

Handbook of Student Regulations

Taught Programmes

August 2020-21

Approved by Academic Board on behalf of the
Board of Governors, June 2020



**Northumbria
University**
NEWCASTLE

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.

Purpose of this Handbook

This Handbook brings together, updated and in one document, the rules and procedures which apply to Northumbria University students on taught programmes (that is undergraduate and Masters programmes). The appeal and complaint regulations differ for students on research programmes. Students on these programmes should consult the 'Handbook of Student Regulations (Research Programmes) 2020-21' 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>

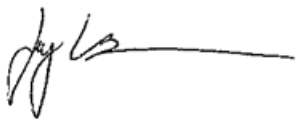
It is an essential reference during your period at the University. Please note that, occasionally changes may need to be made to these regulations during the course of the academic year - **the definitive version of the Handbook is the version which appears on the University's webpage at the above URL**. 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, 7, 8, 9, 10, 13 and 17 of the 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://www.mynsu.co.uk/getsupport/>



Jay Wilson

Head of Legal

August 2020

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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 2020-21.

1.1 Introduction

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

1.2 Overview

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

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

1.3 Glossary

A glossary is supplied in [Appendix A](#) of this Handbook.

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

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 I 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

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 tele-conferencing or telephone communications and arranging contact at mutually convenient local times).

1.8 Annual Report

In order to monitor the effectiveness of these regulations, and further improve University processes, the Student Appeals and Complaints Officer will 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 I

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. 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 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 (as reviewed and revised from time to time¹) ("the Fees"), and all other expenses relating to the Programme, are paid promptly. The Fees should be paid on the dates specified in the University's Credit Control and Debt Management Policy ([Section 13](#) of this Handbook), whether directly by you, or on your behalf by a third party (such as your employer or sponsor).

2.2.2 Not Included in Fees

The Fees do not include any:

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

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

2.3 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 late paying their fees contacts the Ask4Help team (0191 227 4646) as a matter of urgency to discuss their financial position.

Students who have unpaid tuition 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 3.9](#) 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.

International students will be reported as a transgression to the UKVI. This may result in a requirement that they and their dependant family members leave the country. Details of the appeals procedure appear in [Section 13, Appendix 1](#).

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 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

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 sponsorship.

2.5.5 Confirmation of Termination of Agreement

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

2.5.6 Review of any Termination Decision

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

2.5.7 UK Visa and Immigration Regulations

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

Your attention is particularly drawn to the provisions of condition 2.9.

2.6 Interim Suspension from Studies if Placed in Custody

If you are remanded into custody or receive a custodial sentence during your studies, this fundamentally changes your circumstances and may raise concerns about the risk you present to the University Community. For these reasons, the Academic Registrar and Director of Student, Library and Academic Services (or nominee) will place you on an interim suspension **from 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 action not to make any changes to the Programme either before you start or during the academic year for which you enrol. However, there are occasions where some changes may be necessary to assist and support the proper delivery of educational services. The types of changes the University might make to a Programme include changes to title, content or location of delivery. The University would usually only make changes where they are:

- 2.7.1.1. for the maintenance of academic standards, for example where a change is required to maintain compliance with the UK Quality Code

for Higher Education or to enable the University to keep teaching up to date with research developments;

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

or

2.7.1.3. required to secure our good operation and legal or regulatory compliance, for example, if a change is required to maintain or gain a Professional, Statutory or Regulatory Body accreditation, or to comply with Covid-19 requirements and guidance.

2.7.2 Discontinuation or Suspension of Programme

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

2.7.3 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 [Programme Framework for Northumbria Awards \(PFNA\)](#) documentation:

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

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

2.8.4 Breach of Terms and Conditions

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

2.8.5 Liability for Death or Personal Injury

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

2.8.6 Beyond Reasonable Control

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

The University will also not be liable to you for events outside our control which we could not have foreseen or prevented even if we had taken reasonable care. Events outside our control include: industrial action; over or under demand from students, staff illness or staff leaving; significant changes to Higher Education funding; government restrictions 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.

2.8.7 Action Taken against You

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

2.9 Requirements on Termination of this Agreement

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

2.9.1 Refusal of Enrolment

The University shall be entitled to refuse to enrol you on the Programme, if at the date of termination you have not already enrolled, 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://www.mysu.co.uk/getsupport/advice/>

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](#) and [Appendix A](#) 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.

Complaint of Misconduct

Students wishing to lodge a complaint of misconduct by another student should first contact the Student Casework Team via the Student Portal or Student Central location (if open) to determine whether the issue should be treated as a 'disciplinary matter' or a 'complaint'.

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

3.1 Introduction

3.1.1 Overview

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

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 amounts to misconduct as defined in these regulations ([Appendix 2](#)).

These rules will normally be applied in respect of alleged misconduct in relation to activities engaged in, or services and facilities enjoyed, as a student (e.g. field trips, exchange programmes), or occurring on or in the vicinity of the premises of the University. These regulations apply to all students of the University when near the University campus such that, on the balance of probabilities, they would be identifiable as a student of the University.

However, the University reserves the right to take disciplinary action against a student in respect of any misconduct wherever it may have taken place, including on [social media](#). 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 [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 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 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 material

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

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

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

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

All conduct relating to [student behaviour in the community](#);

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

All conduct pertaining to the operation of IT services;

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

All conduct pertaining to the operation of sport facilities;

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

Appendix 2

Misconduct and Penalty Examples

'Misconduct' for the purposes of the University's disciplinary regulations includes the following behaviours (it is important to note that **this list and the examples of the behaviour provided is not exhaustive**). 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	<p>Major</p> <ul style="list-style-type: none"> • Intention to deceive the University • 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)	<p>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</p> <p>(Note) 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</p>	<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 	<p>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</p>
(iii)	<p>Unauthorised taking or use of the property of the University, it's staff, students or visitors</p>	Major <ul style="list-style-type: none"> • Taking property belonging to others without their consent • Misappropriation of University funds or assets 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence

		<ul style="list-style-type: none"> • Misuse or falsification of any records or documents, including serious or repeated incidents of attendance fraud • Unauthorised entry to University property or premises • A breach of Library and Computing Regulations (Appendix 3 to these regulations) 	
		<p>Minor</p> <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 	<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	<p>Major</p> <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
		<p>Minor</p> <ul style="list-style-type: none"> • Minor damage 	<ul style="list-style-type: none"> • Formal warning • Workshop or educational session • Written apology

			<ul style="list-style-type: none"> • Fine or compensation
(v)	Causing a health and safety concern	<p>Major Behaviour that caused or could have been caused serious harm, including:</p> <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 	<ul style="list-style-type: none"> • Expulsion • Suspension • 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 	<ul style="list-style-type: none"> • Fine • Formal Warning • Written apology • Confiscation

(vi)	Physical Misconduct	Major <ul style="list-style-type: none"> • Biting • Punching • Kicking • Slapping • Hair pulling • Spitting • Repeated minor behaviours • Minor behaviour resulting in serious injury • Pushing • Shoving 	<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 • Exposure • Touching inappropriately through clothes without consent 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction • Leave of Absence • Formal Warning • 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 	<ul style="list-style-type: none"> • Expulsion • Suspension • Restriction

		<ul style="list-style-type: none"> • 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 of the behaviours detailed in the Anti Bullying and Harassment Policy 	<ul style="list-style-type: none"> • Leave of Absence • Workshop of educational session
		<p>Minor</p> <ul style="list-style-type: none"> • Inappropriate language • Repeatedly contacting someone without their permission, including by phone, email 	<ul style="list-style-type: none"> • Formal Warning • Workshop or educational session • Written apology
(ix)	<p>Reputational Damage (For the avoidance of doubt, this is behaviour while the student is, on the balance of probabilities, identifiable as a student of the University. As such, the behaviour may occur on or off-campus in the community. Identification as a student of the University might, for example, arise because the student has described themselves as a Northumbria student, is wearing Northumbria club or society clothing, or is part of a group identifiable as composed of Northumbria students).</p>	<p>Major</p> <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 • Leave of Absence
		<p>Minor</p> <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"> • In relation to Residences – breach of the Accommodation Rules • 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; - 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 20 (Information about the 	Any penalty will need to take into account the seriousness of the misconduct or breach and other relevant regulations relating to the case
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		<p>University's Prevent Duty is available here</p> <p>-</p> <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

- 5.1** It is the responsibility of all users to ensure that they do not infringe copyright law in their use of licensed library collections and the use of licensed software and equipment.
- 5.2** Intellectual property laws cover copyright, designs, patents and trademarks. Of these the law most likely to be breached is copyright. The rights of copyright owners in the UK are protected through the Copyright, Designs and Patents Act 1988 and subsequent amendments. Copyright law offers protection to a variety of types of material including: literary, dramatic, musical or artistic works, sound recordings, films or broadcasts.
- 5.3** The University works within what is allowed by fair dealing exceptions in copyright law, and by subscribing to 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; and the Educational Recording Agency (ERA+) license.
- 5.4** The user must observe any restrictions placed on the use of specified software, and equipment which are stated in any documentation relating

to the use of such software or equipment.

- 5.5** The user must abide by the restrictions of copyright law, 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.
- 5.6** Permission must always be obtained from the rights holder for use of third party materials which falls outside copyright law or that which is permitted by licensed resources and the 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 only in designated areas in University Library premises and in accordance with current Library guidelines. Hot food may not be consumed on University Library premises 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 networks.
- 9.11** Removing University resources without authorisation or stealing or attempting to steal University resources is forbidden.
- 9.12** The user must not use the resources authorised in such a way as to cause a nuisance to other users, or in such a way that the work of other

users, the integrity of the computing equipment or any stored programs or data may be jeopardised.

10 Borrowing Regulations

- 10.1 Materials may be borrowed from the University Library in accordance with the current loan procedures.
- 10.2 If University resources are lost or damaged, accidentally or deliberately, the facts must be reported immediately to the University Library. The borrower/user will be required to repay the full cost of replacement or repair, as evidenced by the Library, plus an administrative charge.
- 10.3 The person named on the University Smartcard is responsible for the care and safe return to the University Library, on or before the date due back of all resources borrowed.
- 10.4 If the Library material is not returned by the due date then the borrower will be liable to pay a charge for each day the material is overdue. 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 the 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>

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.mysu.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 in Research: Policy Statement

Format Requirement

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

6.1 Introduction

6.1.1 Overview

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

<https://www.northumbria.ac.uk/research/ethics-and-governance/>

6.1.2 The University's Mission

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

Northumbria University's Ethics In Research Policy Statement (pdf) can be viewed [here](#).

6.1.3 Ethical Considerations

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

required to be compliant with this policy to ensure that the wellbeing of all involved in research is protected.

6.1.4 Relevance of Policy

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

6.1.5 Ethical and Good Practice Guidelines

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

6.2 Ethical Principles and Dilemmas

6.2.1 Overview

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

6.2.2 Taking into Account Anticipated Consequences

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

6.2.3 Beneficence and Non-maleficence

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

6.2.4 Respect for the Rights of Others

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

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

6.2.5 Fair Treatment of Others

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

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

6.2.6 Balancing Qualitatively Different Values

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

6.2.7 Examples of Ethical Issues in Research

Examples of ethical issues in research include:

- Academic subjects vary widely in the range and significance of the ethical problems that arise in their work. Many academic subjects do not involve the direct use of human participants or animals. Some can confine their consideration of ethics in research to broad-based questions concerning its purpose and value and its indirect effects. Even here, the ethical/legal issues will be considerable.
- Where **human participants** are involved in research, approval may be required from external bodies. The Integrated Research Approval System (IRAS) is a single system for applying for Health Research Authority (HRA) permissions and approvals for health and social care / community care research in the UK. In other cases, routine use of human participants in research (be they peers on taught courses, people in the community or in organisations) occurs without external vetting. This requires a careful and self-reflective approach to the ethical problems that might arise. For example, in surveys, interviews and experiments, researchers must consider the potential of placing human participants/organisations at risk from criminal or civil liability, damage to their social standing and to their emotional well-being.
- It is essential that the conduct of research takes into consideration issues such as, the health and safety of staff and research participants (undertaking risk assessments as appropriate); that research data is stored in a way that is compliant with the General Data Protection Regulations and relevant data protection legislation; that there are systems for the identification and management of academic misconduct; that the Human Tissue Act (2004) and the Animals Scientific Procedures Act 1986 (Amended 2012) are fulfilled; and that intellectual property is appropriately protected.

6.3 University Framework for Considering Ethics in Research

6.3.1 Overview

Each member of staff, (and when appropriate students involved in research) is responsible for abiding by the University's Policy on Ethics in Research. Advice should be sought, in the first instance, from the Faculty Research Ethics Director and Departmental Ethics Lead.

Ethical approval must be obtained for all research projects prior to the commencement of the research. Students and staff must use the Online Research Ethics and Governance Approval System. Access to the system can be found [here](#)

Staff and Postgraduate Research Students can access the User Guide and the Ethics Online Interactive Guide [here](#).

Undergraduate and Postgraduate Taught Students can access the User Guide and the Interactive Guide [here](#).

6.3.2 Framework

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

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

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

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

6.3.3 Faculty Research Ethics Committee

Each Faculty Research Ethics Committee will:

- be chaired by the faculty director of research ethics;
- include academic staff with a significant track record in research and teaching;
- meet as frequently as required, but at least **two** times per year, and maintain appropriate records of the business conducted;
- will be aware of the legislation and the requirements it places on the University;

- undertake an annual audit to ensure that appropriate ethical standards are maintained.

6.3.4 Annual Faculty Report

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

- (a) a brief statement of the local arrangements for consideration of ethical issues in research;
- (b) a list of those activities where ethical consideration has been required; and
- (c) an indication of the problems which have been referred directly to another internal or external committee for their resolution;
- (d) maintain records of all research projects (including dissertations) which involve ethical issues.

6.3.5 Referral of Matters

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

6.3.6 Review of Annual Reports

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

6.3.7 Terms of Reference

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

1. Performance Monitoring and Review

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

- 1.2 To ensure a framework is in place for the development of staff and systems that support the ethical review and governance of research.
- 1.3 To consider annual reports and annual audits from Faculties on the management of ethical issues in research and the operation of Faculty level procedures.

