

Handbook of Student Regulations

Taught Programmes

August 2018-19

Approved by Academic Board on behalf of the
Board of Governors, April 2018



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

The University Community

You also have obligations as a member of the University community. Everyone, fellow 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 this principle. This Handbook describes the circumstances and procedure 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, in updated and consolidated form, 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) 2018-19' 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 indicates to students both their rights and obligations conferred by the student contract and membership of the academic community of the University as a consequence of 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 mechanisms available to enable decisions to be fairly challenged and inappropriate behaviour to be 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>

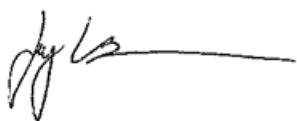
It is an essential reference during your period at the University. Please note that, occasionally changes may need to be made to these regulations during the course of the academic year-**the definitive version of the Handbook is the version which appears on the University's webpage at the above URL¹.**

The Office of the Independent Adjudicator

You are 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 the student's ability to utilise the OIA is made at Sections 3, 7, 8, 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.



Jay Wilson

Head of Legal

August 2018

¹ Organisational changes within the University may result in changes to these regulations during the course of the academic year. Students will be informed of any such changes and prompted to consult the version of the regulations on the University's webpage when they occur. It is not anticipated that any change in principles will result from these changes.

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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.

1.1 Introduction

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

1.2 Overview

In order that the University's purposes may be properly realised, it is essential that students should be able to work in conditions:

- which permit freedom of thought and expression
- within a framework of respect for the rights of others
- in which 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
- in which 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 Representation

Throughout this Handbook reference is made to occasions when you may be accompanied by a 'Friend'¹. Any challenge to a University decision must initially be

¹ See Appendix A of the 'Handbook of Student Regulations' for definition

lodged by you and you would normally be expected to pursue the case yourself. In progressing an appeal or complaint, or any other proceeding, you may, in exceptional circumstances, be supported by a 'Friend'. Should you wish to be represented by that '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.

1.5 Legal Support or Representation

In exceptional circumstances it may be appropriate for you to be advised or 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
- (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) Whether any points of law are likely to arise during consideration of the case (in most cases the purpose of proceedings will be to determine points of fact, not law)
 - iii) The principles of natural justice as defined in Appendix B of the Handbook of Student Regulations

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

1.6 Supporting Documentation

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

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 is reasonable, 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 refine and enhance University processes, the Student Appeals and Complaints Officer will make an annual report to Education Committee on the operation of these regulations. This will include aggregated anonymous demographic data. Summary information will be provided to both University staff and students via the University's website.

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](https://www.northumbria.ac.uk/handbook)²

² <https://www.northumbria.ac.uk/handbook>

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.

2.1.3 Formal Notification of Acceptance

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

2.1.4 On-line Enrolment Completion

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

2.2 Fees and Payment

2.2.1 Tuition Fee Payments

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

It is your responsibility to ensure that the University's tuition fees in respect of the Programme (as reviewed and revised from time to 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

The Fees do not include any:

- 2.2.2.1 fees payable in respect of any residential accommodation which may be provided to you by the University or any third party; and
- 2.2.2.2 examination fees, professional body fees, travelling expenses or other course costs as notified to you in advance as part of the Programme documentation which will (if relevant) be the subject of a separate agreement between you and the University.

2.2.3 Non-payment of Tuition Fees

In the event of non-payment of tuition or other fees associated with the programme of study, any Academic Scholarship due will **not** be paid. Any money due to be paid

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).

in respect of an Academic Scholarship will be therefore be offset against any unpaid tuition or other associated fees. The student will be advised of this action by the Finance Department.

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

Students who have unpaid tuition or other programme of study - related fees (e.g. compulsory professional body fees) will be subject to an exclusion process (regulation 9, Section 13, Handbook of Student Regulations). This means any student in this position will be removed from the University. The student will not be timetabled for tuition, will not be entered onto subsequent examination lists, nor will there be any subsequent confirmation of marks by the Programme Assessment Board. In addition, the student will no longer be able to use the University's computer or library facilities or attend any award Congregations.

Important Note

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

2.3 Failure to Pay Fees and Other Amounts

2.3.1 Overdue Fees

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

- 2.3.1.1 exclude you from the University and end this Agreement, in which case the provisions of condition 2.7 will take effect;
- 2.3.1.2 withhold provisional marks for any assessed work subject to the requirements of relevant data protection legislation;
- 2.3.1.3 delay the submission of your provisional assessment results to the relevant Examination Boards with the effect that an award or qualification could not be made or confirmed;

- 2.3.1.4 withhold your invitation to attend a relevant academic congregation;
- 2.3.1.5 withhold any formal University certificate or parchment confirming your academic performance at the University; and
- 2.3.1.6 take legal action to recover the debt.

2.3.2 Outstanding Tuition Fees

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

2.4 University Rules and Regulations

2.4.1 Compliance with Rules and Regulations

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

- 2.4.1.1 the University's Rules and Regulations, as laid down in the [Handbook of Student Regulations](#) (as amended from time to time on the University's webpage and to which students shall be made aware of)
- 2.4.1.2 all relevant health and safety regulations and
- 2.4.1.3 all codes, rules and regulations of any other relevant organisation or institution (including but not limited to placement provider policies and procedures and professional body codes and regulations), if required as part of the Programme, as amended from time to time.

2.4.2 Termination of Studies

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 from University

If you are expelled or dismissed from 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. a Placement Provider or an exchange), the University shall be entitled to end this Agreement immediately by written notice to you.

2.5 Termination of the Agreement in the Light of New Information

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

2.5.1 Change of Circumstances

If between the acceptance of an offer by you and the beginning of the 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) which in the reasonable opinion of the University makes it inappropriate for you to study on the Programme; or

2.5.2 False or Misleading Information

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

2.5.3 Disclosure Barring Service Checks

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.

2.5.6 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.

2.5.7 Review of any Termination Decision

You may seek a review of any decision to end this Agreement by requesting a review as described for Students in Section 3.9 of this Handbook. Please note the process described in 3.9 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 an appeal will not delay UK Visa and Immigration procedures requiring you to leave the country.

2.5.8 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 2.7.

2.6 Imposition of custodial sentence during your studies

If a custodial sentence is imposed on you 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 University will suspend you with immediate effect. Any resumption of your studies following the imposition of the custodial sentence would be subject to agreement by the Vice Chancellor following representations from you. This agreement may require the imposition of conditions or further action to be taken under these Regulations in accordance with Section 3 if the behaviour presented is a misconduct issue, or Section 17 if it relates to a Duty of Care issue.

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 endeavours 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;

or

2.7.1.2. required to secure our good operation and legal or regulatory compliance, for example if a change is required to maintain or gain a Professional, Statutory or Regulatory Body accreditation.

2.7.2 Discontinuation or Suspension of Programme

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

2.7.3 Changes to Programmes

Any changes to Programmes will normally be made in accordance with the requirements for review and monitoring of Programmes as set out in the [Programme Framework for Northumbria Awards \(PFNA\)](#)² documentation:

The University will consult with you as a student in advance of changes being decided on and implemented. Consultation on programme changes with students is described on the University's webpage at <http://www.northumbria.ac.uk/static/worddocuments/ardocs/259405.doc>.

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

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

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

- request a transfer to an alternative and appropriate programme of study in the University. Whilst we will endeavour to provide this we cannot guarantee that this will be possible.
- withdraw from the programme and terminate this contract. We will provide you with an appropriate refund of your tuition fees calculated pro rata in accordance with our [Refund Policy](#) (Handbook of Student Regulations, Section 13, regulation 6 'Fees Reduction')
- 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 <https://www.northumbria.ac.uk/about-us/university-services/academic-registry/quality-and-teaching-excellence/programme-design-and-approval/>

2.8 Limit of Liability

2.8.1 Responsibility and Liability

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

- 2.7.1.1. 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;
- 2.7.1.2. death or any personal injury suffered by you unless caused by the negligence of the University or its employees.

2.7.2 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.

2.7.3 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 2.7.5) 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.

2.7.4 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 is limited to a reasonable amount having regard to such factors as whether the damage was due to a negligent act or omission by us except in relation to liability referred to in condition 2.7.5 below.

2.7.5 Liability for Death or Personal Injury

Nothing in this condition 2.7 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.

2.7.6 Beyond Reasonable Control

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

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

2.7.7 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).

2.8 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.

2.8.1 Refusal of Enrolment

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

2.8.2 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.

2.8.3 Taking Additional Action

Any action taken by the University under conditions 2.7.1 or 2.7.2 will not restrict the ability of the University to take any other action against you to which it may be entitled; and

2.9 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.

2.10 General

2.10.1 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](#)³.

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). Without prejudice to any other rights which the University may have to disclose your data, the University shall be entitled to provide data regarding you to the University student health service providers, the emergency services, the Higher Education Funding Council for England and any other statutory or governmental body or agency.

The University will retain information about you for the period specified in the University's '[Record Retention Schedule](#)⁴' available on the University's webpage.

³ <https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/gdpr/gdpr---privacy-notice/>

⁴ <https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/records-management/records-retention-schedule/>

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

2.10.2 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.

2.10.3 Communications under this Agreement

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

2.10.4 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.

2.10.5 Virtue of Contracts

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.

2.10.6 Governance of Agreement

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 and Fitness to Practise Rules and 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).

Independent Advice and Support

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

Complaint of Misconduct

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

Staff who become aware of student misconduct should either deal with the matter informally (regulation 3.7.1 (i)) or report the matter to the relevant Disciplinary Officer (regulation 3.7.1 (ii) or 3.7.3 (ii & iii)).

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 regulations¹. The University also has policies and guidance on student conduct, which are available to view through the University's [Student Charter](#)² webpage. Students have a responsibility to familiarise themselves with these.

¹ Under the University's Articles of Government [Articles 3(2)(f) and 13(2), July 2012] the Vice-Chancellor has overall responsibility for the maintenance of Student discipline and, within rules and procedures established by the Board of Governors, for the Expulsion, Suspension or Restriction of students on disciplinary grounds. This document describes the rules and procedures established by the Board of Governors under Article 13(2).

² Available at <https://www.northumbria.ac.uk/about-us/student-charter/>

3.1.2 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 this Section.

Students on professional programmes should note that regulations require that they consistently demonstrate their 'fitness to practise' (see regulation 3.7.3 (ii & iii) and your programme documentation).

3.1.3 Principles of Natural Justice

Throughout any investigation of alleged misconduct, the University will adhere to the principles of natural justice³.

3.1.4 Burden of Proof

The burden of proof⁴ of the allegation of misconduct lies with the person or persons alleging the misconduct. The judgement of the allegation will be based on 'balance of probabilities'⁴.

3.1.5 Confidentiality

Disciplinary Procedures will be conducted with strict confidentiality. Where sanctions are imposed, the University will ensure that only you, together with your advisers/representatives, and University Staff as necessary, will be informed of any penalties or sanctions imposed. Only exceptionally, when duty of care obligations require it, may any detail of imposed sanctions be shared with other stakeholders.

3.2 Definitions/Interpretation Clause

3.2.1 Clarification of Terms

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

³ See Appendix B of the 'Handbook of Student Regulations'

⁴ See Appendix A of the 'Handbook of Student Regulations' for definition

3.3 Misconduct

3.3.1 Disciplinary Action

Disciplinary action may be taken against you if there is a complaint from anyone (from either within or outside the University community) that you have committed misconduct (Appendix 2). The authority of the University to take disciplinary action extends to students who have interrupted their studies.

3.3.2 Scope of Regulations

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), 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 place⁵, including on social media.** This is particularly relevant for students on professional programmes for whom any behaviour which questions their fitness to practise may be cause for disciplinary action (Appendix 2, (xv)).

3.3.3 Misconduct in University Residences

Disciplinary procedures for misconduct in University Residences are dealt with according to the [University's Accommodation Rules and Procedures](#)⁶.

3.4 Misconduct that is also a Criminal Offence

3.4.1 Reporting of Offences

⁵ 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 the University into disrepute" (see Appendix 2 (xviii) for further details of this principle) or may be when the alleged victim is the university itself, a student or employee of the university.

⁶ Available at www.northumbria.ac.uk/accommodationrules

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 or 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 of the University as appropriate. If the injured party is a student, or other third party, the University may exceptionally inform the Police without their consent only for the purposes of protecting the victim or for the prevention of further serious offences.

3.4.2 Pausing of Procedures

The University may take immediate precautionary action if necessary (Section 17 of the Handbook) but will otherwise pause any other disciplinary procedures until the outcome of legal proceedings is known.

3.4.3 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.

3.4.4 Completion of Legal Proceedings

Once legal proceedings have been completed, the University will resume its 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.

3.4.5 Behaviour May Still be Misconduct

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

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

3.5 Misconduct Significantly Affected by Health

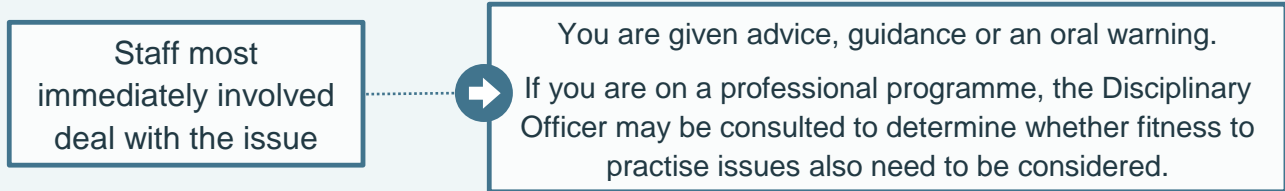
- 3.5.1** If the potential misconduct appears to be significantly affected by ill health, staff from Student Support and Wellbeing will be contacted for procedural advice. Otherwise, the disciplinary procedures as described in this section will be followed.
- 3.5.2** Any judgement by the Disciplinary Officer or Disciplinary Panel will be informed by the impact of any health issues. A member of Student Support and Wellbeing will be on any Disciplinary Panel as judged necessary by the Disciplinary Officer.

3.6 Risk-Management Pending Completion of Disciplinary Processes

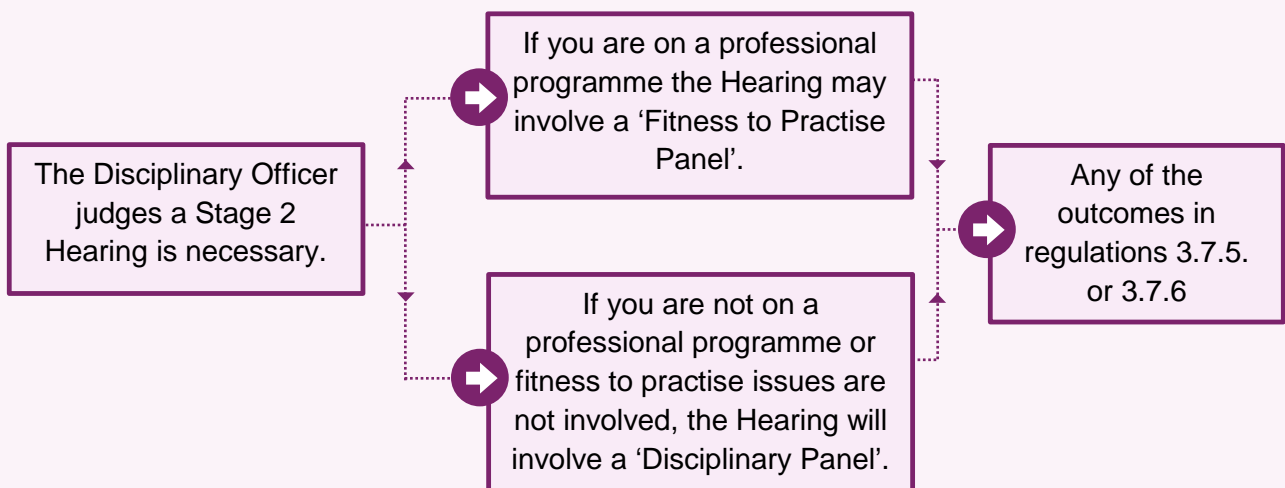
- 3.6.1.** If at any stage the alleged misconduct demonstrates potential risks to the student or others, the University may immediately undertake a risk analysis and implement risk-management procedures according to Section 17 of the Handbook. Such actions will be investigated independently of any disciplinary proceedings, but the resulting risk assessment will be provided to the Disciplinary Officer to inform any disciplinary penalty.

