

Handbook of Student Regulations Research Programmes August 2023-24

Approved by Academic Board on behalf of the
Board of Governors, July 2023



Preface

Overview

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 Handbook, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Officer at Northumbria University. 'You' and 'your' refer to students of Northumbria University.

The University Community

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. What the University deems as unacceptable behaviour is detailed in the University's [Unacceptable Behaviour procedures](#), the Student Disciplinary Procedure (Section 3 Appendix 2 of this Handbook) and the Behaviour Protocol (Appendix I of this Handbook).

Purpose of this Handbook

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) 2023-24' 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>

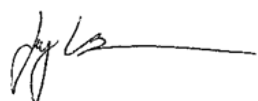
It is an essential reference during your period at the University. Please note that, occasionally changes may need to be made to these regulations during the course of the academic year - **the definitive version of the Handbook is the version which appears on the University's webpage at the above URL**.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

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, and Annexes 1-5 of this Handbook. Further information about the OIA can be found in **Appendix H** of this Handbook.

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 or at <https://mysu.co.uk/advice-centre/your-course>.



Jay Wilson

Head of Legal

August 2023

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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 2023-24.

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 are 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.

1.4 Support and Representation

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 be supported by a 'Friend'. A 'Friend' is a member of the University community (i.e. a fellow student, member of staff or Students' Union Officer). 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, exceptionally, 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.

1.5 Legal Support or Representation

The University's procedures are not legal processes and paid legal advice and representation is not normally required. The Students' Union possess expertise in our regulations and their service is free. 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

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 for any costs incurred. Guidance for Legal Representatives is supplied in Appendix 1 of this section of the regulations (below).

- (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 right to a fair hearing 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

If you start legal proceedings against the University, the University will pause its internal procedures until those proceedings are complete. The University may use failure to allow its internal procedures time to complete as part of its defence in any legal proceedings. Taking legal action may also affect your opportunity to have your case reviewed by the Office of the Independent Adjudicator (OIA) for Higher Education. The OIA Scheme Rules (rule 5) stipulate that they “*cannot review a complaint about something which has already been the subject of legal proceedings in a court or tribunal unless those proceedings have been put on hold*”.

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, other [Student Terms and Conditions and Conduct Expectations](#), Programme Handbooks, and [Student Assessment Guidance](#)).

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 video-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 provide 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 available at www.northumbria.ac.uk/handbook.

Appendix 1

Guidance for Legal Representatives Attending a ‘Hearing’

Introduction

Regulation 1.5 of the ‘Handbook of Student Regulations’ allows, in exceptional circumstances, for a student to be legally represented at a ‘Hearing’. If you have been permitted by the Student Appeals and Complaints Officer to attend a ‘Hearing’, it will normally be because the proceedings could deprive the Student of their right to practise in their chosen profession or irretrievably prejudice that right. Alternatively, your attendance at the ‘Hearing’ may be at the discretion of the Student Appeals and Complaints Officer, taking into account the seriousness of the allegations being put to the Student.

This document is to assist Legal Representatives who have been granted permission to attend a ‘Hearing’ to understand the University’s expectations and the context in which they will be representing the Student.

Guiding Principles

1. If permission has been granted for you to attend a ‘Hearing’, the University may also be represented by a legal qualified individual at that ‘Hearing’. You will be informed whether or not this case before the ‘Hearing’ takes place.
2. Any written submissions on behalf of the Student should be submitted to the Secretary for the ‘Hearing’ no later than 2 working days before the ‘Hearing’ takes place. If written submissions are presented at the ‘Hearing’ without notice, and it is judged they are materially relevant to the Student’s case, it is open to the Panel to adjourn the ‘Hearing’ in order to give full and proper consideration of the documentation.
3. The University’s procedures are inquisitorial and not adversarial and any attempt by a legal representative to act in an adversarial manner will be appropriately addressed by the Chair.
4. The University’s procedures are not legal processes and any attempt by a legal representative to pursue points of law and act in an overly legalistic manner will be appropriately addressed by the Chair.
5. Notwithstanding legal representation being granted, the University reserves the right and expects the students to respond to questions and requests for information directly. This is particularly important in the case of students on

professional programmes, for whom many it is a professional expectation that they cooperate with such processes.

A copy of our 'Handbook of Student Regulations', is available at www.northumbria.ac.uk/handbook at all times. If you have any questions about the University's procedures or this document, please contact the Student Appeals and Complaints Office at studentappealsandcomplaint@northumbria.ac.uk for further advice.

Section 2: Student Enrolment Conditions

Format Requirement

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

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 Tuition 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.

(For students who have enrolled early onto a Carousel distance learning programme, a period of 7 days grace will be permitted from the first day of teaching *for the first module only*).

It is your responsibility to ensure that the University's tuition fees in respect of the Programme ("the Fees"), and all other expenses relating to the Programme, are paid promptly. These Fees are reviewed and revised from time to time and may be liable to an annual inflation increase at the beginning of each academic year in line with the Retail Price Index (RPI). The Fees should be paid on the dates specified in the University's Tuition Fee Payment Policy ([Section 13](#) of this Handbook), whether directly by you, or on your behalf by a trusted third party (such as your employer or sponsor).

Please be aware that with the exception of our 'Carousel-style' distance learning programmes, the tuition fee for your programme of study will normally be split equally across the number of whole Academic Years over which it is delivered. This also reflects the way in which Student Finance England provide funding to Undergraduate and Postgraduate students.

2.2.2 Not Included in Tuition 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, non-compulsory 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.

2.3 Failure to Pay Tuition or Other Compulsory Programme of Study-Related Fees

2.3.1 Non-payment of Tuition Fees

In the event of non-payment of tuition or other compulsory programme of study-related fees, any Academic Scholarship due 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.

It is therefore essential that any student who is going to be late paying their fees contacts the Ask4Help team (0191 227 4646) before the instalment is due to discuss their financial position.

Students who have unpaid tuition fees or other programme of study-related fees (e.g. compulsory professional body fees, compulsory field-trip fees) will be subject to an exclusion process (Section 13, regulation 3.10 of the 'Handbook of Student Regulations'). This means any student in this position will be removed from the University Administration System, unless exceptional circumstances apply. Once excluded, the student will not be timetabled for tuition, will not be entered onto subsequent examination/ assessment 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 access tuition via taught sessions or 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 may be referred to a Debt Collection Agency to recover on behalf of the University. Students will only be able to re-enrol in exceptional circumstances, with appeals being considered on an individual basis. Reinstatement will require full payment of fees and will be subject to Faculty discretion.

If you are an international student on a Tier 4 / Student Route visa, in the event of you failing your programme, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

2.3.2 Possible Outcomes of Failure to Pay Fees

If the Fees become overdue and any other amount due to the University in respect of other compulsory programme of study-related fees, remains unpaid the University shall be entitled to take any or all of the following steps:

- 2.3.2.1 exclude you from the University and end this Agreement, in which case the provisions of condition 2.9 will take effect;
- 2.3.2.2 withhold provisional marks for any assessed work subject to the requirements of relevant data protection legislation;
- 2.3.2.3 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;
- 2.3.2.4 withhold your invitation to attend a relevant academic congregation;
- 2.3.2.5 withhold any formal University certificate or parchment confirming your academic performance at the University; and
- 2.3.2.6 take legal action to recover the debt.

2.3.3 Other Outstanding Debt

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 of which students will be made aware)
- 2.4.1.2 all other [Terms and Conditions](#), including the University's [Unacceptable Behaviour Policy](#) and 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) as amended from time to time, if required as part of the Programme.

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 and 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 as a result of the conditions being met as stipulated in 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 at the University; or if at any time during the course of your Programme it becomes evident that you do not meet eligibility criteria for your Programme, the University may also terminate this agreement and the procedure as set out in 2.7.3 shall be followed; 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. 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); or

2.5.3 Disclosure Barring Service Checks

If 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 Status

If there is a change in your immigration status, which results in the University withdrawing its Tier 4 / Student Route 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

If you are an international student on a Tier 4 / Student Route visa, in the event of your agreement with the University being terminated, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). This will result in your visa being curtailed. Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

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 your programme of study** 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 efforts 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 relevant Office for Students conditions of registration 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, or to comply with relevant public health legislation and guidance issued by the Government or Local Authority.

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 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 How Programme Changes Are Made

Any changes to Programmes will normally be made in accordance with the requirements for review and monitoring of Programmes as set out in the [Northumbria Quality and Standards Framework](#), and in line with the design principles set out in the [Programme Framework for Northumbria Awards and Approvals Framework](#).

The University will consult with you as a student in advance of in advance of changes which affect the delivery of your cohort's programme 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/>.

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 efforts to ensure that the experience of those students currently studying on the Programme is protected. In the event a student takes an interruption, the University cannot guarantee that the Programme, either in its entirety or as it is being delivered at the point of interruption, will be available on the student's return to study.

If the University makes any significant variation to a Programme, including when you are on an interruption, you shall be informed of this and 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'
- 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 the computer network, equipment, and software available for your use has reasonable security and anti-virus facilities and protections, you use the network, 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 the network, 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 network, equipment or software.

2.8.4 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.

2.8.5 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, acts of terrorism, fire, flood, war, pandemic, labour disputes, cyber-attacks, 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 or guidance with regard to the transmission of serious illness; pandemics; 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 as reasonably required.

2.8.6 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, or any other Programme offered by the University.

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 Conditions

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 Notice](#).

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.*).

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 agreeing 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 / or 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.

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 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).

Advice and Support

Students may seek independent advice and support about these procedures from the Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

Students may seek support throughout the disciplinary procedures. For further information about when students may be accompanied by a 'Friend' or seek representation, please see Section 1.4 and 1.5 of the 'Handbook of Student Regulations'.

The University's [Student Life and Wellbeing Service](#) also provides a range for support which may be of benefit to students involved in these procedures. If at any point staff have concerns about the student's wellbeing, the University's [When to Refer](#) document should be consulted.

Reporting of Misconduct and Unacceptable Behaviour

Students wishing to lodge a complaint of misconduct or unacceptable behaviour by another student can use the University's [reporting tool](#). Unacceptable behaviour can be reported anonymously, but in these circumstances the action the University can take under its procedures may be limited.

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)).

Visa Implications

If you are an international student on a Tier 4 / Student Route visa, in the event of you being placed on a leave of absence, suspended, or expelled as a penalty for misconduct under these procedures, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>

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 regulations. The University also has policies and guidance on student conduct available at www.northumbria.ac.uk/governance/terms-and-conditions/. 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) or unacceptable (see the University's [Unacceptable Behaviour 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 The Right to a Fair Hearing

Throughout any investigation of alleged misconduct, the principles of a right to a fair hearing as explained in [Appendix B](#) of the Handbook of Student Regulations will be followed.

3.1.4 Burden and Standard of Proof

The burden of proof lies with the person or persons bringing the allegation that the student has committed misconduct under these regulations. This will normally be the University. 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, are informed of these. 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 required 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

These procedures are intended to address misconduct by students rather than to resolve disputes between individuals. Where relationships between students have broken down, the University will endeavour to support all parties involved, but action may not be taken in accordance with these procedures.

The University may take disciplinary action may be taken against a student 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 to be misconduct as defined in these regulations ([Appendix 2](#)), or unacceptable behaviour as defined in the University's [Unacceptable Behaviour Procedures](#).

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](#). 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.

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 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 [Appendix 4](#) of these procedures (Accommodation Rules) 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 and / 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.

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 and the focus of the investigation will be on the implications of the behaviour for the University.

3.3.5 Disciplinary Action Irrespective of Legal Outcomes

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 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 Student Life and Wellbeing 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 Life and Wellbeing or a professional with relevant expertise, with no previous involvement with the case, may be co-opted onto 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 wider University community, 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 action 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. Staff may take alternative action as guided by [‘When to Refer’](#) but should subsequently inform the Disciplinary Officer. 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' 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 of these regulations. If a Panel is subsequently convened, and it judges that the allegations against the student are upheld, they will have the full range of penalties available to them as detailed in 3.6.6.
- (v) Where, however, 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) or nominee 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 (or nominee) 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 Precautionary Suspension should first be considered by a case conference in accordance with the procedures described in [Section 17](#) and [Appendix C](#) 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)
- (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 membership of the Panel will be:

- 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)
- and may also include
- A student representative nominated by the Vice President for Education, wherever possible

A member of the Student Casework 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 or more of the penalties detailed in 3.6.6 should be imposed

3.6.6 Penalties for Misconduct

The Panel will reach a decision in line with [Appendix F](#) of the Handbook of Student Regulations. It will establish the facts of the case (except in cases where the facts have already been established, for example through criminal proceedings), 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 Panel should pay particular attention to requirement that penalties should be considered in a stepwise fashion, starting with the lowest first, and whether they are proportionate to the seriousness of the misconduct and address the concerns raised by the behaviour. The Disciplinary Officer may impose one or more of the following penalties:

- (i) a warning with a record placed on the Student's file. 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;
- (ii) a fine or penalty not exceeding £500 (or such revised sum as the Vice-Chancellor may from time to time determine);
- (iii) restitution and/or compensation for damage to, or any loss of, any property, or for wasting staff time;
- (iv) confiscation of any property considered to be dangerous to others;
- (v) withdrawal of any benefit, facility or privilege relevant to the Misconduct;
- (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;

- (vii) a letter of apology
- (viii) a behaviour agreement 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
- (ix) compulsory attendance at a workshop, or awareness or educational session related to the behaviour displayed
- (x) such other penalty or penalties as the Disciplinary Officer deems fit;
- (xi) a recommendation to the Vice-Chancellor of a Leave of Absence on the basis that the behaviour was driven by health grounds. 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 Restriction (the Panel should note 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).

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 Informing the Deputy Faculty Pro Vice-Chancellor

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

3.6.8 Notification of Decision

The Disciplinary Officer (or the Secretary on their behalf) 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 OIA (see regulation 3.8 and Appendix H of the 'Handbook of Student Regulations' for further information about the OIA).

Where the Disciplinary Officer makes a recommendation/decision in accordance with paragraph 3.6.6 (xi - xii), the penalty will not come into force until the Vice-Chancellor has confirmed the decision in writing to the Student, at which point the Student will be informed they can request a review or take their case to the OIA.

3.6.9 Informing the Faculty and Other Relevant Parties

- (i) The Programme Leader and the relevant Student Casework Team 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.
- (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 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 occasion 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 investigation or 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 seriousness of the new information, 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 (studentappealsandcomplaints@northumbria.ac.uk) **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 (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month** of the decision and take their case to the Office of the Independent Adjudicator (OIA) (See **Appendix H** of the Handbook of Student Regulations for further information).

This completes the University's internal disciplinary appeals process.

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 Deputy Faculty 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) Assistant Director of Facilities and Estates (or their nominee) together with such person or persons invited by them to assist them 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 and those detailed in the University’s [Unacceptable Behaviour Procedures](#) (it is important to note that **these lists and the examples of the behaviour provided is not exhaustive**). 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’

	Misconduct	Examples of Behaviour	Examples of Penalties
(i)	Behaviour which prevents any member of the University community from properly conducting their business in an appropriate manner	Major <ul style="list-style-type: none">• Intention to deceive the University, including facilitating Academic Misconduct• 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• Making unreasonable demands which are vexatious or malicious• Any attempt to make ‘covert’ recordings of lectures, seminars, tutorials or any other such meeting without permission (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) Repeated incidents of minor examples	<ul style="list-style-type: none">• Expulsion• Suspension• Restriction• Leave of Absence

		Minor <ul style="list-style-type: none"> • Failure to fully and honestly answer questions or comply with any other instructions when reasonably asked to do so • Making unreasonable demands 	<ul style="list-style-type: none"> • Formal warning • Workshop or educational session • Behaviour agreement • Written apology
(ii)	Any criminal offence (as proven to have been committed by the police or Courts) committed on the University premises or in its immediate vicinity such that, on the balance of probabilities they would be identified as a student of the University ¹	<ul style="list-style-type: none"> • Criminal Damage • Sexual Offences • Violent Offences • Offences of Theft or Dishonesty • Driving Offences • Public Order offences • Burglary • Drug-related offences • Hate Crime • Domestic Abuse 	Any penalty will need to be proportionate to the seriousness of the misconduct and take into account the penalty imposed by the police or courts
(iii)	Unauthorised taking or use of the property of the University, it's staff, students or visitors	Major <ul style="list-style-type: none"> • Taking property belonging to others without their consent • Misappropriation of University funds or assets • Misuse or falsification of any records or documents, including serious or repeated incidents of attendance fraud • Unauthorised entry to University property or premises 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence

¹ Students studying in a different jurisdiction will be subject to the laws of that country, but where behaviour may not be an offence under that country's law, it may still be Misconduct as defined by these regulations. Further information about what constitutes a criminal offence in the UK can be found at <https://www.cps.gov.uk/about-cps>

		<ul style="list-style-type: none"> • A breach of Library and Computing Regulations (Appendix 3 to these regulations) 	
		Minor <ul style="list-style-type: none"> • Misuse of University property, such as equipment • A breach of Library and Computing Regulations (Appendix 3 to these regulations) • Misuse or falsification of any records or documents, including attendance fraud • Sharing of lecture recordings or other materials produced by the lecturer without their consent 	<ul style="list-style-type: none"> • Formal warning • Workshop or educational session • Written apology • Fine or compensation
(iv)	Damage to the property of the University, staff, students or visitors	Major <ul style="list-style-type: none"> • Major damage, examples of which may include high value damage and damage causing serious disruption to University activity • Repeated incidents of minor damage 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence
		Minor <ul style="list-style-type: none"> • Minor damage 	<ul style="list-style-type: none"> • Formal warning • Workshop or educational session • Written apology • Fine or compensation
(v)	Causing a health and safety concern	Major Behaviour that caused or could have been caused serious harm, including:	<ul style="list-style-type: none"> • Expulsion • Suspension

		<ul style="list-style-type: none"> • use, possession, or supply or 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 • Failure to comply with relevant public health legislation and guidance issued by the Government or Local Authority, which may include hosting or organising a party, event, or gathering, attending a party, event, or gathering or coming on to campus within 10 days of positive Covid test, or refusing to self-isolate when advised to do so • Failure to comply with any additional procedures reasonably imposed by the University in the interest of maintaining the health safety and wellbeing of students, staff, visitors, and contractors 	<ul style="list-style-type: none"> • Restriction • Leave of Absence • Confiscation • Workshop or educational session • Formal Warning
		<p>Minor Other behaviour such that a concern was raised, including:</p> <ul style="list-style-type: none"> • Smoking, vaping and drinking alcohol in undesignated areas • Littering • Failure to comply with relevant public health legislation and guidance issued by the Government or Local Authority, which may include attending a party, event, or organised 	<ul style="list-style-type: none"> • Fine • Formal Warning • Written apology • Confiscation

		<p>gathering, breaking specified social distancing rules, refusing to wear a face covering without good reason, and traveling when advised not to do so by the Government, NHS, or University</p> <ul style="list-style-type: none"> • Failure to comply with any additional procedures reasonably imposed by the University in the interest of maintaining the health safety and wellbeing of students, staff, visitors, and contractors 	
(vi)	Physical Misconduct	<p>Major</p> <ul style="list-style-type: none"> • Biting • Punching • Kicking • Slapping • Hair pulling • Spitting • Repeated minor behaviours • Minor behaviour resulting in serious injury • Pushing • Shoving • Any other behaviour as detailed in the University's Unacceptable Behaviour Procedures 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence • Formal Warning • Workshop or educational session • Written apology
(vii)	Sexual Misconduct	<ul style="list-style-type: none"> • Engaging or attempting to engage with sexual activity or sexual intercourse without consent • Making unwanted sexual remarks • Taking and distributing intimate images without consent • Sharing private sexual materials of another person without consent • Repeatedly following someone without good reason 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence • Formal Warning

		<ul style="list-style-type: none"> • Exposure • Touching inappropriately through clothes without consent • Any other behaviour as detailed in the University's Unacceptable Behaviour Procedures 	<ul style="list-style-type: none"> • Workshop or educational session • Written apology
(viii)	Abusive Behaviour	Major <ul style="list-style-type: none"> • Threats to harm or acting in any other intimidating or hostile manner • Verbal abuse relating to someone's race, religion or belief, sexual orientation, gender, disability, or maternity status • Such abuse via social media • Repeated incidents of minor examples • Any other behaviour as detailed in the University's Unacceptable Behaviour Procedures 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence • Workshop of educational session
		Minor <ul style="list-style-type: none"> • Inappropriate language • Repeatedly contacting someone without their permission, including by phone, email • Any other behaviour as detailed in the University's Unacceptable Behaviour Procedures 	<ul style="list-style-type: none"> • Formal Warning • Workshop or educational session • Written apology
(ix)	Reputational Damage ²	Major <ul style="list-style-type: none"> • Behaviour which has caused serious damage or could have caused serious damage to the reputation of the University • Repeated incidents of minor examples 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction

² (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).