2. Policy and Regulation

- 2.1 To approve, and periodically review, the University's Research Ethics and Governance Framework.
- 2.2 To provide written Guidelines on ethical issues in research for use by staff and students of the University.
- 2.3 To advise on any issues of an ethical nature directly referred to it by the Faculty Pro Vice-Chancellors, Faculty Research Ethics Committee and Service Departments.
- 2.4 To submit an annual report on the Committee's activities and the operation of procedures for ethical review of research to the Research and Knowledge Exchange Committee.
- 2.5 To review the arrangements in place to ensure compliance with the Concordat on Research Integrity.

3. Reporting Relationships/Interactions with other bodies

The Committee has the following sub-committees:

- Faculty Research Ethics Committees

The Committee will actively consider:

- i. reports from each of the faculties relevant to the remit of the Committee.
- ii. minutes of the meetings of the faculty equivalent committee, which should be scheduled to ensure a written report is provided to each meeting of this committee.
- iii. minutes and reports from the meetings of the other committees of the Committee.
- iv. relevant notes and actions linked to task and finish and steering groups established by the Committee.

The Committee will provide reports to, advise, and receive advice and input from Academic Board, University Executive and their respective committees and groups.

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

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

6.3.8 Membership of the University's Research Ethics Committee

Membership of the University's Research Ethics Committee comprises

- Pro Vice-Chancellor (Research and Innovation) (Chair)
- All Faculty Research Ethics Directors (one of whom is nominated as Deputy Chair)
- Students' Union Vice-President (Education)
- Deputy Director (Research) (Research and Innovation Services)
- Secretary: Research Policy Manager (Research and Innovation Services)

Ad Hoc Attendees

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

6.3.9 Statutory Meetings

The University's Research Ethics Committee has a minimum of two statutory meetings each year but will also be convened as other business requires.

Section 7: Appeals against PEC and Late Authorisation Decisions, and Programme Assessment Board 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 can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service <https://www.mynsu.co.uk/getsupport/>

Students may seek support throughout the appeal procedures. For further information about when students may be accompanied by a 'Friend' or seek representation, please see [Section 1.4 and 1.5](#) and [Appendix A](#) 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.

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 Student Engagement Team or the Programme Assessment Board 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 Implications

If you have exhausted all re-sit attempts and have submitted an academic appeal against the decision prohibiting you from progressing on your programme of studies, you need to be aware that the academic appeal process is not part of your programme of study. As such, the University is unable to maintain Tier 4 sponsorship while you wait for the outcome of your academic appeal. When the University informs the Home Office that it has stopped sponsoring you under Tier 4, you will

receive an email from the University, always recommending that you arrange to leave the UK within 60 days of receiving this email or to leave the UK by your current visa expiry date, if it is sooner.

7.1 Introduction

7.1.1 What is an academic appeal?

An academic appeal is an informal or formal challenge to one or more of the following **assessment-related decisions**:

- (a) A Personal Extenuating Circumstances (PEC) claim or request for Late Authorisations ('extensions')
- (b) A Programme Assessment Board (PAB) decision (academic awards, progression decisions, confirmation of marks)

7.1.2 How is an appeal different from a complaint?

If you are unhappy with your dissertation supervision or the delivery of a module or programme, this is a complaint and you should raise this under Section 10 of the Handbook of Student Regulations (see 7.2.3 (b) for further details).

7.1.3 Who can appeal under these regulations?

These processes apply to all students who are enrolled on **taught programmes** at the University. Postgraduate research students should consult the 'Handbook of Student Regulations (Research)', where similar processes are described.

7.2 Principles

7.2.1 Maintenance of academic standards

There should be a procedure to enable students to informally and formally challenge assessment-related decisions. The maintenance of academic standards however, 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.

7.2.2 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.

7.2.3 Grounds not permitted for an appeal

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

- (a) a questioning of the **academic judgement** or integrity of the marker or Programme Assessment Board. 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 or the delivery of a module or programme**. In these circumstances, you should lodge a complaint using [Section 10](#) 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

7.3 Stage 1: Informal Process for All Appeals

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 assessment-related decision (see 7.1.1), because you only have 10 working days from the decision being taken in which to lodge a Stage 2 formal appeal (see 7.4).

7.3.1 How do I submit a Stage 1 Informal Appeal?

The purpose of this informal stage is to help you understand the reason for the assessment-related decision (7.1.1) or for you to tell the University about a possible error in the process. You should raise your query with the Student Engagement Team as soon as possible. If you want an explanation of these decisions, you can speak to a member of the Student Engagement Team informally:



In person

at any Student Central location



By email

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



By phone

0191 227 4646

If your query is about assessment feedback, you should contact the marker concerned. Staff at a Student Central location may be able to help organise this.

The relevant member of staff will inform you of the outcome of this informal stage either face-to-face, by phone, in writing or by email. If they have identified a procedural issue, it will be dealt with at this point. Student Central staff will explain how the issue will be resolved.

7.4 Timescales for All Stage 2 Formal Appeals

7.4.1 How long do I have to submit a Stage 2 Formal Appeal?

If you are dissatisfied with your Stage 1 appeal outcome, you should lodge a Stage 2 Formal Appeal with the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) within **10 working days** of the University issuing its assessment-related decision (see 7.1.1). It is important that appeals are lodged promptly to ensure there is an opportunity for a timely remedy in the event an error has occurred.

7.4.2 Late Appeals

If you submit your Student Appeal Form after the deadline, you must provide a good and valid 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 good and valid reason for a late appeal.

7.5 Your Evidence

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

Students are responsible for submitting evidence to support their grounds for appeal. If you cannot provide supporting evidence immediately, you must submit your Student 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 for considering your case until all your documentation has been received or any agreed alternative deadline has passed.

7.5.2 How is the 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 PEC claim 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 PEC claim 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.

7.6 Appealing a PEC claim or Late Authorisation Decision

7.6.1 Overview

You can appeal against the University's decision to reject a PEC claim or Late Authorisation Request, or against the length of the extension granted in a successful Late Authorisation request.

If you have not previously declared personal extenuating circumstances and wish to appeal on the basis of declaring them only after the Programme Assessment Board decision has been published, you should make this appeal according to the process described in regulation 7.7. Students have a responsibility to make the Programme Assessment Board aware of any extenuating circumstances that significantly affected their assessed work by the relevant deadline using the University's [Personal Extenuating Circumstances Procedures](#). If you have not done this, you will need to explain why when you lodge an appeal under 7.7.

7.6.2 Grounds for appealing a PEC or Late Authorisation Appeal

You must show, using evidence, that:

- (a) correct procedures were not followed when considering your PEC claim or Late Authorisation and this significantly affected the outcome;
- and / or
- (b) you have new information that could not be provided earlier and this significantly affects the outcome. You must have a valid reason for why

you could not provide the information before the decision on your claim or request was made.

No other grounds for an appeal are permitted.

7.6.3 Possible Outcomes of a PEC or Late Authorisation Appeal

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

- (a) uphold your appeal and refer it to the Student Engagement Team, who will reconsider their decision in light of the evidence now available. The Student Appeals and Complaints Office does not have the power to accept or reject a PEC claim or a Late Authorisation request. Nor do we have the power to judge the appropriate length of a Late Authorisation. If we uphold your appeal, we will ask the Student Engagement Team to reconsider your PEC claim or Late Authorisation request. If the Student Engagement Team rejects the claim, you can lodge a further appeal against the new decision.

or

- (b) reject your appeal because:
 - i. it was not based on any of the grounds in regulation 7.6.2, or the evidence does not support your grounds of appealor
 - ii. you submitted your appeal after the deadline without a valid reason

If your appeal is rejected, we will let you know about your right to request a review of the decision (regulation 7.9) or take your case to the Office of the Independent Adjudicator (regulation 7.10). We will also provide the Student Engagement Team and other relevant staff at the University with a copy of your appeal outcome.

7.7 Appealing a Programme Assessment Board (PAB) decision

7.7.1 Overview

Sometimes, the Programme Assessment Board (PAB) makes a decision about your exam or other form of assessment (including coursework), which you think has been made incorrectly. Examples of an incorrectly made decision include:

- an error in the recording of your marks
- an error in the assessment process

- extenuating circumstances not properly taken into account by the Programme Assessment Board
- bias on the part of the marker or Programme Assessment Board

If you think any of these have happened, you can appeal the decision. You must make a formal appeal within 10 working days of the official result being published on Blackboard.

You cannot appeal provisional marks. You may only appeal marks, or progression or academic award decisions, after they have been confirmed by the PAB. Therefore, all PAB appeals must wait until your results are officially published.

7.7.2 Grounds for Appealing a Programme Assessment Board (PAB) decision

The appeals procedure is **not a means of requesting a remark** of your work. If you are dissatisfied with your mark or disagree with the feedback, this alone is not grounds for an appeal. You must show, using evidence, that:

- a) correct procedures were not followed in your examination, other form of assessment (including coursework), or in the conduct of the PAB itself, and this significantly affected the outcome. If you are alleging that the PAB did not properly apply an approved PEC claim to your academic profile you should submit your appeal under this ground. However, once the PAB has properly applied an approved PEC claim to your academic profile it then uses academic judgement to make a decision about your academic performance and as this is a matter of academic judgement, this is not grounds for an appeal (see 7.2.3).
- and / or
- b) relevant information about your health or other personal circumstances was not made available by you to the PAB by submitting a PEC claim by the relevant deadline. In this case, **you must provide and evidence a valid reason with your appeal for not providing this information by the relevant PEC deadline/s.** If you submit evidence of your circumstances after the PAB has met, we will consider whether this evidence is a good and valid reason for the delay. If a good and valid reason is not established, the evidence will not be considered any further.

7.7.3 Possible Outcomes of a Programme Assessment Board Appeal

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

- (a) refer your case to the Student Engagement Team if your issue can be resolved by a written explanation from your Faculty. If you remain dissatisfied, you may lodge a further Stage 2 appeal within 10 working

days of obtaining a written response from the Student Engagement Team or Faculty

or

(b) reject your appeal because:

- i.** it was not based on any of grounds in regulation 7.7.2, or the evidence available does not support your grounds of appeal
- ii.** you submitted your appeal after the deadline without a valid reason
- iii.** in the case of your appeal being based on personal extenuating circumstances that you did not report to the Programme Assessment Board by the relevant deadline, a good and valid reason has not been provided or evidenced

If your appeal is rejected, we will let you know about your right to request a review of the decision (regulation 7.9) or take your case to the Office of the Independent Adjudicator (regulation 7.10). We will also provide the Student Engagement Team and other relevant staff at the University with a copy of your appeal outcome.

or

(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 Chair of the Programme Assessment Board (PAB). If you remain dissatisfied with the decision of the PAB after they have reconsidered the case and you believe you have grounds, you may submit a further appeal.

or

(d) uphold your appeal on the basis that, on the balance of probabilities, you have provided a good and valid reason for failing to report your circumstances to the Programme Assessment Board and refer your appeal to the Student Engagement Team. If you remain dissatisfied with the decision of the Student Engagement Team after they have reconsidered the case and you believe you have grounds, you may submit a further appeal.

or

(e) investigate your appeal further in accordance with the process described in 7.7.4

7.7.4 Further Investigation

If we decide to investigate further (regulation 7.7.3 (e)), we will ask for 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:

1. produce an initial account of your appeal, which identifies the issues we have considered and all the relevant facts;
2. send you a copy of this account. You will have 10 working days to comment on its factual accuracy.
3. take a decision on your appeal, informed by your comments. We will either:
 - (a) uphold your appeal in part or in full and refer your case to the Chair of the Programme Assessment Board to reconsider the decision in light of the evidence now available. If you are dissatisfied with the Programme Assessment Board's decision and believe you have grounds you may lodge a further appeal

or
 - (b) reject your appeal because a reasonable case has not been made for the Programme Assessment Board to reconsider its decision. We will provide an explanation and give you details of your right to request a review (regulation 7.8) or take your case to the Office of the Independent Adjudicator (regulation 7.9)

or
 - (c) in exceptional cases we may not be able to identify clear grounds to uphold or reject your appeal. We will then refer your case to an Academic Appeals Panel which will consider your appeal further (regulation 7.7.5).

7.7.5 Academic Appeals Panel Hearing

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

7.7.5.1 Panel Membership

The Panel will normally include:

1. Deputy Faculty Pro Vice Chancellor (Learning & Teaching) from a different faculty to yours, or another appropriate senior academic member of staff
2. One member of the Academic Board who is not a member of the PAB which made the disputed decision
3. One student member of the 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.

7.7.5.2 Appeals Panel Written Report

The Panel will submit a written report of its findings to the Academic Board via the Vice-Chancellor as soon as possible. This will normally be within **10 working days** of the Hearing.

The Academic Board, or the Vice-Chancellor on its behalf as Chair of the Academic Board, will approve the Panel's report. Copies will then be sent to you, all witnesses, the Student Engagement Team and the Faculty Pro Vice Chancellor.

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 this report will also be sent to the Secretary to Academic Board for information.

7.7.5.3 Possible Outcomes of the Panel

- (a) If the 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 (regulation 7.9) or take your case to the Office of the Independent Adjudicator (regulation 7.10).
- (b) If the Panel upholds your appeal, your case will be referred back to the Programme Assessment Board. The Programme Assessment Board will reconsider your case, taking into account the Panel's findings. This will be done as soon as is practical.

The expectation of the Academic Board will be that the Programme Assessment Board's new decision will have taken all the relevant factors into full account. This will represent justice having been done in your appeal and you will be provided with

details of your right to request a review (regulation 7.9) or take your case to the Office of the Independent Adjudicator (regulation 7.10).

7.7.5.4 Panel Attendance at the Programme Assessment Board

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

1. to make sure that the PAB fully understands the Panel's conclusions and views
2. to act as an observer on behalf of the Academic Board. This will satisfy the Academic Board that all relevant factors have been taken into account.

7.8 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 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 PEC or Late Authorisation decision, if applicable
- a copy of your Programme Assessment Board decision, if applicable

7.9 Stage 3: Request for Review

7.9.1 Requesting a Review

If believe 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 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 **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**.

7.10 Taking your case to the OIA

7.10.1 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 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.

Section 8: Withdrawal of a Student for Unsatisfactory Academic Progress

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 can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service

<https://www.mynsu.co.uk/getsupport/advice/>

[Section 1](#) of the 'Handbook of Student Regulations', regulation 1.4 and 1.5, provides additional information about who may support a student throughout these procedures.

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.