Student Disciplinary Appeals: Northumbria Internal Regulatory Process

Stage 1 | Informal Process

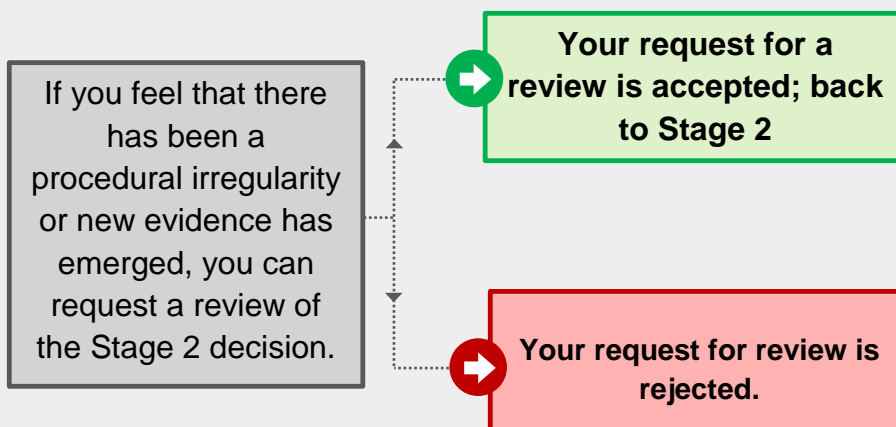


Stage 2 | Formal Stage



Stage 3 | Request for a Review

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



3.7 Procedure for Dealing with Allegations of Misconduct and Fitness to Practise Concerns

3.7.1 Stage 1: The Informal Stage

- (i) Staff at all levels have a part to play in assisting with the maintenance of student discipline⁷. 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, simply and quickly by an oral warning and/or by advice and guidance to correct behaviour or conduct. If the member of staff judges that the situation warrants it, they may place a note describing the incident on your file and provide you with a copy. Such a note may be referred to in any further disciplinary incidents. If you are on a professional programme the Programme Leader or nominee should be consulted to establish whether 'fitness to practise' issues may arise from the incident.
- (ii) 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) who will decide whether the case warrants going to Stage 2 (Formal Stage), 3.7.2.

3.7.2 Stage 2: The Formal Stage

- (i) The Disciplinary Officer commissions a Statement of Case informed by all relevant information in the University's possession. The Disciplinary Officer shall arrange a Disciplinary Hearing in accordance with regulation 3.8.3, unless they decide that:
 - (a) the matter is not sufficiently serious that it may justify formal disciplinary action, or
 - (b) due to the serious nature of the alleged Misconduct the possibility of Suspension, Expulsion or Restriction should be considered and the matter will first be considered by a case

⁷ Staff may take alternative action as guided by ['When to Refer'](#) but should subsequently inform the Disciplinary Officer.

conference⁸ and the procedures described in Section 17 of the Handbook.

3.7.3 Misconduct and/or Fitness to Practise

The Disciplinary Officer shall determine the nature of the case:

(i) If you are not on a 'professional programme' or the alleged behaviour does not question your 'fitness to practise' (3.7.3 (ii)), a Misconduct Hearing will be convened. The Panel will be comprised of:

- The relevant Faculty or Service Disciplinary Officer (Appendix 1)
- Any other staff co-opted by the Disciplinary Officer as they deem fit, which may include a Student Support and Wellbeing Manager (see 3.5.2)

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

(ii) If you are on a professional programme the Faculty will be consulted to determine whether the alleged behaviour may raise 'fitness to practise' concerns for you (regulation 3.1.2). Given the need for students on a professional programme to consistently demonstrate a self-awareness and understanding of their obligations as an aspiring member of a profession, in making such a judgement the Faculty will consider all current issues known to the University that are materially relevant to the issue of 'fitness to practise'. The Faculty's consideration may include, but is not limited to, your behaviour subsequent to the initial allegation of misconduct and other behaviour whether associated with University activities or elsewhere.

(iii) If you are on a professional programme you must also consistently demonstrate an understanding of the code of professional conduct as applies within your discipline if the University is to be able to confirm your fitness to practise when they graduate. Alleged behaviour which calls into question your fitness to safely practise while on placement, or the confidence the public will have in your ability to do so, or your ability to consistently demonstrate your understanding of their profession's code of conduct, would call into question your 'fitness to practise'⁹. In such circumstances a 'Fitness to Practise Panel' will be

⁸ Please consult Appendix C of the Handbook of Student Regulations for further information about Case Conference procedures

⁹ Such a judgement is based on academic and/or professional judgement informed by the relevant professional code of conduct.

convened, whose purpose will be to judge whether the student's behaviour raises fitness to practise concerns and whether Misconduct has occurred:

- (a) The composition of the 'Fitness to Practise Panel' will be
- The Faculty Disciplinary Officer
 - At least two other members of academic staff who have had no previous dealings with your case (one of whom should have relevant experience of professional body expectations of behaviour)
 - An external representative of the relevant profession

Normally the Faculty Registrar will also attend and will be responsible for making a detailed record of the proceedings

- (b) the 'Fitness to Practise Panel' will determine:

- whether your behaviour has raised 'fitness to practise' concerns and if so, the seriousness of these concerns

and/or

- whether Misconduct occurred (Appendix 2)¹⁰

- (c) 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.

- (d) 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

¹⁰ 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.

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
- (e) In the light of its findings, the 'Fitness to Practise Panel' may impose any of the penalties in regulation 3.7.5 or sanctions in regulation 3.7.6.
- (f) The University may convene a 'Fitness to Practise Panel' to consider any information which may bring into question your fitness to practise at any time, notwithstanding your current enrolment status. If the student is no longer enrolled, the 'Fitness to Practise Panel' will be convened solely to determine whether your alleged behaviour raised 'fitness to practise' concerns and if so, the seriousness of these concerns (regulation 3.7.3 (iii) (b)). Every reasonable effort will be made to provide the you 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 your absence.

3.7.4 Disciplinary Hearing/Fitness to Practise Panel

- (i) If you are on a professional programme the Panel will first take a judgement on whether Misconduct has occurred, followed a judgement on whether your behaviour raises fitness to practice concerns taking into account 3.7.3 (ii)-(iii).
- (ii) The principles of natural justice¹¹ will be complied with when investigating and considering any allegation made against you.
- (iii) You will be:
- Given at least **10 working days'** notice of the date and time of the Hearing. You will receive a Statement of Case and any supporting evidence and be informed that you may be accompanied by a Friend¹² and call witnesses. You will also

¹¹ See Appendix B of the Handbook of Student Regulations

¹² See Appendix A of the Handbook of Student Regulations for definition

be informed of the opportunity to make written submissions and identity any witnesses. You will need to supply these to the University at least **6 working days** in advance of the Hearing.

- Informed of the Panel composition at least **7 working days** in advance of the Hearing. If you feel there is good reason why there would be a conflict of interest or why one of the Panel members would not be able to fairly judge your case, you should submit your argument in writing to Disciplinary Officer within **2 working days** of receiving this notice. You need to explain why you are concerned and support this with evidence as far as possible. The Disciplinary Officer will consider your argument and then make a judgement whether the proposed Panel Members should be changed. The judgement of the Disciplinary Officer will be final.
 - Sent all papers, consisting of the Statement of Case, supporting evidence, and your submissions, all of which you should have already had sight of, at least **5 working days** before the Hearing. A copy of these papers will also be sent to the Panel members. This allows a full and proper consideration of formal submissions by all stakeholders prior to the Hearing itself.
- (iv) Confidentiality will be maintained in so far as is consistent with these regulations and the need to conduct a full and fair investigation.
- (v) The Panel will be conducted in accordance with Appendix E of the Handbook of Student Regulations.
- (vi) You should normally be entitled to question the complainant(s) or other witness(es). However, in some wholly exceptional cases this may not be appropriate. An example of such circumstances include, but are not limited to, cases where a complainant or witness alleges that you are guilty of intimidation, harassment, or violence and the complainant or witness has a reasonable fear of reprisal. In such cases, the Disciplinary Officer shall consult with the Student Appeals and Complaints Officer and with other officers of the University and/or of the Students' Union as appropriate. The outcome may be that you are provided with suitably redacted copies of documentary evidence to remove all references which may identify the names and addresses (as the case may be) of such complainant(s) or witness(es). If the complainant declines a request to attend a Disciplinary Hearing with no good reason, this may weaken the University's case.

- (vii) If the Disciplinary Officer has agreed to not allow you to question a complainant or witness, the Disciplinary Officer should invite you to provide the questions you wish to pose. If the Disciplinary Officer considers such questions relevant, they shall put such questions (in the absence of you and your Friend) to the complainant or witness. You will be provided with a full report of the response subject to any redaction they judge necessary to preserve anonymity or appropriate protection.
- (viii) **Failure by you to attend a Hearing under these regulations after being properly served with notice does not prevent the case being proceeded with in your absence and disciplinary action taken.**
- (ix) Any penalty will be informed by the nature and extent of the Misconduct (including professional codes of behaviour relevant to your programme of study), the need to manage future risk and your current conduct record.

3.7.5 Imposition of Penalties for Misconduct

The Disciplinary Officer will establish the facts of the case, and in the event they judge that on the balance of probabilities Misconduct has occurred, has the **full range of penalties** available to them. The Disciplinary Officer may impose one or more of the following penalties as appropriate¹³ and proportionate to the seriousness of the Misconduct displayed:

- (i) a warning with a record placed on your file¹⁴. 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 relevant¹⁵;
- (ii) a fine or penalty not exceeding £500 (or such revised sum as the Vice-Chancellor may from time to time determine);

¹³ See Appendix F of the 'Handbook of Student Regulations – Disciplinary Officers and Panel Members should particularly note the requirement to incrementally consider penalties or sanctions, starting with the lowest, considering in turn whether they address the concerns raised by the behaviour (6.3.1)

¹⁴ The University will retain information about students for the period specified in the University's 'Record Retention Schedule' available on the University's webpage (<https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/records-management/records-retention-schedule/>)

¹⁵ In the case of investigation of a fitness to practise issue by a Fitness to Practise Panel that results in a finding of guilt, **any** previous report(s) of University disciplinary proceedings may be consulted if deemed appropriate by the Panel and their findings used to inform the Panel's decision regarding the penalty

- (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) letter of apology
- (viii) compulsory attendance at a workshop, or awareness or educational session related to the behaviour displayed
- (ix) such other penalty or penalties as the Disciplinary Officer deems fit;
- (x) a recommendation to the Vice-Chancellor of a Leave of Absence on the basis that the behaviour was driven by health grounds (regulation 3.9)¹⁶.
- (xi) a recommendation to the Vice-Chancellor of Expulsion, a Suspension, or a Restriction (regulation 3.9);

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.

3.7.6 Imposition of Sanctions for Behaviour Raising Fitness to Practise Concerns

Where a student's behaviour has been judged to raise fitness to practise concerns, a range of 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 issues other than Misconduct, such as a student's ill health or an inability to manage the effects of ill health on their studies or practice.

¹⁶ 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

Sanctions can either support students to change their behaviour so that they become fit to practise, or result in withdrawing them from the programme 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.

Therefore, in the event a Panel finds that your behaviour raises fitness to practise concerns, in addition to the penalties above, the Panel can impose the following sanctions:

- (i) permission for you to continue on the programme, with or without conditions relating to the programme such as may reasonably be imposed upon you (i.e. action plan, additional supervision);
- (ii) suspension from your programme until any conditions relating to the programme such as may reasonably be imposed upon you have been met;
- (iii) suspension from your programme, for a specified period of time, not exceeding 12 months, after which the Panel would review your situation and decide whether to permit you to continue on your programme;
- (iv) a requirement for you to repeat a specified part or parts of the programme;
- (v) permanent withdrawal from further study on the programme;
- (vi) prohibition from enrolling on any other award with professional requirements within the Faculty or University;

3.7.7 Disciplinary Officer Recommendations

Where the Disciplinary Officer makes a recommendation/decision in accordance with paragraph 3.7.5 (x or xi) or 3.7.6. (v), the Faculty Associate Pro Vice-Chancellor will be informed.

3.7.8 Notification of Decision

The Disciplinary Officer shall notify you in writing within **10 working days** of their decision and any resulting penalties or sanctions imposed. You will also be

informed you can request a review of this decision within 10 working days or request a 'Completion of Procedures' Letter within 1 month if you wish to take your case directly to the OIA¹⁷.

3.7.9 Informing the Faculty

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

3.8 Stage 3: Request for Review of Disciplinary Decisions other than to place on a Leave of Absence, Restrict, Suspend, or Expel

3.8.1 Request for Review

If you are not satisfied with the decision of a Disciplinary Officer and believe you have grounds, you may ask for a review of the outcome. A Request for Review Form¹⁸ should be submitted to the Student Appeals and Complaints Office¹⁹, normally within **10 working days** of being notified of the Disciplinary Officer's decision. If you cannot meet this deadline, you should inform us within this 10 working-day period. If you submit your request for review late, you should provide a valid reason and evidence this reason where possible. Late requests for reviews will only be considered in exceptional circumstances. A copy of the request for review will be provided to the Disciplinary Officer.

3.8.2 Grounds to Request for Review

You can ask for a review of the outcome on one or both of the following grounds:

- (i) that there was a procedural irregularity in the consideration of your case which materially affected the outcome;

and/or

¹⁷ See Appendix H of the Handbook of Student Regulations for further information about the OIA

¹⁸ Available at www.northumbria.ac.uk/handbook

¹⁹ studentappealsandcomplaints@northumbria.ac.uk

- (ii) that you have new information that is relevant to the outcome which you could not have previously provided.

3.8.3 Outcomes of Request for Review

We will not reconsider the case afresh. We will judge whether you have established grounds for your case to be reviewed. We will decide whether you have demonstrated that the Stage 2 disciplinary decision may be insecure for the reasons you have argued. We will then decide to either:

- (i) reject the request for review because:
 - a. your request is not based on any of the grounds permitted in regulation 3.8.2;
 - b. your request was submitted after the permitted time-period with no good reason;
 - c. your request does not demonstrate any of the grounds set out in 3.8.2 above

In these cases, we will provide you with a 'Completion of Procedure Letter'²⁰

or

- (ii) uphold your request for review, and refer the case back to be reconsidered under 3.7.4 in the light of the report.

We will take a judgement on your request for review normally within **20 working days** of receiving your request. Our decision on this matter will not be subject to further internal appeal. We will contact you with the outcome of your request for review in writing, and if rejected, provide you with a Completion of Procedures Letter.

3.9 Requests for a Review of a decision to place on a Leave of Absence, Restrict, Suspend or Expel

3.9.1 Request for Review

Where the Vice-Chancellor confirms a recommendation to place you on a Leave of Absence, Suspend, Expel or Restrict you, (or the University terminates its

²⁰ See Appendix H of the Handbook of Student Regulations for further information about Completion of Procedures Letters

agreement with you, or you as a prospective student under paragraph 2.5), and you are dissatisfied with the decision, you may submit a request a review in writing to the Head of Legal²¹. The procedure for submitting a request for review is described in 3.8.1. You may request a review based upon one or both of the following grounds:

- (i) that there was a procedural irregularity in the consideration of the your case which materially affected the outcome;

or

- (ii) that you have new information that is relevant to the outcome which could not previously be provided

3.9.2 Outcomes of Request for Review

The Head of Legal will consider the case in accordance with the procedure described in 3.8.3. The Head of Legal will then either:

- (i) reject the request for a review at this stage on the basis that
 - a. the request is not based on any of the grounds permitted in regulation 3.9.1;
 - b. that the request was submitted outside the permitted time-period with no good reason;
 - c. that the request has failed to demonstrate any of the grounds set out in 3.9.1 above.

In these cases, the Student Appeals and Complaints Office will issue a 'Completion of Procedure Letter'.²²

or

- (ii) accept the request for review and refer the case back to the Disciplinary Officer to reconsider the earlier decision in the light of the Head of Legal's decision and the new information available.

The Head of Legal will inform you of their decision, normally within **20 working days** of receiving the request for a review. The decision of the Head of Legal on this matter will not be subject to further internal appeal. If the request has been rejected, we will provide you with a Completion of Procedures Letter.

²¹ jay.wilson@northumbria.ac.uk

²² Prospective students lodging a request for a review as a consequence of a University decision under regulations 2.5 of the Handbook of Student Regulations, will not be issued with a Completion of Procedures Letter will be issued as they are not eligible to access the OIA Scheme

Appendix 1

Disciplinary Officers

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

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

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

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

Issues relating to student behaviour in the community (Appendix 6) will, in the first instance, be dealt with by an appropriate manager in Campus Services but the Disciplinary Officer of the Student's Faculty shall be informed in case fitness to practise issues also arise.