			<ul style="list-style-type: none"> • Leave of Absence
		Minor <ul style="list-style-type: none"> • Behaviour which has damaged or could have damaged the reputation of the University 	<ul style="list-style-type: none"> • Formal Warning • Workshop or educational session • Written Apology
(x)	Other Behaviour	<ul style="list-style-type: none"> • Any of the behaviours detailed in the University's Unacceptable Behaviour Procedures • 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 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: <ul style="list-style-type: none"> - 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, and stalking and harassment; - Offences listed in the Sex Offenders Act 2003; - The unlawful supply of or intent to supply controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking; 	Any penalty will need to take into account the seriousness of the misconduct or breach and other relevant regulations relating to the case

		<ul style="list-style-type: none"> - Offences involving firearms; - Offences involving arson; - Offences listed in the Terrorism Act 2006 (information about the University's Prevent Duty is available here) <p>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</p>	
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Appendix 3

Regulations for the Use of the Library and Computing

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 of 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, wellbeing 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

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.
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.
3. The University works within what is allowed by fair dealing exceptions in copyright law, and by subscribing to licenses that allow copying and reuse beyond what is permitted by copyright law. These licenses include; The Copyright Licensing Agency (CLA) HE License; the Newspaper Licensing Agency (NLA); Education Establishment License; the Higher Education Printed Music License and the Educational Recording Agency (ERA+) License.
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. The user must abide by the restrictions of copyright law, individual licenses for subscribed electronic materials (including the

Eduserv User Acknowledgement of Third Party Rights – see Appendix 4 below), and University licenses which allow further copying and reuse in their use of third party materials from the University Library collection.

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 licenses 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
 - IT Systems Security Policy
 - IT Acceptable Use Policy
 - Computer Systems Interception and Monitoring Policy

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, Library and Academic Services via Ask4Help or the student portal
- 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 University Librarian 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 in University Library premises in accordance with current Library guidelines. Hot food may not be consumed on University Library premises or within Student Central locations.
- 9.6** In other University computing facilities, users must observe local restrictions on eating and drinking.

- 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 power and data 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 may be liable to pay a charge for each day the material is overdue in accordance with the current loan procedures. The Library charges 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 any fines.
- 10.5 The University Librarian, 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 by the specified due date

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, Library and Academic 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, Library and Academic 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, Library and Academic 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 University Librarian (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>

Appendix 4 – Accommodation Rules

House Rules and Disciplinary Procedures

1 Overview

1.1 Purpose

The Accommodation Rules are for the safety and comfort of all residents and exist to ensure that everyone enjoys living in university accommodation. They also form part of the Handbook of Student Regulations and as such any action taken will be in line with the Handbook.

All residents, whether living in or visiting our buildings, are required to understand their responsibilities with respect to maintaining a safe and healthy environment in which to work, study and live; this includes ensuring that a safe environment is maintained for residents, staff and contractors.

Behaviour judged to be in breach of the Accommodation Rules set out in Paragraph 2 below (noting that those behaviours are not exhaustive) will be treated according to the procedures in this Section of the Handbook.

1.2 Applicability

Residents are bound by these rules and are responsible for ensuring that non-residents (e.g. guests and visitors) that they have invited or who are in their company are aware of and comply with the Accommodation Rules at all times.

Non-compliance with the rules by residents, guests or visitors will usually result in a warning, fine, notice to quit or a combination of these, as set out in Paragraph [XX] below

2 House Rules

2.1. Accommodation Induction

2.1.1. All students are required to complete an Accommodation Induction at the commencement of their tenancy.

- 2.1.2.** All students to carry out a visual check of their room/flat at the commencement of their tenancy, complete the inventory and submit to the accommodation provider.

2.2 Fire Safety

- 2.2.1** Cooking, in any form, is not permitted in bedrooms except in self-contained studio accommodation.
- 2.2.2** You must respond to fire alarms by following the accommodation fire safety rules and vacating the building. Do not re-enter the building until you are informed it is safe to do so.
- 2.2.3** Keep all fire doors closed. Fire doors must not be propped open.
- 2.2.4** Do not interfere with any fire safety equipment, or activate a fire alarm call point without good reason.
- 2.2.5** Do not bring, store or use potentially dangerous items which could cause a fire e.g. candles, heaters and unsafe cooking equipment. See paragraph 2.4 - Electrical Safety below for permitted exceptions to this rule.
- 2.2.6** Cooking must be checked and attended at all times.
- 2.2.7** Emergency exits are to be used only in an emergency.
- 2.2.8** Emergency exits must not be blocked.
- 2.2.9** Furniture and appliances, including domestic appliances (e.g. heaters, cookers and fridges etc.) must not be brought into residences.

2.3 Smoking

- 2.3.1** Smoking and vaping are not permitted inside, and outside are only permitted in areas designated by the University

2.4 Electrical Safety

- 2.4.1.** All electrical appliances must be used safely, so as to prevent the risk of fire, electrocution or any other injury
- 2.4.2.** Only electrical appliances that are fitted with fused plugs e.g., hair dryers, shavers, irons and straighteners may be used in accommodation buildings.

2.4.3 All residents must attend the electrical testing open sessions, which are held in each accommodation building, where appliances will be tested for electrical safety. Staff will remove unsafe items as a matter of course throughout the year.

2.5 Health, Safety and Wellbeing

2.5.1. Students have a responsibility to act in the interests of the health, safety and wellbeing of themselves, other students, staff and contractors whilst they are onsite of any University Accommodation and must comply with relevant public health legislation and guidance issued by the Government or Local Authority

2.5.2. Students are also required to comply with any additional procedures reasonably imposed by the University in the interest of maintaining the health, safety and wellbeing of students, staff and contractors.

2.5.3. Students have a responsibility to ensure the accommodation is kept clean, free of rubbish and sanitary at all times. This includes bedrooms, bathrooms, and shared spaces such as flat kitchens and rest areas.

2.6 Noise and Nuisance

2.6.1 Residents must not engage in any behaviour constituting a nuisance or annoyance or interfering with the quiet and comfort of other residents, users of neighbouring property or members of the local community

2.6.2. Residents are not to make unreasonable noise at any time and in particular between the hours of 11.00pm and 8.00am. Noise that would disturb other residents should not be audible outside the room in which the noise is being made. Please note: discretion is given to the Building Management Teams during Exam Periods, to manage as appropriate.

2.7 Non-residents and Security

2.7.1. Residents must not allow unauthorised persons to enter the building. If a suspicious person is spotted, then residents should contact security immediately.

2.7.2. Any visitor authorised by a resident is permitted to stay for a maximum of two nights in any seven.

2.7.3. If the resident allows any visitors onto the premises who the University considers unsuitable, those visitors may be requested to leave the premises permanently and not return.

2.8 Damage

2.8.1. Residents must not in any way damage, remove or misuse any part of the premises, its furnishings, fixtures, fittings, decoration or equipment.

2.8.2. Users of the building are prohibited from undertaking any intrusive works e.g. do not make a hole in the wall (please use the noticeboards provided), or drive any nail, screw or other article into any part of the building or affix any placard or other object to any part of the building.

2.8.3. Damage charges may be applied as described in Annexe 1 of these rules

2.9 Security of Keys

2.9.1 Residents are responsible for the security of their own keys, access fobs and passes, persistent security call outs for residents who are “locked out” may result in a charge as described in Annexe 1 of these rules.

2.10 Pets

2.10.1 Pets/animals are not to be kept on the premises or in any part of the accommodation. Registered assistance dogs are the exception and special arrangements will be made.

2.11 Offensive Material

2.11.1 Any material deemed to be offensive or causing offence is not permitted to be displayed in any accommodation building, and will be removed wherever found.

2.12. Staff/Contractors Co-operation

2.12.1 Residents are to give access to University and Sodexo staff and also authorised contractors, carrying out their duties. Reasonable notice will always be given of a visit, wherever practicable.

2.13. Dangerous and Abusive Behaviour

- 2.13.1** Behaviour that is dangerous, whether malicious or as an intended prank, is not permitted. This includes careless, thoughtless or malicious actions that place other people in danger
- 2.13.2.** Behaviour towards other students, University and Sodexo staff, authorised contractors and visitors, which falls within the University's [Unacceptable Behaviour Procedures](#), may be deemed to be misconduct.
- 2.13.3.** Where behaviour and/or any misconduct is deemed to be of such a serious nature or concern, this will be referred into the University Serious Welfare Team for consideration in line with the Section 17 of the Handbook of Student Regulations (Precautionary Action on the Basis of Duty of Care)

2.14 Drugs

- 2.14.1** The storage, use or supply of drugs, drugs paraphernalia and legal/illegal highs is not permitted in any accommodation building and police will be involved if use/supply of any such items is discovered. All accommodation buildings may be subject to routine visits from local police force which may include the K9 Unit.

2.15 Dangerous Items

- 2.15.1** Any item or substance that is illegal, or could cause harm and is inappropriate to a residential environment, or is intended to inflict harm, is prohibited.

2.16 Criminal Activity

- 2.16.1** If residents commit an offence, which may cause the University to consider the resident to be an unsuitable tenant, they may be required to leave the accommodation permanently, and the relevant Notices to Quit will be served. This rule applies to offences committed either on or off University premises.

3 Disciplinary Procedures

3.1 Overview

- 3.1.1** If any student is alleged to have acted in breach of the rules outlined in paragraph 2 above, action may be initiated in accordance with Section 3.6 of the Handbook of Student Regulations – Procedure for Dealing with Allegations of Misconduct.
- 3.1.2** If at any point in the disciplinary process it becomes apparent to the University that the student is on a professional programme and their 'fitness to practise' may have been compromised, the relevant Faculty Disciplinary Officer will be informed. This may result in accommodation disciplinary proceedings being halted, and the case investigated further by the Faculty Disciplinary Officer, with a view to being considered by a 'Fitness to Practise Panel'. The decision whether to do this will be made by the Faculty Disciplinary Officer.
- 3.1.3** At all stages of the disciplinary process, a 'Friend' may accompany the resident (see Section 1 of the Handbook of Student Regulations for a definition of a 'Friend')

3.2 Stage 1: The Informal Stage

- 3.2.1** Stage 1 will be conducted in line with 3.6.1 of the Handbook of Student Regulations. The University may delegate responsibility for dealing with Stage 1 disciplinary matters to its contractors, for example Sodexo.
- 3.2.2** Outcomes at Stage 1 may include a warning or a fine (standard fines for breaches of the Accommodation Rules are set out in Appendix 2 of these rules); or the matter being referred to Stage 2. Additionally, confiscation procedures may be applied at this stage.
- 3.2.3** A student may appeal against the outcome of the Stage 1 disciplinary process.
 - 3.2.3.1** Within 5 days of Stage 1 outcome, students should consult the Nominated Accommodation Representative who will explain the reasons for the fine and the criteria used to judge any appeal.
 - 3.2.3.2** Within 10 days of Stage 1 outcome - Students should commence an appeal by submitting in writing (email is acceptable) to the Nominated University Accommodation Representative.

- 3.2.3.3** Appeal letters should describe the basis upon which the appeal is made. Students should understand that an appeal re-opens the case, with the full range of penalties available (i.e. the result of an appeal could be a more severe penalty)
- 3.2.3.4** If an appeal is lodged, the Nominated University Accommodation Representative will review the case with the managers concerned and come to a uphold the appeal or if the matter cannot be resolved, arrange a Stage 2 Disciplinary Hearing to hear the appeal.

3.3 Stage 2: The Formal Stage

- 3.3.1** Stage 2 will be conducted in line with 3.6.2.-3.6.10 of the Handbook of Student Regulations. Any Formal Disciplinary Hearing will be chaired by the relevant Disciplinary Officer or their nominee.
- 3.3.2** Outcomes at Stage 2 may include penalties as set out in 3.6.6. of the Handbook of Student Regulations. Standard fines for breaches of the Accommodation Rules are set out at Annexe 2 below.

3.4 Stage 3: Request for Review

- 3.4.1** Stage 3 will be conducted in line with 3.7 and Appendix G of the Handbook of Student Regulations. Any Request for Review should be submitted to the Students Appeals and Complaints Officer at studentappealsandcomplaints@northumbria.ac.uk

3.5 Taking a case to the OIA

- 3.5.1** 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 (studentappealsandcomplaints@northumbria.ac.uk) within 1 month of the decision and take their case to the Office of the Independent Adjudicator (OIA) (See Appendix H of the Handbook of Student Regulations for further information).

ANNEXE 1

Damage charges:

These are not fines but are straight re-charges that the University has incurred as a result of, either accidental damage or malicious damage. Where there is a case of malicious damage, there may also be disciplinary proceedings. If there is an accidental damage charge, a student will be informed by Accommodation Management, and it will be applied to their student account.

Charges may also be imposed in the event of a resident being “locked out” due to failing to take responsibility for their own keys, where this failure results in repeated security call outs.

Students wishing to challenge the above charges should do so by submitting a Student Complaint in accordance with Section 10 of the Handbook of Student Regulations.

ANNEXE 2

Standard Fines:

The following fines may be applied at Stage 1: Informal Stage, or Stage 2: Formal Stage of the Disciplinary process. This list is not exhaustive or definitive but is indicative of how seriously the University regards these examples of misconduct. Repetition of the same offence could result in an increased fine being applied.

2.1	Failure to attend the compulsory Accommodation Induction, following your arrival	£30
2.2.2.	Non-evacuation of the building on hearing the fire alarm	£50
2.2.3. 2.2.7. 2.2.8.	Inappropriate use of emergency exit (e.g. using them as an exit and setting off the alarm when there is no fire)	£30
2.2.3.	Wedging open fire doors or removal of automatic door closers	£30
2.2.4	Misuse or interference of fire systems and equipment provided for the purpose of detection, safety or firefighting (detectors, extinguishers etc)	£50 - £130
2.2.4	Activation of pre alarm (a system warning that the fire alarm will go into full activation if not re-set by a member of staff):	£20 on first time, £60 on second occasion and rising further on

		subsequent occasions
2.2.4. 2.2.6.	Activating the fire alarm without reasonable cause (including not attending to food being cooked at all times)	£70
2.2.5	Prohibited items, with the potential to cause a fire hazard, e.g. candles or other similar items, found to be alight	£70
2.3.	Smoking or vaping in prohibited areas	£50 for the first offence; £70 for subsequent offences
2.5.	Failure to comply with Health, Safety and Wellbeing guidance and legislation	£50 - £300
2.5.3	Failure to keep bedrooms, bathrooms, communal spaces clean, free of excess rubbish and sanitary. (Students could be subject to an additional cleaning charge in addition to the fine)	£20 per student plus quoted cleaning charge depending on requirement
2.6	Noise problems	£30 minimum (fines for noise are automatically £60 minimum during exam periods)
2.13	Anti-social behaviour problems or dangerous behaviour	£50 - £300
2.14	Possession of illegal substances and/or legal highs/banned substances (All will result in a referral to the Student Life and Wellbeing Team. Repeat offending will result in escalation to investigation for Stage 2 Hearing)	£100

Fines are applied to the students account, and payment should be made via the online student portal. A student making prompt payment does not affect their right to appeal.

A fine may be imposed upon a resident or a non-resident student and such fine may relate to his/her own actions or to those of his/her guest or visitor for which he/she is deemed to be responsible. Where the actions giving rise to the fine have been those of unidentified individual(s) from an identifiable group, the fine shall be divided equally between every member of that group.

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.

Academic Freedom of Research

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.

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 Professoriate, 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 Governance in Research Policy

A copy of the 'Ethics Governance in Research Policy' is now available at <https://www.northumbria.ac.uk/research/ethics-and-integrity/>

Section 11: OfS 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 Support Team using the Student Portal or they may seek independent advice and support from Northumbria Students' Union <https://mysu.co.uk/advice-centre/your-course>.