8.1 Background

8.1.1 Failure of Assessments

The most common situation in which students may be required to exit their programme on academic grounds is failure in examinations or other forms of assessment. In these situations, Programme Assessment Boards use approved Programme Schemes or the University's Assessment Regulations to determine whether the level attainment for progression to the next stage of the programme or for a particular award has been reached. Depending on the extent of any failure and the wording of the particular scheme, the Programme Assessment Board will have a range of options, the most severe of which is a programme fail.

8.1.2 Appealing against Assessment-Related Decisions

The University has other procedures for dealing with appeals by students against the decisions of Programme Assessment Boards. If students wish to appeal against the consequences of failure of an assessment or any other decision of the Programme Assessment Board they should refer to [Section 7](#) of the 'Handbook of Student Regulations'.

8.1.3 Relevant Procedures

In cases where a student is withdrawn by the University, not as a consequence of any specific examination/assessment failure, but as a result of unsatisfactory academic performance and progress generally, attention needs to be given to:

- Articles of Government 3.3. (a), which refer to the Academic Board being 'responsible for the procedures for the expulsion of students for academic reasons'
- A need to provide Programme Leaders with reasonable freedom of action to manage their programmes and to take actions and decisions accordingly.

8.2 Principles

8.2.1 Attendance Requirements

On enrolling at the University, students agree to engage in academic study through a variety of means. Their engagement in group work, seminars, tutorials, and other academic activity, is an important element for learning and also contributes to the learning of others on the programme. Many students benefit from peer learning and such work is particularly important for the development of interpersonal skills. Some programmes require that specific attendance requirements are satisfied.

8.2.2 Attendance Monitoring

Research clearly demonstrates that students who engage in the full range of learning and teaching sessions are more likely to be successful. The University therefore monitors student attendance and engagement in accordance with its '[Student Attendance and Engagement Monitoring Policy](#)' to supportively encourage full engagement in academic work in an adult learning environment. However, the University also reserves the right to withdraw students who are no longer engaging in academic study.

8.2.3 Visas and Immigration

The University is obliged to inform United Kingdom Visas and Immigration (UKVI) of any International Student who has been withdrawn for unsatisfactory progress under these procedures. Such a report will be sent to UKVI notwithstanding any ongoing discussion about your academic progress that is continuing under these regulations.

8.2.4 Unsatisfactory Academic Performance

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 activity, and not as a result of any specific examination/assessment failure then there should be a procedure to be followed, culminating in the University withdrawing the student from their programme. The procedure normally involves a series of warnings as described in 8.3 and 8.4 of these regulations. The University however, reserves the right to withdraw a student for non-engagement when obligated to do so in accordance with the procedure described in Appendix D of the [‘Student Attendance and Engagement Monitoring Policy’](#).

8.2.5 Appealing against Decisions

There should be a procedure which enables students to submit appeals against the decision that they be withdrawn from a programme, for the reasons stated in 8.2.4 above.

8.2.6 Authority Required

The authority to withdraw a student from a programme is delegated by Academic Board to the Deputy Faculty Pro-Vice Chancellor for Learning and Teaching.

8.2.7 Faculty Programme Committee

The Deputy Faculty Pro-Vice Chancellor for Learning and Teaching should ensure that adequate mechanisms exist regularly to review the progress of students on the course and in particular those who are failing to attend, not submitting written work, or otherwise giving signs of unsatisfactory academic performance. Such reviews should be carried out by the Programme Leader, supported by the Student Success Team as judged necessary.

8.2.8 Informal Guidance and Warnings

Students failing to make satisfactory progress as judged by attendance or other failure to engage in academic activity should initially receive informal guidance and warnings in a variety of ways such as through the University’s Attendance Monitoring Procedure, or from Module Tutors, Guidance Tutor, or Support Staff.

8.2.9 Formal Warning

When their academic progress has been identified as unsatisfactory, at least one formal warning should be given by the Programme Leader in writing to the Student before the stage is reached when the Student is withdrawn. Such a warning should refer the Student to these regulations (Section 8), the potential that they may be withdrawn and, in the case of international students, the visa implications of a withdrawal.

8.2.10 Right to Interview

Before a formal decision is made that a student is withdrawn from the programme for unsatisfactory academic performance, they will have the right to be interviewed by a Panel in accordance with 8.4 of the regulations below.

8.2.11 Timescales

Procedures shall normally be completed according to the timescales indicated in these regulations. If for any reason these timescales cannot be met, students will be kept informed.

8.3 Stage 1 Formal Warning

8.3.1 University Attendance and Engagement Monitoring Procedure

All students receive reminders of their responsibility to inform the University of any personal extenuating circumstances affecting their progress at the earliest opportunity and by no later than the published deadlines, in accordance with the [Personal Extenuating Circumstances policy](#).

Students who fail to attend sessions, submit work or otherwise fail to fully engage in their academic studies will also be contacted through the procedure described in the '[Student Attendance and Engagement Monitoring Policy](#)' and support/advice offered.

8.3.2 Judgement of Unsatisfactory Progress

If, in the judgement of the Programme Leader acting on behalf of the Faculty Programme Committee, the student's academic progress remains unsatisfactory over a significant period of time, the student will be formally notified of this by the Programme Leader.

8.3.3 Formal Notification

Formal notification of unsatisfactory progress shall be given in the form of a letter and/or an interview by the Programme Leader. Whatever form of notification is used, the student will be informed that their progress has been unsatisfactory. If the student responds to this notification, they will be invited to a meeting to discuss any issues affecting their progress, the deficiencies in their progress, and appropriate time limits for putting the deficiencies right. The student should be advised that failure to respond to the notification or to satisfactorily complete the agreed plan by the specified date may result in them being withdrawn from the programme.

- (a) Where notification is given by letter or email, a copy of this should be placed on the student's file.
- (b) Where notification is given by means of an interview, then the Programme Leader (or their nominee) should conduct the interview. The Student Casework Manager or their nominee will take notes of the interview and subsequently ensure that a written summary of it is prepared, placed on file, and a copy issued the student.

8.3.4 Further Formal Warning or Time Limit

After the specified time limit referred to in 8.3.3 above has expired, the Programme Leader **may** choose to issue a further formal warning and give a further time limit by which the deficiencies must be put right or progress straight to Stage 2 (regulation 8.4).

8.4 Stage 2: Recommendation of Withdrawal and Panel

8.4.1 Formal Written Report

If the Programme Leader, acting on behalf of Faculty Programme Committee, judges that the student's academic progress remains unsatisfactory because the student has failed to respond to warnings / notifications or because they have not sufficiently progressed by the end of the specified time period, the Programme Leader will recommend that they should be withdrawn. A formal written report is submitted by the Programme Leader to the Student Casework Team Manager who will forward it to the Faculty Pro Vice-Chancellor or their nominee as appropriate.

8.4.2 Faculty Programme Committee Panel Membership

The Faculty Programme Committee Panel members (consisting of a minimum of a Deputy Faculty Pro Vice-Chancellor (Learning & Teaching) (or their nominee)) and one other member of academic staff who has had no previous dealings with the case will reach a decision (the Student Casework Team Manager or their nominee may take notes).

8.4.3 Purpose of the Faculty Programme Committee Panel

The purpose of the Panel is to find out why academic progress has been unsatisfactory and, in the light of this, decide what action the University should take. This may vary from a further Formal Warning to withdrawing the student from their programme of study.

8.4.4 Invitation to Submit Representations

Before the Faculty Programme Committee members make a decision, the student shall be informed of their right to attending a Hearing and submit representations either in writing or in person to the Panel. If the Student declines this invitation or does not respond to the invitation to attend a Hearing, the Panel shall take a decision on the basis of the evidence available, provided that it is satisfied that the student has been properly informed of their right to present their case. In these cases, it will be sufficient that members of the Panel consult by telephone, videolink, or in writing, but it should still be evident from notes, correspondence, and the outcome letter, that the Panel has properly considered the student's case.

If the student accepts the invitation to attend a Hearing, the Hearing will be convened and conducted in accordance with [Appendix E](#) of the Handbook of Student Regulations (Hearing Procedures).

8.4.5 Panel Decision

The decision of the Faculty Programme Committee Panel shall be conveyed in writing to the Student and Programme Leader within 10 working days of its consideration of the case. If the decision is that the student is withdrawn, then the letter or email will refer the Student to their right to request a review (regulation 8.5) or a 'Completion of Procedures Letter' (8.6). A report should also go to the next meeting of the Faculty Programme Committee (excluding student members) for information, to the Vice-Chancellor, as Chair of Academic Board, for information, and to the Secretary of Academic Board.

8.5 Requesting a Review

8.5.1 Requesting a Review

When a student is withdrawn under this procedure or has been withdrawn for non-engagement by the University in line with the procedure described in the '[Student Attendance and Engagement Monitoring Policy](#)', they may request a review of this decision ([Appendix G](#)). The only permitted grounds for a request for review are:

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

and/or

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

Any request for review needs to be submitted to the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk) **within 10 working days of being sent the decision** and the Student's case will be considered in the accordance with the procedure described in [Appendix G](#).

8.5.2 Scope of a Review Panel

If the request for review results in a Review Panel being convened on behalf of Academic Board, it is open to the Review Panel to require the Faculty Programme Committee Panel, in conjunction with the Faculty Pro Vice-Chancellor to reconsider the case taking into account the evidence, and any recommendations and conclusions arrived at by the Review Panel in respect of the evidence. The final decision about the withdrawal of an individual student must however rest with the Programme Committee in conjunction with the Faculty Pro Vice-Chancellor, and its decision cannot be withdrawn or replaced by a different decision other than by that Committee reconvened at a later occasion.

8.5.3 Remaining on the Programme during the Review Process

As the continued attendance of the Student will be dependent on the outcome of the appeal, the Student 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 the Student shall be permitted to attend lectures, seminars, tutorials,

practical or other academic sessions, to submit coursework for assessment, and to sit any examinations required by the course programme.

8.5.5 The Review Hearing

- (i) the Hearing will be convened and conducted in accordance with **Appendix E** of the 'Handbook of Student Regulations'
- (ii) the Panel should invite the Programme Leader, the Student and any other relevant people to present evidence and to respond to questions from the Panel as appropriate
- (iii) no-one else would have the right of attendance, but the Panel should be able to receive evidence from and allow attendance of other relevant people at its discretion. This may include the student's Head of Subject or Guidance Tutor, and where possible, the Clerk to the Panel should consult with the Chair about the witnesses to be invited to attend
- (iv) the Chair of the Panel shall decide, after taking account of the evidence, whether evidence from each party can be heard in the other's presence.

8.5.6 Review Panel Written Report

The Review Panel will submit a written report of its findings to the Academic Board, via the Vice-Chancellor. The written report will:

- (i) be sufficiently full to reflect the reasoning by which the conclusions and recommendations have been reached;
- (ii) be sufficiently comprehensive to allow the Faculty and the Academic Board to use it as a basis for review of the case;
- (iii) be compiled with all due regard for confidentiality. The Student should not be named in the Report but referred to as the 'appellant' only. All other witnesses should normally be identified in the Report, though where individuals are named during the course of the Panel meeting but do not appear as witnesses their anonymity should be preserved in the Report;
- (iv) state explicitly whether or not the appeal is upheld.

It will submit its report to the Vice-Chancellor as soon as possible, and normally not later than 10 working days after it has met. In the interest of minimising the time taken to resolve an appeal, the Vice-Chancellor may act on behalf of the Academic Board in carrying the process forward. The Student Appeals and Complaints Officer shall

inform the Student of the outcome of the Panel. A copy of the report will also be sent to the Secretary to Academic Board for information.

8.5.7 Completion of Procedures Letter

If the Panel finds against the Student, the Student Appeals and Complaints Office will issue a Completion of Procedures Letter (See [Appendix H](#) of the Handbook of Student Regulations for further information). If the Panel finds in the Student's favour, the case will be referred back to the Faculty in order that it can be further considered in the light of the findings of the Panel.

8.5.8 Referral back to Faculty

When a case is referred back to the Faculty for reconsideration, the Faculty will take very careful account of the findings and conclusions of the Review Panel. The Academic Board will therefore expect that the Faculty's decision will represent justice having been done in respect of the appeal. The appeals procedure would therefore, at this stage, be terminated and the Student Appeals and Complaints Officer will inform you of the outcome and issue a Completion of Procedures Letter (See [Appendix H](#) of the Handbook of Student Regulations for further information).

8.5.9 Review Panel Recommendations

The Review Panel may recommend that its' Chair, or another member of the Review 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:

- (i) to ensure that the conclusions and views of the Review Panel are fully understood by the Faculty;
- (ii) to act as an observer, on behalf of the Academic Board, to enable the Board to be satisfied that all relevant factors have been taken into account.

8.5.10 Report Approval

Once the Report has been approved by Academic Board or by the Vice-Chancellor on its behalf, then copies should be sent to all witnesses, as well as the Student Casework Team Manager and Faculty Pro Vice-Chancellor.

8.6 Taking the case to the OIA

8.6.1 Requesting a Completion of Procedures Letter

If the student wishes to challenge the University's decision but judges they cannot request a review on the grounds permitted in 8.5.1, they may request a Completion of Procedures Letter from the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) **within 1 month of being sent 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 withdrawal for unsatisfactory academic progress appeals process.

Section 9: Fitness to Practise Procedures

Format Requirement

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

Advice and Support

Students may seek independent advice and support about these procedures from the Students' Union Advice Service <http://www.mysu.co.uk/getsupport/>

Students may seek support throughout the fitness to practise procedures. For further information about when students may be accompanied by a 'Friend' or seek representation, please see [Section 1.4 and 1.5](#) and [Appendix A](#) 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.

9.1 Introduction

9.1.1 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.

9.1.2 Conduct

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' will be treated according to the procedures in [Section 3](#). Students on professional programmes are additionally required to be aware of the need to consistently demonstrate their 'fitness to practise' for their chosen profession, and this is dealt with in these procedures. These procedures apply to all students on programmes that lead to

registration with a professional body and/or future employment that involves contact with vulnerable adults and/or children:

- All Nursing programmes that lead to eligibility to register with the Nursing and Midwifery Council (NMC)
- Midwifery programmes that lead to eligibility to register with the Nursing and Midwifery Council (NMC)
- Operating Department Practice programmes that lead to eligibility to register with the Health and Care Professionals Council (HCPC)
- Occupational Therapy programmes that lead to eligibility to register with the Health and Care Professionals Council (HCPC)
- Physiotherapy programmes that lead to eligibility to register with the Health and Care Professionals Council (HCPC)
- Social Work programmes that lead to eligibility to register with the Health and Care Professionals Council (HCPC)
- Teacher training programmes that lead to Qualified Teacher Status (QTS)

9.1.3 The Right to a Fair Hearing

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

9.1.4 Burden and Standard of Proof

The burden of proof lies with the person or persons bringing the allegation that the student's fitness to practise may be impaired and that they are not fit to practise. This will normally be the University. A decision on the allegation will be based on 'balance of probabilities'.