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

Students on professional programmes should note that misconduct of any form may have implications for their continuation on their programme. Fitness to practise requirements for such programmes will be outlined in their programme handbooks. 'Misconduct' for the purposes of the University's disciplinary regulations includes the following behaviours (it is important to note **this list and the examples of the behaviour provided is not exhaustive**):

- (i) Behaviour which prevents staff from properly conducting their business in an appropriate manner, including:
 - failing to fully and honestly answer questions from University staff when reasonably asked to do so
 - behaviour intending to mislead or deceive the University
 - making unreasonable demands, which are vexatious or malicious;
- (ii) Any criminal offence²³ (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;
- (iii) Unauthorised taking or use of property of the University, its staff, students or visitors, including:
 - misappropriation of University funds or assets
 - misuse or falsification of any records or documents belonging to or in the possession of the University, its staff, students or visitors
 - unauthorised entry to University property or premises;
- (iv) Damage to the property of the University, its staff, students or visitors;
- (v) Causing a health and safety concern, such that serious harm was caused or could have been caused, including:
 - 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

²³ Students in Amsterdam will be subject to Dutch Law, but where behaviour may not be an offence under Dutch Law it may still be Misconduct as defined by these regulations

- use or possession of weapons, or allowing the use of University property for such purposes
- unauthorised use of a fire extinguisher; covering smoke alarms;

or any other behaviour such that a concern was raised, including:

- smoking and drinking alcohol in undesignated areas
- littering

(vi) Physical misconduct, including:

- pushing
- kicking
- biting
- punching
- slapping
- spitting

(vii) Sexual misconduct, including:

- engaging or attempting to engage with sexual activity or sexual intercourse without consent
- making unwanted sexual remarks
- taking intimate images without consent
- sharing private sexual materials of another person without consent
- repeatedly following someone without good reason

(viii) Abusive behaviour, including:

- verbal abuse relating to someone's race, religion or belief, sexual orientation, gender, disability, or maternity status
- threats to harm
- inappropriate language
- such abuse via social media, including repeatedly contacting someone without their permission

(ix) Any attempt to make 'covert' recordings of lectures, seminars, tutorials, or any other such meeting without permission

(x) Academic Misconduct (including cheating in examinations and plagiarism)²⁴;

²⁴ Cases of cheating and plagiarism will normally be dealt with by separate procedures detailed in the University's [Academic Misconduct Policy](#)²⁴. However, circumstances may arise where the University or the Examination Board decide that the matter should be dealt with as a disciplinary matter as well as, or instead of, being considered as an academic matter, such as when the student is on a professional programme and their behaviour may call into question their Fitness to Practise

- (xi) In relation to the University's campuses in the United Kingdom only, behaviour which (within the University's Code of Practice on Freedom of Speech and Lawful Assembly – see section 5 of this Handbook) interferes with freedom of speech, thought, action or enquiry of any other student or member of staff or lawful visitor to the University;
- (xii) In relation to Residences – breach of the [Accommodation Rules and Procedures](#)²⁵
- (xiii) Failure to comply with any ruling made as a result of disciplinary proceedings;
- (xiv) Breach of the regulations for the use of the library and computing facilities, whether in the University or accessed through the University, attached as Appendix 3 to these Rules;
- (xv) Failure to demonstrate an ability to behave in accordance with the provisions of any professional Code of Conduct, including relevant “fitness to practise regulations” which may be applicable to the students concerned, e.g. as when on a placement;
- (xvi) A breach of the regulations of any of the University's Societies;
- (xvii) A breach of any of the rules/obligations within the Handbook of Student Regulations, the [Student Charter](#)²⁶, and any other terms and conditions as notified to you from time to time by the University;
- (xviii) Any behaviour which brought or could have brought the University into disrepute²⁷.
- (xix) Failure to inform the University when under investigation for, charged of, or convicted of:
 - Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;
 - Offences listed in the Sex Offenders Act 2003;
 - The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
 - Offences involving firearms;

²⁵ <https://www.northumbria.ac.uk/accommodationrules>

²⁶ Available at <https://www.northumbria.ac.uk/about-us/student-charter/>

²⁷ 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.

- Offences involving arson;
- Offences listed in the Terrorism Act 2006.

Appendix 3

Regulations for the Use of the Library and Computing Facilities

1 Scope

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

The use of the resources under these conditions is limited to the user's period of membership 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 and other University purposes, for which no remuneration other than from

funds administered by the University is received by the user whether directly or indirectly.

4 Legal Requirements

- 4.1** The user is required to conform to the requirements of the law, including:
- General Data Protection Regulation 2016
 - Computer Misuse Act 1990
 - Copyright, Designs and Patents Act 1988
 - Copyright (Computer Programs) Regulations 1992
 - Obscene Publications Act 1959
 - Telecommunications Act 1984
 - Defamation Act 2013
- 4.2** Copying of licensed software without permission of the copyright holder is an illegal act and is forbidden.
- 4.3** Hacking or the introduction of viruses is an illegal act and is forbidden.

5 Copying and Use Restrictions

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

- 5.5** The user must abide by the restrictions of copyright law, licences for subscribed electronic materials (including the Eduserv User Acknowledgement of Third Party Rights – see Appendix 4 below), and University licences which allow further copying and reuse in their use of third party materials from the University Library collection.
- 5.6** Permission must always be obtained from the rights holder for use of third party materials which falls outside copyright law or that which is permitted by licensed resources and the licences to which the University subscribes which allow copying and re-use of material beyond what is permitted by copyright law. Further information and advice relating to the use of copyrighted third party materials is provided by the University's Copyright Service delivered by the University Library and can be found at - <http://library.northumbria.ac.uk/copyright> .

6 Use of the Network

- 6.1** Where the University's resources are being used to access JANET or other networks and facilities the user must comply with the JANET Acceptable Use Policy or the acceptable use policy of other networks and facilities. Any abuse of the JANET Acceptable Use Policy or the acceptable use policy of other networks and facilities will be regarded as a breach of these regulations.
- 6.2** The user must not use University resources for the creation, viewing or transmission of material that is grossly offensive, indecent, obscene, or of a defamatory or menacing nature.
- 6.3** The user must not use University resources to distribute unsolicited commercial material.
- 6.4** Users should be aware that their use of the Network may be monitored and subject to scrutiny. This includes email messages sent and Internet sites visited.

7 University Policies and Strategies

- 7.1** The user is required to be aware of, and ensure that their use of the University Library and computing facilities complies with, the University's policies and strategies, including:
- The University Library Membership and Access Policy and Guidelines
 - 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 and Library Services.
- 8.4** Replacement University Smartcards will be charged for at a cost.

9 Use of Premises and Equipment

- 9.1** The University Library seeks to create a safe and supported learning environment. To enter University Library premises users should have a valid University Smartcard or pass issued on application to the Ask4Help Desk. Reference passes will only be issued on production of suitable ID. Temporary reference passes may be provided a maximum of three times in one academic year when staff or students have forgotten their University Smartcard. At specific times access is by University Smartcard only, without this you will not be allowed into the building. To use Open Access computing facilities users should also have a valid username issued by the University. Your University Smartcard, reference pass and/or username must be shown or declared at the request of the Director of Student and Library Services or any other duly authorised officer. Any person without such a smartcard, pass or username may be requested to leave University Library premises.
- 9.2** Users may bring coats and bags into the University Library premises on condition that such items may be searched by any duly authorised officer who has good reason for concern. Personal belongings should not be left unattended in the Library or used to reserve study spaces.
- 9.3** The University assumes no responsibility for any damage or theft of users' property.
- 9.4** Smoking and the use of e-cigarettes is not permitted on University Library premises.
- 9.5** Eating and drinking are permitted only in designated areas in University Library premises and in accordance with current Library guidelines. Hot food may not be consumed on University Library premises.

- 9.6** In other University computing facilities, users must observe local restrictions on eating and drinking and use of mobile phones.
- 9.7** Consumption of alcohol is not permitted in University Library premises, or in University computing facilities.
- 9.8** Users of the University Library and computing facilities must not by their conduct disturb other users. The University Library's [code of conduct](#) should be followed at all times.
- 9.9** The user must not remove equipment from the location to which it has been assigned or tamper with normal operational settings.
- 9.10** Users are advised to exercise caution when connecting portable devices to University networks.
- 9.11** Removing University resources without authorisation or stealing or attempting to steal University resources is forbidden.
- 9.12** The user must not use the resources authorised in such a way as to cause a nuisance to other users, or in such a way that the work of other users, the integrity of the computing equipment or any stored programs or data may be jeopardised.

10 Borrowing Regulations

- 10.1** Materials may be borrowed from the University Library in accordance with the current loan procedures.
- 10.2** If University resources are lost or damaged, accidentally or deliberately, the facts must be reported immediately to the University Library. The borrower/user will be required to repay the full cost of replacement or repair, as evidenced by the Library, plus an administrative charge.
- 10.3** The person named on the University Smartcard is responsible for the care and safe return to the University Library, on or before the date due back of all resources borrowed.
- 10.4** If the Library material is not returned by the due date then the borrower will be liable to pay a fine for each working day the material is overdue. The fines rate can be consulted via the [University Library online](#). If the material has not been returned by the final due date then the borrower may be liable for the cost of the material as well as the fines.
- 10.5** The Director, Student and Library Services, reserves the right to recall any material from loan prior to the date due. On receiving a notice of the termination of loan, the borrower is required to return the material to the University Library immediately.

11 Charges

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

12 Commercial Exploitation

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

13 The University

- 13.1 Accepts no responsibility for the malfunction of any equipment or software, nor failure or integrity of any stored program or data.
- 13.2 Accepts no responsibility for the malfunction of any personal devices including laptops used in or connected to University facilities.
- 13.3 No claim shall be made against the University, its employees or agents in respect of any loss alleged to have been caused whether by defect in the resources or by act or neglect of the University, its employees or agents.

14 Breach of University Library Regulations

- 14.1 The University Library can only function properly and users feel secure to pursue their studies without undue interruption if all Library users behave according to the regulations and follow the [Code of Conduct](#)
- 14.2 Library users may be asked by any Student and Library Services staff to manage their behaviour for the benefit of other Library users and the health and wellbeing of all in the University Library.
- 14.3 If Student and Library Services staff judge that specific behaviour continues to be inappropriate and is disturbing others, the person concerned may be required to leave the University Library. In exceptional circumstances this may involve the University's Security staff.

- 14.4** Student and Library Services staff may also request that students do not enter the University Library if their behaviour is contrary to that stipulated by these regulations. In serious cases, University Security staff may be called.
- 14.5** After any incident as described in 14.2-14.4 above, or any other disciplinary incident, the Head of Library Services (or their nominee) will consider whether further disciplinary action should be taken, either informally (regulation 3.7.1 of Section 3 - Student (Disciplinary Rules and Procedures)) or formally (regulation 3.7.2).
- (i) Any of the penalties indicated in regulation 3.7.5 may be imposed as a result of a Disciplinary Hearing
 - (ii) In exceptional circumstances, access to the University Library and its resources may be restricted pending a Disciplinary Hearing (Section 17 of the Handbook of Student Regulations)

15 Information

- 15.1** Copies of University IT systems strategy and policy documents and the JANET Acceptable Use Policy are available at:
- <https://www.northumbria.ac.uk/about-us/university-services/it-services/it-regulations-and-guidance/>
- and
- <https://community.ja.net/library/acceptable-use-policy>
- 15.2** Latest versions of these regulations and the University's IT systems strategies and policies are also available on the University web site at
- <http://www.northumbria.ac.uk/it/regs>

Appendix 4

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

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

User Acknowledgement of Third Party Rights

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

- 1** I will adhere to any rules which are brought to my attention concerning the use of the Products. I understand that these rules may be put in place by my Organisation, or by the owner or licensor of the Products or by some other party who provides services relating to the use of the Products.
- 2** I will only use the Products in connection with the role I have in my Organisation which may involve teaching, studying or research, administration or management.
- 3** I will not use the Products for any private or commercial purpose including any direct or indirect monetary reward, profit, fee, or income generation; nor will I sell, resell, loan, transfer, lease, rent or hire the Products.
- 4** I understand that I may incorporate extracts from the Products in my own work or articles so long as:
 - my work or article relates to non-commercial research, private study, review or criticism, and
 - I do not extract a greater proportion of the Product that is necessary and that the extract(s) will not be "substantial", under copyright legislation "substantial" means in terms of quantity or quality, and
 - wherever possible I include a sufficient acknowledgement of the source of each extract.

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

- 5** I will not attempt to by-pass any security measures put in place by any party concerning access to or use of the Products or the systems that support

such access and use. I will keep passwords and any other log-on or account details safe and not disclose them to any other person or party.

- 6 I will not copy or download any Products except for specific Products where my librarian or IT support tells me that I am entitled to do so. In such cases, I will ensure that no other person or party uses my copies or downloads and that no other person or party makes any further copies themselves. I understand that these User Acknowledgement of Third Party Rights conditions apply to all copies and downloads.
- 7 I will not remove any ownership, copyright or similar notices from any Product nor from any copies or downloads that I am entitled to make.
- 8 I will not attempt to alter any Products for example by disassembling or decompiling software code or otherwise, nor will I attempt to replicate or re-create any Products for example by reverse engineering.
- 9 At the end of my studies, employment or association with my Organisation, I will not attempt to use or access the Products and will destroy all copies and downloads that I have made. I understand that this does not apply to extracts from the Products that comply with paragraph 4 above.
- 10 If I breach these conditions, I understand that my Organisation, the owners or licensors of the Products and others may be entitled to take disciplinary or legal action against me.
- 11 If I have any queries about my use of the Products or about any use, I would like to make of the Products; I will ask my librarian or IT System Services. I understand that the librarian or IT support will be able to advise me, or get me advice, on the legal terms and conditions of the contracts or licences applicable to specific Products and also concerning copyright or other relevant legislation.
- 12 I confirm that I will sign below if required to do so by my Organisation or the Product owners or licensors.²⁸

Agreed by:

.....
<i>Signature</i>	<i>Name</i>	<i>Date</i>
.....
.....	<i>Academic Course</i>
<i>Organisation</i>	<i>Department/Location</i>	

²⁸ You do not have to actually sign the form below, the user's obligations become binding as soon as a person uses licensed software or data.

Section 4: University Owned or Managed Accommodation – Rent Payments

(Students at UK Campuses only)

Format Requirement

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

Rent Payments

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

Persistent debtors or bad payers will not be allowed back into the University owned or managed accommodation.

Any student who is late in payment of rent will be required to attend an interview in order to inform the University of the arrangements that they will make for payment of his or her rent.

The relevant member of University staff may, having heard the student's representations, submit a report to the Vice-Chancellor or the Vice-Chancellor's nominated representative who will make the decision as to the course of action to be taken.

Your Tenancy Agreement is a legally binding contract and you will be liable for the rent for its duration.

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 <http://www.mysu.co.uk/heretohelp/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 (v) 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 Pro-Vice Chancellor.

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

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

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

6.3.2 Framework

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

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

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

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

6.3.3 Faculty Research Ethics Committee

Each Faculty Research Ethics Committee will:

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

6.3.4 Annual Faculty Report

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

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

6.3.5 Referral of Matters

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

6.3.6 Review of Annual Reports

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

6.3.7 Terms of Reference

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

1. Performance Monitoring and Review

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

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

2. Policy and Regulation

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

3. Reporting Relationships/Interactions with other bodies

The Committee has the following sub-committees:

- Faculty Research Ethics Committees

The Committee will actively consider:

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

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

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

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

6.3.8 Membership of the University's Research Ethics Committee

Membership of the University's Research Ethics Committee comprises

- Faculty Associate Pro Vice-Chancellor (Research and Innovation – Health and Life Sciences) (Chair)
- All Faculty Research Ethics Directors (one of whom is nominated as Deputy Chair)
- Students' Union Vice-President (Education)
- Deputy Director (Research) (Research and Innovation Services)
- Secretary: Research Development 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 from Northumbria Students' Union Advice Service <https://www.mysu.co.uk/heretohelp/advice/>

Student Liability

It is important to remember that when lodging an appeal, any decision taken by the Student Progress Team or an Examination 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.

7.1 Introduction

7.1.1 Clarification of Processes

Unsatisfactory Academic Progress

The University may judge your academic performance and progress to be 'unsatisfactory'. If your unsatisfactory performance is not a result of a specific assessment failure, but is due to failures in attendance, submission of coursework, seminar contribution or any other aspect of your academic performance as judged by your Programme Lead, there is a separate process to be followed. For information about this process, see [Section 8](#) of this Handbook.

Complaints

If you are unhappy with your supervision (i.e. for a dissertation) or the delivery of a module, 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*
- a service or facilities provided by the University

7.1.2 What is an academic appeal?

You may want an explanation of the decision about your PEC claim, Late Authorisation, assessment, progression, or award. You can speak to someone informally at any Student Central location:



In person

at any Student
Central location



By email

ask4help@
northumbria.ac.uk



By phone

0191 227 4646

If you think a decision is insecure because of a procedural irregularity, or information that has not been considered, you can lodge an appeal.

You should submit any formal academic appeal within **10 working days** after either:

- (a) the University issues your PEC claim or your Late Authorisation decision
- (b) the University publishes your confirmed results and Programme Assessment Board decision on Blackboard

7.1.3 Assessment-Related Decisions

This section explains how to challenge the following assessment-related decisions:

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

These processes apply to all students on taught programmes who are enrolled 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 Academic Judgement

The following is **not** a permissible ground for an appeal:

- (a) a questioning of the academic judgement or integrity of the marker or the PAB.

The Office of the Independent Adjudicator (OIA) defines academic judgement as “*a judgement that is made about a matter where only the opinion of an academic expert will suffice*”¹. This includes the judgement of the mark awarded to a piece of work, the classification of any academic award, or the demonstration of competence standards. This means you cannot appeal against the decision made by academic staff on the quality of your work or the criteria being applied to mark your work unless you have identified a procedural irregularity.

The appeals procedure is not a means of requesting a remark. You must demonstrate you have one or both of the grounds above for an appeal. If you are dissatisfied with your mark or disagree with the feedback, this alone is not grounds for an appeal.

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

¹ “...in our view academic judgement is not any judgement made by an academic. It is a judgement that is made about a matter where only the opinion of an academic expert will suffice, so for example a judgement about assessment, a degree classification, research methodology or course content/outcomes will normally be academic judgement. However, we consider that the following areas do not involve academic judgement: decisions about the fairness of procedures, whether they have been correctly interpreted, what the facts are, how a university has communicated with the student, whether an opinion has been expressed outside the areas of competence, the way evidence has been considered, whether there is evidence of bias or maladministration.

In addition, we would not normally interfere with a professional judgement made, for example, by staff at a placement. Decisions on whether a student's work contains plagiarism or whether s/he is fit to practise in a profession are matters of academic or professional judgement, but that judgement must be evidence based.”

