Stage 2 decision-maker or Panel, unless the Stage 3 decision-maker judges that:

   a) there is evidence of bias or unfairness in the original decision, such that the case should be reconsidered in its entirety by a new set of Panel members with no previous involvement of the case
   
   or

   b) the case is particularly complex or raises fundamental points of principle such that it should be referred to a Review Panel

6. Review Panels

6.1 If the request for review results in a Review Panel, the Hearing will normally take place within 20 working days of the decision being taken to refer it to the Panel. The Hearing will be convened and conducted in accordance with the Appendix E of the ‘Handbook of Student Regulations’.

6.2 The Panel will only address the issues successfully raised in the request for review and will not consider the complaint afresh.

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4 In requesting a reconsideration at Stage 2 the Student Appeals and Complaints Officer will ensure that the principles of natural justice remain paramount, when directing what is reconsidered at Stage 2 and by whom

5 The University will make every effort to convene a Panel within the 20 working days, but given the seniority of some of the staff involved in these Panels this is not always possible. In the event there is a delay, students will be kept informed of their case.
7. Review Panel Membership

The membership of the Review Panel for each of the relevant procedures will be as follows:

7.1 Section 2 Termination of Agreement (all programmes)

- One external governor (Chair)

- One member of teaching staff, nominated by the Head of Legal, from a different Faculty to that of the Student

- The President of the Students’ Union or nominee

7.2 Section 3 Disciplinary Procedure (all programmes)

a) Review of a disciplinary decision other than to place on a Leave of Absence, Expel, Suspend or Restrict:

- Pro Vice-Chancellor (Learning or Teaching) or Pro Vice-Chancellor (Research and Innovation) as appropriate or their nominee (Chair)

- Faculty Associate Pro Vice-Chancellor from different Faculty to that of the Student

- Assistant Director of the Student and Life and Wellbeing Service or nominee

b) Review of a disciplinary decision to place on a Leave of Absence, Expel, Suspend, or Restrict:

- One external governor (Chair)

- One member of teaching staff, nominated by the Head of Legal, from a different Faculty to that of the Student

- The President of the Students’ Union or nominee
7.3 Section 7 Academic Appeals (taught programmes)

- Faculty Associate Pro Vice Chancellor (Learning & Teaching) from a different Faculty to that of the Student, or another appropriate senior academic member of staff (Chair)

- One member of the Academic Board who is not a member of the PAB which made the disputed decision

- One student member of the Academic Board

7.4 Section 8 Withdrawal of a Student for Unsatisfactory Academic Progress (taught programmes)

- Faculty Associate Pro Vice-Chancellor (Learning & Teaching or Academic) or other appropriate senior academic member of staff, from a different Faculty to that of the Student and with no previous decision-making involvement in the case (Chair)

- One academic member of Academic Board who has had no prior involvement with the Student

- One student member of the Academic Board

7.5 Section 9 Fitness to Practise Procedure (taught programmes)

- Pro Vice-Chancellor (Learning or Teaching) or Pro Vice-Chancellor (Research and Innovation) as appropriate or their nominee (Chair)

- Faculty Associate Pro Vice-Chancellor from a different Faculty to that of the Student

- Assistant Director of Student and Library Services or nominee

- External member of the relevant profession

7.6 Section 10 Student Complaint Procedure (taught programmes)

- Faculty Associate Pro Vice-Chancellor or a member of the University Executive nominated by the Student Appeals and Complaints Officer on behalf of the Vice-Chancellor (Chair)

- one member of staff from a different Faculty/ Service to that against whom the complaint is made and to that of the Student, nominated by the Pro Vice-Chancellor (Learning & Teaching);
• one student representative from a different Faculty to that against whom the complaint is made and to that of the Student, nominated by the President of the Students’ Union;

• Assistant Director of the Student Life and Wellbeing Service or their nominee, (unless the complaint is against the Student Life and Wellbeing Service);

• one staff representative from a Trade Union recognised by the University and from a different Faculty/Service to that against which the complaint is made and to that of the Student, to be nominated by the Union branch Chair.

No member of the Panel shall be directly concerned with the complaint. A representative of the relevant profession/discipline of study may attend the Hearing as an adviser as determined by the Deputy Vice-Chancellor or the Pro Vice-Chancellor (Research and Innovation) as appropriate.

The Student Appeals and Complaints Officer, or nominee, will act as Clerk to the Panel and appoint administrative support as necessary.

7.7 Section 13 Exclusion for Non-Payment of Tuition Fees (all programmes)

• the Pro Vice-Chancellor (Learning and Teaching)

• the Pro-Vice Chancellor from the Student’s Faculty

The Exclusions Review Panel will normally make its judgement on the basis of written submissions only – students will not normally be allowed to present their appeal in person. Written submissions should be submitted to the Student Appeals and Complaints Office within 10 working days of the judgement of the request for review. After consideration of the available evidence, the Exclusions Review Panel will either:

(a) dismiss the Student’s case on the basis that no case has been established

(b) uphold the appeal, subject to the payment of all outstanding fees subject to such payment schedule that the Panel determines.