9.1.5 Confidentiality

Fitness to practise procedures will be conducted with strict confidentiality. Where sanctions are imposed, the University will ensure that only the student, their advisers/representatives and appropriate University staff are informed of these. It may also be necessary to inform external organisations of the outcome of a Fitness to Practise process, including but not limited to professional bodies and the Disclosure and Barring Service (DBS). Only exceptionally, when duty of care obligations require it, will any details of imposed sanctions be shared with other stakeholders.

9.1.6 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. In such cases, the University will typically pause fitness to practise procedures until the outcome of a legal process. If the complexity of the case means these timescales are not achievable, the student will be kept informed of the progress of their case.

9.2 Fitness to Practise Standards

9.2.1 Behavioural expectations

The University may take fitness to practise action against a student if there is a complaint (from within or outside the University community) that they may have behaved in any way that calls into question their fitness to practise in their chosen profession and / or committed misconduct as defined in [Section 3 Appendix 2](#) of the Student Disciplinary Procedures.

The University has a duty of care to protect the general public, as students on professional programmes will come in to contact with vulnerable people. The University must feel able to endorse students' fitness to practise to operate in such environments, so it is expected that students on professional programmes consistently demonstrate an understanding of the professional code of conduct of their chosen profession and to operate in line with this. Professional programmes are designed to support students to develop their professional awareness, understanding, and behaviours in a staged way over the duration of the programme. However, students are ultimately responsible for ensuring they model the behaviours expected of members of the profession they aspire to join, both within the University and in their personal lives.

Upon successful completion of a professional programme, students can apply to join the register to work in their chosen profession. In order for the University to be able to confirm their eligibility to join a professional register, the University has to feel confident that students have consistently demonstrated their fitness to practise. Where fitness to practise allegations against a student have been proven but the student is permitted to stay on the programme, the student must successfully reflect on and modify their behaviour to reach the standard expected by completion of the programme.

9.3 Scope of Procedure

9.3.1 Parameters of these Procedures

These rules will be applied in respect of any behaviour displayed by a student on a professional programme which calls into question their fitness to practise, **wherever the behaviour may have occurred, including on social media.**

9.3.2 Health issues

These rules also apply in respect of any student on a professional programme whose health, and/or their failure to recognise their health, compromises their fitness to practise.

9.3.3 Enrolment Status

The University may convene a 'Fitness to Practise Panel' to consider fitness to practise allegations against a student at any time, notwithstanding their current enrolment status.

9.4 Behaviour that is also a Criminal Offence

9.4.1 Reporting of Offences

If the alleged behaviour is likely or may be 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.

9.4.2 Pausing of Procedures

The University may take immediate precautionary action in accordance with Section 17 of the Handbook (see 9.6 below) to manage risk if necessary, but will otherwise pause any other fitness to practise procedures until the outcome of legal proceedings is known.

9.4.3 Exceptional Permission to Proceed

Exceptionally, University fitness to practise 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 fitness to practise processes are clearly independent of the possible sentence imposed by the Court. In such cases, the Faculty Disciplinary Officer will consult with Faculty staff to determine that it is appropriate to do so.

9.4.4 Completion of Legal Proceedings

Once legal proceedings are completed, the University will resume its fitness to practise processes. If the student has been sentenced by a Court, any penalty imposed by the Court will be taken into account when any fitness to practise sanction 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 9.7.3 may not be required and the focus of the investigation will be on the implications of the behaviour for the University.

9.4.5 Fitness to Practise Action Irrespective of Legal Outcomes

If the matter is not reported to the Police, the University may proceed with its own fitness to practise processes based on an allegation that the student has failed to demonstrate an ability to understand and adhere to the professional code of conduct of their chosen profession.

If legal proceedings do not result in a finding of guilt, the University may still take fitness to practise action. The University will still need to decide whether the alleged behaviour and the student's response to the allegations, calls into question the student's fitness to practise. The standard of proof under these regulations is 'balance of probabilities', which is lower than that of a criminal court. There will also be factors unique to fitness to practise that will not have been considered under legal processes.

9.5 Behaviour Significantly Affected by Health

9.5.1 Student Life and Wellbeing

If the alleged behaviour appears to be significantly affected by ill health, staff from Student Life and Wellbeing will be contacted for procedural advice. Otherwise, the fitness to practise procedures as described in this section will be followed.

9.5.2 Ill Health and the Panel

Any judgement by the Fitness to Practise 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 in the case, may be co-opted onto any Fitness to Practise Panel as judged necessary by the Chair.

9.6 Risk-Management Pending Completion of Fitness to Practise Action

9.6.1 Interim Suspension from Practice

Depending on the nature of fitness to practise concerns, a student awaiting a Fitness to Practise Hearing may be prevented from engaging with placements. Students will be advised on how best to manage the impact of pending fitness to practise processes on their ability to continue studying.

9.6.2 Precautionary Action

If at any stage the alleged behaviour demonstrates potential risks to the student or wider University community, the University may also immediately undertake a risk assessment and take precautionary action in accordance with Section 17 of the Handbook of Student Regulations. Such action will be taken independently of any fitness to practise proceedings, but the resulting risk assessment will be provided to the Panel to inform any fitness to practise sanction.

9.7 Procedure for Dealing with Fitness to Practise Concerns

9.7.1 Stage 1: The Informal Stage

- (i) Students on professional programmes are expected to model the behaviours set out by the relevant professional body. In cases where a student's conduct and behaviour does not meet expected standards, the student will be invited to discuss the concerns with programme team staff

(typically the Programme Leader and the departmental lead for Fitness to Practise matters).

- (ii) It is likely that most cases will be of a minor nature and that, having had the opportunity to discuss the concerns with academic staff, students will develop a clearer sense of expected professional behaviour. If the member of staff judges that the situation warrants it, they may place a note describing the nature of the concerns on the student's file and provide the student with a copy. Such records may be referred to in any further fitness to practise processes.
- (iii) If the matter cannot be resolved at Stage 1, including if the student denies the allegations or disputes the outcome, a formal investigation will be undertaken in accordance with 9.7.2 of these regulations. If a Panel is subsequently convened and it judges the allegations against the student are upheld, the full range of sanctions detailed in 9.7.8 will apply.
- (iv) 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 Faculty Disciplinary Officer or nominee, who will decide on the next steps in accordance with 9.7.2.

9.7.2 Stage 2: The Formal Stage

- (i) Upon receipt of a referral, the Faculty Disciplinary Officer (or nominee) will commission an investigation in accordance with regulation 9.7.3 unless they decide that:
 - (a) the matter is not sufficiently serious to justify Stage 2 formal fitness practise action, or
 - (b) due to the serious nature of the alleged behaviour and potential risk to the wider University community, the possibility of an interim Restriction or Precautionary Suspension should be considered and the matter referred for a case conference to be convened in accordance with the procedures described in **Section 17** and **Appendix C** of the Handbook, or
 - (c) proceedings should be paused in accordance with regulation 9.4.2, or
 - (d) there is evidence of exceptional proceedings not to pursue the case

9.7.3 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. Given the need for students on professional programmes to consistently demonstrate self-awareness and an understanding of their obligations as an aspiring member of their chosen profession, the investigation will take into account all current issues known to the University that are materially relevant to the issue of 'fitness to practise'. This includes, but is not limited to, the student's behaviour throughout the programme, whether associated with University activities or elsewhere.

Upon consideration of the investigation report, the Faculty Disciplinary Officer will judge that, based on the evidence available:

- (i) there is no fitness to practise case to answer:
 - (a) and no further action is required or
 - (b) but the concerns about the student's behaviour are 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) or

- (ii) there is a fitness to practise case to answer:
 - (a) but because the student made early admissions and it is judged by the Departmental Lead for Fitness to Practise that the student can improve their professional behaviour through the implementation of one of the sanctions described in 9.7.8 (i-iii), a Panel may not be required. In such cases, the student will be given clear guidance by the Departmental Lead for Fitness to Practise on the length of any sanction imposed and whether it can be referred to in future disciplinary and/or fitness to practise proceedings or
 - (b) and because the matter cannot be resolved at Stage 1 or because of the seriousness of the concerns, a Fitness to Practise Hearing should be convened to consider the evidence

9.7.4 Action against former students

If the student is no longer enrolled, any 'Fitness to Practise Panel' will determine whether the student's alleged behaviour raised 'fitness to practise' concerns and if so, the extent to which these issues present a risk to the student and/or the wider community. Every reasonable effort will be made to provide the student with full details of the allegation and to provide an opportunity to attend the Hearing or make

submissions to the Panel. However, such hearings may ultimately be held in the student's absence.

9.7.5 Panel Membership

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

- The Faculty's Disciplinary Officer or nominee (Chair)
- At least two other members of academic staff who have had no previous dealings with the student's case (one of whom should have relevant experience of professional body expectations of behaviour)
- An external representative of the relevant profession

Panel members must operate within University policy on confidentiality, information sharing and data protection. The Secretary to the Panel, who will provide regulatory advice, and the note-taker of the Hearing will be responsible for making a detailed record of the proceedings.

9.7.6 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:

- (i) The student's fitness to practise is not impaired or
- (ii) The student's fitness to practise is impaired but no further action is required or
- (iii) The student's fitness to practise is impaired and sanction(s) detailed in 9.7.8 should be imposed

9.7.7 Parameters for Panel Decisions

The Panel will reach a decision in line with [Appendix F](#) of the Handbook of Student Regulations.

- (i) The 'Fitness to Practise Panel' will determine:

- unless already proven through criminal or other proceedings, whether the allegations against the student are proven and if so, the appropriate sanction(s)

and

- whether misconduct occurred, and if so, an appropriate penalty, in accordance with '[Section 3: Disciplinary Procedures](#)' of the Handbook of Student Regulations (the external representative of the relevant profession will have no decision making role in this element of the judgement). If the Panel judges that the student's fitness to practise has been so compromised that they will be required to leave their professional programme, the student may seek transfer to a non-professional programme within the University. In such circumstances, the Fitness to Practise Panel must therefore also consider whether Misconduct has occurred and, if so, what penalty should be levied in order to ensure appropriate risk-management arrangements are in place should the student continue at the University.

(ii) In making its judgement, the 'Fitness to Practise Panel' will consider:

- The need to protect the public and to maintain public confidence in the profession;
- The University's need to ensure that students enrolled on its professional programmes are 'fit to practise' such that, at completion of such programmes the University will be able to confirm their 'fitness to practise' to national regulatory bodies;
- The University's disciplinary regulations if applicable.

(iii) The standard of behaviour expected by the Fitness to Practise Panel will be informed by the published code of conduct of the relevant professional body, the employers of professionals within the relevant discipline and organisations which provide placements. Such behaviour will:

- Not put the safety or wellbeing of others at risk

and

- Will be consistent with the relevant professional expectations

(iv) In the light of its findings, the 'Fitness to Practise Panel' may impose any of the sanctions in 9.7.8 and/or any of the penalties in [3.6.6](#) (Section 3 of the 'Handbook of Student Regulations').

9.7.8 Imposing Sanctions Where Allegations Are Upheld

Any sanction will be informed by a range of factors, including but not limited to: the nature and extent of behaviour; the professional codes of conduct relevant to the student's programme of study; the need to manage future risk; the student's conduct record throughout the course of their studies and the stage of the programme the student has reached. If the Panel judges that the fitness to practise concerns are proven, **any** previous report(s) of University disciplinary or 'fitness to practise' proceedings may be consulted if deemed appropriate by the Panel and their findings used to inform the Panel's decision regarding the sanction.

Sanctions can be used to support the student to modify their behaviour in line with professional expectations. 'Fitness to practise' sanctions may also be imposed in response to other issues, such as a student's ill health or an inability to manage the effects of ill health on their studies or practice. The majority of sanctions are designed to support students to change their behaviour so that they become 'fit to practise'. However, the Panel might judge that a student cannot continue on their programme of study because:

- the fitness to practise concerns are so serious they are incompatible with professional practice;
- and/or*
- there is no reasonable prospect of their behaviour improving such that they become fit to practise.

In the event a Panel finds that the student's behaviour raises fitness to practise concerns, they should consider the sanctions available to them in line with **Appendix F** of the Handbook of Student Regulations, paying particular attention to the requirement that sanctions should be considered in a stepwise fashion, starting with the lowest first, and whether each addresses the concerns raised by the behaviour. The Panel can impose any of the following sanctions:

- (i) permission for the student to continue on the programme but with a warning on their file for a specified period of time, which can be taken into account in any future fitness to practise procedures;
- (ii) permission for the student to continue on their programme, with or without conditions relating to the programme such as may reasonably be imposed upon them (i.e. additional supervision; a satisfactory occupational health assessment or medical report);

- (iii) permission for the student to continue on their programme, subject to their satisfactory completion of reflective work addressing the concerns that have been highlighted
- (iv) a requirement for the student to satisfactorily repeat a specified part or parts of the programme;
- (v) suspension from the programme until any conditions relating to the programme such as may reasonably be imposed upon the student have been met;
- (vi) suspension from the programme, for a specified period of time, not exceeding 12 months, after which the Panel would review the student's situation and decide whether to permit them to continue on their programme;
- (vii) permanent withdrawal from continued study on the programme;
- (viii) prohibition from enrolling on any other award with professional requirements within the Faculty or University;
- (ix) withdrawal of award if the University becomes aware of 'fitness to practise' concerns relating to the student's time at the University after the student has graduated

9.7.9 Notification of Decision

The Chair will notify the student in writing within **10 working days** of their decision and any resulting sanctions imposed. The student will also be informed they can request a review of this decision within 10 working days or request a 'Completion of Procedures' Letter within 1 month if they wish to take their case directly to the OIA (see [Appendix H](#) of the Handbook of Regulations). Further details on the grounds for a request for review can be found in Section 9.8.

9.7.10 Informing the Faculty

- (i) The Head of Department and appropriate administrative staff will be informed of the outcome of any formal fitness to practise proceedings, to ensure the matter is properly recorded and any recommendations are taken forward. Where any sanctions and / or penalties are imposed, these details 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 sanctions and / or 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.