OIA-Guidance Notes: Eligibility and the Rules, March 2013

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 Group Appeals

If the issues raised affect a number of students, you can submit a group appeal. In these circumstances, the group should produce a common statement of the issues and the redress sought. This statement should be produced and signed by everyone in the group. It is helpful for the group to identify a group spokesperson who is agreed by all.

You should discuss your issue with the Student Progress Team to establish if the issue should be dealt with as a ['Technical Extenuating Circumstances'](#) claim.

If the appeal goes to Stage 2, each individual in the group should complete a Student Appeals Form and confirm that you all give consent for a named person to act as spokesperson for the whole group.

The circumstances of individuals within the group might differ. Therefore, you may be questioned separately, and the outcome of the appeal may differ between individuals.

STUDENT APPEALS PROCESS OVERVIEW



Stage 1 Informal Process	Deadline to submit this stage	This stage is completed:
<ul style="list-style-type: none"> You contact Student Central. They can provide explanations and correct immediate errors If you are unhappy with this outcome, you can move onto Stage 2 	As soon as possible	Normally 1-2 working days



Stage 2 Formal Appeal	Deadline to submit this stage	This stage is completed:
<p>You can lodge an appeal against:</p> <ul style="list-style-type: none"> a PEC or Late Authorisation decision Programme Assessment Board decision 	Normally 10 working days after original decision is published	Normally within 30 working days



Stage 3 Request for Review	Deadline to submit this stage	This stage is completed:
<ul style="list-style-type: none"> If you are unhappy with your Stage 2 outcome, you can request a review An independent member of staff will consider your request for review 	10 working days after your Stage 2 outcome	Normally within 20 working days



External OIA	Deadline to submit this stage	This stage is completed:
<ul style="list-style-type: none"> If you are unhappy with your Stage 2 or Stage 3 outcome, you can take your appeal to the Office of the Independent Adjudicator for review 	12 months after the University issues the Completion of Procedures Letter	Normally within 6 months

Academic Appeals Process: A Summary

The Academic Appeals Process intends to provide a quick, simple process with a focus on early resolution of your issues. The Academic Appeals Process has three internal stages and one external stage:



Stage 1: Informal Process

At this stage, Student Central deal with most issues locally. You can contact Student Central in person, by email, or by phone. Student Central will explain your assessment decision and the processes behind making this decision to help you understand why this decision was made. If a procedural issue is identified at this stage, Student Central staff will aim to resolve it.

If you are dissatisfied with the outcome at this stage, you can move to a Stage 2 Formal Appeal.

You must submit any Stage 2 formal appeal within **10 working days** after either:

- (a) the University issues your PEC claim or your Late Authorisation decision
- or
- (b) the University publishes your results on Blackboard

Therefore, you should start Stage 1 as soon as possible if you think there may be an issue. If you are dissatisfied with the outcome at this stage, you can move to a Stage 2 Formal Appeal if you believe you have grounds.

For more information about Stage 1, please go to page 8.



Stage 2: Formal Appeal against a PEC or Late Authorisation Decision, or a Programme Assessment Board Decision

If you still feel there was a procedural irregularity when considering your case, or you have relevant information that you could not previously make available for a valid reason which materially affects the outcome, you can progress your case as Stage 2 Formal Appeal.

For more information about Stage 2 Formal Appeal, please go to:

- **PEC or Late Authorisation Decision, page 10**
- **Programme Assessment Board Decision, page 14**



Stage 3: Request for Review

You can request a review of the Stage 2 decision if you feel there was an insecurity in the decision. At this stage, we will not normally reconsider the issues raised, but an independent member of staff will decide if you have provided evidence of a procedural irregularity or relevant information that could not have been provided at the time.

For more information about Stage 3, please go to page 28.

This completes the University's internal student appeals process.

oia External: The Office of the Independent Adjudicator

The Office of the Independent Adjudicator (OIA) provides an independent scheme which reviews student appeals. If you remain dissatisfied with our final response at Stage 2, or Stage 3, you can take your appeal to the OIA.

The OIA will consider whether we have correctly applied our regulations and followed our processes, and judge whether the outcome was reasonable, in light of the processes and the information available.

For more information about this stage, please visit [the OIA website](#).

Stage 1 Overview

START HERE



You receive your result/decision and it is not what you were expecting.
You would like to talk to someone and clarify things.



STAGE 1: Informal Process



You contact any Student Central location in person, by phone, or by email within 10 working days of your result/decision being published.



For feedback queries, contact the marker.
Student Central staff may be able to help you.



The University explains and clarifies things for you.

Possible grounds for a challenge:



Your PEC or Late Authorisation request was not considered properly.



You have relevant information that will affect the decision. You also have a valid reason why you could not submit this earlier.



It is a procedural or organisational irregularity which affected your grade.



Student Central attempts to resolve your issue at this stage.



If you remain dissatisfied with this outcome, you can lodge a Stage 2 Formal Appeal.



STAGE 2: Formal Appeal

7.3 Stage 1: Informal Process

This stage should normally be completed within **1-2 working days**.

7.3.1 Stage 1 Overview

The purpose of this informal stage is to help you understand the reason for the assessment, progression or award decision or for you to tell us about a possible error in the process. You should raise your query at any of the Student Central locations in person, by email or by phone as soon as possible.

If your query is about 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.

7.3.2 Timescales for Stage 2 Formal Appeals

If you remain dissatisfied, you should lodge a Stage 2 Formal Appeal.

The deadline for lodging a Stage 2 appeal is 10 working days after either:

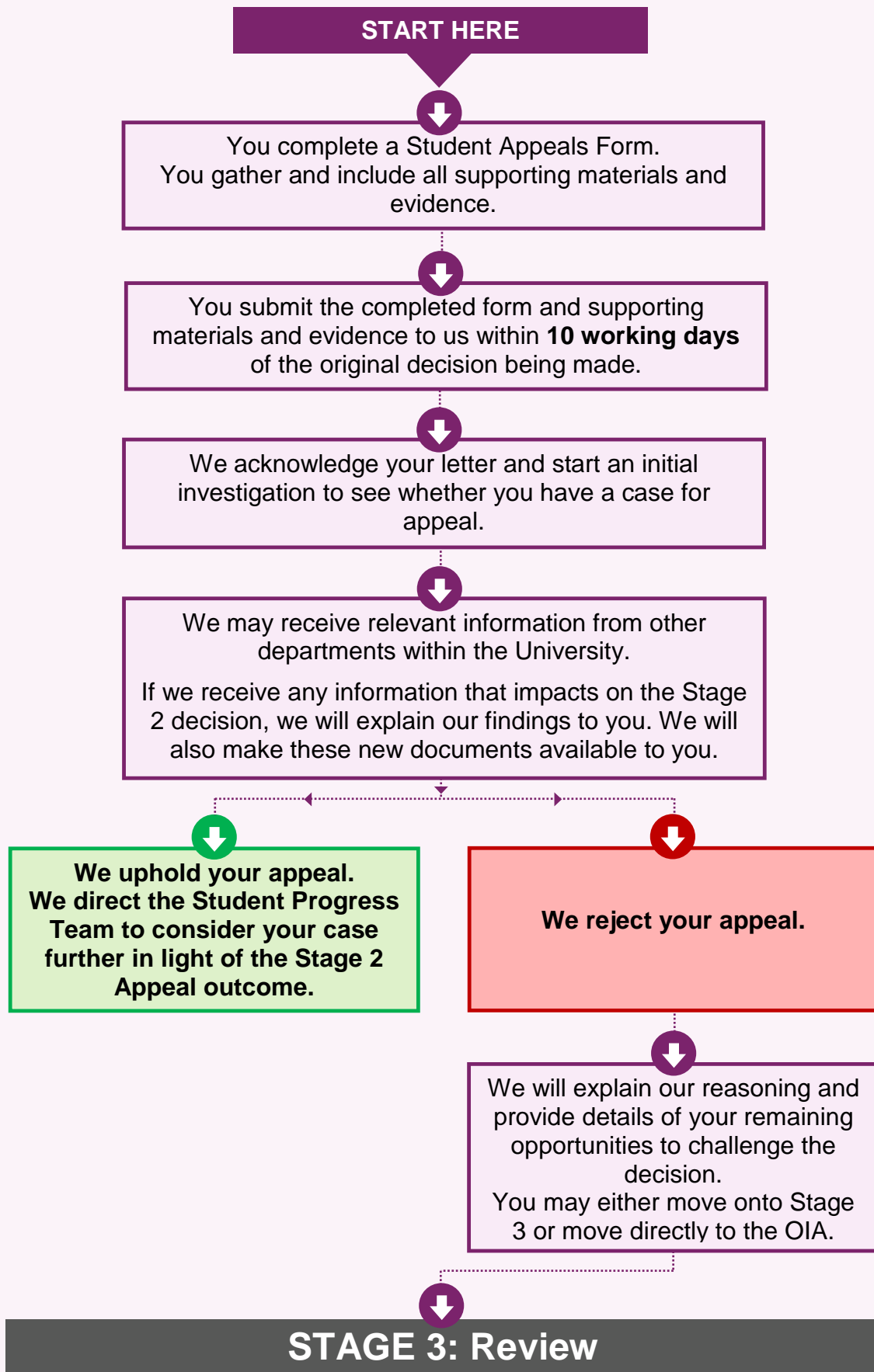
- (a) the date that the University issues its decision on a PEC claim or Late Authorisation (see regulation 7.4).
- or**
- (b) the date that the results and decisions confirmed by the Programme Assessment Board are published on Blackboard (see Regulation 7.5.1)

If you submit your appeal after this deadline, we will only accept your appeal in exceptional circumstances. If you cannot meet this deadline, you must inform us within this 10-working day period.

If you cannot obtain a response at Stage 1 within the **10 working days**, and this causes you to lodge your Stage 2 appeal late, you must provide us with evidence of this.

STAGE 2: Formal Appeal against a PEC or Late Authorisation Decision Overview

For appeals against Programme Assessment Board decisions, please go to **page 14**.



7.4 Stage 2: Formal Stage Appeal against a PEC or Late Authorisation Decision

We will consider your Stage 2 Formal Appeal on behalf of the Vice-Chancellor. This stage is normally completed within **30 working days** of receiving the formal appeal. Sometimes, we may need longer to investigate, and we will keep you informed if this is the case.

The Student Appeals and Complaints Office does not have the power to accept or reject a PEC claim or a Late Authorisation request. We also do not have the power to judge the appropriate length of a Late Authorisation. If we uphold your appeal, we will ask the Student Progress Team to reconsider your claim.

7.4.1 Stage 2 Overview

This process only considers appeals against PEC claims or Late Authorisation request decisions. You must make any formal appeal within **10 working days** of the University issuing a PEC or Late Authorisation decision. If you cannot meet this deadline, you must inform us within this **10-working day** period.

If you are appealing more than **10 working days** after the decision, you must first clearly demonstrate why you could not appeal within the permitted timeframe.

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 7.5.

7.4.2 Grounds for Appeal

The permitted grounds for an appeal are:

- (a) that there was a procedural irregularity when considering your case which materially affected the outcome;

and / or

- (b) that you have information which is relevant to the outcome that you could not provide earlier. You must have a valid reason for why you could not provide the information before the decision on your claim had been made.

No other grounds for an appeal are permitted.

How to Submit an Appeal

You should submit your appeal to us at studentappealsandcomplaints@northumbria.ac.uk.

Please include the following when you submit your appeal:

- ☐ a completed Student Appeals Form (Appendix 1a)
- ☐ an appeals letter
- ☐ **all** evidence which supports your appeal

If you cannot provide supporting evidence immediately, you must submit your Student Appeals Form within the 10 working days, and state when the supporting evidence will be available. We will not commence our 30-day timescale until all your documentation has been received.

How to Submit an Appeal after the Deadline

If you submit your Student Appeals Form after this **10 working days** deadline, you must first clearly explain what prevented you from providing this information earlier, and provide evidence to support this explanation where possible. If you did not contact us within the 10 working days to let us know you would not be able to meet this deadline, you will also need to explain why you did not do this. We will only accept late appeals in exceptional circumstances.

7.4.3 Investigation

We will consider your case and obtain relevant information from other departments within the University. This investigation normally takes **30 working days**.

If we use any information that you have not been aware of, we will make this information available to you. We will give you **10 working days** to consult and comment on this information.

We will then decide to either:

- (a) uphold your appeal and refer it to the Student Progress Team. Your decision will be reconsidered in the light of the evidence now available².

² If an insecurity in the original decision-making is identified, your claim will be reconsidered by the Student Progress Team. If the Student Progress Team rejects the claim, you can lodge a further appeal.

or

(b) reject your appeal³ because either:

- i. it does not map onto any of the permitted grounds in regulation 7.4.3, or because we judge that the evidence does not support your grounds appeal

or

- ii. you submitted your appeal after the deadline without a valid reason

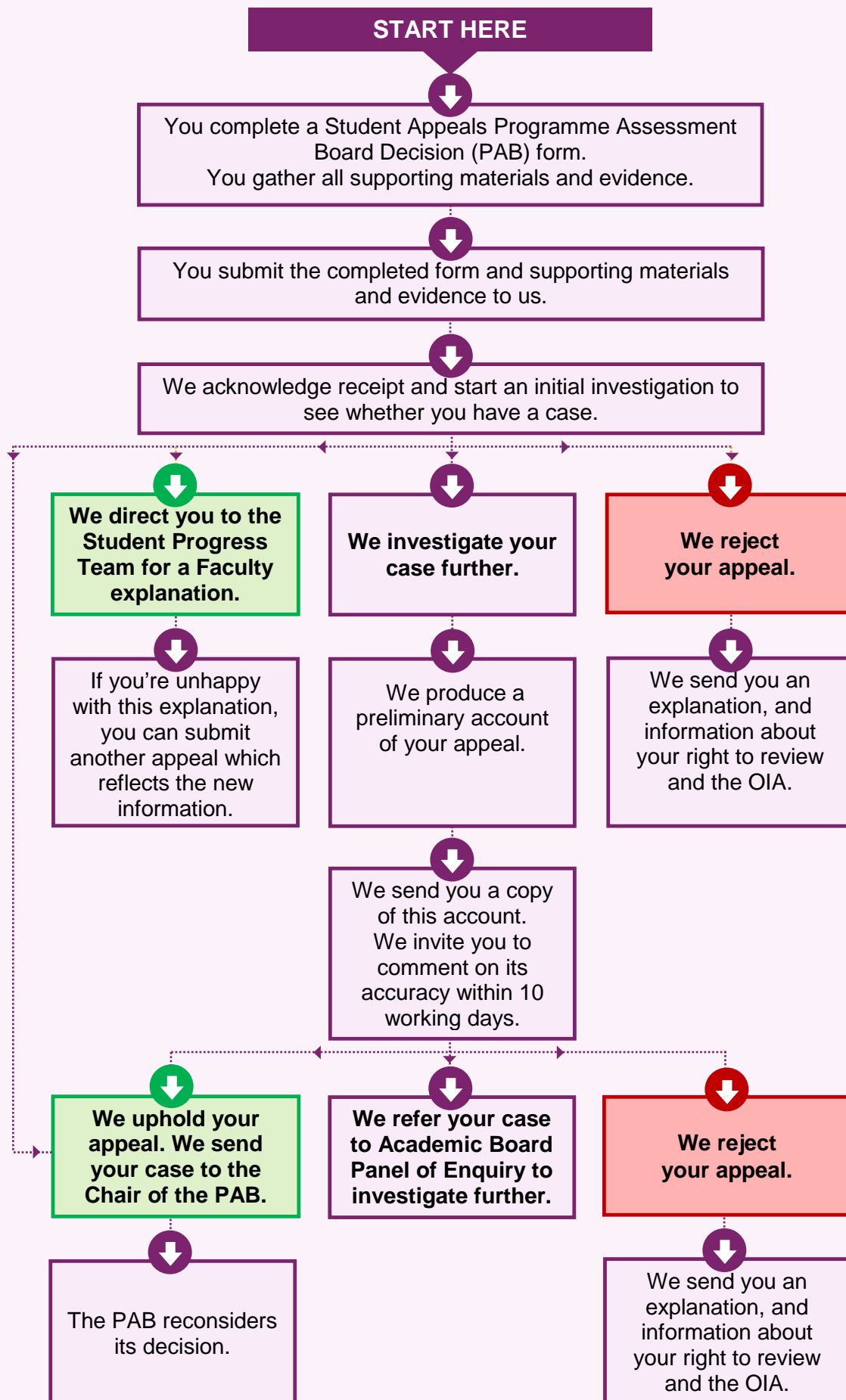
Closing the Appeal at this Stage

We will contact you with the outcome of your formal appeal in writing. We will explain our decision and tell you about your right to request a review of the outcome. We will also give you information about the Office of the Independent Adjudicator.

³ If your appeal is rejected, we will let you know about your right to seek a review of the decision (regulation 7.6), and about the Office of the Independent Adjudicator. We will also provide the Student Progress Team and other relevant staff at the University with a copy of your appeal outcome.

Stage 2: Formal Appeal against a Programme Assessment Board Decision Overview

For appeals against PEC or Late Authorisation decisions, please go to **page 10**.