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 systemic problems that jeopardise the quality and standards set by the OfS for Universities. **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 'OfS' explains that *"A complaint is made by a student, former student or another person, about concerns relevant to the university or college. These concerns could include, for instance, its facilities and services. Before contacting the OfS, where*

possible, you should first raise any concerns you have that are relevant to your university or college using its complaints process, and seek a solution using that process". A notification, however, is used to inform the OfS about "concerns or issues you have about your university or college that are relevant to our regulatory remit".

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 'Office for Students' using their notification procedure <https://www.officeforstudents.org.uk/for-students/ofs-and-students/notifications/>. Care should be taken to establish that the case meets the 'Office for Students' 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 3 July 2023

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).¹

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

¹ 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 Student Council 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 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 and shall be submitted for approval to the Annual Student Members Meeting.

12.6.2 Annual Student Members Meeting

The Annual Student Members 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.

12.6.3 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.

12.6.4 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: Tuition Fee Payment Policy

Format Requirement

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

13.1 Tuition Fee Payment Policy

This Policy concerns the invoicing and payment of tuition fees, as well as the calculation of fee liability when a student withdraws, interrupts or transfers. This Policy is relevant for all students taking a programme of study at Northumbria University.

Further detail on this Policy can be found in a range of articles on the Student Portal by typing “Money and Finance” into the Search Help and Support bar at the top of the homepage.

13.2 Student Tuition Fee

Details of the level of tuition fees for a particular course and the applicable scholarships, bursaries and discounts can be found on the University website.

For Newcastle campus students this is within the Fees, Funding and Scholarships tab for each course [Study an Undergraduate or Postgraduate Course in the UK | Northumbria](#).

For London campus students the information can be found here [Study a Degree in London | Northumbria University London](#).

For Amsterdam campus students the information can be found here [Amsterdam Campus | Northumbria University](#).

13.3 Student Tuition Fee Invoicing

Shortly after a student has enrolled onto a programme of study at Northumbria, an invoice will be emailed to the individual student's Northumbria University email address or their personal email address. For Newcastle and Amsterdam campus students, one invoice is raised annually and will relate to the annual tuition fee (excluding carousel courses and short courses), for programmes spanning multiple years a separate invoice will be raised each year to cover the annual tuition fee. For

London campus students, invoices are raised for the entirety of the programme. It is the responsibility of the student to monitor their university email accounts as it will also be used for any subsequent fee-related correspondence.

For carousel courses and short courses please see Section 13.5.2, which provides details of invoicing and payment terms.

13.4 Tuition Fee Loan – Home and Continuing EU Students commencing pre 21/22 (excluding Amsterdam campus students)

13.4.1 Undergraduate Tuition Fee Loan Details (Home/Continuing EU)

In the 2023/24 academic year, undergraduate students can defer the payment of tuition fees whilst studying, by applying for and obtaining a tuition fee loan from Student Finance.

All eligible UK undergraduates, both new and continuing students can apply to the Student Finance England (SFE), Student Finance Wales (SFW) and Student Finance Northern Ireland (SFNI); Students Awards Agency for Scotland (SAAS).

All continuing EU undergraduates commencing pre 21/22 can apply to the Student Finance Services European Team (EU) for the tuition fee loan.

Students can go to the link below and then follow the links to their relevant funding application form based on country:

<http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/index.htm>

- For full-time students in 2023/24, this will be a maximum of £9,250 for new students and continuing students. Continuing students in pre 2017/18 cohorts will have fee of £9,000.
- Students need to reapply annually for the tuition fee loan.
- The tuition fee loan value is paid directly to the University from Student Finance. However, if no confirmation has been received from Student Finance to confirm funding students may be invoiced directly for the tuition fee.
- Details in relation to the repayment of the tuition fee loan can be found here <https://www.gov.uk/repaying-your-student-loan>
- UK 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.

13.4.2 Postgraduate Taught Funding (Home/Continuing EU commencing pre 21/22 onward)

Students on most Postgraduate Taught programmes may be able to obtain funding from Student Finance, visit the below website for eligibility criteria:

<https://www.gov.uk/funding-for-postgraduate-study>

Successful postgraduate SFE and SFW applicants will have the funds remitted direct to them by Student Finance, so it will remain the student's responsibility to ensure that the University is paid in full. For successful postgraduate SAAS and SFNI applicants taught loans will be paid directly to the University but there may still be a balance remaining which will be the student's responsibility to ensure that the University is paid in full.

13.5 Tuition Fee Payment Terms for Self-Financing Students

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.

13.5.1 Deposit for International and EU students commencing 21/22 onward

It is essential that the University receives the minimum 50% (subject to a minimum payment of £5,500 see Section 13.7 Deposit Regulations) of total tuition fees prior to enrolment, as failure to do so could affect a student's registration onto the programme of study. This could also impact on eligibility for a Confirmation of Acceptance for Studies (CAS) letter required under legislation to enable a student to obtain a visa.

13.5.2 Standard Payment Terms

The standard payment terms applicable to the tuition fee are summarised below.

	All Students	
All invoice ≤ £600	Full payment on or before enrolment	
Full-time Undergraduate	Full payment on or before enrolment; or Two equal instalments, with the first payment of 50% due immediately	
Part-time Undergraduate	Full payment on or before enrolment; or Six equal monthly instalments, with the first instalment due immediately	
English Language and Study Skills (ELSS), Pre-sessional Summer School and other short courses	Full payment on or before enrolment	
Carousel Distance Learning programmes	Payable up front, on a module-by-module basis	
	Home and Continuing EU Students commencing pre 21/22	International and EU Students commencing 21/22 onward
Full-Time Postgraduate Taught and Postgraduate Research	Full payment on or before enrolment; or Three equal instalments, with the first payment due immediately	Full payment on or before enrolment; or Two equal instalments, with the first payment of 50% due immediately
Part-time Postgraduate Taught and Postgraduate Research	Full payment on or before enrolment; or Three equal instalments, with the first payment due immediately	Full payment on or before enrolment; or Six equal monthly instalments, with the first instalment due immediately

Further details related to the payment terms for London campus students can be found here [Finance | Northumbria University London](#)

13.5.3 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 (proof of sponsorship) 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. The student will be notified 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. The University reserves the right to delay refunding a student until the sponsor has made full payment.

13.6 Methods of Payment

Ways to pay are detailed here [Online Payments | Northumbria University](#), and include:

- **One off or reoccurring online payment by card**
- **Direct Debit** (must be set up prior to invoicing)
- **One off telephone payment by card:** + 44 (0)191 270 2444
- **Bank transfer via Convera (formerly Western Union):** fee-free platform
- **Bank transfer:** Payment made to the University of Northumbria at Newcastle
Sort Code: 20:59:42 Account Number: 0909297
IBAN Code: GB63 BARC 2059 4200 909297
SWIFT Code: BARC GB22 BIC Code: 8030

The student number must be used as a reference number when making a payment.

For London campus student please see payment details here

<https://london.northumbria.ac.uk/courses/finance/>

For Amsterdam campus students please see payment details here [Paying your Amsterdam tuition fees \(northumbria.ac.uk\)](#).

13.7 Deposit Regulations for International and EU Students commencing 21/22 onward (excluding Amsterdam campus students)

In 2023/24, all full-time international students and EU Students commencing 21/22 onward 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. This is usually in advance of the tuition fee invoice which will follow after enrolment (see Section 13.3).

13.7.1 Deposit Refund Regulations

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 is cancelled; or
- The student is refused a UK student visa and unable to continue their studies¹.

In either of these two situations, students are entitled to receive a full refund. (Students must keep a copy of any documents received).

In the event of a student not enrolling at the University in the term 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:

13.7.2 Transfer to Another Recognised UK University

In the event of a student transferring to another recognised UK university for the start of the same term, 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 Student Sponsor.

A “recognised” UK university is defined as any university in the UK (both public and private) which is a registered Student Sponsor. No transfer of funds will be made if a student transfers to any other type of institution.

13.7.3 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

¹ The University will require you to provide your notification of refusal. We will not refund a deposit, or any additional fees paid in the case of visa refusals which were made on the basis of fraudulent documents, incorrect information, or if you have breached immigration regulations.

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 Withdrawal, Interruption or Transfer

In the event of a student requesting an interruption in study, withdrawal or transfer from a programme of study, they must advise the Student Success 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.

Where an International and EU students commencing 21/22 onward registers their intent to interrupt or withdraw they must seek advice from an immigration adviser in Student Life and Wellbeing (www.northumbria.ac.uk/internationalsupport) regarding their visa status.

Students who take an agreed 'interruption in study' will normally be approved for current year of study, plus one additional academic year, and will return on the tuition fee of the academic year they joined the University. Mitigating circumstances for longer interruptions must be approved by Faculty.

Students who take an 'interruption in study' of longer than two academic years (this includes the academic year in which the interruption was initiated, plus one additional academic year), will be considered as a new student and return on the approved tuition fee (for new students enrolling) for that academic year. This applies to students returning to the same course, or a changed course.

Students who suspended without the agreement of the University, or transferred courses without the agreement of the University, will be treated as a withdrawal / abandonment and the student would be considered as a new student were they to re-enrol.

13.9 Fee Liability

For this section it is useful to refer to the academic calendars found [here](#).

13.9.1 All Home and Continuing EU students commencing pre 21/22, plus all part-time International students (excluding Carousel Distance Learning Programmes and English Language and Study Skills, Pre-Sessional Summer Schools and other short courses)

Tuition fees liability is effective from the latter of:

- the first day of teaching; and
- 14 days from the date of enrolment where enrolment is later than 14 days before the first day of teaching.

All Home / Continuing EU students commencing pre 21/22 who cease or pause their programme of study (through interruption in study, withdrawal, suspension or expulsion from a 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**, charged 25% of the total academic year's fee
- **During term 2**, charged 50% of the total academic year's fee
- **During term 3**, charged 100% of the total academic year's fee

Re-registration fees (also known as 'exam fees') of £125 are not subject to fee liability reductions and remain payable in full.

Exceptions

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

Postgraduate courses that are 16-21 months in length will be calculated on a multi term basis to recognise the non-standard course structure/length.

13.9.2 Full time International and EU Students commencing 21/22 onward (excluding Carousel Distance Learning Programmes and English Language and Study Skills, Pre-Sessional Summer Schools and other short courses)

In the event of a student who cease or pause their programme of study (through interruption in study, withdrawal, suspension or expulsion from a programme of study) after 4 weeks of commencing the course the full term fee (50% of the total academic year fee) will be due. For students cease or pause their programme of study anytime in the second term the full fee (100% of the total academic year 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 as detailed in Section 13.7.

Re-registration fees (also known as 'exam fees') of £125 are not subject to the fee liability reductions and remain payable in full.

Exceptions

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

Postgraduate courses that are 16-21 months in length will be calculated on a multi term basis to recognise the non-standard course structure/length.

13.9.3 Carousel Distance Learning Programmes

For students who have enrolled early onto a Carousel distance learning programme, a period of 7 day's grace will be permitted from the first day of teaching *for the first module only*.

These programmes 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.

13.9.4 English Language and Study Skills (ELSS), Pre-sessional Summer School and other short courses

For students who have enrolled onto English Language and Study Skills (ELSS), Pre-sessional Summer School or other short courses, the tuition fee liability as with section 13.9.1 is as follows:

- the first day of teaching; and
- 14 days from the date of enrolment where enrolment is later than 14 days before the first day of teaching.

However, these programmes are invoiced up front and no reduction is applicable in the event of pausing or ceasing a programme.

13.9.5 Distance-Selling Regulations

13.9.5.1 Contract via Distance Communications

If a student enters into a contract with the University by means of distance communications (i.e. if up to the point when the student places a tick in the box to state that they have read, understood and accepted the terms and conditions of this contract there has been no face-to-face contact between the student and University, or visit to our University, or if the only contact with the University has been via one of the University representatives e.g. an overseas agent), the student is entitled to cancel the offer of a place to study with the University and the contract by writing to the University 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).

13.9.5.2 Event of a Cancellation

In the event of cancellation, the University will refund any fees and charges already paid by the student (or by any third party on the student's behalf).

13.9.5.3 Returns of Benefits

Where applicable the student must agree to return any benefit, for example, scholarships and grants received as a result of their application, including any study materials and any documentation provided by the University to the student; and the student will bear all the costs associated with doing so.

13.10 Implications of Non-Payment of Fees

13.10.1 Exclusion and Other Implications of Non-Payment

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/assessment lists, nor will there be any subsequent ratification of marks. In addition, the student will no longer be able to access tuition via taught sessions or use the University's computer or library facilities (students should be aware that, 8 weeks after being excluded, their IT account will be deleted). Once excluded the student will still be responsible for payment of 100% of their course fees.

Also, in the event of non-payment of tuition or other fees associated with the programme of study, the University shall be entitled to take any of the following steps:

- withhold provisional marks for any assessed work subject to the requirements of relevant data protection legislation;

- 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;
- withhold your invitation to attend a relevant academic congregation;
- withhold any formal University certificate or parchment confirming your academic performance at the University;
- withhold Academic Scholarship or Bursary; any money due to be paid in respect of an Academic Scholarship or Bursary will therefore be offset against any unpaid tuition or other associated fees;
- take legal action to recover the outstanding debt.

13.10.2 Visa Implications for International and EU Students commencing 21/22 onward

If you are an international student on a Tier 4 / Student Route visa, in the event of you failing to pay your tuition fees, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

Details of the exclusion appeals procedure appear in Appendix 1. Any appeal under Appendix 1 will not delay the Home Office decision that you are required to exit the UK, and the appeal may need to be completed from your home country. The University may not reinstate sponsorship in the UK following late payment of outstanding balances or an appeal outcome, because such reports are made in line with sponsorship duties.

13.10.3 Contacting the University about Late Fee Payments

It is essential that any student who is going to make a tuition fee payment late contacts the Ask4Help team via the Student Portal or on 0191 227 4646 before the instalment due date to discuss their financial position.

13.10.4 Other Outstanding Debt and Re-enrolment

Where outstanding tuition fee debt exists, students will only be able to re-enrol in exceptional circumstances, with appeals being considered on an individual basis. Reinstatement will require full payment of fees and will be subject to Faculty discretion.

If a student has fees outstanding from a previous Academic Year which are not related to the programme of study (e.g. Accommodation) a student will be unable to complete the enrolment process. 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.

13.11 Refunds

Any refund due will strictly be returned to the payer by the same method of payment used to make the original payment. In exceptional circumstances, where refund to original method is not possible, the reason for this will be checked, evidence obtained, and a refund may be made to the original payer by an alternative method.

Refunds will be returned within 20 working days of processing an overpayment notification, cancellation or withdrawal.

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).

If you are an international student on a Tier 4 / Student Route visa, in the event of you failing to pay your tuition fees, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>. Once this report is made the University may not reinstate sponsorship of your study following late payment of outstanding balances or an appeal outcome, because such reports are made in line with sponsorship duties.

Independent Advice and Assistance

If you require independent assistance to formally appeal or request a review, then you can contact staff at Northumbria Students' Union for advice <https://mysu.co.uk/advice-centre/your-course>.

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 **as soon as possible** after receiving your 'Final Exclusion Letter', because you only have 10 working days from receiving it in which to lodge your Stage 2 formal appeal. If we can resolve your issues at this stage, we will do so.

Stage 2: Formal Appeal

If you remain dissatisfied, you can submit an appeal by sending an [Appeal Form](#) [Exclusion for Non-Payment of Fees](#) to the Finance Department, along with any missing or additional documents that could not have been provided earlier. You must submit your appeal to the Finance Department within **10 working days** from the date on your 'Final Exclusion Letter'.

The appeal will be considered by the Finance Team and supported relevant stakeholders, normally including representation from the Faculty and relevant support services. You will receive a decision letter, normally within 10 working days of receipt of your appeal. You will be informed of your right to request a review of any aspect of this decision or to take your case to the Office of the Independent Adjudicator (OIA) if you do not have grounds.

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 Officer (studentappealsandcomplaints@northumbria.ac.uk) 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.

Taking Your Case to the Office of the Independent Adjudicator (OIA)

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 (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month of the decision** and take your case to the Office of the Independent Adjudicator (OIA). See [Appendix H](#) of the 'Handbook of Student Regulations' for further information. This completes the University's internal student appeals process.

START HERE



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.



You remain dissatisfied with this outcome.



Finance attempts to resolve your issue at this stage.



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.

This section should be read in conjunction with the University's IP policy, and for the purposes of this section any defined terms shall have the meanings given to them in the IP policy.

14.1 Intentions of Regulations

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

Taught Students

14.2 Intellectual Property Rights

The University is a strong supporter of student enterprise and students can seek support for the commercialisation of their IP by the Student and Graduate Enterprise Team.

Subject to the terms of the IP policy and 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, or postgraduate studies where teaching contributes to 50% or more of the course.

14.3 Royalty-Free Licences

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 rights to use the work created if the intellectual property has been created as part of a collaborative arrangement. You will be informed at the outset of the collaborative arrangement what rights to your intellectual property the external third party may require, and you will be given the opportunity to withdraw from the arrangement if you choose not to accept their proposal.

There may also be occasion where the intellectual property created by you may need to be assigned to the University as part of a collaboration with an external third party. You will be notified at the outset of what the proposed intellectual property arrangements will be and be given the opportunity to withdraw if you do not wish to participate in the proposed arrangement.

14.4 Existing Intellectual Property

In the case of a Student project that encompasses or is derived from the existing intellectual property of the University or involves substantial collaboration with academic staff, the University will retain ownership of the intellectual property. In the event that the University is able to successfully commercialise such intellectual property, and you have made a definable contribution to its creation the University will compensate you for your input into the project in the manner and to the extent set out in the IP policy.

14.5 Jointly Created Projects

If a Student project generates intellectual property, and that intellectual property was jointly created by the 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.

Postgraduate Research Students

14.6 Intellectual Property Rights

All Students of the University own the IP they create by default. There are however circumstances whereby the University will claim ownership of the IP generated by its students. These circumstances where these terms apply to you are detailed in the University IP Policy, and include: where you create IP jointly with an employee of the University; where you have used University facilities or equipment to create the IP (unless explicitly stated otherwise under the terms of use of the facilities or equipment); where there are obligations for the IP that are owed to a third party (i.e. those imposed by a research grant or contract); where you have received University

funding (unless the terms of the arrangement specify otherwise); where you create IP as part of an arrangement where you might be considered temporarily an employee or contractor of the University. In these circumstances, you will agree, if requested by the University, to 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. Furthermore, you agree to assign to the University any intellectual property rights in any third party or University projects that you work where the terms of those arrangements require.