In the case of a successful appeal, the arrangements for, and date of, any return to the programme of study will be dependent on advice from the Faculty.

7.8 Section 17 Precautionary Action on the Basis of Duty of Care (all programmes)

• A Faculty Associate Pro Vice-Chancellor (or nominee) with no previous involvement in the original decision to Restrict or place the Student on a Leave of Absence (Chair)
• A senior member of the Student Life and Wellbeing Service with no previous involvement in the original decision to Restrict or place the Student on a Leave of Absence

• A Sabbatical Officer of the Students’ Union with no previous involvement with the Student

7.9 Annexes 1-3 (research programmes)

• Chair: Faculty Associate Pro Vice-Chancellor (Research & Innovation) from a different Faculty to you, or other appropriate senior academic member of staff;

• one member of Academic Board of recognised research standing from a different Faculty to you (and in the case of Annexe 3, not being members of the Graduate School Committee or nominated viva voce (oral) Examiners)

• one student member of Academic Board.

A member of a relevant profession may attend the Panel as an adviser as determined by the Student Appeals and Complaints Officer.

7.10 Annexe 4 (research programmes)

• Chair: a Faculty Pro Vice-Chancellor or a member of the University Executive not directly concerned with the complaint and nominated by the Student Appeals and Complaints Officer on behalf of the Vice-Chancellor; and

• one member of staff of recognised research standing, who must be from a different Faculty/Service from that against which the complaint is made and from that of the student, nominated by the Pro Vice-Chancellor (Research & Innovation); and

• one student representative, who must be from a different Faculty from that against which the complaint is made and from that of the student, nominated by the President of the Students’ Union; and

• the Assistant Director of the Student Life and Wellbeing Service (or their nominee) (unless the complaint is against the Student Life and Wellbeing Service); and

• one staff representative from a Trade Union recognised by the University, who must be from a different Faculty/Service against which the complaint is made and from that of the student, to be nominated by the Union branch Chairman.
The Student Appeals and Complaints Officer will act as adviser and shall appoint a Clerk to the Panel.

A representative of a relevant profession/discipline of study may attend the Panel as an adviser as determined by the Pro Vice-Chancellor (Research & Innovation).
Decision Making Process for Requests for Review

START HERE

Student Appeals and Complaints Officer (SACO) receives Request for Review

Does it relate to a decision that cannot be taken by the SACO or their nominee?

- YES: Allocate to an appropriate member of staff
- NO: Is the Request for Review within 10 working days of the Stage 2 decision?

- YES: Has the student supplied a valid reason for submitting it late?
  - NO: Request rejected. SACO or nominee issues Completion of Procedures Letter
  - YES: Does the request relate to any of the permitted grounds?
    - YES: Has an argument been made which clearly demonstrates grounds 2.1 a) and/or b)?
      - NO: Refer the case back to Stage 2 or, in complex cases (such when questions of principle are being determined), refer to Review Panel
      - YES: Request rejected. SACO or nominee issues Completion of Procedures Letter
    - NO: Request rejected. SACO or nominee issues Completion of Procedures Letter
Appendix H Completion of Procedures Letter and the Office of the Independent Adjudicator (OIA)

Format Requirement

If you require this section in a different format, contact the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk).

Completion of Procedures Letters and the OIA

1. Under the Higher Education Act 2004 provision is made for reference of student complaints to the Office of the Independent Adjudicator (OIA) for Higher Education when the University’s internal student appeals processes have been exhausted, but the student remains dissatisfied with the outcome.

2. On completion of the University’s internal appeals procedures, a student will be issued with a ‘Completion of Procedures Letter’ by the Student Appeals and Complaints Officer (or nominee) and be provided with details of the services available to the student from the OIA. The Completion of Procedures Letter will:

   (a) provide a description of the appeal
   (b) confirm that the University’s internal appeals procedure has been completed
   (c) state the outcome of the internal appeals process
   (d) confirm that the student has the right to take their case to the OIA
   (e) indicate how a student can contact the OIA
   (f) stipulate that the OIA will only consider submissions from students within a period of twelve months from the date of the Completion of Procedures Letter.

The OIA will not normally consider a case from a student if a ‘Completion of Procedures Letter’ has not been issued.

Recommendations and Suggestions from the OIA

In a Complaint Outcome, the OIA may make recommendations or suggestions to the University. The University takes such recommendations and suggestions seriously.
and is committed to acting upon such recommendations and suggestions with a view to improving and promoting best practise.

**Further Advice and Assistance**

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, may also be obtained from the Student Appeals and Complaints Office or Northumbria Students’ Union Advice

http://www.mynsu.co.uk/heretohelp/advice/