7.5 Stage 2: Formal Stage Appeal against a Programme Assessment Board Decision

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

7.5.1 Stage 2 Overview

Sometimes, the Programme Assessment Board (PAB) makes a decision about your exam or assessment which you think is insecure. Examples of an insecure decision are:

- an error in recording your marks
- a procedural irregularity in the assessment process
- extenuating circumstances not properly taken into account
- some other factor which influences the outcome (see regulations 7.2.3 and 7.5.3).

If you think any of these have happened, you can appeal against this insecure 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, that have been ratified by the PAB⁴. Therefore, all PAB appeals must wait until your results are officially published.

7.5.2 Your Responsibility

You have a responsibility to tell the University of factors which may seriously affect your assessment performance by using the [PEC](#) or [Technical Extenuating Circumstances](#) processes.

You should let the Student Progress Team know of these factors by the published deadlines.

You should consult the PEC guidelines in your Programme Handbook, on the Student Portal, and on the University's website. You must provide relevant medical and/or supporting documents which cover the relevant time-period⁵.

If you do not inform the Student Progress Team of relevant information about your health or other personal circumstances during the lead up to assessments but do

⁴ You can only challenge marks based on the permitted grounds in regulation 7.5.3

⁵ See '[Student Guide to PEC Evidence](#)'

inform them once your results have been published, this may weaken your case if you lodge an appeal.

7.5.3 Permitted Grounds for Appeal

You may only appeal on the following grounds:

- (a) that there have been procedural or organisational irregularities when conducting exams and other forms of assessment. This includes if approved programme procedures were not followed, or if there were irregularities in the PAB process itself.

Your appeal will only be considered where the irregularity directly affects the outcome of the assessment decision that is the subject of your appeal. You should identify the regulation that was breached or the deviation from the approved procedures.

To avoid doubt, 'bias' on the part of an assessor will be treated as an irregularity.

or

- (b) that relevant information⁶ about your health or other personal extenuating circumstances was:

- i. not properly taken into account by the PAB

or

- ii. was not made available to the PAB

In the case of (ii), you must provide a valid reason with your appeal for not providing this information by the deadline. If you submit evidence of such circumstances after the PAB has met with no valid reason for the delay, we will not consider your appeal.

There are protocols for advising Examiners of personal extenuating circumstances⁷. It is your responsibility to properly communicate this information by the deadlines and before the PAB meets to assess your work.

⁶ The University will consider all evidence you submit to support extenuating circumstances claims and/or appeals. The University will only deviate from normal assessment processes in exceptional circumstances. We cannot challenge professional medical judgement. However, if the judgement was not made at the time covered by your PEC claim, or is solely based on what you told the medical practitioner, the University will take this into account when deciding whether to accept your PEC claim.

⁷ See '[Student Guide to Personal Extenuating Circumstances \(PEC\) Affecting Assessed Work](#)'
Handbook of Student Regulations (Taught Programmes) 2018-19: **Section 7** **16**

The PAB must take into account that you have approved extenuating circumstances when properly presented on your academic profile. If the PAB has not done this, then this is grounds for an appeal.

Once the PAB has considered that you have approved extenuating circumstances, it uses academic judgement to make a decision about your performance. As this is a matter of academic judgement, this is not grounds for an appeal.

If you have not made your personal extenuating circumstances claim known to the PAB, your claim will first be considered against 7.5.3 (b) (ii).

Fit to Sit Declaration

The 'Fit to Sit' declaration applies only to students studying the Bar Professional Training Course (BPTC) and Legal Practice Course (LPC).

If you sign a 'Fit to Sit' declaration, and later submit a PEC, you must first demonstrate why you were not in the right frame of mind to make this decision at the time.

7.5.4 How to Submit an Appeal

You should submit any appeal to us at studentappealsandcomplaints@northumbria.ac.uk.

Please include the following when you submit your appeal:

- ☐ a completed Student Appeals Form (Appendix 1b)
- ☐ an appeals letter
- ☐ **all** evidence which supports your appeal

We will consider your appeal on behalf of the Vice-Chancellor.

We must receive your Student Appeals Form within 10 working days after the University publishes your results and decisions on Blackboard, unless there have been unavoidable delays within the Faculty or the Student Progress Team.

If you cannot provide supporting evidence immediately, you must submit your appeal letter and Student Appeals Form within the 10 working days, and state when the supporting evidence will be available.

If we receive your Student Appeals Form after this deadline, you must provide a valid reason for the delay, and provide evidence where possible. We will only accept late

appeals in exceptional circumstances. If you cannot meet this deadline, you should inform us of this within this 10-working day period.

7.5.5 Preliminary Investigation

We will let you know when we receive your Student Appeals Form. We will then start an initial investigation to see whether your case has grounds for investigating further.

We will obtain relevant information from other parts of the University. This information may include your complete personal file, with details of your exam and assessment marks for your programme, copies of communications between you and the University, and an up-to-date copy of the relevant programme documents.

We will decide on one of the following options:

- (a)** if your issue can be resolved by an explanation from your Faculty, we will direct you to the Student Progress Team for more information.

After talking to your Faculty, you can still lodge a Formal Stage appeal if you feel the issue is still unresolved. This must be done within **10 working days** of obtaining a written response from the Faculty. **or**

- (b)** we will reject your appeal⁸ because:
- i. it does not appear to map into any of the permitted grounds in 7.5.3, or because we judge that your evidence does not support your grounds for 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 PAB by the due time (regulation 7.5.3 c) (ii), you did not provide a valid reason for failing to report these circumstances

or

- (c)** to refer your appeal to the Chair of the PAB. This happens when, on a balance of probabilities, you have established grounds for upholding your appeal and your case needs to be reconsidered.

⁸ If we reject your appeal, we will let you know about your right to seek a review of this decision (regulation 7.6) and about the OIA. We will also provide relevant staff at the University with a copy of your appeal outcome.

or

- (d) if we accept your reason for submitting personal extenuating circumstances information late, your appeal will be referred to the Student Progress Team⁹ for reconsideration. They will take into account the new evidence which is now available¹⁰.

or

- (e) we will further investigate your appeal according to the process described in regulation 7.5.6.

7.5.6 Further Investigation

If we decide to investigate further (regulation 7.5.5 (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 make them available.

We will:

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. We will then make a final judgement on your appeal;
3. make a judgement, informed by your comments. We will either:
 - (a) uphold your appeal either in part or in full. We will refer your case to the Chair of the PAB to reconsider its decision, taking the evidence available into account. If you are dissatisfied with the PAB's new decision, you may lodge another Stage 2 Formal Appeal.

or

- (b) reject your appeal because we cannot establish a reasonable case for the PAB to reconsider its decision. We will provide an explanation and give you details of the review stage (regulation 7.6) and the Office of

⁹ We do not have the power to accept or reject a PEC claim. We also do not have the power to judge the appropriate length of a Late Authorisation.

¹⁰ If you are still dissatisfied with the decision of the PAB once it has reconsidered your case, you can submit a further Stage 2 Formal Appeal.

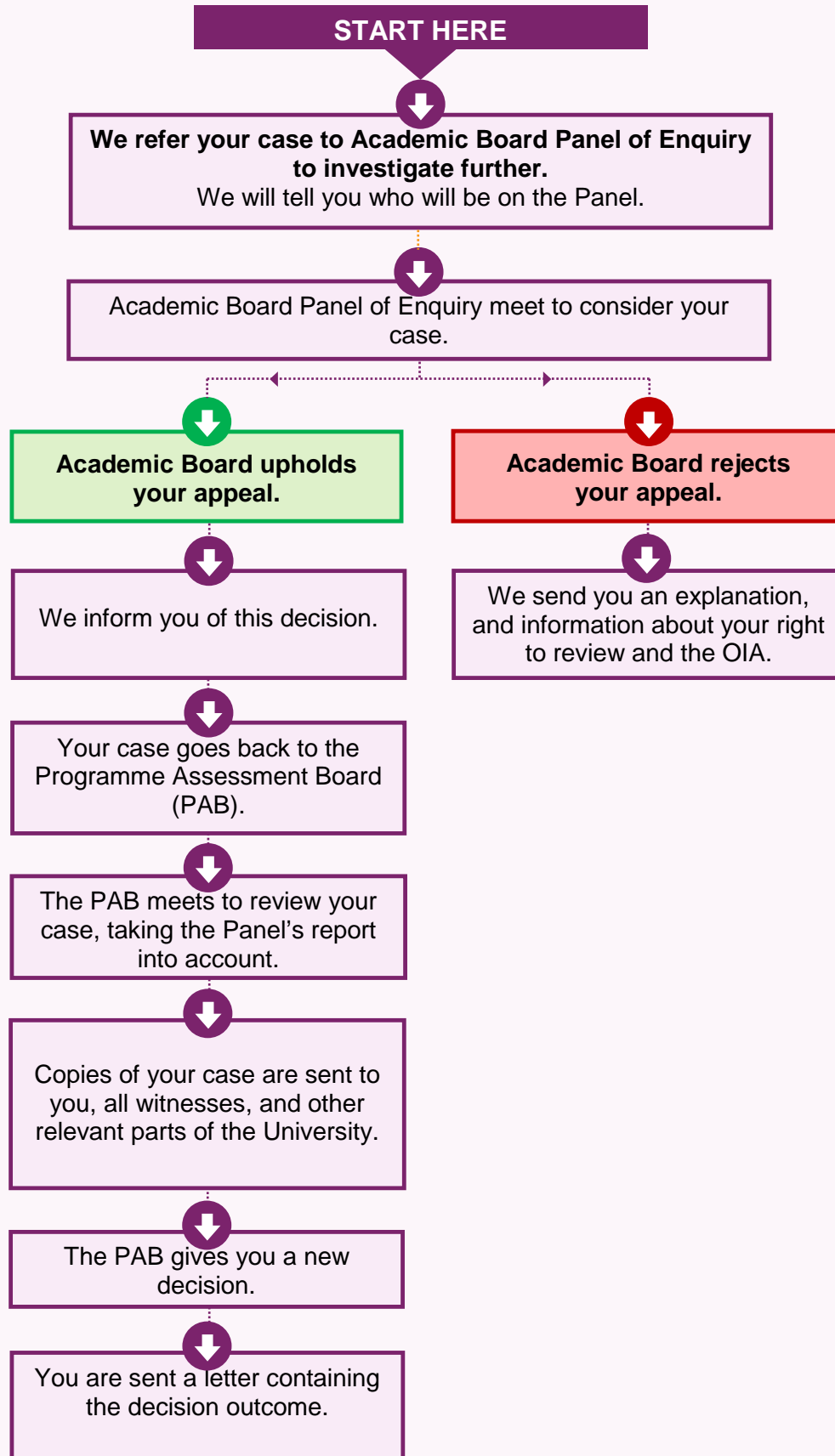
the Independent Adjudicator (OIA)¹¹.

or

- (c) in exceptional cases we may not be able to establish clear grounds to uphold or reject your appeal. We will then refer your case to an Academic Board Panel of Enquiry which will further consider your appeal (regulation 7.5.1).

¹¹ See Appendix H of the 'Handbook of Student Regulations'.

Academic Board Panel of Enquiry Overview



7.5.7 Academic Board Panel of Enquiry

If your appeal goes to a Panel of Enquiry the Panel will normally convene a Hearing within **30 working days** of the decision to do this. You have the right to attend this Hearing.

7.5.8 Academic Board Panel of Enquiry Conflict of Interest

We will inform you of the Panel members at least **7 working days** before the Hearing.

If you think there is a good reason why there would be a conflict of interest or why one of the Panel members would not be able to fairly judge your case, you can submit your argument for this in writing to us. You should submit this within **2 working days** of receiving our notice of the Panel members. You should fully explain why you are concerned and support this with evidence as far as possible.

We will consider your argument then make a judgement whether the proposed Panel members should be changed. Our judgement on this will be final.

Once the Panel members have been confirmed, we will send all papers to you and the Panel at least **5 working days** before the Hearing.

7.5.9 Academic Board Panel of Enquiry

The Academic Board Panel of Enquiry will normally include:

1. Chair. This will be a Faculty Associate 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 with us.

We will attend as adviser and appoint a Clerk to the Panel and other administrative support as required.

7.5.12 Academic Board Panel of Enquiry Process

The Panel is responsible for hearing and judging your appeal.

You are entitled to a “Friend” to accompany you. For a definition, please see Appendix A (see also regulations 1.4. and 1.5. for exceptionally going beyond this definition).

The Hearing will abide by the principles of natural justice¹² and will follow the order of proceedings in Appendix E, subject to the following:

- (a) if you fail to attend the Hearing, the Panel will decide whether to continue in your absence.

If the Panel cannot reach a judgement in your absence, the Vice-Chancellor (or nominee) will decide whether to uphold your appeal. All the evidence will be taken into account for this decision.

- (b) no other person has the right to attend your Hearing. The Panel can receive evidence from, and invite others to, your Hearing at its discretion to provide evidence and be questioned.

These persons may include, for example, your Programme Lead or your Guidance Tutor.

7.5.13 Academic Board Panels of Enquiry Written Report

The Panel of Enquiry 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 Progress 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.

¹² See Appendix B of the ‘Handbook of Student Regulations’.

7.5.14 Academic Board Panel of Enquiry Appeal Rejected

If the Panel of Enquiry rejects your appeal, we will inform you of this decision. We will provide details of the review stage (regulation 7.6) and the OIA^{Error! Bookmark not defined.}.

7.5.15 Academic Board Panel of Enquiry Appeal Upheld

If the Panel upholds your appeal, your case will be referred back to the PAB. The PAB 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 PAB's new decision will have taken all the relevant factors into full account. This will represent justice having been done in your appeal¹³.

7.5.16 Academic Board Panel of Enquiry Chair

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 understand 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.

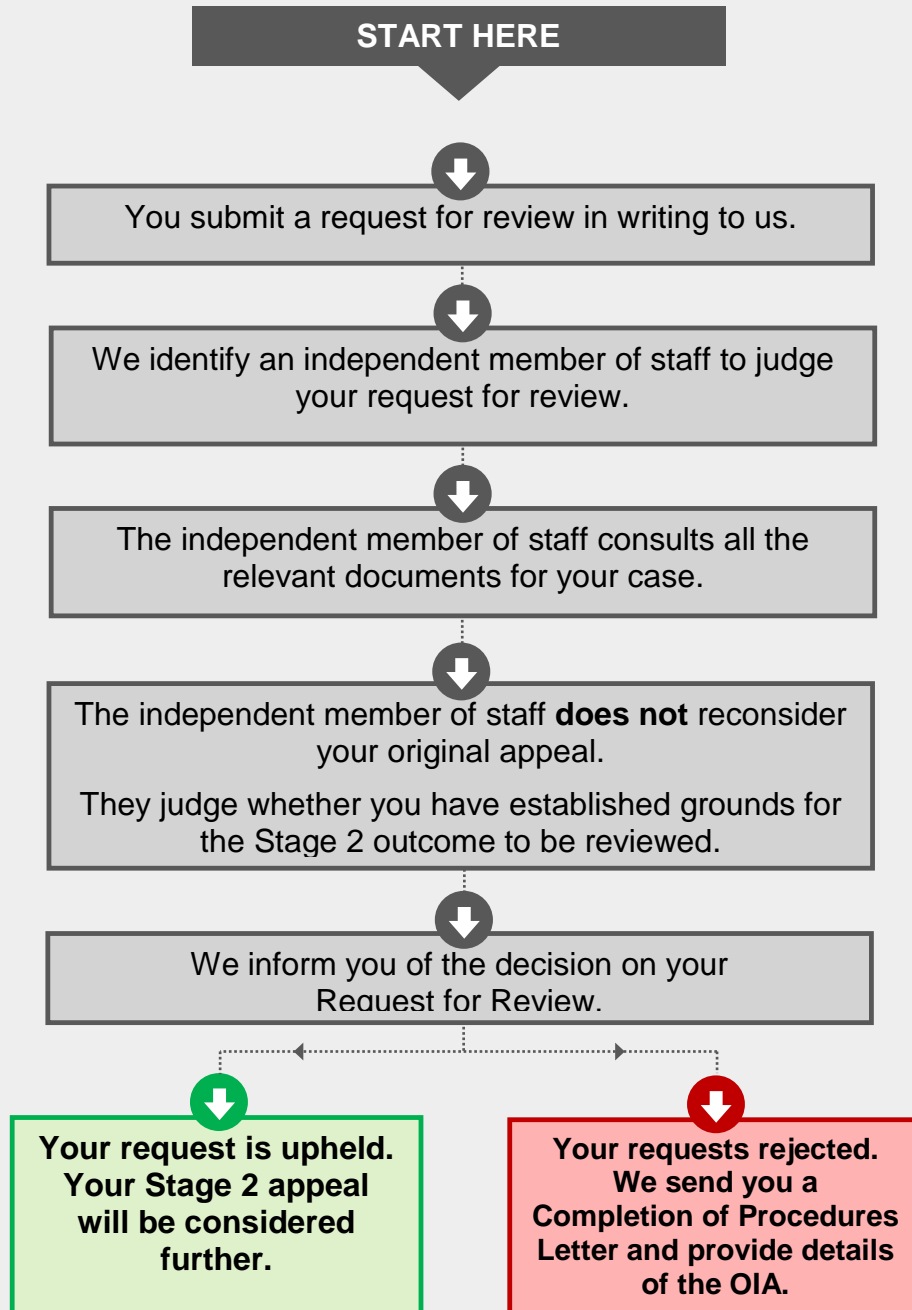
¹³ If you are not happy with the PAB's new decision, you can submit a further Stage 2 Formal Appeal.