9.7.11 Informing Relevant Bodies

It may be necessary to inform external organisations of the outcome of a Fitness to Practise process, including but not limited to professional bodies and the Disclosure and Barring Service (DBS). Such disclosures will be only be made where there is a legitimate interest for the information to be shared and it is considered to fall under the University's duty of care to protect the public. Where information is shared, it will be done in accordance with University policy on information sharing and data protection. Further information about the circumstances in which the University is obligated to make a referral to the DBS is available at <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>.

9.7.12 Reconsideration of the same allegation

- (i) The University may on occasions reconsider the same allegation if it becomes aware of new materially relevant information which it was not possible to obtain at the time. In taking a decision whether to reconsider an allegation, the University will take into account:
- Whether the outcome of the first 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 there may be increased risk to public safety
- (ii) If the Faculty Disciplinary Officer judges 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.

9.8 Stage 3: Request for Review

9.8.1 Request for Review

If a student is not satisfied with the decision of the Panel and believe they have grounds, they may request a review of the decision using the procedure described in **Appendix G** of the Handbook of Student Regulations. The permitted grounds for a request for review are:

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

and/or

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

Requests for review needs to be submitted to the Student Appeals and Complaints Office (studentappealsandcomplaints@northumbria.ac.uk) **within 10 working days of the University issuing its decision in writing.**

9.9 Taking a Case to the OIA

9.9.1 Requesting a Completion of Procedures Letter

If students wish to challenge the University's decision, but judge they cannot do so on the narrow grounds permitted in **Appendix G**, they may request a Completion of Procedures Letter from the Student Appeals and Complaints Office (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 fitness to practise processes.

Section 10: Student Complaints Procedure

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

Format Requirement & Contact Details

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

Independent Advice and Support

You can seek independent advice and support about these procedures from Northumbria Students' Union Advice Service www.mynsu.co.uk/getsupport/

Students may seek support throughout the complaint procedures. For further information about when students may be accompanied by a 'Friend' or seek representation, please see [Section 1.4 and 1.5](#) and [Appendix A](#) 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.

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.

10.1 Introduction

10.1.1 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 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 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 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 10.2.1 (xi)).

10.1.2 Complaints, Allegations of Misconduct, and Academic Appeals

It is important to distinguish between a complaint, an allegation of misconduct, and an academic appeal:

- (i) a complaint is **an expression of dissatisfaction with how you have been treated or a service or facilities provided by the University**. When considering making a complaint you should compare your experience against what the University undertook to provide, or what you might reasonably have expected, and consider how your expectations were not met. A complaint is also the way in which to express concerns about the supervision received (e.g. for a dissertation). Such complaints should be lodged **as soon as possible** in order that appropriate actions may be taken, and in any event, **before submission of work for assessment**. Complaints usually involve seeking an identifiable outcome to resolve the issue;
- (ii) a complaint of misconduct by a fellow student is treated as an allegation of misconduct under the Student Disciplinary Procedures (Section 3 of this Handbook). Contact the Student Casework Team or the Student Appeals and Complaints Office in the first instance. 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;
- (iii) an academic appeal is a questioning of a decision directly affecting the assessment process (a PEC or Late Authorisation claim) or a decision made by the Programme Assessment Board. You may not question the marks awarded but if you feel that there was an error in procedure or examiners did not have all the information available they should have, then this might be the basis of an academic appeal. See [Section 7](#) of the 'Handbook of Student Regulations';

- (iv) 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 Casework Team or the Student Appeals and Complaints Office for guidance. Sometimes it becomes apparent during investigation that the case needs to be reclassified - should this happen the matter will be discussed with you and the implications of the change in classification explained.

10.1.3 Providing Feedback

The University has other ways in which you can provide feedback, which do not include a request for a specific response. You should carefully consider which procedure best serves your needs. The formal means for commenting include:

- Module feedback questionnaires
- Programme questionnaires
- Teaching questionnaire
- Student and Staff Programme committees
- Students' Union reps
- NSS survey (final year).

If you are unsure which procedure to use or what the role/purpose of these procedures are, you should discuss with Ask4Help or the Student Progress Team. These procedures however, are not appropriate for raising a complaint against individual staff members. Under these circumstances, the procedure described in 10.4 should be used.

10.2 Principles

10.2.1 Main Principles

The main principles are that:

- (i) **the burden of proof lies with the complainant.** Complaints will be decided on the basis of 'balance of probabilities'
- (ii) student complaints should be dealt with seriously and fairly. Students 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;

- (iii) student complaints should be dealt with at a local level, or as close to that as possible. Every effort should be made to resolve students' concerns informally;
- (v) student complaints should be treated consistently across the University;
- (vi) 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;
- (vii) a complaint may be lodged by an individual student or a group of students. If it is a **group complaint**, an agreed statement of 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;
- (viii) the complaints procedure should only be used when all other attempts to resolve the matter have been exhausted;
- (ix) it does not affect students' rights to pursue legal remedies (if appropriate);
- (x) only proper and valid complaints will be investigated;
- (xi) vexatious and/or malicious complaints shall be considered misconduct by the complainant, and disciplinary action may be taken in accordance with [Section 3](#) of the 'Handbook of Student Regulations' (Student Disciplinary Procedure) and / or [Section 9](#) of the 'Handbook of Student Regulations' (Student Fitness to Practise Procedures). Depending upon the nature of the allegations, if malicious complaints are lodged by students who have since left the University, they may find themselves subject to legal proceedings;
- (xii) to prevent the submission of malicious or vexatious complaints, no action will normally be taken in respect of anonymous or anonymised complaints. The complaints process is an open and transparent process and anonymous complaints will only be actioned in exceptional circumstances;
- (xiii) the deadline for submitting complaints is **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 concern was submitted as a 'complaint' but then judged to be an appeal (and treated as such) and was submitted more than 10 working days after publication of the PAB decision, the appeal may be ruled 'out of time';
- (xiv) throughout the complaints process students may be accompanied by a 'Friend', as defined in [Appendix A](#) of the Handbook. Upon occasion, and with the agreement of all the parties concerned, students may be represented by that Friend;
- (xv) at any stage, the complaints procedure can be paused if both parties agree to mediation or other dispute resolution procedures in order to attempt to resolve the dispute. This would be without prejudice to continuation of the

complaint should the student wish. The facilitator would be someone acceptable to both parties. Either party may contact the Student Casework Team or the Student Appeals and Complaints Office at any point in the complaints procedure to discuss mediation or any other dispute resolution procedure.

- (xvi) if the allegations relate to a criminal offence, the University may refer the matter to the police and suspend its own proceedings until the outcome of any criminal proceedings are known, except where the University needs to act on the basis of duty of care in accordance with Section 17 of Handbook
- (xvii) [Section 13, Appendix I](#) 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).

10.3 Scope of the Procedure

10.3.1 Involvement of other 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, definitive advice should be obtained from the Student Appeals and Complaints Office.
- b) In addition, a student may discuss issues of concern with staff in the Student Engagement Team in their Faculty, Student Life & Wellbeing, and with a representative of the Students' Union.

10.3.2 Concurrent Procedures for Students

Student concerns raised under other existing procedures may not also be pursued concurrently by the Student Complaints Procedure; equally, student 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.

10.3.3 Concurrent Actions for 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.

10.3.4 Timescales

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.

10.3.5 Issues with Unclear Responsibility

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 Office for advice.

10.4 Procedure for Complaints against Faculties or Service Departments and Matters which fall under the Auspices of a Faculty (e.g. Placements)

(This procedure covers all matters other than those involving complaints against the Students' Union: see the procedure described in paragraph 10.5 below. See also paragraph 10.6.1 for complaints that do not fall under either procedure.)

These regulations should be read in conjunction with the flow diagram appearing in Appendix 1.

The vast majority of complaints should be resolved informally and directly with the person concerned or by speaking to a member of the Student Engagement Team:



In person

at any Student
Central location

By email

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

By phone

0191 227 4646

Occasionally the issue being complained about may be especially serious and sensitive e.g. allegations of sexual misconduct, [bullying or harassment](#), discrimination or other 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'.

The Student Casework Team can 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.

10.4.1 'Category A' Complaints

(i) Stage 1 – The Informal Stage – Early Resolution

- (a) It is expected that in the first instance complaints will be made directly to the person delivering the service wherever possible. The member of staff concerned may wish to be accompanied at such a meeting. Consult the Student Appeals and Complaints Office if there are 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.
- (b) In cases where you might feel intimidated by approaching the subject directly you may first discuss your concerns with the Student Casework Team or the Student Appeals and Complaints Office and seek advice on how to progress your complaint. If the complaint appears to be 'Category A', they will attempt to facilitate communication between you and the subject of the complaint.
- (c) 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.

- (d) In addition, you may discuss your concerns with the Student Engagement Team, the Student Life & Wellbeing Service, a student adviser or counsellor within the Service, or with the Students' Union.
- (e) The University hopes that the majority of complaints can be resolved informally. Details of 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.
- (f) No complaint about named members of staff shall be raised within Student and Staff Programme Committees.

(ii) Stage 2 – The Formal Stage

If you consider the complaint unresolved at the end of Stage 1 you may progress to Stage 2, the formal stage of the procedure, by submitting a completed [Student Complaints Form](#) to the Student Casework Team. The deadline for submitting a formal complaint is normally **10 working days** from receiving the Stage 1 informal outcome (10.4.1 (i)) 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 good and valid 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.

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) Complete a Student Complaints Form and submit it to the Student Casework Team via the Student Portal. In the case of a complaint about a Faculty Pro Vice-Chancellor / Deputy Faculty Pro Vice-Chancellor / Director of Service / Faculty Registrar, the case will be considered a Faculty Pro Vice-Chancellor / Deputy Faculty Pro Vice-Chancellor / Director of Service / 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.
 - (a) On receiving your written complaint, the Student Casework Team will, as soon as possible, and no later than 5 working days after receiving the complaint:
 1. acknowledge receipt in writing;
 2. advise any member(s) of staff concerned, in writing that a complaint has been received and the substance of the complaint

- (b) The Student Casework Team shall then:
1. decide whether the complaint lies within this procedure or requires to 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 as deemed appropriate. In this respect, you and members 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;
- (c) If evidence of potential serious misconduct emerges, the Student Casework Team may re-categorise the Formal Complaint at this point as potentially 'Category B' and process it in line with the procedure as described in 10.4.2. 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
- (d) 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 the complaint and for you to decide whether you wish to progress the complaint further
- (e) At this point Stage 2 of the complaints process is deemed complete. The Student Casework Team will provide you with details of the Request for Review stage (Stage 3, 10.4.3) and details of the OIA.

10.4.2 'Category B' Complaints

(i) Stage 1 – The Informal Stage

- (a) 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.

- (b) The Independent Manager will consider the evidence available and speak to both you 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.
- (c) If the preliminary consideration of the evidence 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 you should raise your concerns directly with the member of staff concerned (10.4.1 (i)), but if it remains inappropriate to do so the case will be considered by the Student Casework Team in accordance with Stage 2 of the procedure.

(ii) Stage 2 – The Formal Stage

- (a) If the preliminary investigation above 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.
- (b) At the conclusion of the University's investigation
 1. if the complaint is not upheld, you will be provided with relevant details
 2. 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
 3. other relevant staff will be informed of the outcome of the complaint with due regard to confidentiality as appropriate.

- (c) 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 (Stage 3, 10.4.3) and provide details of the OIA (see [Appendix H](#) of the Handbook of Student Regulations for further information).

10.4.3 Stage 3: Request for Review

If you are not satisfied with the decision and believe 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 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

Your request for review needs to be submitted to the Student Appeals and Complaints Office at 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**. Or;

10.4.4 Taking your case to the 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 Office **within 1 month being sent your Stage 2 decision** and take your case to the Office of the Independent Adjudicator (OIA) (see [Appendix H](#) of the Handbook for further information).

This completes the University's internal student complaints process.

10.5 Procedure for Complaints against the Students' Union

Section 22 of the Education Act 1994 provides that there should be a complaints procedure available to all students who:

- (i) are dissatisfied in their dealings with the Students' Union, or
- (ii) 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.

10.5.1 Outline Procedure

The procedure is as described in the Students' Union Byelaw 'Procedures For Complaint Against the Students' Union' (available on the Students' Union web page and from the Students' Union. In summary, the procedure is as follows:

- (i) 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 **7 working days** of receipt of the complaint.
- (ii) if you remain dissatisfied, you 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**;
- (iii) If you remain dissatisfied with the response at (ii) above, you may appeal to a panel of the Board of Trustees. Any such appeal should be submitted within 10 working days of receipt of the response at (ii) and be submitted to the Students' Union Chief Executive. The only permitted grounds for an appeal are:
 - a. that there was a procedural irregularity in the investigation of the complaint which materially affected the outcome from stage (ii) above
 - or
 - b. that relevant information, that could not previously be made available, has subsequently emerged.

This is the end of the Students' Union internal complaints procedure.

10.5.2 Stage 4: Request for Review by the University

- (i) The 1994 Education Act requires the University to ensure that the Students' Union "operates in a fair and democratic manner". If you feel that the consideration of your complaint has not been considered in such a way you

may challenge the complaint outcome. This is the only permitted ground on which such a challenge may be lodged.