14.7 Postgraduate Research Students: Income Generation

In line with the University's IP policy, 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 student where the conditions above (and within the University IP Policy) apply. Where intellectual property is identified as having commercial value, and the University chooses to exploit that intellectual property, an Income Sharing Agreement will be offered and entered into with you, with such terms being negotiated on its own merits.

All Students

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 of 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.

14.13 Relinquishing Intellectual Property

It is within the University's sole discretion whether and how it will exploit its intellectual property. There is no obligation on the University to generate income from its intellectual property unless it is under a legally binding agreement to do so. The University may decide to relinquish ownership of its intellectual property if this would allow the impact of the related research to be realised for wider socio-economic benefit or where the University no longer feels that the intellectual property can be successfully commercialised. In this case, the University may reassign to the Student any intellectual property that the Student was responsible for creating where the University has previously exerted its ownership rights.

14.14 Disputes and queries

Any dispute or query relating to the section or the IP policy should be brought to the attention of the IP Commercialisation Team in the first instance. Disputes that cannot be resolved by the IP Commercialisation Team will be referred to the Intellectual Property Commercialisation Committee for consideration and the process set out in section 3.6 of the IP policy shall be followed.

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** At City Campus, a valid 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. City Campus Permits are not valid in Coach Lane Campus car parks (and vice versa) 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 Notice](#)¹.

¹ <https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/gdpr/gdpr---privacy-notice/>

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).

Reporting Procedures and Guidance

Guidance may also be sought from [Student Life and Wellbeing Service](#) which offers a range of support services to students who may be involved in these procedures.

If you need to report an incident of unacceptable behaviour that is impacting on your welfare, you can do so by using the University's [reporting tool](#). Further information about the support the University offers can also be found on this page.

Independent Advice and Support

Students may seek independent advice and support from the Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

Related Sections of the Handbook

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. It may also be helpful for staff to consult ['When to Refer'](#).

Visa Implications

If you are an international student on a Student Route visa, in the event of you being made subject to a precautionary suspension or being withdrawn from the University on the basis of risk, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

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 for 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. It is within this context that the procedures below should be read.

17.2 Application of the Regulations

Occasionally the behaviour of a student may raise concerns about the risk to themselves or others. The regulations below describe the University's procedure for identifying precautionary action to be taken as a consequence of its obligations to support the wellbeing and safety of 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.

17.3 Balance of Rights

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.

17.4 Awareness of Concerning 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 Precautionary Actions Prompted by Concerning Behaviour

All actions taken under these regulations will be prompted by the University's Duty of Care obligations to the individual student concerned, and/or other members of the University community, 'all third parties' involved with the student's learning or service experience, and visitors to the University.

17.6 When the University Will Take Action

The University may take precautionary action as a consequence of actual or potential risk to members of the University community, third parties, or visitors. 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.

As part of a safe, secure, environment in which to work and study the University is committed to maintaining an inclusive and supportive environment for all staff and students, and to the promotion of mental health and wellbeing. Any actions taken under these regulations shall be in line with these principles and the University's [Equality Diversity and Inclusion](#) strategy. The University is committed to providing an environment in which diversity is valued and encouraged, where there is equal access to opportunities and services and in which all students are treated fairly, with equity, dignity and mutual respect.

17.7 Precautionary Action Taken by the University

17.7.1 Risk Assessment

Any precautionary action taken by the University will be based on a risk assessment informed by all relevant parts of the University. Procedures resulting in action by the University will be fully informed by the principles of a right to a fair hearing throughout (see **Appendix B** of the 'Handbook of Student Regulations' for further information). The Student will be kept as fully informed as possible, consistent with managing risk and avoiding prejudicing other procedures.

17.7.2. Disclosure of Criminal Activity

To maintain a safe and secure environment and conduct relevant risk assessments, students have an obligation to disclose to the University when under investigation for, or charged or convicted of, the following offences:

- 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, and stalking and harassment;
- Offences listed in the Sex Offenders Act 2003;
- The unlawful supply of or intent to supply 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 (information about the University's Prevent Duty is available [here](#))

If you need to disclose any of the offences listed above, please log a query through the Student Portal asking to speak confidentially with a manager in the [Student Life and Wellbeing Service](#) in the first instance. Failure to disclose any of these offences is a disciplinary matter, which will be referred to the Student Conduct Team for consideration in line with the Student Disciplinary Procedure.

17.8 Collaboration

Throughout the operation of these procedures, it is expected that there will be collaboration amongst those responsible for supporting the Student as necessary in order to ensure that the fullest information is available and the student is appropriately supported.

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, any other member of staff

who first becomes aware that the student may benefit from additional support, or Student Life and 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 staff member should consult the Student Life and Wellbeing Service if there is any uncertainty in the action they should take.
- 17.10.3** The staff member should arrange a meeting with the student. This should be an informal and supportive meeting in which the staff member 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 (or other appropriate manager in Student Life and Wellbeing). 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 there to be a serious risk to themselves or others they will also convene and conduct a case conference in accordance with Appendix C of the 'Handbook of Student Regulations' as soon as possible.

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 Precautionary Restriction 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, compliance with a behavioural management plan, and removal from University accommodation in line with the tenancy agreement between the Student and the University.

17.11.5.3 that the identified risks are such that a Precautionary Suspension is recommended to the Vice-Chancellor, normally within 2 days.

17.11.5.4 a Precautionary Restriction or Suspension will only come into operation once confirmed by the Vice-Chancellor (or their nominee) (17.12);

17.11.5.5 where appropriate, a recommendation that the student's fee liability be reviewed.

17.12 Recommendation of a Precautionary Restriction or Suspension

- 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 Precautionary Restriction or Suspension 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 Precautionary Restriction or Suspension shall be 12 months. The Precautionary Restriction or Suspension may be renewed by the Vice-Chancellor at that point for up to a maximum of a further 12 months. If during the Precautionary Suspension 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. 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 Engagement 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 suspend under these regulations (Appendix 1), the Head of Student Life (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 Precautionary Restriction, Precautionary Suspension, or other precautionary 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 Precautionary Restriction or Suspension

17.13.1 The Student may appeal against a Precautionary Restriction or Suspension, 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 Precautionary Restriction or Suspension;

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 will also be provided (see [Appendix H](#) of the Handbook of Student Regulations for further information).

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 (studentappealsandcomplaints@northumbria.ac.uk) **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 (see [Appendix H](#) of the Handbook of Student Regulations for further information).

17.15 Subsequent Challenge to a Restriction or Suspension

- 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 Precautionary Restriction or Suspension 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 (studentappealsandcomplaints@northumbria.ac.uk) and must support the argument that the Student is now able to manage the demands of studying within a university environment with no serious risk to themselves or others. If the Student's behaviour was driven by health issues, medical evidence may be required to confirm they are now fit to study. 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 Procedures 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 Precautionary Restriction or Suspension 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 the 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:
- Deputy Faculty Pro Vice-Chancellor (or nominee) with no previous involvement in making the original decision to Restrict or Suspend the Student (Chair)
 - The Assistant Director of the Student Life and Wellbeing Service (if not previously involved) or his/her nominee.
 - 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'. If the behaviour appears to be significantly affected by ill
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health, staff from Student Life and Wellbeing will be contacted for procedural advice.

- 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 to study.
- 17.15.7.** The Student Advisory Panel will base its judgement on a re-assessment of the risk the behaviour will occur again (see 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 Precautionary Restriction or Suspension;
 - Recommend that an existing Restriction or Suspension be removed. The Student may be advised to consult Student Life and Wellbeing Service to determine appropriate continuing support;
 - If the Precautionary Suspension 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 decision of the Student Advisory Panel and believe they have grounds they may either request a review of the Panel's decision (regulation 17.14) or take their case to the OIA (see [Appendix H](#) of the 'Handbook of Student Regulations' for further information).

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 Restrict and Suspend

Under University regulations, the Vice-Chancellor has responsibility for the precautionary Restriction or Suspension of a student. For Restriction or Suspension 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 Education
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.

Indicators of Minor Risks

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

Indicators of Major Risks

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:
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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.

Annexe 1: Withdrawal of a Student for Unsatisfactory Academic Progress

The Student Appeals and Complaints Officer (SACO) manages these processes on behalf of the Vice-Chancellor

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 find it helpful to first consult staff in the Graduate School or the Independent PGR Counsellor

You can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

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. See [Appendix A](#) of the 'Handbook of Student Regulations' for a definition of a 'Friend'.

The University's [Student Life and Wellbeing Service](#) also provides a range of support, which may be of benefit to students involved in these procedures.

Clarification of Terms

In this section, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Office at Northumbria University. 'You' and 'your' refer to students at Northumbria University.

Student Liability

It is important to remember that when lodging an appeal, any decision taken by the Faculty Postgraduate Research Committee will stand in the meantime. If you proceed to book accommodation or make other such arrangements in anticipation of a positive outcome, you do so at your own risk.

Visa and Immigration

If you are an international student on a Tier 4 / Student Route visa, in the event of you being withdrawn from your programme, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information

about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

Overview

The procedures set out in this document are quite distinct from those concerning students who are appealing against Project Approval or Annual Progression decisions ([Annexe 2](#)) or the outcome of a viva voce examination ([Annexe 3](#)).

What is an academic appeal?

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.

How is an academic appeal different from a complaint?

A ‘**complaint**’ ([Annexe 4](#)) is an expression of dissatisfaction with how you have been treated or with a service provided by, or on behalf of, the University. **Dissatisfaction with the supervision received should be expressed as a Complaint.** 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 (See Section 3 of the [Academic Regulations for Research Awards](#)), which state the level of attainment necessary for the final award; the definition of timely duration; and the following requirements:

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;
- b) by the Principal Supervisor throughout the programme in the normal course of supervision with the student;

- 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 you from the University for failure at Project Approval, Annual Progression (or for unsatisfactory academic performance, as determined by the Principal Supervisor).

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.

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

1.1.2 Faculty Postgraduate Research Committees

Academic Board delegates to Faculty Postgraduate Research Committees authority, via the Graduate School Committee, to manage 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 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* (2f) 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. 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

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 progress 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 attendance requirements in line with University attendance monitoring processes, 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 progress over a sustained period of time can lead to you being withdrawn from the University for unsatisfactory academic progress.

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 progress will normally be identified first in the context of supervision, and that appropriate informal written warnings will be issued and documented in that context.

1.1.5 Withdrawal for Unsatisfactory Progress and Appeal Procedures

The following procedures describe the process whereby a student is withdrawn from the University for failing to demonstrate satisfactory academic progress at any point in the programme. This may be because they have failed to demonstrate timely academic achievement at the appropriate level as defined by the University's academic regulations, including failure to demonstrate due attendance in line with the University attendance monitoring processes, or meet requirements of the relevant professional codes of conduct.

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 progress. If extenuating circumstances are affecting your work you must discuss these with your supervisor. Consult the Graduate School if you may need to make a [Circumstances Affecting Progress](#) request.

1.1.7 Responsibility of Student to Declare Extenuating Circumstances

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. If such information is presented after you have been withdrawn, it would only be considered if accompanied by a compelling reason for the failure to present the information at the due time.

1.1.8 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](#).

1.1.9 Principles of a Right to a Fair Hearing

All these procedures are operated in accordance with the principles of a right to a fair hearing ([Appendix B](#)).

1.1.10 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.

1.2 Requiring a Research Degree Student to Withdraw for Unsatisfactory Academic Progress

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 progress 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 failing to demonstrate satisfactory academic progress.

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. 'Engagement' includes your work, progress or attendance. 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).

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 in writing via email and where contact can be made, orally, documented in the supervision report.

Should the Principal Supervisor judge that the student is not engaging as expected by Section 7 of the Attendance Monitoring Policy, the Graduate School Coordinator will send you an informal stage warning via email.

1.2.6 Stage 2 Formal Warning

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. Should you continue to demonstrate, in the judgement of the Principal Supervisor, unsatisfactory academic progress 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 progress.

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.

In the case where a student has not been engaging with study as outlined in Section 7 of the Attendance Monitoring Policy and has not responded to the informal stage warning, the Graduate School Manager will issue a formal Stage 2 warning via email within 10 working days, copied to the Faculty PGR Director.

1.2.7 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 progress. You will be notified in writing 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 that you should be withdrawn from the University for failure to demonstrate satisfactory academic performance, before that decision can be actioned by the Faculty Pro Vice-Chancellor, an independent and senior member of the Academic Faculty (normally the Deputy 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 they will action the recommendation of the Faculty Postgraduate Research Committee.

1.3.3 Written Report

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 of their consideration of the case) notifying you that you are now withdrawn for unsatisfactory academic progress. You will be informed of your right to submit an appeal within 10 working days of being sent your decision 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.

1.4 Stage 1: Informal Appeals Procedure

1.4.1 Informal Resolution

All students are encouraged to raise any concern swiftly and informally, so any errors on the part of the University can be put right at the earliest opportunity. **If you wish to raise a Stage 1 informal appeal you should do so as soon as possible after the University issued its decision, because you only have 10 working days from the decision being taken in which to lodge a Stage 2 formal appeal (see 1.5).**

If you consider that you may have grounds for appeal against being withdrawn for unsatisfactory academic performance, you should promptly the Graduate School Coordinator 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 should a formal appeal be submitted.

1.4.2 Receiving the Outcome

The Stage 1 decision-maker will inform you of the outcome of this informal stage either face-to-face, by phone, in writing or email. If they have identified a procedural issue, it will be dealt with at this point.

1.5 Stage 2: Formal Appeals Procedure

1.5.1 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 1.5.2, you may lodge a formal appeal by completing and submitting an [Appeals Form](#) to the Student Appeals and Complaints Officer (email: studentappealsandcomplaints@northumbria.ac.uk). **The deadline for the receipt is 10 working days after the University notifies you in writing confirming your withdrawal for unsatisfactory academic performance (regulation 1.3.3).**

1.5.2 Grounds for Appeal

Appeals may be made on the following grounds:

- a) that correct procedures were not followed in the programme management, or in the application of the procedures requiring you to withdraw for unsatisfactory academic performance, and this significantly affected the outcome;
- 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. not made available by you to the Graduate School and is now available. **In this case, a compelling reason for its earlier non-submission must accompany any appeal. (Regulation 1.1.7 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 compelling 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.

1.5.3 Grounds Not Permitted for an Appeal

Appeals are **not** permitted on the following grounds:

- (a) a questioning of the **academic judgement** or academic integrity of academic staff, the Faculty Postgraduate Research Committee, or external examiners. The Office of the Independent Adjudicator (OIA) defines academic judgement as, “a judgement that is made about a matter where the opinion of an academic expert is essential” (See [OIA Scheme Rules April 2018](#) and [Appendix A](#) of the ‘Handbook of Student Regulations’ for further information).
- (b) **dissatisfaction with supervision**. In these circumstances, you should lodge a complaint using [Annexe 4](#) of this Handbook. You may also lodge a complaint if you are dissatisfied with how you have been treated **or** services or facilities provided by the University

1.5.4 Late Appeals

If you submit your Student Appeal Form after the deadline, you must provide a compelling reason for the appeal being late and provide evidence to support your reason where possible. Late appeals are only accepted in exceptional circumstances. If exceptional circumstances prevent you submitting your appeal on time, then your appeal should be submitted as soon as possible and no later than 10 working days from the end of the circumstances in question.

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. If you did not raise an informal appeal in good time, this will not be a compelling reason for a late appeal.

1.5.5 What do I do if I am unable to get evidence by the deadline?

If you cannot provide supporting evidence immediately, you must submit your Appeal Form within the 10 working days, and state when the supporting evidence will be available. We will discuss this with you, and at our discretion we may provide you with an extension. We will not commence our 30 day timescale until your documentation has been received or any agreed alternative deadline has passed.

1.5.6 Receipt of Appeals Form

On receipt of an [Appeals Form](#) from you, the Student Appeals and Complaints Officer acknowledges receipt and asks the Graduate School for relevant information.

1.5.7 Possible Outcomes of an Appeal

Following a preliminary investigation of your case, the Student Appeals and Complaints Office can:

- a) refer your case to the Graduate School if your issue can be resolved by a written explanation from the school. If you remain dissatisfied and still believe you have grounds, you may lodge a further Stage 2 appeal within 10 working days of obtaining a written response from the Graduate School;
- b) reject your appeal because:
 - i. it was not based on any of the grounds permitted in regulation 1.5.2 or because no basis for supporting the appeal exists on the evidence of the documents immediately available;
 - ii. you submitted the appeal after the deadline without a compelling 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 1.5.2 (b) (ii)), a compelling reason for failing to report these circumstances has not been provided and evidenced;

You will be informed of your right to request a review of the decision ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#)). The Graduate School and any other relevant staff will be provided with a copy of the appeal outcome.

- c) uphold your appeal on the basis that, on the balance of probabilities, there are grounds for your case to be reconsidered and refer your case to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor (or nominee) to reconsider your case, in the light of evidence put forward by you, as soon as possible. If you remain dissatisfied with the decision of the Faculty Pro Vice-Chancellor after they have reconsidered the case and you believe you have grounds, you may submit a further appeal.
- d) uphold your appeal on the basis that, on the balance of probabilities, you have provided a compelling reason for failing to report your circumstances to the Faculty Postgraduate Research Committee and refer your appeal to the Faculty Postgraduate Research Committee for reconsideration. They will take into account the new evidence, which is now available. If you are still dissatisfied with the decision of the Faculty Postgraduate Research Committee once it has reconsidered your case and believe you have grounds, you can submit a further Stage 2 Formal Appeal.

- e) investigate your appeal further in accordance with the process described in regulation 1.5.8.

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.

1.5.8 Further Investigation Required

In we decide to investigate further (regulation 1.5.7 (e)), we will ask for any additional information from you and other University staff. In exceptional cases, we may meet with you to clarify the details of the case. If you have not seen the documents we refer to in the initial investigation of your appeal, we will make them available. We will then:

- a) produce an initial account of your appeal, which identifies the issues we have considered and all the relevant facts;
- b) send you a copy of this account. You will have 10 working days to comment on its factual accuracy;
- c) take a decision on your appeal informed by your comments. We will either:
 - 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;
 - ii. reject the appeal because there is no reasonable case to reconsider the decision of the Faculty Pro Vice-Chancellor. You will be informed of your right to request a review of the decision ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#)). The Graduate School and any other relevant staff will be provided with a copy of the appeal outcome.or
 - 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 1.5.8).