Closing the Appeal at this Stage

We will contact you with the outcome of your formal appeal in writing. We will tell you about your right to take your appeal to the review stage, and information about the Office of the Independent Adjudicator.

Stage 3 Overview

This stage applies to challenges of both Stage 2 PEC/Late Authorisation decisions and PAB decisions.



7.6 Stage 3: Request for Review

This stage is normally completed within **20 working days** of receiving your request for a review.

You must read Appendix G of the 'Handbook of Student Regulations' with this section.

7.6.1 Stage 3 Overview

If you are not satisfied with the outcome of your Stage 2 Appeal, you can ask for a review of the outcome on one or both of these grounds:

- a) that there was a procedural irregularity at Stage 2 which materially affected the outcome
- b) that you have new information that is relevant to the outcome which you could not have previously provided.

7.6.2 How to Submit a Request for Review

You must submit your request for review in writing to us at studentappealsandcomplaints@northumbria.ac.uk. **The deadline for this is normally within 10 working days of the Stage 2 outcome.**

If you cannot meet this deadline, you should let us know within this 10-working day period.

If you submit your request for a review late, you should provide a valid reason and evidence where possible.

We will only consider requests for reviews that are submitted late in exceptional circumstances, and the Independent Reviewer will make this judgement.

7.6.3 Identifying an Independent Decision-Maker

We will identify an appropriate independent member of staff, from a different Faculty to yours, to judge your request for review, the Stage 2 Appeal outcome and any other documents they think are necessary.

7.6.4 Outcomes of Request for Review

The decision-maker will not reconsider your original appeal afresh. They will judge whether you have established grounds for your case to be reviewed. They will decide whether you have demonstrated that the Stage 2 appeal decision may be insecure for the reasons you have argued. They will decide to either:

- a) reject your request for a review because:
- i. your request is not based on any of the permitted grounds in regulation 7.6.1;
 - ii. you submitted your request outside the permitted time-period without a valid reason;
 - iii. that your request does not demonstrate any of the grounds in regulation 7.6.1

In these cases, we will provide you with information about how to take your case to the OIA and a Completion of Procedures Letter¹¹

or

- b) uphold your request for review. Your appeal will be considered further at Stage 2, taking into account the full information that is now available. If you have evidenced there was bias in the consideration of your appeal, your case will be reconsidered by new Stage 2 decision-maker.

Closing the Appeal at this Stage

We will inform you of the outcome of your request for review in writing. If the request has been rejected, we will provide you with information about how take your case to the OIA and a Completion of Procedures Letter¹⁴.

This completes the University's internal student appeals process.

¹⁴ See 'Appendix H' of the Handbook of Student Regulations

Section 8: Withdrawal of a Student for Unsatisfactory Academic Progress

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

Format Requirement

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

Independent Advice and Support

You can seek independent advice and support from Northumbria Students' Union Advice Service <https://www.mynsu.co.uk/heretohelp/advice/>

8.1 Background

8.1.1 Failure of Assessments

The most common circumstance 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 operate within the framework of individual approved Programme Schemes or the University's Assessment Regulations, which specify the level of attainment necessary at each stage for progression to the next stage of the programme, and the level of attainment necessary for the award to which the programme leads. Depending on the extent of the failure and the wording of the particular scheme, the Examination Board will typically have available to it a range of options, the most severe of which is a programme fail.

8.1.2 Appealing against Assessment-Related Decisions

The University has a well-established set of procedures for dealing with appeals by students against the decisions of Examination Boards. If you wish to appeal against the consequences of failure of an assessment or any other decision of an Examination Board should therefore see Section 7 of this Handbook.

8.1.3 Set of Procedures

In considering a set of procedures which should be followed in dealing with those cases in which a student is required to withdraw, 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 undertake 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 attendance in order to supportively encourage a 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 of any International Student who has failed to attend classes. Such a report may be sent to United Kingdom Visas and Immigration notwithstanding any ongoing discussion about attendance that is continuing under these regulations.

8.2.4 Unsatisfactory Academic Performance

When academic performance and progress generally is judged to be unsatisfactory, as measured by attendance, 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 student being required to withdraw.

8.2.5 Appealing against Decisions

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

8.2.6 Authority Required

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

8.2.7 Faculty Programme Committee

The Faculty Associate 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 Lead, supported by the Student Progress Team Manager 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 you should initially receive informal guidance and warnings in a variety of ways such as through the Faculty's Attendance Monitoring Procedure, or from Module Tutors, Guidance Tutor, or Support Staff.

8.2.9 Formal Warning

At least one formal warning should be given by the Programme Leader in writing to students when their academic progress has been identified as unsatisfactory before the stage is reached at which they are required to withdraw. Such a warning should refer the student to these regulations (Section 8), the potential that you may be required to withdraw 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 you are required to withdraw from the programme for unsatisfactory academic performance, you will have the right to be interviewed by a Panel in accordance with 8.4 of the regulations below.

8.2.11 Timescale

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

8.3 Stage 1 Formal Warning

8.3.1 Faculty Attendance Monitoring Procedure

If you fail to attend, submit work or otherwise fail to fully engage in their academic studies will be contacted through the Faculty Attendance Monitoring Procedure and support/advice offered. You are reminded of your responsibility to inform the University of any circumstances affecting your progress at the earliest opportunity and by no later than the permitted Personal Extenuating Circumstances deadlines.

8.3.2 Judgement of Unsatisfactory Progress

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

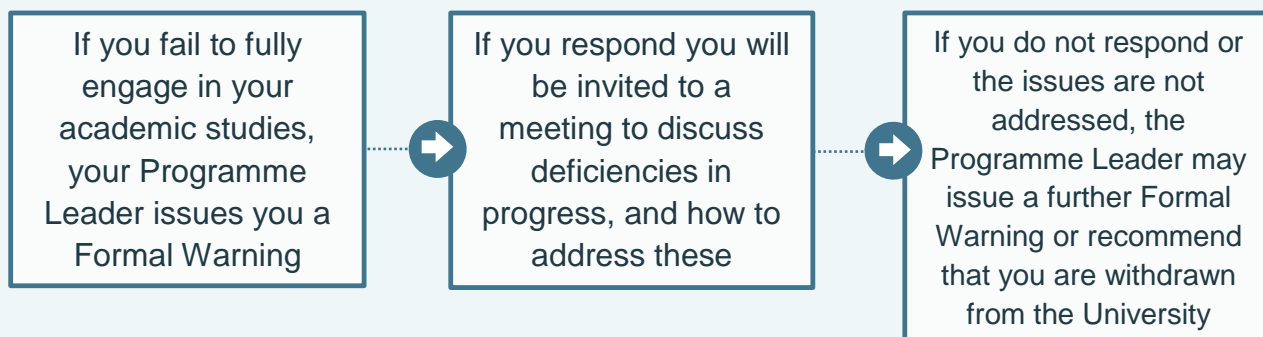
8.3.3 Formal Notification

Formal notification shall be given in the form of a letter and/or an interview by the Programme Leader. Whatever form of notification is used, you will be informed that your progress has been unsatisfactory. If you respond to this notification, you will be invited to a meeting to discuss any issues affecting your progress, the deficiencies in progress specified, and an appropriate time limit stipulated by which these deficiencies must be remedied. You should be advised that failure to respond to the notification or to remedy the deficiencies by the specified date may result in you being required to withdraw from the programme.

- (a) Where notification is given by letter, a copy of this should be placed on your file.
- (b) Where notification is given by means of an interview, then the Programme Leader (or their nominee) should conduct the interview. The Student Progress 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 to you.

'Unsatisfactory Academic Progress': Northumbria Internal Regulatory Process

Stage 1 | Informal Process

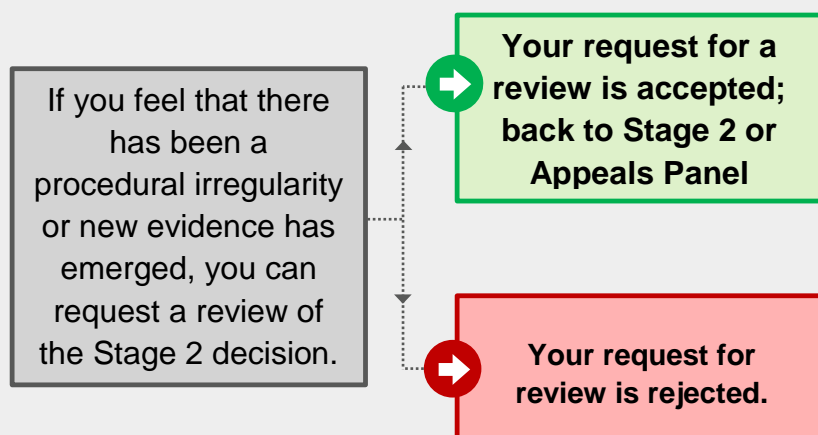


Stage 2 | Formal Stage



Stage 3 | Request for a Review

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



8.3.4 Further Formal Warning or Time Limit

At the expiry of the specified time period referred to in 8.3.3 above, the Programme Leader **may** choose to issue a further formal warning and define a further time limit by which the deficiencies in progress must be remedied or progress to Stage 2 (regulation 8.4).

8.4 Stage 2: Recommendation of Withdrawal and Panel

8.4.1 Formal Written Report

If in the judgement of the Programme Lead acting on behalf of Faculty Programme Committee your academic progress remains unsatisfactory because you have failed to respond to warnings / notifications or you have not sufficiently progressed by the end of the specified time period, the Programme Lead will recommend that you should be required to withdraw. A formal written report is submitted by the Programme Leader to the Student Progress Team Manager who will forward it to the Faculty Pro Vice-Chancellor or their nominee as appropriate.

8.4.2 Panel of Faculty Programme Committee

The responsibility then rests with a Panel of Faculty Programme Committee members (consisting of a minimum of a Faculty Associate Pro Vice-Chancellor (Learning & Teaching) (or their nominee)) and one other member of academic staff who have had no previous dealings with the case, together with the Student Progress Team Manager to take notes).

8.4.3 Purpose of the Panel

The purpose of the Panel is to establish why academic progress has been unsatisfactory and, in the light of this, determine what action the University should take. This may vary from a further Formal Warning to a requirement that the student withdraw.

8.4.4 Invitation to Submit Representations

Before the Panel of Faculty Programme Committee members make a decision, you, accompanied if you wish by a Friend¹, shall be invited to submit representations either

¹ See Appendix A of the Handbook of Regulations for definition

in writing or in person to the Panel. You should be given at least 5 working days' notice of the Panel considering their case. Such Panels should normally make a decision within 15 working days of the Programme Leader making the recommendation in 8.4.1 above.

- (i) If you decline this invitation or do not attend, the Panel shall proceed to a decision on the basis of the evidence available, provided that it is satisfied that you have been properly informed of your opportunity to present your case
- (ii) If you decline the invitation to attend in person it will be sufficient that members of the Panel consult by telephone, videolink, or in writing.

8.4.5 Panel of Faculty Programme Committee Decision

Within 10 working days of its meeting, the decision of the Panel of Faculty Programme Committee shall be conveyed in writing to you and to the Programme Leader. If the decision is that you are required to withdraw, then the letter to you will refer to the right to appeal (regulation 8.5). 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. You shall also be informed you can request a review of this decision within 10 working days (regulation 8.5) or request a 'Completion of Procedures' Letter within 1 month if they wish to take their case directly to the OIA².

8.5 Opportunity to Request a Review

8.5.1 Submitting a Written Statement

In you wish to request a review of the decision to withdraw you from your course, you should complete a Request for Review³ form and submit it to the Student Appeals and Complaints Officer **within 10 working days of being formally notified of the requirement to withdraw**. If it may not be possible to meet this deadline you should inform the Student Appeals and Complaints Officer within this 10 working day period. You must explain the reasons for the request that the decision be reviewed with supporting evidence. The permitted grounds for such a review are:

- (i) that there was a procedural irregularity in the consideration of your case which materially affected the outcome;
- or

² See Appendices G and H of the 'Handbook of Student Regulations'

³ Available at www.northumbria.ac.uk/handbook

- (ii) that information that could not previously be made available and is materially relevant to the outcome has subsequently emerged.

In the case of a request for review based on 8.5.1 (ii), you must first successfully demonstrate that it was not possible to provide the submitted evidence in time to support the Stage 2 appeal. If this is not done, the evidence will be considered no further.

8.5.2 Review of Case

The Student Appeals and Complaints Officer will review the case on the basis of the evidence provided to determine whether grounds permitted under paragraph 8.5.1 have been established. The file produced at Stage 2 of the proceedings will be available but will only be consulted if necessary in order to verify the argument as made by you. **The case will not be considered afresh, their role is to ensure that procedures have been correctly followed at Stage 2 and the resulting decision is secure.** A decision will then normally be made within 10 working days of receiving the request for a review to:

- (i) reject the request for a review on the basis that:
 - a. the request is not based on any of the grounds permitted in regulation 8.5.1;
 - b. that the request was submitted outwith the permitted time-period with no good reason;
 - c. that the request has failed to demonstrate any of the grounds set out in 8.5.1 above . The Student Appeals and Complaints Officer will issue a 'Completion of Procedure Letter'⁴

or

- (ii) in the case of upholding the request for review refer the case back to be reconsidered under 8.4 above in the light of the report.

or

- (iii) if the case raises fundamental issues of principle for the University, or is otherwise too complex to make a judgement on, an Appeals Panel (8.5.3) in the name of Academic Board will be convened normally within 20 working days of the judgement of the request for review.

The decision of the Student Appeals and Complaints Officer on this matter will be final.

⁴ See Appendix H of the 'Handbook of Student Regulations'

8.5.3 Scope of the Appeals Panel

It is open to the Appeals Panel to require the Panel of the Programme Committee in conjunction with the Faculty Pro Vice-Chancellor to reconsider a case taking into account the evidence, and any recommendations and conclusions arrived at by the Appeals Panel in respect of the evidence. The final decision about the withdrawal of an individual student must however rest with the Panel of 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 duly constituted at a later occasion.

8.5.4 Request of Documents

The Panel may request any documents it deems relevant and the Faculty will be entitled to submit written comments. In the interests of avoiding a delay the Vice-Chancellor may convene an Appeals Panel if the required written information cannot be submitted within 10 working days.

8.5.5 Student's Right to Attend

The student will be advised of the date of the Panel meeting and of the right to attend and to be accompanied by a Friend if desired. Such a Panel shall normally be convened within 20 working days of the request for review being received.

8.5.6 Remaining on the Programme

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.

8.5.7 Appeals Panel Members

The Appeals Panels shall normally be constituted by the Vice-Chancellor as follows:

- (i) Chair: Faculty Associate Pro Vice-Chancellor (Learning & Teaching or Academic) or other appropriate senior academic member of staff, from a faculty other than the student and with no previous decision-making role in the case;

- (ii) One academic member of Academic Board who has had no prior dealings with the student;
- (iii) One student member of Academic Board.

The Student Appeals and Complaints Officer or his/her nominee shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal shall normally be received by Panel members at least five working days prior to the meeting.

8.5.8 Panel Conflict of Interest

At least seven working days before the Hearing the student will be informed of the composition of the Panel beforehand. If the Student feels that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge their case, they should submit their argument in writing to the Student Appeals and Complaints Officer within two working days of receiving notice of the composition of the Panel. They should fully explain the basis of their concerns and support this with evidence in so far as this is possible. The Student Appeals and Complaints Officer will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Student Appeals and Complaints Officer on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed. All relevant papers will be provided to members of the Panel and to the student.

8.5.9 Appeals Panel Duty

The Appeals Panel shall be charged with the duty of hearing and judging the student's appeal in accordance with the principles of natural justice⁵. The burden of proof of the grounds for the appeal lies with the student. The judgement of the claim will be based on 'balance of probabilities'⁶. The Panel shall follow the order of proceedings as described in Appendix E of the Handbook of Student Regulations subject to the following:

- (i) you may be accompanied by a Friend if you wish. Failure of you to attend an Appeals Panel, after being properly served with Notice to do so, shall not prevent the case being heard.

⁵ See Appendix B of the 'Handbook of Student Regulations'

⁶ See Appendix A of the 'Handbook of Student Regulations' for definition

- (ii) the Panel should invite the Programme Leader, you and any other relevant persons to present evidence and to respond to questions from the Panel as appropriate.
- (iii) no other persons would have the right of attendance, but the Panel should be able to receive evidence from, and invite attendance by, any other individual, at its discretion. Such persons may include the student's Head of Subject or Guidance Tutor, and where possible, the Clerk to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.
- (iv) the Chair of the Panel shall decide, after taking account of the evidence assembled, whether evidence from each party can be heard in the other's presence.

8.5.10 Appeals Panel Written Report

The Appeals Panel will submit a written report of its findings to the Academic Board, via the Vice-Chancellor, including a statement of whether, in its judgement, the appeal is upheld or not. 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 their appeal. A copy of the report will also be sent to the Secretary to Academic Board for information.

8.5.11 Completion of Procedures Letter

In the event of the Panel finding against the student the Student Appeals and Complaints Officer will issue a Completion of Procedures Letter⁴. In the event of the Panel finding 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.