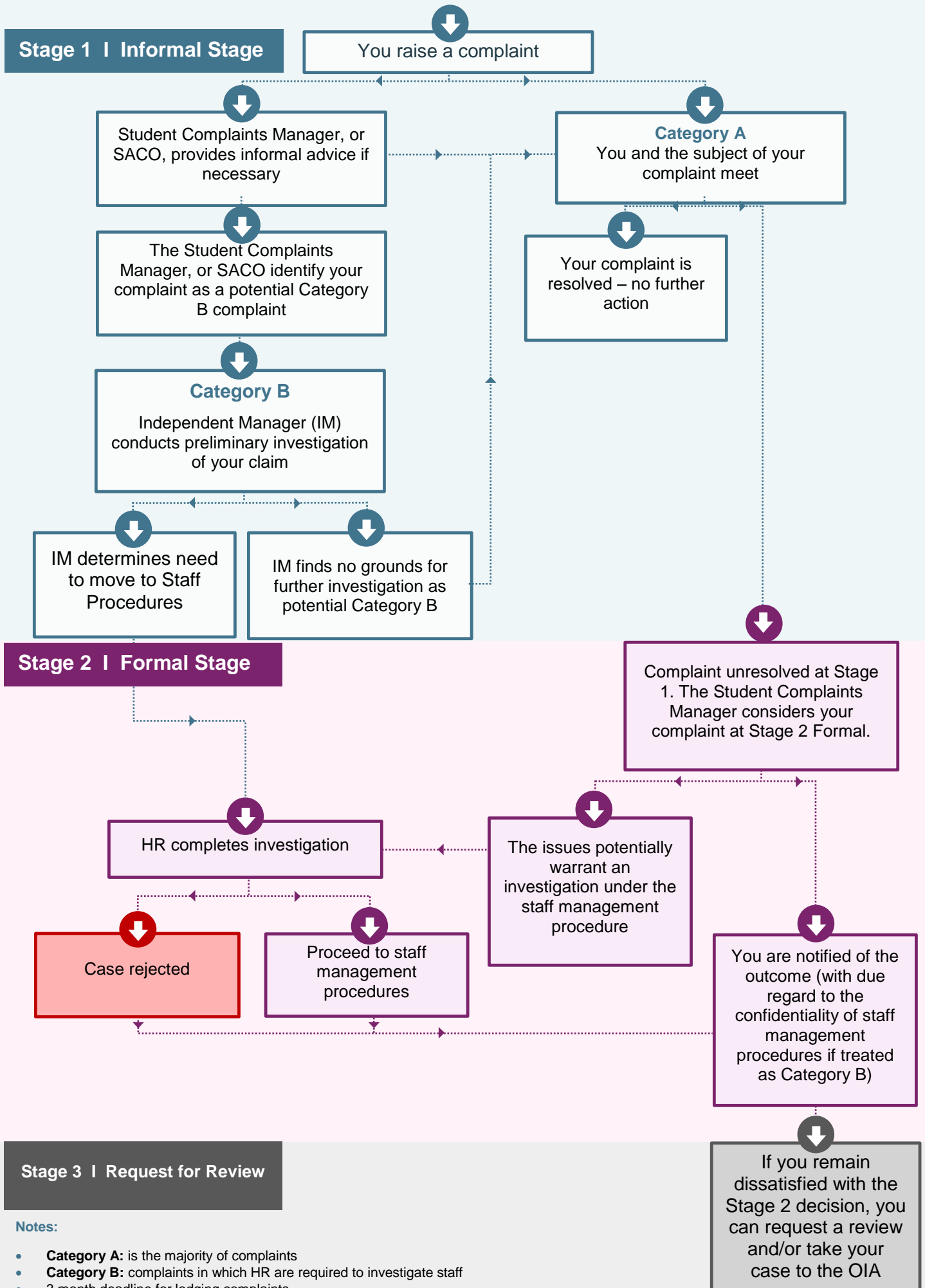
- (ii) Your Request for Review should be submitted to the Student Appeals and Complaints Officer (studentappealsandcomplaints@northumbria.ac.uk) within 10 working days of being notified of the final response of the Students' Union to their complaint, specifying the reasons why you feel that your complaint has not been considered in a proper manner by the Students' Union.
- (iii) The Student Appeals and Complaints Officer will review the challenge on the basis of the documentation provided and decide on the appropriate action of:
 - (a) reject the request at this stage on the basis that the request is not based on the permitted grounds in regulation 10.6.2 (i) or that no supporting basis for the challenge has been established;or
 - (b) uphold the challenge and return the complaint to the Students' Union to reconsider the complaint in the light of the Student Appeals and Complaints Officer's analysis.
- (iv) The Student Appeals and Complaints Officer will normally inform you of their judgement within 15 working days of receiving their appeal and issue a 'Completion of Procedures Letter'. If you disagree with the Student Appeals and Complaints Officer's analysis you may then take your complaint to the Office of the Independent Adjudicator for Higher Education.

10.6 General Issues

10.6.1 Other Complaints

From time to time, there may be complaints made by students which do not fit comfortably into either of the procedures in 10.4 or 10.6 (nor into the other existing procedures listed under paragraph 10.3.1 above: Scope) 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 commission an investigation into the complaint according to such procedures as appear appropriate to the nature of the complaint, broadly following stages similar to those specified in 10.4.1 above.

Appendix I: Student Complaints Procedure



Notes:

- **Category A:** is the majority of complaints
- **Category B:** complaints in which HR are required to investigate staff
- 3 month deadline for lodging complaints
- Stage 2 Complaint must be lodged within 10 working days of Stage 1
- Stage 3 Request must be lodged within 10 working days of Stage 2 outcome

Section 11: QAA Concerns Procedure

Format Requirement

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

Raising 'Concerns'

Students can obtain advice from the Student Engagement Team or they may seek independent advice and support from the Northumbria Students' Union Advice:

<https://www.mysu.co.uk/getsupport/advice/>

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

11.1 Introduction

11.1.1 Overview

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

11.1.2 Definition of Terms

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

11.1.3 Clarification of Terms

The 'Quality Assurance Agency' has indicated that isolated occurrences of bad practice would not normally be sufficient to trigger an investigation by them.

'Concerns' are therefore serious systemic shortcomings which result in repeated procedural shortcomings in academic standards and quality.

11.2 Concerns

11.2.1 How to Submit a Concern

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

11.2.2 Dissatisfaction with Response

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

11.2.3 Continued Dissatisfaction with Response

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

Section 12: Students' Union: Code of Practice

Approved by the Board of Governors 6 July 2020

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 Executive Committee of the Union
- (c) ineligibility to hold office in any Union club or society
- (d) ineligibility to hold any elected or appointed representative role of the Union

12.3.3 Withdrawal from Right to Membership

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

12.3.4 Resuming the Right to Membership

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

12.3.5 Logging Status of Membership

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

12.4 Elections

12.4.1 Conducting Elections

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

12.4.2 Ensuring Fair and Proper Elections

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

12.4.3 Duration of Office

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

12.5 Finance

12.5.1 Proper Conduct of Financial Affairs

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

12.5.2 Compliance with Requirements

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

12.5.3 Board of Governors and Board of Trustees

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

- (a) ensure accounts and accounting records of the Union are maintained in accordance with normal professional accounting principles.
- (b) ensure that a sound system of internal financial management and control is in place for the Union.
- (c) plan and conduct the financial affairs of the Union to ensure that its total income is at least sufficient, taking one year with another, to meet its total expenditure, and that its financial solvency is maintained.
- (d) maintain adequate insurance cover for Union assets and public/employer liabilities.
- (e) report regularly through the University's Executive Group and governance system, in order that the University can assure itself that proper financial procedures and controls are in place, can determine and agree its annual subvention to the Union, and can monitor expenditure on behalf of the Board of Governors. As appropriate, the Board of Governors will place reliance on the Union Board of Trustees/Directors which in turn receives assurance from its Audit and Risk Committee.
- (f) ensure that fair written procedures and rules exist for allocating resources to groups, clubs and societies, and that these are observed.

12.5.4 Audited Annual Financial Accounts

The audited annual financial accounts of the Union will:

- (a) be prepared within four months of the close of the preceding financial year. The accounts shall be approved by the Board of Trustees/Directors of the Union on the recommendation of its Audit and Risk Committee.
- (b) be reported through the Board of Governor's committee structure to include evidence of adoption by the Board of Trustees/Directors, and published on the Union website in line with its requirements as a registered charity.
- (c) include a list of all external organisations to which the Union has made donations in the period to which the accounts relate, and a statement of the sums paid to every organisation on the list and a list

of all external organisations to which the Union is/was affiliated, and a statement of the subscriptions/fees/donation made to the organisations on the list, in the period to which the accounts relate.

12.6 Affiliations

12.6.1 External Organisations Approval

All proposals to affiliate to external organisations shall be approved by the Board of Trustees/Directors, 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: Credit Control and Debt Management 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 Student Fee Regulations

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

13.2 Student Tuition Fee Invoicing

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

13.3 Tuition Fee Loan – Home/EU Students

In the 2020/21 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 (SFE, SFW, SFNI).

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

For full-time students in 2020/21, this will be a maximum of £9,250 for new students, and £9,000 for continuing students on the 'old-style' fee regime.

- **New full-time students** can apply for a tuition fee loan by completing a PN1 form or continuing students by completing a PR1 form. Application forms should be completed online or forms downloaded and completed.

English students can go to the link below (students from other areas can also go to this web site and then follow the links to their funding application forms):

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

13.3.1 Important Notes on the Tuition Fee Loan

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

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

13.3.2 Postgraduate Taught Funding (Home and EU)

From the start of the 2017/8 Academic year, it has also been possible for students on most Postgraduate Taught programmes to obtain funding from the SLC.

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

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

13.4 Student Tuition Fee Payment

Students who do not apply or are not eligible for the Tuition fee loan, will be responsible for their own fees (known as "self-financing") unless they notify the University that a sponsor will be responsible for paying their tuition fees. Payment can be made in full on or before enrolment. Alternatively, tuition fees can be paid through a University approved payment instalment plan.

The payment terms applicable to tuition-fee invoices will vary according to the level of award being studied, mode of study, and a student's country of residence. In all cases, instalments must be maintained in line with the tuition provided, with fees to

be fully paid before the associated period of study has expired (and before the student progresses onto their next academic year). The table below summarises the main options, although exceptions do apply.

	<u>Home / EU</u>	<u>International</u>
All students (Invoice ≤ £600)	<ul style="list-style-type: none"> • Full payment on or before enrolment 	<ul style="list-style-type: none"> • Full payment on or before enrolment
Full-time Undergraduate and Postgraduate Research (Invoice > £600)	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 2 instalments, with the 1st payment due immediately 	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 2 instalments, with the 1st payment due immediately
Part-time Undergraduate and Postgraduate Research (Invoice > £600) <i>(Includes distance learning, but not modules on 'Carousel step-on/step-off' type programmes. These are payable up front, on a module by module basis)</i>	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 6 monthly instalments, with the 1st payment due immediately 	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 6 monthly instalments, with the 1st payment due immediately
Full-Time Postgraduate Taught (Invoice > £600)	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 3 instalments, with the 1st payment due immediately 	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 2 instalments, with the 1st payment due immediately
Part-time Postgraduate Taught (Invoice > £600) <i>(Includes distance learning, but not modules on 'Carousel step-on/step-off' type programmes. These are payable up front, on a module by module basis)</i>	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 3 instalments, with the 1st payment due immediately 	<ul style="list-style-type: none"> • Full payment on or before enrolment, or 6 monthly instalments, with the 1st payment due immediately
ELAN / Summer School	<ul style="list-style-type: none"> • Full payment on or before enrolment 	<ul style="list-style-type: none"> • Full payment on or before enrolment

13.4.1 Full Time Overseas Students

Payment can be made in full, on or before enrolment. Alternatively, tuition fees can be paid through a University approved payment instalment plan as outlined above.

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

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

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

Important Note for All International Students

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

13.4.2 Payment by an Authorised Sponsor

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

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

Any overpayment by the student will only be refunded once the student has provided the University with written notification from the sponsor that they accept fully liability for the tuition fee outstanding. The University also reserves the right to delay refunding a student until the sponsor has made full payment.

Important Note

It is the student's responsibility to provide proof of sponsorship otherwise they will be invoiced for the full fee.

13.5 Withdrawal or Taking a Break in a Programme of Study

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

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

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

13.5.2 Full Time Overseas Students (Undergraduate and Postgraduate)

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

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

13.6 Fee Reductions

13.6.1 All Home and EU students, plus all part-time International students (but excluding students on 'Carousel' programmes)

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*)

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

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

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

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

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

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

13.6.2 International Students (Full-Time)

In the event of a student withdrawing or taking a break from a programme of study after 4 weeks of commencing the course the full semester fee will be due. For students withdrawing anytime in the second semester the full fee for the academic year will be due.

In both cases, the University will retain in full any deposit and it will be used to offset the level of fee due. Any outstanding fee due over and above the non-refundable deposit paid will need to be remitted by the student.

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

13.6.3 Distance-Selling Regulations

13.6.3.1 Contract via Distance Communications

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

13.6.3.2 Event of a Cancellation

In the event of cancellation, we will refund any fees and charges already paid by you (or by any third party on your behalf).

13.6.3.3 Returns of Benefits

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

13.7 Deposit Regulations for International Students

In 2020/21, all full-time international students are required to pay a non-refundable deposit of £5,500 in advance of enrolment and before any Certificate of Acceptance for Studies (CAS) can be issued for visa purposes.

13.8 Deposit Refund Regulations for International Students

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

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

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

In the event of a student not enrolling at the University in the semester for which the offer is valid or enrolling at the University and subsequently withdrawing from the programme at any time, the deposit and any voluntary additional pre-payment of fees made are also non-refundable and non-transferable.

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

13.8.1 Transfer to Another Recognised UK University

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

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

13.8.2 Withdrawal to Return Home

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

13.8.3 Refund Information

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 this 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 your cancellation or withdrawal.

13.9 Exclusion as a Result from Non-Payment of Fees

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

The student will not be timetabled for tuition, will not be entered onto subsequent examination/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).

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

13.9.1 Contacting Finance about Late Fees

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

Important Note

Once excluded the student will still be responsible for payment of the outstanding 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.

International students will be reported as a transgression to the UKVI. This may result in a requirement that they and their dependant family members leave the country.

Details of the appeals procedure appear in Appendix 1. Any appeal under Appendix 1 will not delay the Home Office decisions that they must leave.

13.10 Methods of Payment

The following methods of payment are available as follows:

- **Online payment by card** - by clicking onto:
<https://payments.northumbria.ac.uk/open/>
- **Direct Debit** - complete a Direct Debit mandate online by clicking onto:
<https://payments.northumbria.ac.uk/open/>
- **Telephone automated payments system:** + 44 (0)191 270 2444
- **Bank transfer** - using the following details:
Bank: Barclays Bank Plc
Account Name: University of Northumbria at Newcastle No. 1 A/C
Sort Code: 20:59:42
Account Number: 00909297
IBAN Code: GB63 BARC 2059 4200 909297
SWIFT Code: BARC GB22
BIC Code: 8030

Please state any student reference/invoice number when making a transaction.

We do not accept American Express

13.11 Tuition Fees 2020-21

Details of the tuition fees for a particular course and the applicable scholarships, bursaries and discounts may be obtained by locating your course in the 'Advanced Course Search' at <http://www.northumbria.ac.uk/?view=CourseSearch> and then clicking on the **Fees** tab.