1.5.9 Convening the Appeals Panel

The Panel will normally be convened within 30 working days of the decision to convene it. The Hearing will be convened and conducted in accordance with [Appendix E](#) of the 'Handbook of Student Regulations'.

1.5.10 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.

1.5.11 Appeals Panel Membership

The membership of an Appeals Panels is as follows:

- a)** Chair: Deputy Faculty 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 10 working days before the Panel.

1.5.12 Role of Appeals Panel

The Hearing will be convened and conducted in accordance with [Appendix E](#) of the 'Handbook of Student Regulations'. If you fail to attend the Hearing however, 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 the appeal is upheld.

1.5.13 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 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.

1.5.14 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 in writing of the outcome of your appeal and provide you with details of the review stage ([Appendix G](#)) and of the OIA ([Appendix H](#)). 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 Panel. The final decision about whether you have demonstrated satisfactory progress on your programme, at the required level, must however, rest with the Faculty Postgraduate Research Committee in conjunction with the Faculty Pro Vice-Chancellor.

1.5.15 Attendance of Panel at Faculty Discussions

The Panel may recommend that its Chair, or another member of the Panel acting on behalf of the Chair, shall attend discussions in the Faculty at which the disputed case is to be reconsidered. This would serve two purposes:

- a) to ensure that the conclusions and views of the Panel are fully understood by the Faculty;
- and
- b) to act as an observer, to satisfy the Faculty Postgraduate Research Committee that all relevant factors have been taken into account.

1.5.16 Reconsideration of Case by Faculty

When a case is referred back to the Faculty for consideration, 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 then to provide a report to the Panel of the action 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.

1.5.17 Appeals Panel Report

Once the report of the Appeals Panel 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.

1.6 How do I submit a Stage 2 Formal Appeal

You should submit your appeal to the Student Appeals and Complaints Office at studentappealsandcomplaints@northumbria.ac.uk. Please include the following documentation when you submit your appeal:

- ☐ a completed Research Student Appeals Form available at www.northumbria.ac.uk/handbook
- ☐ an appeals letter outlining how your situation maps on the permitted grounds for appeal (optional)
- ☐ **all** evidence to support your appeal or an explanation as to why you cannot supply all your evidence at this time
- ☐ a copy of your withdrawal decision

1.7 Stage 3: Request for Review

1.7.1 Grounds for Requesting a Review

If you believe you have grounds, you may request a review of the Stage 2 decision using 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 by the University in the consideration of your 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

Your request for review needs to be submitted to the Student Appeals and Complaints Officer at studentappealsandcomplaints@northumbria.ac.uk **within 10 working days of the University issuing the Stage 2 decision in writing. A decision on the request will be taken in accordance with the procedure described in Appendix G, and normally within 20 working days.**

1.8 Taking your case to the OIA

1.8.1 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 at studentappealsandcomplaints@northumbria.ac.uk **within 1 month of the Stage 3 decision** and take your case to the Office of the Independent Adjudicator (OIA). See [Appendix H](#) of the 'Handbook of Student Regulations' for further information.

This completes the University's internal student appeals process.

Annexe 2: Appeals against the Outcome of Project Approval or Annual Progression Examination

The Student Appeals and Complaints Officer (SACO) manages these processes on behalf of the Vice-Chancellor.

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 find it helpful to first consult staff in the Graduate School or their Independent PGR Counsellor

You can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

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. See **Appendix A** of the 'Handbook of Student Regulations' for a definition of a 'Friend'.

The University's [Student Life and Wellbeing Service](#) also provides a range of support, which may be of benefit to students involved in these procedures.

Clarification of Terms

In this section, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Office at Northumbria University. 'You' and 'your' refer to students of Northumbria University.

Who can appeal under these regulations?

These processes apply to all students who are enrolled on research programmes at the University. Taught students should consult the '[Handbook of Student Regulations \(Taught\)](#)', where similar processes are described.

Clarification of Terms

In this section, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Office at Northumbria University. 'You' and 'your' refer to students of Northumbria University.

Student Liability

It is important to remember that when lodging an appeal, any decision taken by the Faculty Postgraduate Research Committee will stand in the meantime. If you proceed to book accommodation or make other such arrangements in anticipation of a positive outcome, you do so at your own risk.

Visa and Immigration

If you are an international student on a Tier 4 / Student Route visa, in the event of you failing your programme, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

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](#)).

What is an academic appeal?

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.

How is an academic appeal different from a complaint?

A ‘**complaint**’ 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.** 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.

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 Research Committees 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 Maintenance of Academic Standards

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot be upheld without clear evidence that the original decision, is or may be unsound.

2.1.3 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 right to a fair hearing ([Appendix B](#)).

2.1.4 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.

2.1.5 Responsibility of Student to Declare Extenuating Circumstances

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. If such information is presented after Project Approval or Annual Progression, it would only be considered if accompanied by a compelling reason for the failure to present the information at the due time.

2.1.6 Burden of Proof

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

2.1.7 Cases with Several Issues

Sometimes students raise issues, which do not fall neatly into one category. This means that during an investigation, a case may need to be reclassified, e.g. an appeal may be reclassified as a complaint. If this happens, we will discuss this with you and explain the implications of this change in classification.

2.2 Stage 1: Informal Appeals Procedure

2.2.1 Informal Resolution

All students are encouraged to raise any concern swiftly and informally, so any errors on the part of the University can be put right at the earliest opportunity. **If you wish to raise a Stage 1 informal appeal you should do so as soon as possible after the University issued its decision, because you only have 10 working days from the decision being taken in which to lodge a Stage 2 formal appeal (see 2.3).**

If you consider that you may have grounds for appeal against a Project Approval or Annual progression decision, you should promptly consult the Graduate School, normally the Faculty Graduate School Coordinator, 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 2.3.2. below) should a formal appeal be submitted.

2.2.2 Receiving the Outcome

The Stage 1 decision-maker will inform you of the outcome of this informal stage either face-to-face, by phone, in writing or email. If they have identified a procedural issue, it will be dealt with at this point.

2.3 Stage 2: Formal Appeals Procedure

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 2.3.2, you may lodge a formal appeal by completing and submitting the relevant [Appeals Form](#) to the Student Appeals and

Complaints Officer (email studentappealsandcomplaints@northumbria.ac.uk). The deadline for receipt of the Stage 2 appeal is normally **10 working days** after the University notifies you in writing of the Project Approval or Annual progression decision.

2.3.2 Grounds for Appeal

Appeals may be made on the following grounds:

- a. that correct procedures were not followed in the conduct of the Project Approval or Annual Progression, and this has significantly affected the outcome;
- b. 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. **In this case, a compelling reason for its earlier non-submission must accompany any appeal. (Regulation 2.1.5 above 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 compelling 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

2.3.3 Grounds Not Permitted for an Appeal

Appeals are **not** permitted on the following grounds:

- (a) a questioning of the **academic judgement** or academic integrity of academic staff, the Faculty Postgraduate Research Committee, or external examiners. The Office of the Independent Adjudicator (OIA) defines academic judgement as, "*a judgement that is made about a matter where the opinion of an academic expert is essential*" (See [OIA Scheme Rules April 2018](#) and [Appendix A](#) of the 'Handbook of Student Regulations' for further information).
- (b) **dissatisfaction with supervision.** In these circumstances, you should lodge a complaint using [Annexe 4](#) of this Handbook. You may also lodge a complaint if you are dissatisfied with how you have been treated **or** services or facilities provided by the University

2.3.4 Late Appeals

If you submit your Student Appeal Form after the deadline, you must provide a compelling reason for the appeal being late and provide evidence to support your reason where possible. Late appeals are only accepted in exceptional circumstances. If exceptional circumstances prevent you submitting your appeal on time then your appeal should be submitted as soon as possible and no later than 10 working days from the end of the circumstances in question.

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. If you did not raise an informal appeal in good time, this will not be a compelling reason for a late appeal.

2.3.5 What do I do if I am unable to get evidence by the deadline?

If you cannot provide supporting evidence immediately, you must submit your Appeal Form within the 10 working days, and state when the supporting evidence will be available. We will discuss this with you, and at our discretion we may provide you with an extension. We will not commence our 30-day timescale until your documentation has been received or any agreed alternative deadline has passed.

2.3.6 How is my case considered and when will I receive a decision?

The Student Appeals and Complaints Office will consider your Stage 2 Formal Appeal on behalf of the Vice Chancellor. We will consider your case and obtain relevant information from other departments within the University. If we consider any information that you have not been made aware of, we will make this available to you.

This stage is normally completed within 30 working days of receiving the formal appeal and you will receive your decision in writing. Sometimes, we may need longer to investigate, and we will keep you informed if this is the case.

Important Note: The Student Appeals and Complaints Officer does not have the power to decide the outcome of a Project Approval or Annual Progression Examination decision. If we uphold your appeal, your case will be referred to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor to reconsider your case.

2.3.7 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. 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.

2.3.8 Receipt of Appeals Form

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

2.3.9 Possible Outcomes of Appeal

Following a preliminary investigation of your case, the Student Appeals and Complaints Office can:

- a) refer your case to the person nominated to deal with such matters within the Graduate School in order that Stage 1 may be fully completed. If you remain dissatisfied and still believe you have grounds, you may lodge a further Stage 2 appeal within 10 working days of obtaining a written response from the Graduate School;
- b) reject your appeal because:
 - i. it was not based on any of the grounds permitted in regulation 2.3.2, or because no basis for support the appeal exists on the evidence immediately available;
 - ii. you submitted your appeal after the deadline without a compelling 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 2.3.2 (b) (ii), a compelling reason for failing to report these circumstances has not been provided or evidenced;

You will be informed if your right to request a review of the decision ([Appendix G](#)) or take your case to the OIA ([Appendix H](#)). The Graduate School and any other relevant members of staff will be provided with a copy of the appeal outcome.

- c) uphold your appeal on the basis that, on the balance of probabilities, there are grounds for your case to be reconsidered and refer your case to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor to reconsider your case in the light of evidence put forward by you, as soon as possible. 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 Stage 2 appeal.

- d) uphold your appeal on the basis that, on the balance of probabilities, you have provided a compelling reason for failing to report your circumstances to the Faculty Postgraduate Research Committee and refer your appeal to the Faculty Postgraduate Research Committee for reconsideration. They will take into account the new evidence, which is now available. If you are still dissatisfied with the decision of the Faculty Post Graduate Research Committee once it has reconsidered your case, you can submit a further Stage 2 Formal Appeal.
- e) investigate your appeal further in accordance with the process described in regulation 2.3.10.

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.

2.3.10 Further Investigation

If we decide to investigate further (regulation 2.3.9 (e)), we will ask for any additional information from you and other University staff. In exceptional cases, we may meet with you to clarify the details of your case. If you have not seen the documents we refer to in the initial investigation of your appeal, we will make them available. We will then:

- a) produce an initial account of your appeal, which identifies the issues we have considered and all the relevant facts;
- b) send you a copy of this account. You will have 10 working days to comment on its factual accuracy;
- c) take a decision on your appeal, informed by your comments. We will either:
 - i. uphold your appeal in part or in full and refer your case to the Faculty Postgraduate Research Committee and Faculty Pro Vice-Chancellor to reconsider the decision in light of the evidence now available. 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.
 - ii. reject your appeal because a reasonable case has not been made for the Faculty Postgraduate Research Committee to reconsider its decision. We will provide an explanation and give you details of your right to request a review ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#));

or

- iii. in exceptional cases we may not be able to identify clear grounds to reject or uphold your appeal. We will then refer your case to an Academic Board Appeals Panel, which will consider your appeal further (regulation 2.3.11).

2.3.11 Appeals Panel

If your appeal goes to an Appeals Panel, the Hearing will normally be convened within 30 working days of the decision to convene it. The Hearing will be convened and conducted in accordance with [Appendix E](#) of the 'Handbook of Student Regulations'.

2.3.12 Appeals Panel Membership

The Panel membership will include:

- a) Chair: Deputy Faculty Pro Vice-Chancellor (Research & Innovation) (or their nominee) from a different faculty to yours, 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 Hearing as an adviser to the Panel. This will be determined by the Chair, who will consult the Student Appeals and Complaints Officer.

The University Student Appeals and Complaints Officer (or nominee) will attend as Clerk to the Panel and appoint other administrative support as required. Papers relating to the appeal will be received by Panel members at least 10 working days before the Panel.

2.3.13 Duty of Appeals Panel

The Panel will hear and judge your appeal. The Hearing will be conducted in accordance [Appendix E](#) of the Handbook of Student Regulations. In the event you fail to attend the Hearing however, 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 the appeal is upheld.

2.3.14 Appeals Panel Report

The Appeals Panel will submit a written report of its findings to the Faculty Postgraduate Research Committee (via the Faculty Pro Vice-Chancellor as Chair) as soon as possible. This will normally be within 10 working days of the Hearing.

The Faculty Postgraduate Research Committee, or the Faculty Pro Vice-Chancellor on its behalf, will approve the Appeals Panel report. Copies will then be sent to you, all witnesses, the Chair of Faculty Postgraduate Research Committee, the Head of the Graduate School and the Faculty Registrar for information.

To reduce the time it takes to resolve your appeal, the Vice-Chancellor may act on behalf of the Academic Board to carry the process forward.

A copy of the report will also be sent to the Secretary of the University's Academic Board for information.

2.3.15 Appeals Panel Outcomes

- a) If the Appeals Panel rejects your appeal, the Student Appeals and Complaints Office will inform you of this decision and provide you with details of your right to request a review ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#)).
- b) If the Appeals Panel upholds your appeal, your case will be referred back to the Faculty Postgraduate Research Committee. The Faculty Postgraduate Research Committee will reconsider your case, taking into account the Appeals Panel's findings. This will be done as soon as is practical. The final decision on the student's position must however, rest with the Faculty Postgraduate Research Committee.

2.3.16 Recommendation of Chair to attend Faculty Postgraduate Research Committee

The Appeals Panel may recommend that the Chair, or another Panel member acting on the Chair's behalf, attend the meeting of Faculty Postgraduate Research Committee where your case will be reconsidered. This is for two reasons:

- a) to make sure that the Faculty Postgraduate Research Committee fully understands the Appeals Panel's conclusions and views;
- and
- b) to act as an observer on behalf of Academic Board. This will satisfy the Academic Board that all relevant factors have been taken into account.

2.3.17 Reconsideration of Case by Faculty

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 Appeals Panel and then to provide a report back to Appeals Panel 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 this appeal.

2.4 How do I submit a Stage 2 Formal Appeal

You should submit your appeal to the Student Appeals and Complaints Office at studentappealsandcomplaints@northumbria.ac.uk. Please include the following documentation when you submit your appeal:

- ☐ a completed Research Student Appeals Form available at www.northumbria.ac.uk/handbook
- ☐ an appeals letter outlining how your situation maps on the permitted grounds for appeal (optional)
- ☐ **all** evidence to support your appeal or an explanation as to why you cannot supply all your evidence at this time
- ☐ a copy of your Project Approval or Annual Progression decision

2.5 Stage 3: Review Stage

2.5.1 Grounds for Requesting a Review

If you believe you have grounds, you may request a review of the Stage 2 decision 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 by the University in the consideration of your 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

Your Request for review needs to be submitted to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) **within 10 working days of the University sending you the Stage 2 decision in writing. A decision on the request** will be taken in accordance with the procedure described in Appendix G, and normally within 20 working days.

2.6 Taking your case to the OIA

2.6.1 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 of the University sending you the Stage 2 decision** and take your case to the Office of the Independent Adjudicator (OIA) ([Appendix H](#)). This completes the University's internal student appeals process.

Appealing against Project Approval or Annual Progression Decisions

Stage 1 | Informal Process

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

Stage 2 | Formal Stage

SACO receives your formal appeal within 10 working days of the notice of the decision

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 | 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.

Annexe 3: Appeals against the Outcome of Thesis Submission and Viva Voce Research Degree Examination

The Student Appeals and Complaints Officer (SACO) manages these processes on behalf of the Vice-Chancellor.

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

You may find it helpful to first consult staff in the Graduate School or their Independent PGR Counsellor

Students can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

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. See [Appendix A](#) of the 'Handbook of Student Regulations' for a definition of a 'Friend'.

The University's [Student Life and Wellbeing Service](#) also provides a range of support, which may be of benefit to students involved in these procedures.

Clarification of Terms

In this section, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Office at Northumbria University. 'You' and 'your' refer to students of Northumbria University.

Student Liability

It is important to remember that when lodging an appeal, any decision taken by the Graduate School or by the Faculty Postgraduate Research Committee will stand in the meantime. If you proceed to book accommodation or make other such arrangements in anticipation of a positive outcome, you do so at your own risk.

Visa and Immigration

If you are an international student on a Tier 4 / Student Route visa, in the event of you failing your programme, the University is obligated to report your change in circumstances to UK Visas and Immigration (the Home Office). Further information about what happens next is available at <https://www.northumbria.ac.uk/study-at-northumbria/immigration/changes-to-your-circumstances>.

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](#)). Annexe 3 includes appeals against the outcome of thesis submissions, viva examinations, and resubmissions (including against decisions to withdraw a student for non-submission of thesis corrections).

What is an academic appeal?

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.

How is an appeal different from a complaint?

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. 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.

Who can appeal under these regulations?

These processes apply to all students who are enrolled on research programmes at the University. Taught students should consult the '[Handbook of Student Regulations \(Taught Programmes\)](#)'.

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*' (3.3 a). 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 to the Graduate School Committee. Appeals against a viva voce (oral) examination outcome are therefore considered on behalf of the Vice Chancellor as Chair of Academic Board.

3.1.2. Right to a Fair Hearing

Procedures exist to enable students to appeal against a viva voce (oral) examination outcome, and operate in accordance with the principles of a right to a fair hearing ([Appendix B](#)).

3.1.3. Maintenance of Academic Standards

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot be upheld without clear evidence that the original decision, is or may be unsound.

3.1.4 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.

3.1.5 Students Responsibility for Declaring Extenuating Circumstances

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. If such information is presented after your viva voce examination, it would only be considered if accompanied by a compelling reason for the failure to present the information at the due time.

3.1.6 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.

3.1.7 Cases With Several Issues

Sometimes students raise issues, which do not fall neatly into one category. This means that during an investigation, a case may need to be reclassified, e.g. an appeal may be reclassified as a complaint. If this happens, we will discuss this with you and explain the implications of this change in classification.