8.5.12 Referral back to Faculty

With regard to those cases referred back to the Faculty for reconsideration, the Faculty will take very careful account of the findings and conclusions of the Appeals Panels and the expectation of the Academic Board will therefore be that the decision then arrived at by the Faculty, full account having been taken of all relevant factors, 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 Letter⁴.

8.5.13 Appeals Panel Recommendations

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

- (i) to ensure that the conclusions and views of the Appeals 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.

8.5.14 Guidelines for Written Reports

With regard to the character of the written reports produced by the Appeals Panels, the following guidelines shall be observed:

- (i) the Report should be sufficiently full to reflect the reasoning by which the conclusions and recommendations have been reached;
- (ii) the Report should be sufficiently comprehensive to allow the Faculty and the Academic Board to use it as a basis for review of the case;
- (iii) the Report should 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) the Report should state explicitly whether or not the appeal is upheld.

8.5.15 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 Progress Team Manager and Faculty Pro Vice-Chancellor.

Section 9: Procedures for the Restriction or Leave of Absence of a Student on Health Grounds **has now been removed.**

For information about Misconduct Significantly Affected by Health, please consult Section 3 of the Handbook of Student Regulations.

For information about Procedures for Precautionary Action on the basis of Duty of Care, please consult Section 17 of the Handbook of Student Regulations

Section 10: Student Complaints Procedure

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 from Northumbria Students' Union Advice Service <https://www.mysu.co.uk/heretohelp/advice/>

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 lodged will be considered in good faith. The majority of complaints should be resolved informally by speaking promptly and directly with the member of staff concerned.

The procedures described below explain how this might be done and what to do in the case of very serious complaints or if you remain dissatisfied with the University's response. Other forms of dispute resolution may also be appropriate. **The University has a number of trained mediators and you should consider mediation or conciliation as an alternative to the complaints procedure if you think this might be helpful (contact the Student Appeals and Complaints Officer 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 10.2.2 (x)).

10.1.2 Complaints vs Appeals

It is important to distinguish between a complaint 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 vehicle 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. A complaint of misconduct by a fellow student is treated as an allegation of misconduct under the Student Disciplinary and Fitness to Practise Procedures (Section 3 of this Handbook). Contact the Faculty Student Complaints Manager or the Student Appeals and Complaints Officer in the first instance;
- (ii) 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 an examination 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 that they should have, then this might be the basis of an academic appeal. See Section 7 of this Handbook;
- (iii) sometimes several issues may be involved such that it is not immediately clear whether the case should be dealt with as a complaint or an appeal. Should this be the case staff and students should consult the Student Complaints Manager or the Student Appeals and Complaints Officer for guidance. Sometimes it becomes apparent during investigation that the case needs to be reclassified - should this happen the matter will be discussed with you and the implications of the change in classification explained.

10.1.3 Means to Provide Feedback

The University has other means for you to provide feedback, including statements of concern, which do not include a request for a specific response. You should carefully consider which procedure best serves your needs. The formal mechanisms for comment to the University include:

- Module feedback questionnaires
- Programme questionnaires
- Teaching questionnaire

- Student and Staff Programme committees
- Students' Union reps
- NSS survey (final year).

If you are uncertain which mechanism to use or are uncertain as to the role/purpose of these above feedback mechanisms, you should discuss with Ask4Help or the Student Progress Team. These mechanisms 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 Overview

The procedures have been developed by the University to ensure your complaint is treated seriously and, if found to be valid, acted upon to ensure that your position is protected as far as it is possible for the University to do so. It applies to matters affecting an individual student or group of students, except where the matters fall within another established procedure (see paragraph 10.3.1 below).

10.2.2 Chief Principles

The chief principles are that:

- (i) **the burden of proof lies with the complainant;**
- (ii) student complaints should be dealt with seriously and fairly. **You will not be disadvantaged as a consequence of having made a complaint** (whatever the outcome). **If considered appropriate, the University will put in place arrangements to assure you that you will not be disadvantaged as a consequence 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 your concerns informally;
- (iv) student complaints should be treated consistently across the University;
- (v) the principles of natural justice are complied with when a complaint is investigated¹.
- (vi) a complaint may be lodged by an individual student or a group of students. In the latter case, a common statement of the concerns and the redress

¹ See Appendix B of the 'Handbook of Student Regulations' for further information
Handbook of Student Regulations (Research) 2018-19: **Section 10**

sought should be produced and signed by all those concerned. It is helpful if a spokesperson for the group is identified and agreed by all. If separate complaints regarding a similar issue are received, the Student Complaint Manager may invite the group of students to produce a single submission to be considered as a group complaint;

- (vii) the procedure should be used only where all other routes of consultation, representation or redress have been exhausted;
- (viii) it does not affect your rights to pursue legal remedies (if appropriate)²;
- (ix) only proper and valid complaints will be investigated;
- (x) 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 Rules and Fitness to Practise Procedures³;
- (xi) to prevent the submission of malicious or vexatious complaints, no action will be taken in respect of anonymous or anonymised complaints. The complaints process is an open and transparent process and anonymous complaints will only be actioned in exceptional circumstances;
- (xii) the deadline for receipt of complaints shall be 3 months after the alleged event(s) concerned which gives rise to the complaint. If the challenge 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 challenge may be ruled 'out of time'. Only in exceptional circumstances will a complaint outside this time-period be accepted for consideration;
- (xiii) throughout the complaints process the student may be accompanied by a Friend⁴. Upon occasion, and with the agreement of all the parties concerned, the student may be represented by such a Friend;
- (xiv) **at any stage, the complaints procedure can be suspended 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 mediator would be someone acceptable to both parties. The Student Appeals and Complaints Officer may be contacted by either party at any point in the complaints procedure to discuss mediation or any other dispute resolution procedure.

² Students sometimes wish to seek legal advice and consider taking legal action against the University. We encourage all students to engage with our internal complaints procedures in the first instance and afford the University an opportunity to respond to their concerns. Students are reminded that the Office of the Independent Adjudicator (OIA) requires students to exhaust the University's internal procedures before taking their case to the OIA.

³ Depending upon the nature of the allegations, if malicious complaints are lodged by students who have since left the University, they may find themselves liable to legal proceedings

⁴ See regulations 1.3 and 1.4 for the meaning of 'Friend'

- (xv) 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

The 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 or raised as mitigation in disciplinary proceedings)⁵.

Note:

- a) Where doubt exists on which procedure to use, definitive advice should be obtained from the Student Appeals and Complaints Officer.
- b) In addition, a student may discuss issues of concern with staff in the Student Progress Team in their Faculty, Student Support & 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.

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.

⁵ While it is reasonable that there be opportunity to complain, it is unreasonable for the same argument to be made under successive other procedures.

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 Ask4Help, Student Central, or the Student Appeals and Complaints Officer 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 10.6 below. See also paragraph 10.8.1 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. Occasionally the issue being complained about may be especially serious and sensitive e.g. allegations of sexual harassment, discrimination or other incidences of serious misconduct, such that it would be inappropriate to have to speak directly to the person concerned or the allegations may be such that the University may ultimately need to follow other procedures. Such complaints are described as 'Category B' complaints in these regulations and are dealt with in a separate manner, recognising the great seriousness of the complaint to both the complainant and the subject of the complaint. All other complaints are described as 'Category A'.

Every Faculty and Service will have a 'Student Complaints Manager' to 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 Complaints Manager in confidence. If you do not know who the Student Complaint Manager is, please contact the Student Appeals and Complaints Officer for advice.

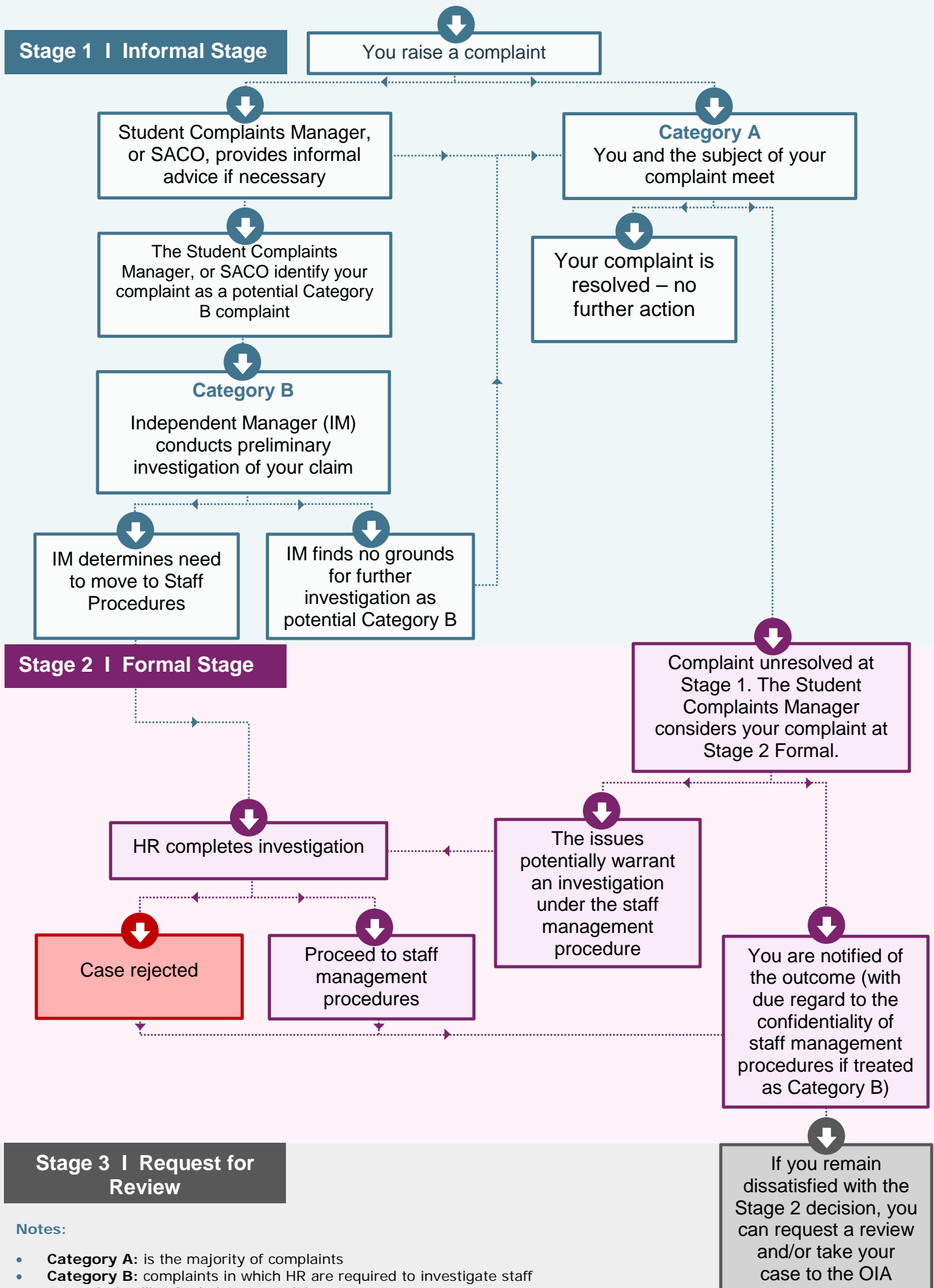
It is the responsibility of the Faculty Associate Pro Vice-Chancellor/Service Director to ensure that all students are aware of the appropriate person to whom a student may make a complaint. Notices shall be posted in all Faculties, Services and other areas of the

University to ensure that students are aware of their rights in this respect. Students off campus should seek advice as indicated at the beginning of this Section.

For both 'Category A' and 'Category B' complaints, there are three stages in the University's procedures.

At the end of this process, if you remain dissatisfied with the outcome you may take your case outside the University, to the 'Office of the Independent Adjudicator for Higher Education' (regulation 10.5).

Student Complaints Procedure



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 Officer 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.
- (b) In cases where you might feel intimidated by approaching the subject directly they may first discuss their concerns with the Student Complaints Manager or the Student Appeals and Complaints Officer 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 harassment or discrimination.
- (d) In addition, you may discuss issues of concern with the Student Progress Team, the Student Support & Wellbeing Service, a student adviser or counsellor within the Service, and 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](#). The form should be submitted to the Student Complaints Manager (or their nominee). The deadline for submission of such a formal complaint shall normally be **10 working days** from receiving the outcome to the complaint at Stage 1, (10.4.1 (i)) and within **3 months** from when the alleged events occurred.

The Student Complaints Form should indicate why you are dissatisfied with the outcome of the informal approach at Stage 1. It helps the University understand your complaint, and seek a resolution, if the outcome sought is described. It must be recognised that the University's response, in the light of its investigation, may be different to this. An indication of the outcome desired can nevertheless be extremely helpful to the University. The Stage 2 procedure is as follows:

(a) The student completes a Student Complaints Form and delivers it to the Student Complaints Manager or their deputy. In the case of a complaint about a Faculty Pro Vice-Chancellor / Director of Service or Faculty Associate Pro Vice-Chancellor (Learning and Teaching) / Faculty Registrar, the case should be considered by a Faculty Pro Vice-Chancellor / Director of Service or Associate Faculty Pro Vice-Chancellor (Learning and Teaching) / Faculty Registrar, from another Faculty / Service Department at the appropriate staff level. Contact the Student Appeals and Complaints Officer in the first instance.

(a) On receiving a written complaint, the Student Complaints Manager shall, as soon as possible, and no later than 5 working days after receiving the complaint:

1. acknowledge receipt in writing to the student;
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 Complaints Manager 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 of Student Regulations. If the Student Complaint Manager obtains information you were not previously aware of during the investigation, you will be given the opportunity to comment on this before they take their decision. consider such evidence, written or otherwise, and hold such discussions as deemed appropriate. In this respect, students and staff may be asked to give evidence. Any student questioned during this investigation may be accompanied by a Friend (as defined in 10.2.2 (xii) 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 Complaints Manager may re-categorise the Formal Complaint at this

point as 'Category B' when it would then be investigated further as described in 10.4.2. (ii)

- (d) The Student Complaints Manager will take a decision in accordance with Appendix F of the Handbook of Student Regulations any relevant member(s) of staff, 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 Complaint Manager 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 Complaints Manager as potentially of a sensitive nature such as an allegation of sexual 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 Complaints Manager 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 (as defined in 10.2.2 (xii)) 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 investigation concludes that the evidence available does not support grounds for a formal investigation under staff management procedures, the complaint should be treated as a 'Category A' complaint. In these circumstances 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 Complaint Manager 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 they may again be accompanied by a Friend or their 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 they wish to progress the complaint further
 - 3.** other 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 Complaint Manager will inform you of the Request for Review Stage (Stage 3, 10.4.3) and provide details of the OIA.

10.4.3 Stage 3: Request for Review

This section should be read in conjunction with Appendix G of the Handbook of Student Regulations.

- (i) If you are not satisfied with the decision at Stage 2 of the procedure and believe you may have grounds, then you may submit a request for review to the Student Appeals and Complaints Office⁶. The following are the only permissible grounds for a request for review:
 - (a) that there was a procedural irregularity in the consideration of your case which materially affected the outcome;
or
 - (b) that information that could not previously be made available and is materially relevant to the outcome has subsequently emerged.
- (ii) **Your Request for Review Form⁷ should be submitted in writing to the Student Appeals and Complaints Office within 10 working days after receiving the conclusions of the Stage 2 investigation.** If it may not be possible to meet this deadline the Student Appeals and Complaints Office should be informed within this 10 working days period. If the request for review is submitted late, a good and valid reason should be provided and evidenced where possible. Requests for review submitted late will only be considered in exceptional circumstances.
- (iii) The Student Appeals and Complaints Officer (or their nominee) shall, immediately on receipt of the request for review, notify, in writing, any members of staff involved (and the Director of Human Resources, if appropriate) that a request for review has been made.
- (iv) The Student Appeals and Complaints Officer will review the case (normally within 20 working days) according to the procedure described in Appendix G before deciding on the appropriate action of:
 - (a) reject the request for review on the basis that:
 - (i) the request is not based on any of the grounds permitted in regulation 10.4.3 (i);
 - (ii) that the request was submitted after the permitted time-period with no good reason;
 - (iii) that the request has failed to demonstrate any of the grounds set out in 10.4.3 (i) above.

⁶ studentappealsandcomplaints@northumbria.ac.uk

⁷ Available at www.northumbria.ac.uk/handbook

In these cases, the Student Appeals and Complaints Officer will issue a Completion of Procedures Letter⁸

- (b) in the case of upholding the request for a review, direct that the complaint be considered further at Stage 2 taking into account the full information that is now available
 - or
 - (c) if the case raises fundamental issues of principle for the University, or is otherwise too complex to make a judgement on, a Review Panel (regulation 10.4.3 (v)) to be normally convened within 20 working days of the judgement of the request for review.
- (v) The Review Panel shall comprise:
- (a) Chair: a 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
 - (b) one member of staff, who must be from a different Faculty/ Service from that against whom the complaint is made and from that of the appellant, nominated by the Pro Vice-Chancellor (Learning & Teaching);
 - (c) one student representative, who must be from a different Faculty from that against whom the complaint is made and from that of the appellant, nominated by the President of the Students' Union;
 - (d) the Head of Student Support and Wellbeing or their nominee, (unless the complaint is against the Student Support and Wellbeing Department);
 - (e) 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 appellant, to be nominated by the Union branch Chair

No member of the Panel shall be directly concerned with the complaint.