Appendix 1: Exclusion Appeals Procedure

Overview

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

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

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

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

Independent Advice and Assistance

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

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

Stage 1: Informal Stage

If you would like further details as to why you have been excluded, you can speak informally to a member of the Finance Department. You can also discuss your situation with a Welfare and International Adviser in the Student Life & Wellbeing Service. You must do this in **less than 10 working days** of the date on your 'Final Exclusion Letter'.

Stage 2: Formal Appeal

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

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

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

Stage 3: Request for Review

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

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

and/or

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

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

¹ studentappealsandcomplaints@northumbria.ac.uk

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.

14.1 Intentions of Regulations

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

Undergraduate Students

14.2 Intellectual Property Rights

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

14.3 Royalty-Free Licences

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

14.4 Existing Intellectual Property

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

14.5 Jointly Created Projects

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

Postgraduate Students

14.6 Intellectual Property Rights

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

14.7 Postgraduate: Income Generation

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

14.8 Postgraduate: Income Sharing Agreement

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

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.

Section 15: Conditions of Issue of Parking Permit

Format Requirement

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

Conditions

- 15.1** No responsibility or liability is accepted by the University for damage to or loss of any vehicle or its contents parked on University premises.
- 15.2** The permit must be clearly displayed in the windscreen at all times the vehicle is in the car park.
- 15.3** The permit is not transferable, except when specifically authorised for shared or 'pooled' permits. No alterations or changes must be made to a permit.
- 15.4** The University retains the right to withdraw a permit at any time.
- 15.5** Vehicles must be properly parked in authorised parking zones. A permit holder may be required to move the vehicle or may be issued with a Parking Charge Notice if it is badly parked, obstructing traffic flow or causing other hazards. In an emergency or if no permit is displayed, your vehicle may be moved.
- 15.6** A breach of the regulations may result in one of the following penalties:
 - a)** Issue of a Parking Charge Notice. The fine will be reduced by 50% if paid within 14 days.
 - b)** Withdrawal of the car parking permit.
 - c)** Removal of the offending vehicle at the owner's expense.
- 15.7** Car parking provision is extremely limited at both Coach Lane and City Campuses. Coach Lane Permits are not valid in City Campus car parks except when authorised for transitional use. You are advised not to bring a car unless absolutely necessary as there are no guarantees a space will be obtained. It is the responsibility of a permit holder to find a suitable space and to park in a responsible manner.
- 15.8** There are no car parking facilities available on campus for students living in Halls of Residence except for those with special needs. Students living in halls are advised not to bring their cars.

- 15.9** Applicants may only apply for a parking permit on their own behalf and they must possess a valid driving license.
- 15.10** At Coach Lane Campus, staff and students are requested not to park on the residential housing estates or on the main highway.
- 15.11** At Coach Lane East, ANPR controlled pay and display parking is in operation. Full details of the conditions of parking are displayed on signage throughout the car park.
- 15.12** Whilst parked or driven on University property permit holders must ensure that their vehicle is in a roadworthy condition, has a valid MOT, is displaying a valid Road Fund licence and is insured.
- 15.13** All permit holders whilst driving on University property must adhere to all speed limits, and posted traffic signs and road markings.
- 15.14** Threatening and abusive language toward staff enforcing parking regulations will not be tolerated and may result in the offender's permit being withdrawn.

Section 16: Data Protection **has now been removed**

For information about how the University will process your personal data whilst you are a student of the University and for limited purposes after you have left the University, please consult the [Student Privacy Notice](#)¹.

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

Section 17: Procedures for Precautionary Action on the Basis of Duty of Care to the Student and Others

Imminent Risk

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

Format Requirement

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

Guidance

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

Independent Advice and Support

Students may seek independent advice and support from the Students' Union Advice Service <http://www.mynsu.co.uk/getsupport/>.

Related Sections of the Handbook

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

Introduction

17.1 Safe and Secure Environment

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

17.2 Duty of Care

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

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

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

17.3 Duty of Care Obligations

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

The regulations below describe the University's procedure for identifying precautionary action to be taken as a consequence of its Duty of Care obligations to all members of the University community and to visitors. These regulations also apply when a student's behaviour poses a risk to themselves, wherever this behaviour has occurred. These regulations describe precautionary actions taken to support the wellbeing of all. **In taking action under these procedures the University is making no judgement on the behaviour of the student other than to determine the risks such behaviour indicates.** Any action taken under these regulations is not a disciplinary action but failure to comply with any conditions

imposed under these regulations will be considered 'misconduct' and a potential disciplinary issue.

The University recognises the individual student's right to privacy and a separation of their obligations to the University in their 'student life' from their 'private life'. These regulations balance those rights against the rights of the University community as a whole to work and study in a safe, secure environment. However, incidents occurring in a student's 'private' life will be considered by the University if they indicate a potential continuing risk to the wellbeing of the student or others. In exceptional circumstances, these procedures may be followed when the University becomes aware of incidents that occurred before the student enrolled at the University.

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

17.4 Awareness of Risky Behaviour

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

17.5 Precautionary Actions Prompted by Duty of Care Obligations

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

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

17.6 When the University Will Take Action

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

17.7 Precautionary Action Taken by the University

Any precautionary action taken by the University will be based on a risk assessment informed by all relevant parts of the University ([Appendix 3](#)). Procedures resulting in action by the University will be fully informed by the principles of 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.

17.8 Collaboration

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

17.9 External Agencies

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

Procedure

17.10 Stage 1: Minor Risk Situations

- 17.10.1** In the first instance, if there is concern about a student and the risk to others is judged to be very small, support and guidance may be provided by the student's Guidance Tutor, 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 or Suspension is recommended to the Vice-Chancellor (or nominee, see [Appendix 1](#)), (17.12) normally within two working days. The terms of such a restriction may include restricted access to University facilities, no contact of any kind with a named person or persons, and compliance with a behavioural management plan. A Precautionary Restriction or Suspension will only come into operation once confirmed by the Vice-Chancellor (or their nominee) (17.12);
 - 17.11.5.3** where appropriate, a recommendation that the student's fee liability be reviewed.

17.12 Recommendation of a 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 ([Appendix 3](#)). It will be emphasised that this is not a disciplinary matter and the Student will be signposted to the Student Life and Wellbeing Service and Student 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, normally within 10 working days of the notice (17.12.3) from the Vice-Chancellor. The student should submit their case in writing to the Chair of the case conference. Supporting evidence should be provided if appropriate (if such evidence cannot be provided within 10 working days the student should inform the Chair of the case conference within this 10 working day period and provide a reasoned argument and evidence where possible for an extension).
- 17.13.2** The Chair will arrange for the original case conference to reconvene, normally within 5 working days, to consider the appeal and produce a

revised risk assessment in the light of the new information. A recommendation to the Vice-Chancellor will normally be 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 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 Research and Innovation
4. Academic Registrar

Appendix 2

Possible Indicators of Minor vs Major Risks

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

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

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:
 1. sexual and violent offences
 2. arson
 3. terrorism offences

4. possession or supply of controlled substances
 5. possession of an offensive weapon/firearm including imitation or replica products
 6. criminal damage
 7. threatening, abusive or insulting behaviour
 8. serious acts of theft, fraud, or deliberate falsification of records
- ii. Serious or persistent acts of bullying, harassment or intimidation
 - iii. Serious infringement of University Health and Safety rules
 - iv. Actions which are likely to bring the University into serious disrepute and/or cause interference to the normal operations of the University
 - v. Multiple or repeated 'minor' behaviours under regulation 17.10

b. Major Risks to Self:

- i. Serious self-harm
- ii. Threats of / attempted suicide
- iii. Persistent non-attendance at classes
- iv. High level alcohol or substance use
- v. Serious or repeated reckless behaviour
- vi. Self-neglect resulting in risk to self and/or distress to others
- vii. Social isolation
- viii. Being a victim of sexual exploitation
- ix. Being a victim of other serious offence
- x. Homelessness.

Appendix 3

SAMPLE Risk Assessment Form for Precautionary Action on the Basis of Duty of Care

Risk Assessment Form

Name of Student: Click or tap here to enter text.

Student No: Click or tap here to enter text.

Programme and Level of Study: Click or tap here to enter text.

Case Conference No: Click or tap here to enter text.

Date of Case Conference: Click or tap to enter a date.

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

Background Information

1a.	Summary of current behaviour (consider when and where the behaviour occurred, who was involved, levels of premeditation, use weapons):
1b.	Is there a pattern of behaviour? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, provide details of previous incidents, highlighting the recurring aspects of the behaviour:

2.	<p>Has the student has been seen by SSW and their views sought in relation to their behaviour and the risk assessment?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, detail their views and if not, explain why not and how SSW will seek to engage the student.</p>

3.	<p>Is the student known to other agencies and have their views been sought in relation the risk assessment?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, detail their views, and if not, explain why not and how SSW will seek to engage them?</p>

4.	<p>Has the student has been arrested for the current behaviour? <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No</p> <p>If no, go to Section 5</p>	
	When were they arrested?	Click or tap to enter a date.
	What is the alleged offence?	
	Have they been released under investigation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Have they been bailed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If so, provide the bail conditions:	

5.	Accommodation	Tick	Address Details
	University Managed Accommodation	<input type="checkbox"/>	
	Private Accommodation	<input type="checkbox"/>	

Risk Assessment

6. Risk of potentially harmful behaviours				
Potential behaviour risk	Risk factors	Protective factors	Outstanding risk	Recommended action
<ul style="list-style-type: none"> - What harmful behaviour may occur? - Who is at risk from this behaviour? - When/where is this likely to occur? 	<ul style="list-style-type: none"> - Consider risk factors in Appendix I and list which apply with evidence in support 	<ul style="list-style-type: none"> - Consider protective factors in Appendix I and list which apply with evidence in support 	<ul style="list-style-type: none"> - Taking into account risk and protective factors, what risks are outstanding and need to be managed? - Is the risk Low, Medium, or High (see section 7)? 	<ul style="list-style-type: none"> - Could the outstanding risk be managed by informal action? - Is a Restriction or Suspension needed to manage current risk? If so, explain why lesser interventions cannot manage the risk - Give details of proposed informal action or formal precautionary action and how it would manage risk

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

8.	Is there evidence to indicate the student may be vulnerable and at risk? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, detail the concerns below and ensure the concerns are addressed in Section 9 below

Summary of Risk and Vulnerability Management Planning

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

10.	Precautionary Restriction Recommended? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, detail the conditions ensuring that the conditions map on to the risks identified in the Risk Assessment at section 6 above and explain why lesser interventions cannot manage the risk. Be specific as to times and locations to which restrictions apply		
	Conditions	Person responsible	By when
	Rationale for decision (<i>Has a previous pastoral plan failed to interrupt the behaviour? Is the behaviour displayed so serious that only formal precautionary action is judged to be sufficient to manage risk?</i>):		

11.	Precautionary Suspension Recommended? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please detail any permitted qualifications to the Suspension and explain below why lesser interventions cannot sufficiently manage the risk	
	Rationale for decision (<i>Has a previous pastoral plan or restriction failed to interrupt the behaviour? Is the behaviour so serious or so frequent and widespread, that it is judged that only a Suspension can manage the risk?</i>):	

12.	Responsibilities of / referrals to other agencies	
	Risk factor / protective factor	Agency and contact details

13.	Actions to be taken if further harmful behaviour occurs or Restriction or Suspension is breached		
	Action	Person responsible	By when

Information Sharing

14.	Who else needs to be informed?		
	Information to be shared	With whom	Reason for sharing
Prior to sharing information with external third parties (i.e. the Students' Union, the police) the DPO must be consulted:			
Has the DPO been consulted prior to sharing? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state the agreed condition(s) for processing:			
If no, state why not:			

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Signed by Click or tap here to enter text.

Date Click or tap to enter a date.

Date of Review Click or tap to enter a date.

Appendix I

Risk Factors associated with student's behaviour

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

Protective Factors mitigating the student's risk

- Family support
- Accessing professional support
- Engaging with studies
- Motivated to change
- Existing restrictions, e.g. conditions from Police Caution
- Other

Appendix A

Glossary

Format Requirement

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

If a named officer below is not available, a member of staff of equivalent experience and authority will be identified.

Glossary

For the purposes of this Handbook, the following definitions apply:

Academic Appeal a challenge by an individual student to a decision directly affecting the assessment process (a PEC or Late Authorisation decision) or decision made by the Examination Board under the academic regulations.

Academic Judgement The OIA defines academic judgement as “*a judgment that is made about a matter where the opinion of an academic expert is essential. So for example a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course will normally involve academic judgment*”.

The OIA considers that the following areas do not involve academic judgment:

“decisions about the fairness of procedures and whether they have been correctly interpreted and applied, how a higher education provider has communicated with the student, whether an academic has expressed an opinion outside the areas of their academic competence, what the facts of a complaint are and the way evidence has been considered, and whether there is evidence of bias or maladministration”

The OIA further states that:

“Decisions about whether a student’s work contains plagiarism and the extent of that plagiarism will normally involve academic judgment, but that judgment must be evidence based” ([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. At Northumbria University it is known as the Programme Assessment Board (PAB).
Exclusion	the prohibition on attendance at or access (including electronic access) to any part of the University and its facilities. Excluded students may not offer themselves for assessment and any outstanding assessments will not be considered by Examination Boards. This usually arises due to Tuition Fee debt.
Expulsion	<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.
Office of the Independent Adjudicator (OIA)	an independent body for Higher Education whose role is to externally review individual 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 Assessment Board (PAB)	the examination board which considers individual student overall performance to ratify marks and determine progression on the programme and conferment of award/classification. This may also be known as the Examination Board.
Programme Leader	a person nominated to be responsible for managing a 'programme', or their nominee.
Programme Requirements	the rules regarding the modules and assessments necessary for successful completion of a Degree Programme.
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 the 'Handbook of Student Regulations'. See Appendix G for further information.
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>
University	except where specified otherwise, each and every one of the University's campuses and other sites whether inside or outside the United Kingdom at which persons are enrolled on an academic programme of the University.
University Community	all students enrolled at the University, all University staff or a Students' Union Officer.
Upheld	a judgement has been made that sufficient evidence exists and the necessary grounds 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 a day of normal University vacation.

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 full 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 procedural irregularity.