3.2 Stage 1: Informal Procedure

3.2.1 Informal Resolution

All students are encouraged to raise any concern swiftly and informally, so any errors on the part of the University can be put right at the earliest opportunity. **If you wish to raise a Stage 1 informal appeal you should do so as soon as possible after the University issued its decision, because you only have 10 working days from the decision being taken in which to lodge a Stage 2 formal appeal (see 3.3).**

If you consider that you may have grounds for appeal against the outcome of thesis submission and viva voce research degree examination, you should promptly consult in the first instance with the Graduate School Coordinator 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 you remain convinced that you have firm grounds for appeal (see regulation 3.3.2 below) should a formal appeal (regulation 3.3) be submitted.

3.2.2 Receiving the outcome

The Stage 1 decision-maker will inform you of the outcome of this informal stage either face-to-face, by phone, in writing or email. If they have identified a procedural issue, it will be dealt with at this point.

3.3 Stage 2 Process

3.3.1 Lodging a Stage 2 Appeal

If you remain dissatisfied with the University's decision and feel you have clear grounds for appeal as permitted under regulation 3.3.2, you may lodge a formal appeal by submitting the relevant [Appeals Form](#) to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk). The deadline for receipt of the Stage 2 appeal is normally **10 working days** after the University notifies you in writing of the viva voce decision.

3.3.2 Grounds for Appeal

Appeals against the outcome of Thesis Submission and Viva Voce Research Degree Examination may be made on the following grounds:

- a) Correct procedures were not followed by the Graduate School in the conduct of thesis submission or viva voce (oral) examination, and this significantly affected the outcome;
- b) 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 previously be made available is now being made available.
In this case, a compelling reason for its earlier non-submission must accompany any appeal. (Regulation 3.1.5 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 compelling 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.

3.3.3 Grounds Not Permitted for an Appeal

Appeals are **not** permitted on the following grounds:

- (a) a questioning of the **academic judgement** or academic integrity of academic staff, the Faculty Research Degrees Committee, or external examiners. The Office of the Independent Adjudicator (OIA) defines academic judgement as, “a judgement that is made about a matter where the opinion of an academic expert is essential” (See [OIA Scheme Rules April 2018](#) and [Appendix A](#) of the ‘Handbook of Student Regulations’ for further information).
- (b) **dissatisfaction with supervision**. In these circumstances, you should lodge a complaint using [Annexe 4](#) of this Handbook. You may also lodge a complaint if you are dissatisfied with how you have been treated or services or facilities provided by the University

3.3.4 Late Appeals

If you submit your Student Appeal Form after the deadline, you must provide a compelling reason for the appeal being late and provide evidence to support your reason where possible. Late appeals are only accepted in exceptional circumstances. If exceptional circumstances prevent you submitting your appeal on time, then your appeal should be submitted as soon as possible and no later than 10 working days from the end of the circumstances in question.

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. If you did not raise an informal appeal in good time, this will not be a compelling reason for a late appeal.

3.3.5 What do I do if I am unable to get the evidence by the deadline?

If you cannot provide supporting evidence immediately, you must submit your Appeal Form within the 10 working days, and state when the supporting evidence will be available. We will discuss this with you, and at our discretion we may provide you with an extension. We will not commence our 30 day timescale until your documentation has been received or any agreed alternative deadline has passed.

3.3.6 How is my case considered and when will I receive a decision?

The Student Appeals and Complaints Officer will consider your Stage 2 Formal Appeal on behalf of the Vice Chancellor. We will consider your case and obtain relevant information from other departments within the University. If we consider

any information that you have not been made aware of, we will make this available to you.

This stage is normally completed within 30 working days of receiving the formal appeal and you will receive your decision in writing. Sometimes, we may need longer to investigate, and we will keep you informed if this is the case.

Important Note: The Student Appeals and Complaints Officer does not have the power to decide the outcome of a Viva Voce Examination decision. If we uphold your appeal, your case will be referred to the Graduate School Committee to reconsider your case.

3.3.7 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. 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.

3.3.8 Acknowledging Appeals Form

On receipt of an Appeals Form from you, the Student Appeals and Complaints Office acknowledges receipt and obtains relevant information from the Graduate School, the Faculty and other information as appropriate.

3.3.9 Possible Outcomes of Appeal

Following a preliminary investigation of your case, the Student Appeals and Complaints Office can:

- a)** if the issues raised are best addressed by a procedural explanation, you will be directed to the Graduate School Coordinator who dealt with the examination. You may still subsequently lodge a Stage 2 Formal Appeal if you 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 at Stage 1. If you are dissatisfied with the Graduate School's response, you may then lodge a Stage 2 Formal Appeal;

- c) uphold your appeal on the basis that, on the balance of probabilities, there are grounds for your case to be reconsidered and refer your case to the Graduate School Committee to reconsider your case in the light of evidence put forward by you, as soon as possible. If you are dissatisfied with the decision and believe you have grounds, you may lodge a further appeal;
- d) reject your appeal because:
 - i. it was not based on any of the grounds permitted in regulation 3.3.2 or because no basis for supporting the appeal exists on the evidence immediately available;
 - ii. you submitted your appeal after the deadline without a compelling 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 3.3.2 (b) (b)), a compelling reason for failing to report these circumstances has not been provided or evidenced;

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 ([Appendix G](#)) and the OIA ([Appendix H](#)). The Graduate School and any other relevant members of staff will be provided with a copy of the appeal outcome.

- e) investigate your appeal further in accordance with the process described in regulation 3.3.10.

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.

3.3.10 Further Investigation

If we decide to investigate further (regulation 3.3.9 (e)), we will ask for any additional information from you and, as appropriate, from the Chair of the Graduate School Committee, your Principal Supervisor, PGR Director and the Faculty Pro Vice-Chancellor or Deputy Faculty Pro Vice-Chancellor (R&I) in your Faculty. In exceptional cases, we may meet with you to clarify the details of your case.

If you have not seen the documents we refer to in the initial investigation of your appeal, we will make them available. We will then:

- a) produce an initial account of your appeal which identifies the issues we have considered and all the relevant facts;
- b) send you a copy of this account. You will have 10 working days to comment on its factual accuracy;
- c) take a decision on your appeal, informed by your comments. We will either:
 - i. uphold your appeal in part or in full and refer your case to the Graduate School Committee to reconsider the decision in the light of the evidence now available. If you are dissatisfied with the decision and believe you have grounds you may lodge a further appeal;
 - ii. reject your appeal because a reasonable case has not been made for the Graduate School Committee to reconsider its decision. We will provide an explanation and give you details of your right to request a review ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#));
 - iii. in exceptional cases we may not be able to identify clear grounds to reject or uphold your appeal. We will then refer your case to an Academic Board Appeals Panel, which will consider your appeal (regulation 3.3.11).

3.3.11 Appeals Panel

If your appeal goes to an Appeals Panel, the Hearing will normally be convened within 30 working days of the decision to convene it. The Hearing will be convened and conducted in accordance with [Appendix E](#) of the 'Handbook of Student Regulations'.

3.3.12 Appeals Panel Membership

The Panel membership will include:

- a) Chair: Deputy Faculty Pro Vice-Chancellor (Research & Innovation) (or nominee) from a different Faculty to yours, 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 Hearing as an adviser to the Panel. This will be determined by the Chair, who will consult the Student Appeals and Complaints Officer.

The Student Appeals and Complaints Officer (or nominee) will attend as Clerk to the Panel and appoint other administrative support as required. Papers relating to the appeal will be received by Panel members at least 10 working days before the Enquiry.

3.3.13 Duty 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'. If you fail to attend the Hearing however, the Panel shall decide whether to proceed in your 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 your absence, then the Chair of Graduate School Committee, taking into account all of the evidence accumulated, will decide whether the appeal is upheld.

3.3.14 Appeals Panel Written Report

The Appeals Panel will submit a written report of its findings to the University Graduate School Committee as soon as possible. This will normally be within 10 working days of the Hearing.

The Graduate School Committee, or the Pro Vice-Chancellor (Research and Innovation) on its behalf will approve the Appeals Panel's report. Copies will then be sent to you, all witnesses, as well as the Head of the Graduate School and the Faculty Registrar for information.

A copy of the report will also be sent to the Secretary of the University's Academic Board for information.

3.3.15 Appeals Panel Outcomes

- a) If the Appeals Panel rejects your appeal, the Student Appeals and Complaints Office will inform you of this decision and provide you with details of your right to request a review ([Appendix G](#)) or take your case to the Office of the Independent Adjudicator ([Appendix H](#)).
- b) If the Appeals Panel upholds your appeal, your case will be referred back to the Graduate School Committee. The Graduate School Committee will reconsider your case, taking into account the Appeals Panel's findings.

This will be done as soon as practical. The final decision on the student's position must however, rest with the Graduate School Committee.

3.3.16 Appeals Panel Recommendations

The Appeals Panel may recommend that the Chair, or another Panel member acting on the Chair's behalf, attend the meeting of the Graduate School Committee where your case will be reconsidered. This is for two reasons:

- a) to make sure that the Graduate School Committee fully understands the Appeals Panel's conclusions and views;
and
- b) to act as an observer, on behalf of Academic Board. This will satisfy the Academic Board that all relevant factors have been taken into account.

3.3.17 Reconsideration of Case by Faculty

With regard to those cases that are referred back to 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 Appeals Panel and then to provide a report back to the Appeals Panel 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 you believe you have grounds, you may request a review of the Stage 2 decision 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 by the University in the consideration of your 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

Your Request for review needs to be submitted to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) **within 10 working days of the University sending you the Stage 2 decision in writing. A decision on the request** will be taken in accordance with the procedure described in [Appendix G](#), and normally within 20 working days.

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 Office (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month of the Stage 3 decision** and take your case to the Office of the Independent Adjudicator (OIA) ([Appendix H](#)). This completes the University's internal student appeals process.

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 Counsellor.

Students may also seek independent advice and support from the Students' Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

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.

The University's [Student Life and Wellbeing Service](#) also provides a range for support which may be of benefit to students involved in these procedures.

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. This means the University will assume that students have an honest belief in the validity of their claims. 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, what to do in the case of very serious complaints or if you remain dissatisfied with the University's response. Alternative forms of dispute resolution may also be appropriate. If you think that mediation or other dispute resolution procedures might be helpful as an alternative to the complaints procedure, contact the Student Casework team or Student Appeals and Complaints Office for further information.

When feeling disappointed or troubled, people may act out of character. For the wellbeing of all parties, it is important that you behave reasonably when pursuing your complaint. It will also assist you to effectively argue your case and staff to effectively deal with your concerns. It is important to appreciate that the University has rules about the submitting of vexatious or malicious complaints (regulation 4.2.2. (m)).

4.1.2 Complaints, Allegations of Misconduct, and Academic Appeals

It is important to distinguish between a complaint and an academic appeal:

- a) a complaint is **an expression of dissatisfaction about how you have been treated, something the University has done or not done, or about the standard of service provided by or behalf of 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 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. Academic remedy is possible as an outcome if it is proven that you have been academically disadvantaged as a result of unsatisfactory treatment or service by the University - you should not be required to submit a separate academic appeal in order to obtain such a remedy;
- b) 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). Reports of misconduct and other unacceptable behaviour can be made via the University's [reporting tool](#). Reporting students do not have the right to appeal the outcome of disciplinary action, but if they are dissatisfied with the University's consideration of the allegation, they may, upon conclusion of proceedings, submit a complaint about the handling of the matter in line with this procedure;
- c) 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)';
- d) 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 implications of the reclassification will be explained to you, but the University's decision on how to proceed will be final.

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 Chief Principles

The chief principles are that:

- a) the deadline for receipt of complaints shall normally be **3 months** after the alleged event(s) giving rise to the complaint. Only in exceptional circumstances will a complaint outside this time-period be accepted for consideration. If the concerns was submitted as a 'complaint' but then judged to be an appeal (and treated as such) and was submitted more than 10 workings days after the publication of the academic decision, the appeal may be ruled 'out of time';
- b) **the burden of proof lies with the person bringing the complaint.** Complaints will be decided on the basis of 'balance of probabilities';
- c) 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) throughout the investigation of a complaint, the principles of a right to a fair hearing as described in **Appendix B** of the Handbook will be followed;
- 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 make arrangements to assure students that they will not be disadvantaged as a result of lodging a complaint;
- f) student complaints should be dealt with quickly, simply, and as locally as possible;
- g) student complaints should be treated consistently across the University;
- h) the procedure should be used only where all other attempts to resolve the matter have been exhausted;
- i) a complaint may be lodged by an individual student or a group of students. If it is a **group complaint**, a common statement of the concerns and the outcome sought should be produced and signed by all group members. 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 Casework

Team may invite the group of students to produce a single submission to be considered as a group complaint;

- j) it does not affect the students' rights to pursue legal remedies (if appropriate);
- k) only proper and valid complaints will be investigated;
- l) vexatious and/or malicious complaints shall be considered misconduct by the complainant, and disciplinary action may be taken in accordance [with Section 3](#) (Student Disciplinary Procedure) of the Handbook. Depending upon the nature of the allegations, if malicious complaint are lodged by student who have since left the University, they may find themselves subject to legal proceedings;
- m) the University cannot normally investigate anonymous complaints. Students can report unacceptable behaviour anonymously using the University's [reporting tool](#), but in these circumstances the action the University can take under its procedures may be limited.
- n) [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 (i.e. Stages 1 to 3) 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).
- o) complaints based on a questioning of the **academic judgement** are not permitted. The Office of the Independent Adjudicator (OIA) defines academic judgement as, "*a judgement that is made about a matter where the opinion of an academic expert is essential*". See [OIA Scheme Rules April 2018](#) and Appendix A of the 'Handbook of Student Regulations' for further information.

4.3 Scope of the Procedure

4.3.1 Existence of Multiple Procedures

This procedure may not be used where the matters in question are currently, or have been, the subject of other University procedures (e.g. they have been the subject of an academic appeal). While it is reasonable that there be opportunity to complain, it is unreasonable for the same argument to be made under successive other procedures.

Note:

- a) Where doubt exists on which procedure to use, advice should be obtained from the Student Appeals and Complaints Office, but the final decision about how to proceed will rest with the University.
- b) In addition, a student may discuss issues of concern with staff a PGR student representative, the appropriate Faculty Postgraduate Research Committee or Graduate School Committee, the Student Engagement Team, [Student Life & Wellbeing](#), and with a representative of the Students' Union.

4.3.2 Concurrent Actions by Students

Student concerns raised under other existing procedures 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. If there is any doubt about the sequencing of procedures, contact the Student Appeals and Complaints Office for advice.

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. If there is any doubt about the sequencing of procedures, contact the Student Appeals and Complaints Office for advice.

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 contact the Student Casework Team 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.

- (i) the vast majority of complaints should be resolved informally and directly with the person concerned or by speaking to a member of the Graduate School or Student Engagement Team:



In person

at any Student
Central location



By email

Via the [Student Portal](#) or at
[ask4help@
northumbria.ac.uk](mailto:ask4help@northumbria.ac.uk) if you no longer
have access



By phone

0191 227 4646

- (ii) Occasionally the issue being complained about may be especially serious and sensitive e.g. allegations of sexual misconduct, bullying and 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';
- (iii) Information about behaviours the University deems unacceptable and how to report such behaviours are detailed in the University's [Unacceptable Behaviour Procedures](#). The Student Casework Team can also provide advice about the Student Complaint Procedure 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 Casework Team in confidence, by raising a query through the Student Portal.

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 wherever possible. 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 Office if you have any concerns with this. At 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. You may expect the matter to normally be dealt with within 10 working days, and if this is not possible, for staff to keep in touch with you about the progress of your case.

- ii. In cases where you might feel intimidated by approaching the subject directly you may first discuss their concerns with the Student Casework Team or the Student Appeals and Complaints Office and seek advice on how to progress your complaint. Because of the particular nature of research degree programmes, it may sometimes be more appropriate that an Independent PGR Counsellor be involved. If the complaint appears to be 'Category A', they will attempt to facilitate communication between you and the subject of the complaint.
- iii. The identification of a complaint as potentially 'Category B' is sufficient reason for you to not have to speak to the subject of the complaint in person e.g. when alleging sexual misconduct, bullying or harassment, discrimination or other serious misconduct.
- iv. In addition, you may discuss issues of concern with the Student Engagement Team, [Student Life and Wellbeing Service](#), a PGR student representative on the appropriate Faculty Postgraduate Research Committee or Graduate School Committee, and with the Students' Union.
- v. 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.
- vi. 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 you consider the complaint unresolved at the end of Stage 1 you may progress to Stage 2 (Formal Stage), by submitting a completed [Research Student Complaints Form](#) to the Student Casework Team as.studentcaseworkteam@northumbria.ac.uk. The deadline for submitting a formal complaint is normally **10 working days** from the Stage 1 informal outcome (4.4.2) and within **3 months** from when the alleged events occurred. Late complaints are only considered in exceptional circumstances. If your complaint is late, you will need to provide and evidence a compelling reason for not submitting your complaint on time, and if you do not, your complaint may be dismissed for being out of time without good reason.;

- ii. You should explain why you are dissatisfied with the outcome of the informal approach at Stage 1. It also helps the University understand your complaint and seek a resolution if you describe the outcome you are seeking. It must be recognised that the University's response, in light of its investigation, may be different to your wishes. The Stage 2 procedure is as follows:
 - a. In the case of a complaint about a Faculty Pro Vice-Chancellor/Director of Service or Deputy Pro Vice-Chancellor /Faculty Registrar, the case will be considered by a Faculty Pro Vice-Chancellor/Director of Service or Deputy Pro Vice-Chancellor/Faculty Registrar, from another Faculty/Service Department at the appropriate staff level. They should have no previous decision-making involvement in the case and be sufficiently senior to be independent.
 - b. On receiving your written complaint, the Student Casework Team will, as soon as possible, and not later than 5 working days after receiving the complaint:
 - i. acknowledge receipt in writing;
 - 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 Casework Team shall then:
 - 1. decide whether the complaint is within this procedure or should be dealt with by other means;
 - 2. investigate the complaint in accordance with [Appendix D](#) of the Handbook. If the Student Casework Team obtains information you were not previously aware of during the investigation, you will be given the opportunity to consider and comment on this information, and hold such discussions deemed appropriate. In this respect, you and members of 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 Casework Team may categorise the Formal Complaint at this point as potentially 'Category B' and process it in line with the procedure described in 4.4.4. If the same complaint has already been considered by an Independent Manager and determined as 'Category A', it should be returned to the same Independent Manager in light of the new information;

or

The Student Casework Team will take a decision in accordance with [Appendix F](#) of the Handbook, normally within **30 working days** of receipt of the complaint. 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 you must be sufficiently detailed for you to understand the University's response to their complaint and for you to decide whether you wish to progress the complaint further.

4. 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 ([Appendix G](#)) and given details of the OIA ([Appendix H](#)).

4.4.4 Informal Stage Category B Complaints

Stage 1 – The Informal Stage

- i. If the complaint is identified by the Student Casework Team as potentially of a sensitive nature such as an allegation of sexual misconduct, bullying or harassment, discrimination or other serious misconduct, such that the University may ultimately need to follow other procedures, it will be considered as a potential 'Category B' complaint. The Student Casework Team will explain the procedure to be followed to you 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.

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, the complaint should be treated as a 'Category B' complaint and Stage 1 will be deemed to be complete. The Stage 2 investigation will be undertaken according to the University's appropriate staff procedures. You may be questioned further when you may again be accompanied by a 'Friend' or your Trade Union representative;
- ii. At the conclusion of the University's investigation:
 - a) if the complaint is not upheld you will be provided with the relevant details
 - b) If the complaint is upheld, either in whole or in part, you will be informed of this but with due regard to the confidentiality of the University's staff management procedures. The Faculty / Service will decide what redress should be offered. The report provided to you must be sufficiently detailed for you to understand the University's response to the complaint and for you to decide whether you wish to progress the complaint further
 - c) Other relevant staff will be informed of the outcome of the complaint with due regards to confidentiality as appropriate
- iii. At this point Stage 2 of the complaints process is deemed complete. The Student Casework Team will inform you of the Request for Review Stage ([Appendix G](#)) and provide details of the OIA ([Appendix H](#))

4.4.6 Request for Review

If you are not satisfied with the decision and believes you have grounds, you 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 by the University 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 (studentappealsandcomplaints@northumbria.ac.uk) **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.

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 (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month of the decision** and take your case to the Office of the Independent Adjudicator (OIA) ([Appendix H](#)).

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 (su.enquiries@northumbria.ac.uk). 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 form 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 Head of Legal:
 - 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. Your appeal should be submitted to the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk) within 10 working days of being notified of the final response from the Students' Union.
 - iii. The Head of Legal will review the challenge on the basis of the documentation provided and decide on the appropriate action of:
 - (a) rejecting the further appeal
 - or
 - (b) upholding the appeal and returning the complaint to the Students' Union to reconsider the complaint in light of the Head of Legal'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 (see Appendix H of the Handbook of Student Regulations for further information).

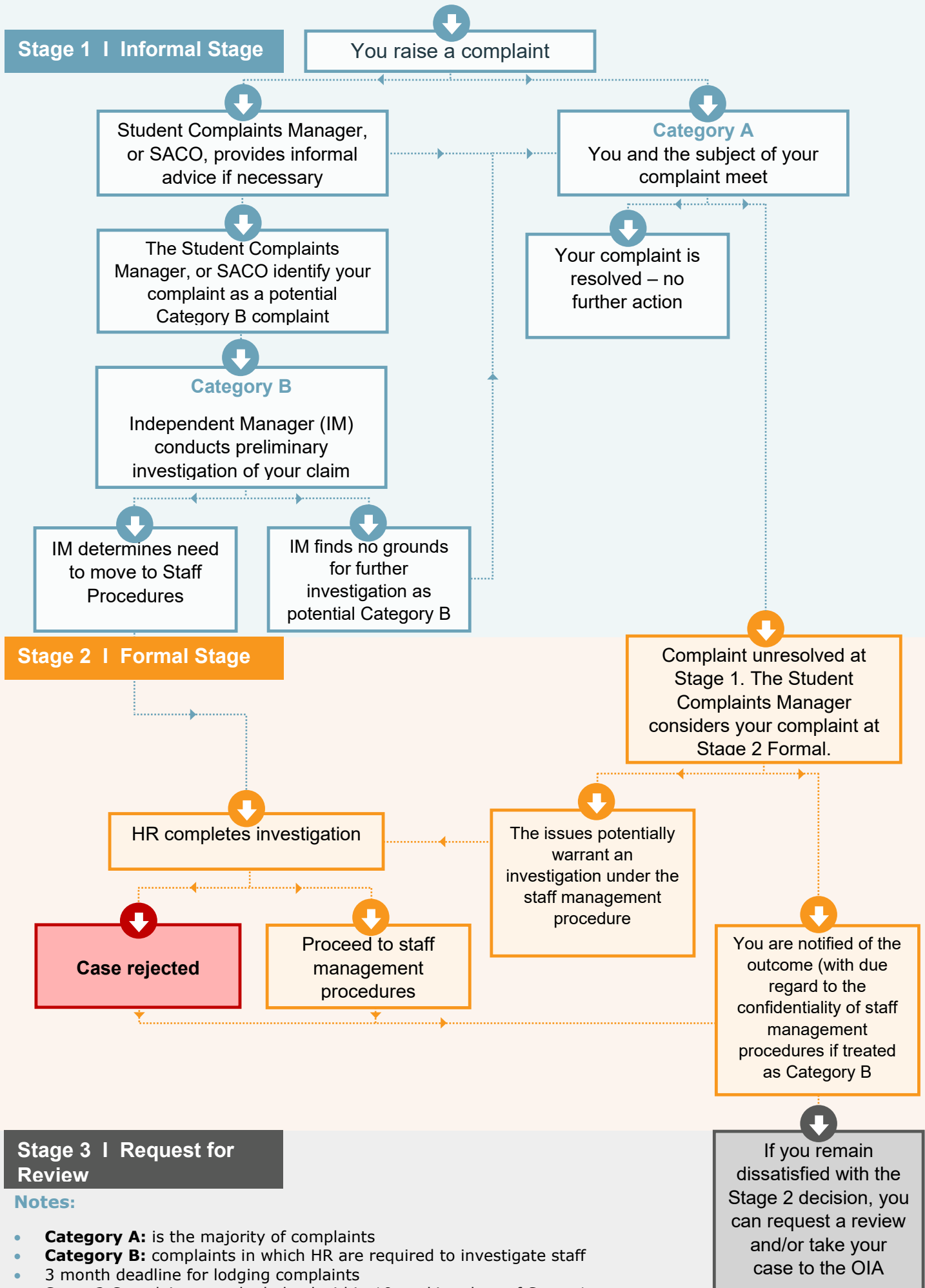
4.6 Other Complaints

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*:

<http://www.northumbria.ac.uk/handbook>

Student Complaints Procedure



Annexe 5: Appeals against the Outcome of Extension Requests or Circumstances Affecting Progress Decisions

The Student Appeals and Complaints Officer (SACO) manages these processes on behalf of the Vice-Chancellor.

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 find it helpful to first consult staff in the Graduate School or their Independent PGR Counsellor

You can seek independent advice and support about these procedures from Northumbria Students Union Advice Service <https://mysu.co.uk/advice-centre/your-course>.

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. See [Appendix A](#) of the 'Handbook of Student Regulations' for a definition of a 'Friend'.

The University's [Student Life and Wellbeing Service](#) also provides a range of support which may be of benefit to students involved in these procedures.

Clarification of Terms

In this section, 'we', 'our' and 'us' refer to the Student Appeals and Complaints Office at Northumbria University. 'You' and 'your' refer to students of Northumbria University.

Student Liability

It is important to remember that when lodging an appeal, any decision taken by the Graduate School, including by the PGR circumstances committee or Faculty Postgraduate Research Committee, will stand in the meantime. If you proceed to book accommodation or make other such arrangements in anticipation of a positive outcome, you do so at your own risk.

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.**

Who can appeal under these regulations?

These processes apply to all students who are enrolled on research programmes at the University. Taught students should consult the ‘[Handbook of Student Regulations \(Taught\)](#)’, where similar processes are described.

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’ (3.3.a). Academic Board exercises this 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 Reason for Procedures

Procedures exist to enable you to appeal against an Extension Request or Circumstances Affecting Progress decision, and to have that appeal considered in accordance with the principles of a right to a fair hearing ([Appendix B](#)).

5.1.3 Maintenance of Academic Standards

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot be upheld without clear evidence that the original decision, is unsound.

5.1.4 Providing Evidence

You are responsible for providing evidence to the Faculty Postgraduate Research Committee in advance, through the Principal Supervisor and the [PGR Circumstances Affecting Progress](#) process, 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, 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 compelling explanation for the failure to present the information at the due time.

5.1.5 Burden of Proof

The burden of proof to demonstrate the decision is insecure 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

All students are encouraged to raise any concern swiftly and informally, so any errors on the part of the University can be put right at the earliest opportunity. **If you wish to raise a Stage 1 informal appeal you should do so as soon as possible after the University issued its decision, because you only have 10 working days from the decision being taken in which to lodge a Stage 2 formal appeal (see 5.3).**

If you consider that you may have grounds for appeal against an Extension Request or Circumstances Affecting Progress decision, you should promptly consult the Graduate School Coordinator 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 5.3.2 below) should a formal appeal (regulation 5.3) be submitted.

5.2.2 Receiving the Outcome

The Stage 1 decision-maker will inform you of the outcome of this informal stage either face-to-face, by phone, in writing or email. If they have identified a procedural issue, it will be dealt with at this point.

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 (5.3.2), you may lodge a formal appeal by completing and submitting the relevant [Appeals Form](#) to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk). **The deadline for receipt of the Stage 2 appeal is normally 10 working days after the University notifies you in writing of the Extension Request or Circumstances Affecting Progress decision.**

5.3.2 Grounds for Appeal

Appeals against the outcome of Extension Requests or Circumstances Affecting Progress decisions 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. (If you are alleging that the committee did not properly apply an approved extenuating or change in circumstances request, you should submit your appeal under this ground. However, once the committee has properly applied an approved request claim, it then uses academic judgement to make a decision about your academic performance and as this is a matter of academic judgement¹, this is not grounds for an appeal)

¹ The Office of the Independent Adjudicator (OIA) defines academic judgement as, “a judgement that is made about a matter where the opinion of an academic expert is essential”. [See OIA Scheme Rules April 2018](#) and Appendix A of the ‘Handbook of Student Regulations’ for further information.

- b. that there is new information that could not be provided earlier and this significantly affects the outcome. You must provide a compelling reason for why you could not provide the information before the original decision was taken

5.3.3 Late Appeals

If you submit your Student Appeal Form after the deadline, you must provide a compelling reason for the appeal being late and provide evidence to support your reason where possible. Late appeals are only accepted in exceptional circumstances. If exceptional circumstances prevent you submitting your appeal on time then your appeal should be submitted as soon as possible and no later than 10 working days from the end of the circumstances in question.

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. If you did not raise an informal appeal in good time, this will not be a compelling reason for a late appeal.

5.3.4 What do I do if I am unable to get the evidence by the deadline?

If you cannot provide supporting evidence immediately, you must submit your Appeal Form within the 10 working days, and state when the supporting evidence will be available. We will discuss this with you, and at our discretion we may provide you with an extension. We will not commence our 30 day timescale until your documentation has been received or any agreed alternative deadline has passed.

5.3.5 Receipt of Appeals Form

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

5.3.6 How is my evidence considered and when will I receive a decision?

The Student Appeals and Complaints Office will consider your Stage 2 Formal Appeal on behalf of the Vice-Chancellor and obtain relevant information from other departments within the University. If we consider any information that you have not previously been aware of, we will make this available to you. We will consider all evidence submitted by you to support your appeal, including medical evidence. We cannot challenge the professional judgement of the medical practitioner, but if their judgement was not made at the time covered by your request or in the time period

referred to in your appeal, or is based solely on what you told the medical practitioner, this will be taken into account when a decision is taken on your request or appeal.

This stage is normally completed within **30 working days** of receiving the formal appeal and you will receive your decision in writing. Sometimes, we may need longer to investigate, and we will keep you informed if this is the case.

Important Note: The Student Appeals and Complaints Officer does not have the power to decide the outcome of a. If we uphold your appeal, your case will be referred to the PGR Circumstances Committee to reconsider your case.

5.3.7 Possible Outcomes of Appeal

Following an investigation of your case, the Student Appeals and Complaints Office can:

- 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. If you remain dissatisfied with the outcome and believe you have grounds you may lodge a further appeal;
- b) uphold your appeal on the basis that, on the balance of probabilities, there are grounds for your case to be reconsidered, and refer your case to the PGR Circumstances Committee to reconsider your case in the light of evidence put forward by you, as soon as possible. If you remain dissatisfied with the decision of the PGR Circumstances Committee after it has reconsidered the case, and believe you have grounds, you may submit a further appeal.
- c) reject your appeal because:
 - i. it was not based on any of the grounds permitted in regulation 5.3.2 or because the evidence available does not support your grounds of appeal;
 - ii. you submitted your appeal after the deadline without compelling reason

You will be informed of your right to request a review ([Appendix G](#)) or a Completion of Procedures Letter, so you can take your case to the Office of the Independent Adjudicator (OIA) ([Appendix H](#)).

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 Stage 2 decision 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) that correct procedures were not followed by the University in the consideration of your case at Stage 2 and this significantly affected the outcome

and/or

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

Your Request for review needs to be submitted to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) **within 10 working days of the University sending you the Stage 2 decision in writing. A decision on the request** will be taken in accordance with the procedure described in Appendix G, and normally within 20 working days.

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 (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month of the Stage 3 decision** and take your case to the Office of the Independent Adjudicator (OIA) ([Appendix H](#)).

This completes the University's internal student appeals process.

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 Short Extension 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” ([OIA Scheme Rules April 2018](#)).

**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.

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.
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	<p>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.</p> <p>Expulsion from Residences will be subject to the tenancy/licence agreement between the University and the Student.</p>
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.
Deputy Faculty 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	a disciplinary penalty resulting in the suspension of studies and all associated activities at the University on the basis of health grounds. 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.
Non-engagement	when a student has not attended for 4 consecutive weeks of scheduled, monitored activity, and failed to meaningfully respond to any attempts by programme staff or personal tutors to engage them
Office of the Independent Adjudicator (OIA)	an independent body for Higher Education whose role is to externally review complaints by students against their University.
Personal Tutor	a member of the teaching staff or another appropriate tutor as designated by the Director of Programmes or the Programme Leader, who is responsible for providing

appropriate support to their tutees either directly or by signposting students to the advice and support available to them across the University. Personal tutors also support students to engage with and understand the factors contributing to academic success and employability.

Precautionary Restriction

precautionary action to manage risk, resulting in 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. A Precautionary Restriction may include a prohibition on communicating in any way with individual members of the University community.

Precautionary Suspension

precautionary action to manage risk, resulting in the 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.

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"* ([OIA Scheme Rules April, 2018](#)).

Programme	an approved course of study that provides a coherent learning experience leading to a qualification, also known as course.
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.
Residences	residential accommodation owned, leased, or otherwise occupied by the University and provided to students under tenancy or licence agreements between the University and students.
Restriction	a disciplinary penalty resulting in 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.
Request for Review	a request by a student for a review of a Stage 2 decision taken by the University in accordance with Appendix G of the 'Handbook of Student Regulations'.
Staff	all persons employed in the service of the University.
Stage 2 Decision	a decision taken by the University in accordance with the 'Handbook of Student Regulations' at the formal stage of the process.
Standard of Proof	the strength of evidence required to prove a case has been established, see also 'Balance of Probabilities'
Student	(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; or

	ii) a person elected to full-time office in the University's Students' Union ('a sabbatical officer').
Student Appeals and Complaints Officer	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'.
Student Complaint Manager	a senior member of staff e.g. Student Casework Team Manager or Senior Manager in a Service Department or their nominee with responsibility for investigating formal complaints
Suspension	<p>a disciplinary penalty resulting in the 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.</p> <p>Suspension from Residences will be subject to the terms of the tenancy licence agreement between the University and the Student.</p>
Unacceptable Behaviour	Any behaviour as described in Section 3 Appendix 2 of this Handbook and the University's Unacceptable Behaviour Procedures
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.
Unsatisfactory Academic Progress	When academic performance and progress is generally judged to be unsatisfactory, as measured by attendance and engagement, submission of coursework, attainment in coursework, and contributions to seminars tutorials and other academic study
Upheld	a judgement has been made that sufficient evidence exists and the necessary grounds for the appeal or complaint 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 any other day of institutional closure.

Appendix B

Right to a Fair Hearing

Format Requirement

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

Principles of Natural Justice

- (i) All allegations made against students or staff of the University, or challenges of University decisions or actions, are accepted in good faith (the assumption that the student has an honest belief in the validity of their claims), and taken seriously.
- (ii) When an allegation is investigated, all parties will receive a fair hearing. These principles of a fair hearing 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. In the case of complaints against members of staff that are categorised as 'Category B', the complainant will be entitled to a report of the findings of the investigation, but with due regard to the confidentiality of the University's staff management procedures
- (iii) If a student believes, and can evidence, that the principles of a right to a fair hearing have not been applied when their case has been considered, this will be grounds for appeal or review on the basis of correct procedures not being followed.

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 Precautionary Restriction or Suspension. In the event no formal action is judged to be required, the Risk Assessment should still confirm this, stating under what circumstances it will be reviewed, and a copy of the Risk Assessment supplied to the Student. If the 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 Engagement 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

Conducting an Investigation

Format Requirement

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

Student Wellbeing

All students involved in an investigation should be signposted to relevant support. If at any point the Investigating Officer has concerns about the student's wellbeing, the University's [When to Refer](#) document should be consulted.

Conducting 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 confidentiality as appropriate. Any investigation should also be conducted in accordance with the principles of a right to a fair hearing as described in [Appendix B](#) of the 'Handbook of Student Regulations'.
2. Any investigation should be proportionate to the nature of the complaint and the complexity of the issues raised. If the matter cannot be resolved without gathering extensive evidence, it is usually best to proceed to the formal stage of the relevant procedure and allocate an Investigating Officer.
3. 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

4. The allocated Investigating Officer should be someone with no previous involvement with the matter being raised and where a conflict of interest arises the Investigating Officer will pass the matter to a colleague. Upon receipt of a complaint, the Investigating Officer 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
 - f. both parties are signposted to relevant support services
5. 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 of 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 supplying the 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
6. 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. inform any staff member they may be accompanied by a TU representative
 - d. prepare for the meeting by familiarising themselves with any evidence already received and considering relevant questions to ask
 - e. ensure that all parties understand the purpose of the meeting and each other's roles
 - f. take detailed 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 agreement and a signature
- ix. should clearly record any points that are disputed
- x. do not necessarily need to be typed, because the OIA accepts handwritten notes as contemporaneous evidence of a telephone call or meeting

Because audio recording affects the individual's 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).