Appendix C Case Conference Protocol

Format Requirement

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

Case Conference Protocol

1. Purpose of a case conference: to fully explore complex student cases involving a combination of issues. Such cases may or may not involve issues and procedures covered by the 'Handbook of Student Regulations' and could include the following:
 - a. pastoral support
 - b. academic support
 - c. risk assessment and risk management, relating to the risk the Student may present to themselves, other students and staff, the University and the wider community
 - d. compliance issues such as visa compliance, information sharing or other obligations of the University
2. The Student will be informed that such a meeting will be, or has been, convened to consider their case unless there are exceptional circumstances for not doing so, e.g. to minimise the risk to other members of the University or to avoid interfering with any subsequent Police or University investigation.
3. The Student does not have the right to attend a case conference convened under these regulations, but unless there are exceptional circumstances, the Students' views on their risk should normally be sought before any risk assessment is finalised. A report of key outcomes from the case conference, usually in the form of the Risk Assessment, will be provided to the Student along with a letter from the Vice-Chancellor confirming the details of any Restriction or Leave of Absence. 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 Progress Team Representative to provide programme knowledge or to liaise with appropriate Faculty academic and support staff;

Other staff as co-opted by the Chair

- i. 'Security', to provide relevant background information as appropriate and risk-assessment and risk-management expertise;
- ii. 'Accommodation', to provide relevant background information as appropriate and risk-assessment and risk-management expertise;
- iii. Students' Union officer, if the issues have a Students' Union origin or dimension. They provide relevant background information as appropriate and risk-assessment and risk-management expertise relating to the student experience;
- iv. 'Media and Communications', to assess the impact information that is, or may become, in the public domain has on risk-assessment and/or risk-management. **They do not act in a decision-making role;**
- v. Other University staff as judged necessary by the Chair;
- vi. Members of relevant external agencies as judged necessary advisers in exceptional circumstances by the Chair. **They do not act in a decision-making role.**

Appendix D

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).

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. The purpose of any investigation is to:
 - a. gain an understanding of what the complainant believes should have happened and why they believe this
 - b. gain an understanding of why the complainant feels the matter is unresolved
 - c. establish the facts based on the points raised by the complainant
 - d. find an appropriate resolution
3. The allocated Investigating Officer should be someone with no previous involvement with the matter being raised. 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

4. If accepted for investigation, the investigator shall:
 - a. clarify any unclear details of the complaint that are with the complainant
 - b. inform the party subject 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
5. In some instances, a meeting may be appropriate. If a meeting is convened, the investigator shall:
 - a. identify a suitable time and place for the meeting
 - b. inform the student they may be accompanied by a 'Friend'
 - c. prepare for the meeting by familiarising themselves with any evidence already received and considering relevant questions to ask
 - d. ensure that all parties understand the purpose of the meeting and each other's roles
 - e. take notes of the meeting. These notes:
 - i. in principle, should be made available to all parties
 - ii. may be requested by the subject of the meeting at a later date under relevant data protection legislation if they have not already been supplied
 - iii. will be requested by OIA should the student file a complaint with the OIA
 - iv. may be used to compare notes from different elements of the investigation with a view to resolving discrepancies
 - viii. may require a signature
 - ix. 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).

- f. explain that information provided in the meeting may be referred to in the complaint outcome
 - g. conduct the meeting in an inquisitorial manner without being adversarial
- 6. If an investigation reveals other issues (i.e. not raised by the student) they should also be considered, for example:
 - a. An appeal is essentially a student questioning the security of a mark or judgement by the 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
- 7. 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
8. Findings of an investigation should be presented in a clear and accurate report and should include the following:
- a. Sources of information
 - b. A chronology
 - c. Details of the complaint made
 - d. An analysis of the evidence
 - e. The reasoning employed when using balance of probabilities
 - f. A recommendation based upon the evidence available and University regulations

When it has not been possible to use probability to judge what most likely happened, the investigator should record 'I have had to retain an open mind on this'.

Appendix E

Hearing Procedures

Format Requirement

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

1 Purpose of Hearings

- 1.1. 'Hearings' are the University's formal mechanism within the 'Handbook of Student Regulations' for considering an allegation made by one party against another. They provide an opportunity for allegations and a counter-argument to be made in the presence of both parties so that each may challenge the other. These points will be heard before a 'Panel' (which may be one or more people) which will make a judgement on the case.

2 Convening a Hearing

- 2.1. The Student will normally be given **at least 10 working days'** notice of the date and time of the Hearing. In all cases, the Student will be informed of:
 - i. the matters to be considered at the Hearing, including a Statement of Case and all supporting evidence in the case of disciplinary, fitness to practise and withdrawal matters
 - ii. the parameters of the Hearing – if there has been a finding of fact by another party (e.g. by a criminal court, sporting body, employer) 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. 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.
- 2.3. 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.
- 2.4. 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 or Proceedings will then be as follows:

- 4.3** The Student presents their case.
- 4.4** Questions from the Panel to the Student.
- 4.5** Questions from the 'University representative' to the Student. 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 record should be sufficiently detailed to enable a report to be written that makes the reasons for the Panel's recommendations clear and to enable an examination board to use it as a basis for reconsideration of the case.
- 6.3. The report should be prepared with due regard to confidentiality.
- 6.4. The Panel may judge whether the party with whom the burden of proof lies has demonstrated grounds to support their case and take action in accordance with the relevant section of the 'Handbook of Student Regulations'.
- 6.5. The opportunity should also be taken to separately produce a list of issues for the University to consider as a separate matter as part of its quality assurance and enhancement procedures.

See **Appendix F** of the 'Handbook of Student Regulations' for further guidance on decision-making.

Appendix F Decision Making

Format Requirement

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

Decision Making

1. Principles

- 1.1 The principles of 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 is the alleged procedural irregularity?
- What is the alleged bias on the part of examiners?
- What mitigating circumstances have not properly taken account of or why was the information not available for the Programme Assessment Board

Complaint

- What is being alleged should have been done, that was not?
- What is the complainant alleging was wrong about how they have been treated?

Discipline

- What is the alleged misconduct?

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?

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 \(February 2019\)’](#)

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)

2. Grounds for Review

- 2.1 The permitted grounds for requesting a review are narrow. Students must show using evidence, that:
- a) correct procedures were not followed in the consideration of the case at Stage 2 and this significantly affected the outcome

and/or

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

Requests for review are not permitted on a questioning of academic or professional judgement. 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 they were sent the University's Stage 2 decision. If they are unable to submit their request by the deadline, they must inform the Student Appeals and Complaints Office within the 10 working days.
- 3.3 Late requests for review will only be considered in exceptional circumstances. If a valid reason for wishing to submit a late request for review is not provided, the request will be rejected without any consideration of the argument supporting the request for a review itself and a Completion of Procedures Letter will be issued. See Appendix H of the 'Handbook of Student Regulations' for further information
- 3.4 Students should not supply evidence submitted in support of their case at Stage 2. Students need to demonstrate why they feel they have grounds for a review of that decision and clearly indicate which ground/s they are basing their request for a review on. The burden of proof is on the Student and it is for them to demonstrate there is substance to any claim that their case was not properly considered or that they have new information that could not be provided earlier.

4. How a decision is taken

- 4.1 The request will be considered by the Student Appeals and Complaints Officer or their nominee, unless the request for review relates to:
- an Academic Appeal (Section 7) decision, in which case an independent member of staff, from a different Faculty to that of the Student, will consider the request
 - a Duty of Care (Section 17) decision, in which case an independent senior member of staff will consider the request
 - a Termination of Agreement decision (Section 2) or a disciplinary decision to restrict, suspend or expel a student (Section 3), in which case the Head of Legal will consider the request
- 4.2 The decision-maker will obtain the file produced at Stage 2 of the proceedings, but will only consult the file to verify the argument as made by the Student. The decision-maker does not reinvestigate or consider the University's Stage 2 decision afresh. **The decision-maker's role is to ensure that procedures have been correctly followed at Stage 2** and to decide whether the Student has evidenced their stated grounds for review. Possible outcomes are:
- a) Reject the request for a review on the basis that:
- a. The request was not submitted within the permitted time-period and a good and valid reason for lateness of the request was not provided
 - b. The request is not based on any of the permitted grounds as set out in 2.1 above
 - c. The request has failed to clearly demonstrate any of the permitted grounds as set out in 2.1 above

At this point, the Student Appeals and Complaints Office will issue a Completion of Procedures Letter to enable the Student to take their case to the Office of the Independent Adjudicator (OIA).

or

- b) Accept the request on the basis that an argument has been submitted that clearly demonstrates one or more of the grounds as set out in 2.1 above.

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 PAB which made the disputed decision
- One student member of the Academic Board

7.4 Section 8 Withdrawal of a Student for Unsatisfactory Academic Progress (taught programmes)

- Faculty Associate Pro Vice-Chancellor (Learning & Teaching or Academic) or other appropriate senior academic member of staff, from a different Faculty to that of the Student and with no previous decision-making involvement in the case (Chair)
- One academic member of Academic Board who has had no prior involvement with the Student
- One student member of the Academic Board

7.5 Section 9 Fitness to Practise Procedure (taught programmes)

- Pro Vice-Chancellor (Learning or Teaching) or Pro Vice-Chancellor (Research and Innovation) as appropriate or their nominee (Chair)
- Faculty Associate Pro Vice-Chancellor from a different Faculty to that of the Student
- Assistant Director of Student and Library Services or nominee
- External member of the relevant profession

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)

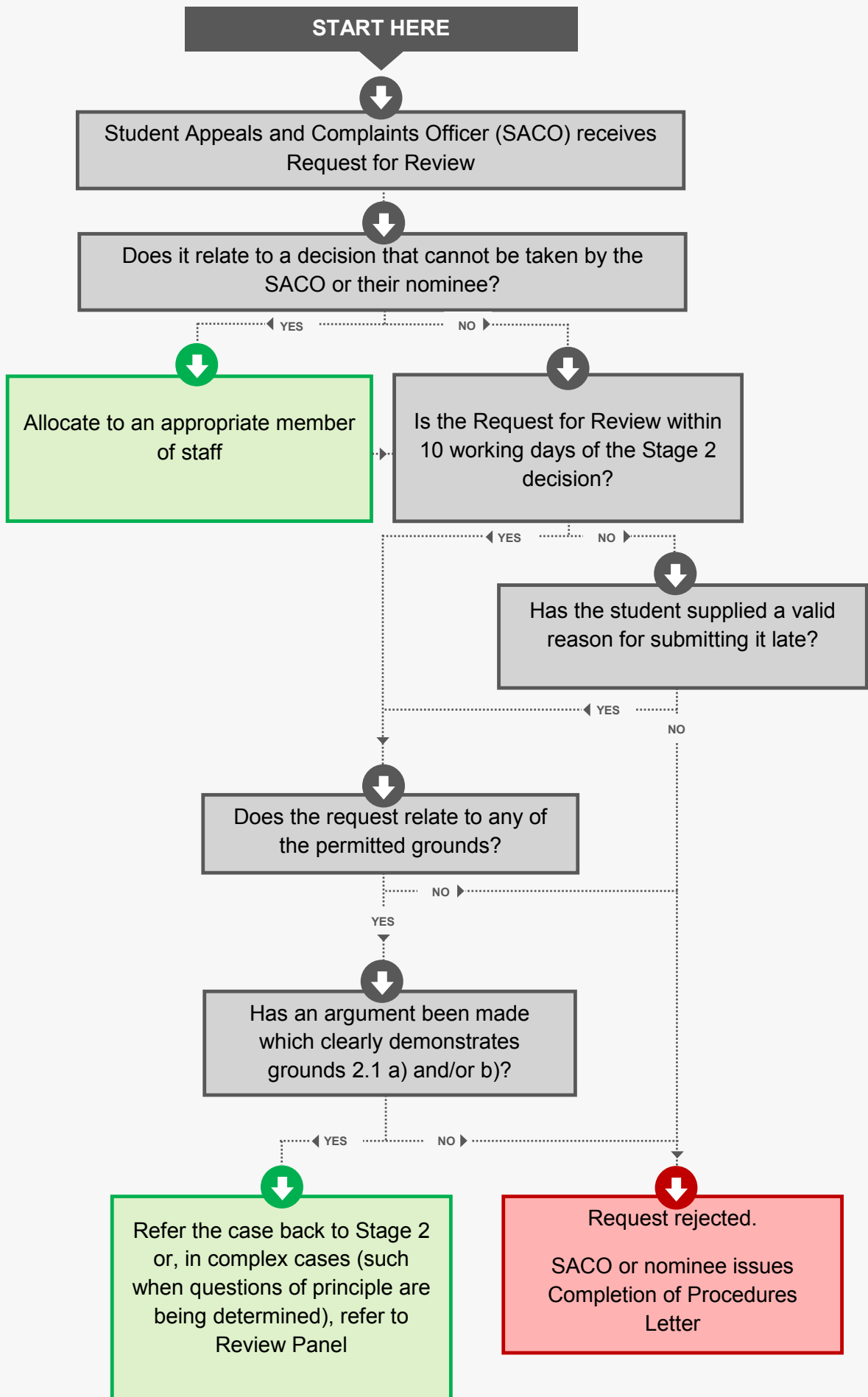
- Chair: a Faculty Pro Vice-Chancellor or a member of the University Executive not directly concerned with the complaint and nominated by the Student Appeals and Complaints Officer on behalf of the Vice-Chancellor; and
- one member of staff of recognised research standing, who must be from a different 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).

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. On completion of the University's internal appeals procedures, a student will be issued with a 'Completion of Procedures Letter' by the Student Appeals and Complaints Officer (or nominee) and be provided with details of the services available to the student from the OIA. The Completion of Procedures Letter will:
 - (a) provide a description of the appeal
 - (b) confirm that the University's internal appeals procedure has been completed
 - (c) state the outcome of the internal appeals process
 - (d) confirm that the student has the right to take their case to the OIA
 - (e) indicate how a student can contact the OIA
 - (f) stipulate that the OIA will only consider submissions from students within a period of twelve months from the date of the Completion of Procedures Letter.

The OIA will not normally consider a case from a student if a 'Completion of Procedures Letter' has not been issued.

Recommendations and Suggestions from the OIA

In a Complaint Outcome, the OIA may make recommendations or suggestions to the University. The University takes such recommendations and suggestions seriously

and is committed to acting upon such recommendations and suggestions with a view to improving and promoting best practise.

Further Advice and Assistance

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, may also be obtained from the Student Appeals and Complaints Office or Northumbria Students' Union Advice

<http://www.mysu.co.uk/getsupport/>