- g. explain that information provided in the meeting may be referred to in the complaint outcome
 - h. conduct the meeting in an inquisitorial manner without being adversarial
7. 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 Programme Assessment Board
 - i. If the investigation reveals an actual or potential insecurity in the Programme Assessment 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

8. Resulting decisions must only be based upon the entirety of the evidence gathered throughout the course of the investigation (see [Appendix F](#) of the 'Handbook of Student Regulations' for further guidance in relation to decision making). 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 of real evidence or a number of circumstances may be sufficient to take a decision on the balance of probabilities
9. 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'.

10. If throughout the investigation the Student submits evidence that the Investigating Officer reasonably believes may not be authentic, the Student may be referred to the relevant Academic Misconduct or Student Disciplinary Procedure for further investigation. If the Student is on a professional programme this may also have implications for Fitness to Practise.

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).

Student Wellbeing

All students involved in a Hearing should be signposted to relevant support. If at any point the Investigating Officer has concerns about the student's wellbeing, the University's '[When to Refer](#)' document should be consulted.

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, when invited, the Student will be informed of:
 - i. the matters to be considered at the Hearing, including a Statement of Case and in the case of disciplinary, fitness to practise and withdrawal matters, all supporting evidence
 - ii. the parameters of the Hearing – if there has been a finding of fact by another party (e.g. by a criminal court, sporting body, employer, placement) confirm that the primary purpose of the Hearing is to consider the implications for the University and penalty / sanction, not rehear the case
 - iii. the Panel membership
 - iv. their right to be accompanied by a 'Friend'

- v. 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
 - vi. whether they can ask witnesses questions directly or through the Panel's Chair
 - vii. 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)
 - viii. the fact that the Hearing may proceed in their absence
- 2.2.** If there is a potential need for a Hearing, or any aspect of the Hearing to be conducted virtually, the suitability and implications of this will be discussed with the Student before any such arrangements are made. Each case will be considered on an individual basis and should ensure that the Student's right to a fair hearing is maintained.
- 2.3.** The Student 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 the Chair, 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. 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. 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 right to a fair hearing ([Appendix B](#)).

- 3.2.** The party with whom the burden of proof lies needs to demonstrate there are sufficient grounds to support their case.
- 3.3.** The standard of proof for judging the case shall be the 'balance of probabilities'.
- 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.** The Student can be accompanied by a 'Friend', but in all matters the Student will be expected to speak for themselves, 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.
- 3.8.** The Student and complainants or witnesses are not normally permitted to cross examine each other. All questions should usually be asked through the Panel rather than directly, unless the other party is represented or agrees to direct questioning. There may be occasions where a complainant or witness alleges serious misconduct (e.g. sexual misconduct or bullying or harassment) or has a reasonable fear of significant distress arising from further contact. In such circumstances, the complainant or witness may, on an exceptional basis, provide their evidence to the Panel without the accused Student being present. The Chair shall consult with the Student Appeals and Complaints Officer and with other officers of the University and/or of the Students' Union to establish suitable adjustments to the process, ensuring the safety and wellbeing of all parties.
- 3.9.** 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. If a complainant or witness declines a request to attend a Hearing with no good reason, this may weaken the University's case.
- 3.10.** Hearings are not a legal process. If the 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. In order that the appropriate format for the continuation of the Hearing may be determined, the Student Appeals and Complaints

Officer would decide whether it was appropriate for such legal support to be available to the Student. If this were permitted, a decision would be made as to whether the Hearing could continue or needed to be adjourned, and on what basis.

- 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.

4 Order of Proceedings

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 of 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. A 'University representative' from the relevant Faculty or Service making the counter-argument against the Student's allegations will present the University's questions.

- 4.6 The 'University representative' presents the University's 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.
- 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. A 'University representative' from the relevant Faculty of Service bringing the allegations against the Student in the Hearing will present the University's 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, prior to taking a decision on penalty or sanction, the Panel will provide the Student with an opportunity to raise any mitigating circumstances and consider any victim impact statement if supplied by the victim.**

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 written

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. Because audio recording affects the individual's 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).

- 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.
- 6.6.** All students will normally receive a decision in writing within **10 working days** of the Hearing to allow for full and proper consideration of the evidence presented. Sometimes, when the Hearing is straightforward, the Panel may also be able to issue a verbal decision on the day.

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 a right to a fair hearing will be applied throughout (see **Appendix B** for further information)
- 1.2 All decision-making will be evidence-based
- 1.3 The standard of proof (the strength of evidence required to prove a case has been established for judging the case) is '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 are the procedures the University is alleged to have incorrectly followed?
- What mitigating circumstances have not properly taken account of or why was the information not available for the Examination Board?

Complaint

- What were the complainant's expectations, why was it they had such expectations, and how were these expectations not met?
What is the complainant alleging was wrong about how they have been treated?

Discipline

- What is the alleged misconduct and does it constitute a breach of University regulations?

- Has there already been a finding of fact in other proceedings, and is decision-making focussing on the implications for the University and penalty only?

Fitness to Practise

- What are the alleged Fitness to Practise concerns?
- What are the alleged professional codes that the student has failed to demonstrate the ability to adhere to?
- Has there already been a finding of fact in other proceedings, and is the decision-making focussing on implications for fitness to practise and sanction?

Note: while the investigation will have been driven by the key issues 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 each separate 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 ...*”

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.

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
- 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. The OIA provides guidance on redress in ‘[Putting Things Right \(February 2019\)](#)’
- Academic remedy is possible as an outcome of a complaint. If the complaint investigation concludes that the student has experienced academic disadvantage due to the University’s actions, this should be remedied, and the student should not be required to launch a separate academic appeal to obtain this.

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 fully explained in regulation 9.7.8.

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 9 – Fitness to Practise (professional 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)

Students may also request a review of the findings of a Stage 2 Academic Misconduct Panel, conducted in accordance with the [Academic Misconduct Policy](#).

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 by the University 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. See [OIA Scheme Rules April 2018](#) and Appendix A of the 'Handbook of Student Regulations' for further information.

- 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. See Appendix H of the 'Handbook of Student Regulations' for further information.

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 the University issued its Stage 2 decision. If the request is submitted after the deadline, evidence of a compelling reason for the lateness must be provided where possible. Late requests are only accepted in exceptional circumstances. If exceptional circumstances have prevented the request being submitted on time, then the request should be submitted as soon as possible and no later than 10 working days from the end of the circumstances in question.
- 3.3 If a compelling reason for wishing to submit a late request is not provided, the request will be rejected without any consideration of the argument supporting the request itself and a Completion of Procedures Letter will be issued. See Appendix H of the 'Handbook of Student Regulations' for further information

- 3.4** Students should not need to supply evidence that was 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.
- 3.5.** If students have concerns about the how the University has handled their matter, they should not normally have to make a separate complaint about those issues and should include them in the request for review submission.

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 or nominee 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 compelling 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.

The Student will normally receive a decision within **20 working days**.

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. In requesting a reconsideration at Stage 2 the Student Appeals and Complaints Officer will ensure that the principles of a right to a fair hearing remain paramount, when directing what is reconsidered at Stage 2 and by whom. 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 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, the Student will be kept informed of their case. 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.

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

The Chair of the original Disciplinary Panel (or other nominated Panel member) will normally present the University's case, which may involve preparing a written statement and responding to any questions from the Review Panel

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 Examination Board 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

The Chair of the original Fitness to Practise Panel (or other nominated Panel member) will normally present the University's case, which may involve preparing a written statement and responding to any questions from the Review Panel

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.

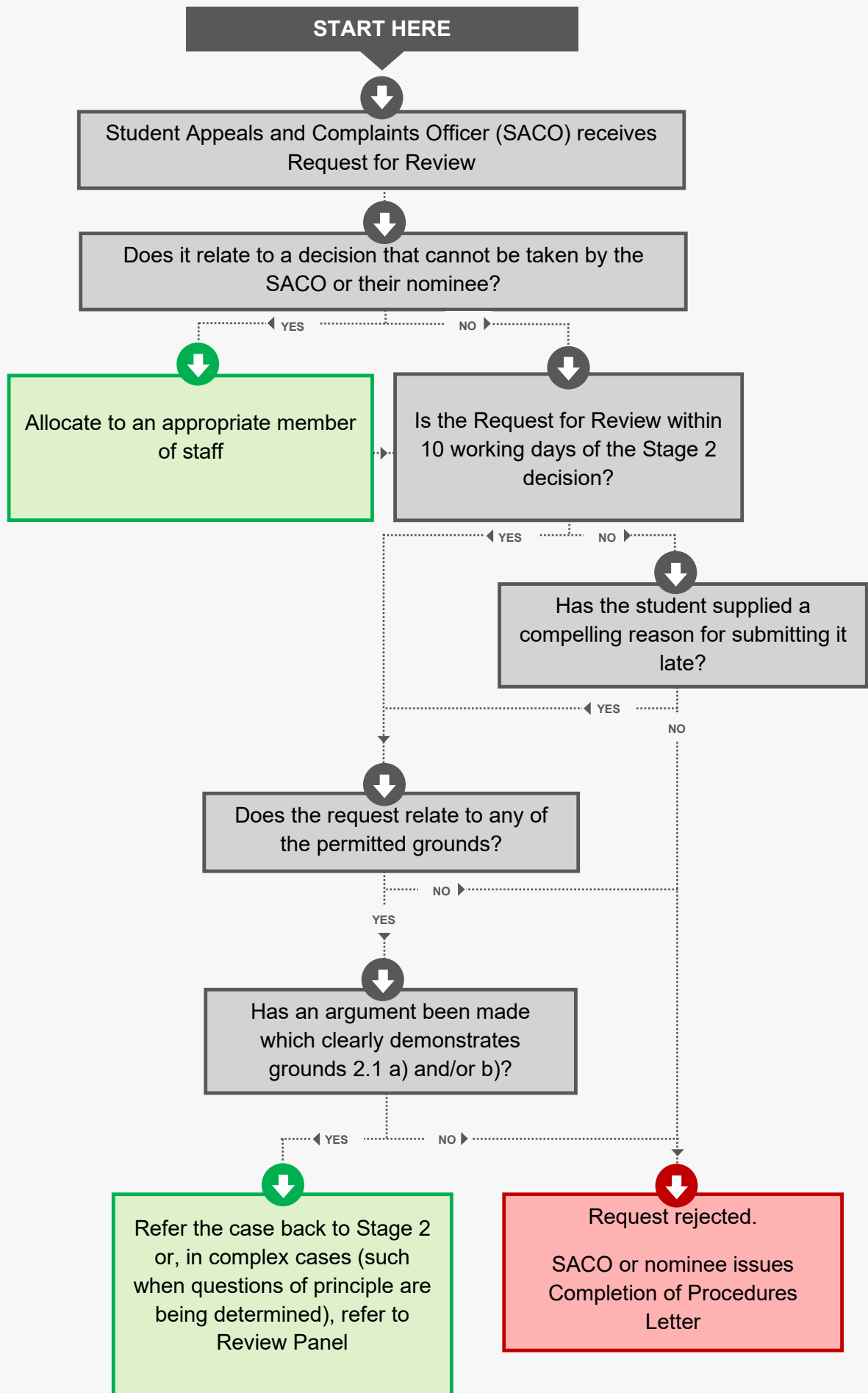
A representative of a relevant profession/discipline of study may attend the Panel as an adviser as determined by the Pro Vice-Chancellor (Research & Innovation).

7.11 Academic Misconduct

- Chair: the Deputy Vice-Chancellor or nominee
- two members of Academic Board
- one student member of Academic Board

The Head of Legal or their nominee shall attend as Clerk to the Panel to provide advice and guidance on the regulations. A secretary will also attend to take formal minutes of the proceedings.

Decision Making Process for Requests for Review



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. The Office of the Independent Adjudicator (OIA) for Higher Education will not consider complaints raised by students who have not utilise the University's internal procedures in the first instance. The OIA's Scheme Rules (rule 7) states that the OIA "*will not review a complaint unless the higher education provider has had the opportunity to look at it first. This means that normally the student needs to have completed the provider's internal processes before complaining to [the OIA]*".
3. 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

<https://mysu.co.uk/advice-centre/your-course>.

Appendix I

Behaviour Protocol

Format Requirement

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

Introduction

1. 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 also has an obligation to provide a safe working environment in which to study and work. Details of behaviour that the University deems to be unacceptable is available at <https://northumbria.service-now.com/ub> and in Section 3 Appendix 2 of this Handbook.
2. This protocol relates specifically to behaviour displayed when students are engaged with the University's student procedures and details how student behaviour will be responded to when a member of staff judges that it has become unacceptable.
3. This protocol applies to all students, whether meeting in person or communicating by telephone or electronically. In exceptional circumstances, where a third party is acting on your behalf, the onus is on you to make the third party aware of this protocol. As your representative, the action that may be taken under this protocol will apply to them as well, and unacceptable behaviour by them could lead to a service being withdrawn from you.

Unacceptable Behaviour

4. The University understands that in their anxiety to argue their case, students (or third parties acting on their behalf) may become upset or stressed. In such situations, staff appreciate that people may act out of character and will respond sensitively. On rare occasions, students may make unreasonable demands or behave in an unreasonable manner towards members of staff who are operating University procedures. This behaviour is considered to be unacceptable if it prevents staff from properly conducting their business in an appropriate manner or has a negative effect on them.

Right to Take Action

5. The University is committed to providing an efficient professional service to all students. In order to achieve this, it must ensure that members of staff operating the University's student procedures have a safe working environment in which they may conduct their work effectively. While the procedures set out in this Handbook should be accessible to any student entitled to use or engage with them, the University retains the right to take action to protect its staff and, where possible, support your continued engagement.

6. The University recognises that illness may affect how people interact with others and may make it difficult for them to communicate clearly and easily. The University will always endeavour to make reasonable adjustments when asked to do so, but it may still need to manage contact if considered necessary.

Unreasonable Demands

7. The University considers the demand on the service to be unreasonable when it substantially interferes with the operation of the service's business or has a negative effect on staff. Examples of demands that would be considered to be unreasonable include, but are not limited to:

- a. Requiring a response within an unreasonable timescale
- b. Insisting on seeing, speaking to, or seeking a response from a member of staff when that is not possible or appropriate
- c. Refusal to accept explanations of what the service can and can't do
- d. Continual phone calls or emails, or any other form of communication
- e. Continuing to pursue a case after it has been closed
- f. Aggressive or offensive behaviour
- g. Persistent failure to follow advice that has already been provided
- h. Making vexatious or malicious complaints and appeals*

Abusive or Offensive Behaviour

8. Aggression is not restricted to threats of physical harm, it also includes any behaviour or language which cause staff to feel afraid, threatened or abused. Examples of abusive or offensive behaviour include:

- a. Actions or behaviour that may make staff feel intimidated, threatened or offended
- b. Inflammatory statements or unsubstantiated allegations
- c. Threatening and abusive language

Response to Unacceptable Behaviour

9. When a member of the service considers actions or behaviour to be unacceptable, they will say so and ask you to modify your actions or behaviour. Where a meeting is in person, the meeting may be discontinued, and you may be asked to leave. Members of staff who experience unacceptable behaviour over the phone have the right to put the call on hold or terminate the call.

10. A record is maintained of all occasions when a member of staff experiences actions or behaviour that they consider to be unacceptable. All actions then taken by the member of staff are logged and reviewed by a senior member of staff. The University aims to take the

minimum action necessary to manage the unacceptable behaviour while permitting you to continue your reasonable use of the University's services

Restricting Contact

11. In serious or persistent cases it may be necessary to restrict your use of services. Such a decision is only made by a service manager. In such circumstances, details of the restricted contact will be shared with other sections of the University and the Student's Union as appropriate.

12. The University will take whatever action is considered appropriate in relation to unacceptable behaviour. This includes, restricted contact, which may include, but is not limited to:

- a. Limiting contact to a specified day and time in the week
- b. Limiting contact to communications in writing
- c. Limiting contact to a named member of staff
- d. Reading correspondence and filing it but not acknowledging or responding to it unless new information that is materially relevant has been provided

Withdrawal of Service and Other Action

13. On very rare occasions, and only in the most serious cases where it is not possible for the University to protect its staff and support your continued engagement through restricted contact, the following action may be taken:

- a. The service may be withdrawn by a Head of Service or equivalent and you will be provided with a written explanation for why such action has been taken
- b. The Head of Legal, where appropriate, may report the matter to the Police or take legal action
- c. If your behaviour presents a risk to staff members, you may be referred to the Student Life and Wellbeing Team for an assessment of your risk in line with University's Precautionary Action on the Basis of Duty of Care procedures (Section 17 of the Handbook)
- d. If your behaviour amounts to misconduct, you may be referred to the Student Conduct Team for action to be taken in line with the Student Disciplinary Procedure (Section 3 of the Handbook) and, if you are on a professional programme, the Fitness to Practice Procedure (Section 9 of the Handbook)

14. If you are unhappy with the decision taken by a Head of Service to withdraw a service and believe you have grounds, you may request a review by the Student Appeals and Complaints Office in line with Appendix G of the Handbook of Student Regulations.

Alternatively, if you do not have grounds to request a review, you may request a Completion of Procedures Letter and take your case to the Office of the Independent Adjudicator (OIA). If you are unhappy with the decision by the Head of Legal to withdraw service by the Student Appeals and Complaints Office, your request for review will be considered by an alternative Head of Service with no previous involvement in your case. At the end of this process a Completion of Procedures Letter shall be issued.

*Paragraph 163 of the '[Good Practice Framework for Handling Complaints and Appeals](#)' describes such allegations as "*complaints or academic appeals that have no serious purpose*" or "*that are intended to cause disruption or annoyance*". Examples include complaints and academic appeals:

- That the University has previously considered and decided;
- That are about something which a fair-minded person would consider to be trivial;
- That the student is pursuing in a way that is having a seriously negative effect on the University's staff or work;
- Where the student is looking for a remedy that lacks any serious purpose or value