The Student Appeals and Complaints Officer, or nominee, will act as adviser and shall appoint a Clerk to the Panel (supported as necessary by other staff).

A representative of a 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.

- (vi) You will be informed of the composition of the Panel at least **7 working days** before the Hearing. If you feel there is good reason why there would be a

⁸ See Appendix H of the Handbook of Student Regulations

conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge your case, you should submit your argument in writing to the Student Appeals and Complaints Officer within **2 working days** of receiving notice of the composition of the Panel. You should fully explain the basis of your concerns and support this with evidence as far as this is possible. The Student Appeals and Complaints Officer will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Student Appeals and Complaints Officer on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed. All relevant papers will be provided to members of the Panel and to the student at least **5 working days** before the Hearing.

- (vii) The Review Panel shall be conducted in accordance with the principles of natural justice and shall follow the order of proceedings as described in Appendix E of the 'Handbook of Student Regulations'. The Panel will only address the issues successfully raised in the request for review and will not consider the complaint afresh. If the student fails to attend, the Panel shall decide whether to consider the complaint in their absence, reject the complaint, or invite the student to a re-convened Hearing.
- (viii) The Clerk to the Panel shall provide the student with a written report within **10 working days** of the Hearing and a copy to the Vice-Chancellor and other relevant staff for information. In the case of reviews of Category 'B' complaints, the report will not include details of actions taken by the University under its staff management procedures. The Student Appeals and Complaints Officer shall issue a 'Completion of Procedures Letter' to the student;
- (ix) The Student Appeals and Complaints Officer shall then ensure that any appropriate action is taken.

This is the end of the University's internal Student Complaints Procedure.

10.6 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.

10.6.1 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.

10.6.2 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 Officer⁹ 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'⁸. 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.

⁹ studentappealandcomplaints@northumbria.ac.uk

10.8 General Issues

10.8.1 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.

Section 11: QAA Concerns Procedure

Format Requirement

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

Raising 'Concerns'

Students can obtain advice from the Student Progress Team or they may seek independent advice and support from the Northumbria Students' Union Advice: <https://www.mysu.co.uk/heretohelp/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' (<http://www.qaa.ac.uk/concerns>). Care should be taken to establish that the case meets the QAA criteria for a 'concern' and that it is supported by substantial documentary evidence.

Section 12: Students' Union: Code of Practice

Approved by the Board of Governors 8 May 2017

Format Requirement

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

12.1 Introduction

This code of practice has been published by the Board of Governors of Northumbria University in accordance with the requirements of section 22 (3) of the Education Act 1994 (The Act).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 subject to ratification by the Student Council, and shall be submitted for approval to the Annual General Meeting.

12.6.2 Review of Current Affiliations

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

12.6.3 Annual General Meeting

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

12.6.4 Register of Current Affiliations

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

12.6.5 Annual Report

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

12.7 Complaints

12.7.1 Procedure for Complaints

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

- (a) by the Students' Union's Bye-Law 'Procedure for Complaints Against the Students' Union'
- (b) if the complainant is unsatisfied by (a) then they may appeal to the Board of Trustees/Directors as set out in the bye-law.
- (c) if their complaint is still not satisfied, they may appeal to the University in accordance with the procedure set out in the by-law.

12.7.2 Dealing with Complaints

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

12.8 Restriction Imposed by the Law of Charities

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

12.9 Freedom of Speech

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

12.10 Publication of this Code of Practice

This code will be published in the *Handbook of Student Regulations* 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. With the exception of Full-Time Overseas students, whose tuition fees are frozen at the year of entry, all other students can expect to see modest annual increases in their tuition fees at the beginning of each academic year in line with the Retail Price Index (RPI).

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 2018/19 academic year, undergraduate students can defer the payment of tuition fees whilst studying, by applying for and obtaining a tuition fee loan from the Student Loans Company (SLC).

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

For full-time students in 2018/19, this will be a maximum of £9,250 for new students, and £9,000 for continuing students on the 'old-style' fee regime.

New part-time students from 2012/13 onwards will also be able to apply, and the maximum loan will be limited to the amount of the course fee for the academic year.

- **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 3 years prior to the start of their course. Eligibility will be determined upon application.

13.3.2 Postgraduate Taught Funding

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

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

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

13.4 Student Tuition Fee Payment

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

13.4.1 Self-Financing using a University Approved Payment Instalment Plan

New Undergraduate and Postgraduate Research Full-Time Home or EU Students (enrolling in September) can elect to pay fees over two instalments; 50% payable immediately on enrolment by Online Payment, Bank Transfer, debit card or cheque. The remaining 50% can be collected by Direct Debit on the 1st February 2019 provided a Direct Debit mandate has been completed during the enrolment process, using the attached link:

<https://payments.northumbria.ac.uk/open/>

Alternatively see other methods of payment listed below.

Continuing Full-Time Students (enrolling in September) with a Direct Debit mandate in place, do not need to complete a new mandate.

The University will collect both instalments automatically:

50% on 1st December 2018
and
50% on 1st February 2019

It is the student's responsibility to ensure that their bank account has sufficient funds to meet the fee commitment.

13.4.2 Full Time Overseas Students

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

September enrolments:

The first 50% paid on or before enrolment, with the balance paid by the 1st December 2018 (subject to a minimum payment of £5,500)

January enrolments:

The first 50% paid on or before enrolment, with the balance paid by the 1st April 2019 (subject to a minimum payment of £5,500).

13.4.2.1 Prompt Payment Discount for Overseas Students

When tuition fees are paid in full on or before enrolment and provided that total tuition fees exceed £8,500, the following prompt payment discounts are available:

New and Continuing Students:

Semester 1

- Full payment on or before 1st June 2018 - £300

Semester 2

- Full payment on or before 1st November 2018 - £300

When paying in advance, the total tuition fee applicable to the programme of study less the applicable prompt payment discount must be remitted.

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

Important Note for All International Students

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

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

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

13.4.3 Part-Time or Distance Learning (Home and International)

Students entering part-time or distant learning courses must ensure that the necessary funds or sponsorship is in place to pay the tuition fees.

Where the fee due is less than or equal to £600, the full amount is payable on enrolment or commencement of the programme of study.

Home and EU Students that enrolled from 2012 onwards may apply for a tuition fee loan by completing a PTL form, which can be accessed via the SFE website – link below:

<https://www.gov.uk/student-finance>

Where the fee due is more than £600, the full amount may be paid in advance, at the time of enrolment for each period of study, or made in six monthly instalments.

If paying by Direct Debit, this must be made through a UK bank account. provided a Direct Debit mandate has been completed during the enrolment process, using the attached link:

<https://payments.northumbria.ac.uk/open/>

The first payment must be made on the first of the month, in the first full month after study commences, with all subsequent payments on the first of each month thereafter.

13.4.4 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 and Planning 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.

Important Note

It is the student's responsibility to provide proof of sponsorship otherwise, they will become liable for the full fee and will be required to pay by one of the methods above.

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 MyNorthumbria.

Following confirmation from the student of 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 working 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. Following confirmation from the student of 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 working 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 Home and EU Full, Part-time and Distance Learning Students (Undergraduate and Postgraduate)

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

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

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

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

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

13.6.2 International Students (Undergraduate and Postgraduate)

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

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

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) within 30 days of processing your withdrawal, in accordance with the University's Refund Policy (see regulations 6.1 and 6.2 above)

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 2018/19, all international students are required to pay a non-refundable deposit of £5,500 in advance of enrolment and before any Certificate of Acceptance for Studies (CAS) can be issued for visa purposes.

13.8 Deposit Refund Regulations for International Students

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

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

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

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

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

13.8.1 Transfer to Another Recognised UK University

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

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

13.8.2 Withdrawal to Return Home

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

13.8.3 Timescales for Refunds

Refunds will be returned within 10 working days from the date finance receive the request to refund.

13.9 Exclusion as a Result from Non-Payment of Fees

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

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

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

13.9.1 Contacting Finance about Late Fees

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

Important Note

Once excluded the student will still be responsible for payment of the fees. The debt will be referred to a Debt Collection Agency to recover on behalf of the University. The student will not be allowed to re-enrol, even if they have subsequently been able to make full payment.

The only exception to this will be students with extenuating circumstances, which will be considered on an individual basis.

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

13.10 Methods of Payment

The following methods of payment are available as follows:

- **Telephone automated Payments System:** + 44 (0)191 270 2444
- **Bank Transfer – using the following details:**

Bank: Barclays Bank Plc

Branch: Newcastle City Branch

49-51 Northumberland Street

Newcastle upon Tyne

NE1 7AF

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

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

- **Direct Debit** – complete a Direct Debit mandate online by clicking onto: <https://payments.northumbria.ac.uk/open/>
- **Online by Debit card** - by clicking onto: <https://payments.northumbria.ac.uk/open/>
- **Cheque** made payable to University of Northumbria, with student name, student number and date of birth on the back of the cheque.
Note: We do not accept American Express

13.11 Tuition Fees 2018-19

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.

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 Support & 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.

STAGE 3: Request for Review

Permitted grounds to request a review:

There was a procedural irregularity at Stage 2 that materially affected the outcome.

You have new relevant information that will affect the decision, and a good and valid reason why you could not submit this earlier.

You submit your Request for Review Form to us within 10 working days of your Stage 2 outcome.
If you submit your Request for Review later, you must provide a good and valid reason to explain why.

We consider your request for review.

We reject your appeal.

Your case is more complex.
A Review Panel will be convene within 20 working days of receiving your request for review.

**We uphold your appeal.
Your Stage 2 Appeal will be considered further.**

The Panel comprises of the Pro-Vice Chancellor (Learning & Teaching) and the Pro-Vice Chancellor of your Faculty.

You submit a written submission to us within 10 working days of the judgement to convene a Panel.

The Panel normally makes it judgement on the basis of the written submission only.

We reject your appeal.

**We uphold your appeal.
Your Stage 2 Appeal will be considered further.**

You remain dissatisfied with this decision.

The Office of the Independent Adjudicator

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 Support & 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 in writing 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 the student 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 remain dissatisfied with the decision at Stage 2 of the appeals procedure, you may submit a request for review (see Appendix G) on one or more of the following grounds:
- (a)** that there was a procedural irregularity in the consideration of the Student's case which materially affected the outcome;
 - or*
 - (b)** that information that could not previously be made available and is materially relevant to the outcome has subsequently emerged.
- 3.2** The student shall submit his/her **request for review in writing within 10 working days after receiving the conclusions of the Stage 2 appeal**. If it may not be possible to meet this deadline the Student Appeals and Complaints Officer should be informed within this 10 working days period. If the request for review is submitted late, a good and valid reason should be provided and evidenced where possible. Requests for review submitted late will only be considered in exceptional circumstances.

3.3 The Student Appeals and Complaints Officer will review the case (normally within 10 working days) according to the procedure described in Appendix G before deciding on the appropriate action of:

- (a) dismiss the request for review on the basis that:
 - (i) the request is not based on any of the grounds permitted in regulation 3.1;
 - (ii) that the request was submitted outwith the permitted time-period with no good reason;
 - (iii) that the request has failed to demonstrate any of the grounds set out in 3.1 above.

In these cases the Student Appeals and Complaints Officer will issue a Completion of Procedures Letter¹;

- (b) in the case of upholding request for review, direct that the appeal be considered further at Stage 2 taking into account the full information that is now available
or
- (c) if the case raises fundamental issues of principle for the University, or is otherwise too complex to make a judgement on, a Review Panel (3.4) to be normally convened within 20 working days of the judgement of the request for review.

3.4. The Exclusions Review Panel shall normally comprise:

- (a) the Pro Vice-Chancellor (Learning and Teaching) and
- (b) the Pro-Vice Chancellor of the Student's Faculty.

The Exclusions Review Panel will normally make its judgement on the basis of written submissions only – appellants will not normally be allowed to present their appeal in person. Written submissions should be submitted to the Student Appeals and Complaints Officer 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) reject the appeal, *or*
- (b) uphold the appeal, subject to the payment of all outstanding fees subject to such payment schedule that the Panel determines.

3.5 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.

¹ See Appendix H of the Handbook of Student Regulations

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

However, 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.

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 the intellectual property arises from a student project using intellectual property jointly created or generated by the undergraduate student and academic staff then the University will discuss ownership or joint ownership with the student on a case by case basis as appropriate.

Post-Graduate 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.

14.7 Postgraduate: Income Generation

You will be offered a share of the income generated from that intellectual property. The University commits to sharing income generated by the exploitation of intellectual property rights with you student contributing to the development of that intellectual property. Each Income Sharing Agreement will be 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 their 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 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 shown on entry to the car park and 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.
- 15.4** No alterations or changes must be made to a permit. If necessary, a new permit will be issued by Campus Services.
- 15.5** Vehicles must be properly parked in authorised parking zones. A permit holder may be required to move the vehicle 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** The main University car park at City Campus East is also available for public pay and display use at weekends and public holidays.
- 15.11** At Coach Lane Campus, staff and students are requested not to park on the residential housing estates or on the main highway.
- 15.12** Anyone who is issued with a new permit after 1 March 2003, please note that we reserve the right to remove your permit if a decision is made to reduce the number of permits issued, this will be on the basis of last in – first out.
- 15.13** 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.
- 15.14** Permit holders must be in possession of a current, full driving licence.
- 15.15** All permit holders whilst driving on University property must adhere to all speed limits, and posted traffic signs and road markings.
- 15.16** Threatening and abusive language toward staff enforcing parking regulations will not be tolerated and may result in the offender's permit being withdrawn.

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

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

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

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

Imminent Risk

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

Format Requirement

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

Guidance

Guidance may also be sought from [Student Support and Wellbeing](#).

Independent Advice and Support

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

Related Sections of the Handbook

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

Introduction

17.1 Safe, Secure Environment

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

17.2 Duty of Care

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

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

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

17.3 Duty of Care Obligations

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

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

The University recognises the individual student's right to privacy and a separation of their obligations to the University in their 'student life' from their 'private life'. These regulations balance those rights against the rights of the University community as a whole to work and study in a safe, secure environment. However, incidents occurring in a student's 'private' life will be considered 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 regulations, this will be investigated as a separate matter according to Section 3 of the Handbook.

17.4 Awareness of Risky Behaviour

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

17.5 Actions Prompted by Duty of Care Obligations

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

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

17.7 Action Taken by the University

Any action taken by the University will be based on a risk assessment informed by all relevant parts of the University (Appendix 3). Procedures resulting in action by the University will be fully informed by the principles of natural justice¹ throughout. The student will be kept as fully informed as possible, consistent with managing risk and avoiding prejudicing other procedures.

17.8 Collaboration

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

17.9 Student Support and Wellbeing

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

¹ See Appendix B of the Handbook of Student Regulations for further information

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 Tutor² or Student Support and Wellbeing (consult '[When to Refer](#)'). If there are serious concerns about a student, the procedure in 17.11 should be immediately followed.
- 17.10.2** The Guidance Tutor should consult Student Support and Wellbeing if there is any uncertainty in the action they should take.
- 17.10.3** The Guidance Tutor should arrange a meeting with the student. This should be an informal and supportive meeting in which the Guidance Tutor outlines their reasons for concern and obtains relevant information to help the student. The student should be reminded of their responsibility to be mindful of the impact of their behaviour on others, and of the University's Duty of Care obligations. A record should be kept of the main points of the discussion. Examples of possible outcomes include, but are not limited to, the student:
- 17.10.3.1** reflecting on their behaviour;
 - 17.10.3.2** seeking help from Student Support and Wellbeing 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, consult the document '[When to Refer](#)' and inform the Head of Welfare, Immigration and Funding Support³.

² This may be the Guidance Tutor or any other member of staff who first becomes aware that the student may benefit from additional support

³ Throughout these regulations, this may mean another appropriate manager within Student Support and Wellbeing.

- 17.11.2** The Head of Welfare, Immigration and Funding Support 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 a case conference (Handbook of Student Regulations, Appendix C) as soon as possible.
- 17.11.3** The purpose of a case conference is to ensure a fully informed judgement may be made about how to most appropriately manage risks according to regulation 17.5. A risk assessment will be undertaken and any necessary risk-management actions identified. The conduct of the meeting will be as described in Appendix C to the Handbook of Student Regulations, and a risk assessment form will be completed (Appendix 3).
- 17.11.4** Possible outcomes from the case conference are:
- 17.11.4.1** the student may continue to study with appropriate support from their Faculty and other agencies within the University;
 - 17.11.4.2** that the identified risks are such that a Restriction or Leave of Absence is recommended to the Vice-Chancellor (or nominee, see Appendix 1), (17.12) normally within two working days. The terms of such a restriction may include restricted access to University facilities, no contact of any kind with a named person or persons, and compliance with a behavioural management plan. A Restriction or Leave of Absence will only come into operation once confirmed by the Vice-Chancellor (or their nominee) (17.12);
 - 17.11.4.3** where appropriate, recommendation that the student's fee liability be reviewed.
- 17.11.5** In cases of great urgency, the Vice-Chancellor may 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.

17.12 Recommendation of a Restriction, or Leave of Absence

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

recommendation.

- 17.12.2** The Vice-Chancellor shall decide for what period or periods the student shall have a restriction or Leave of Absence placed on them. The maximum period of a restriction or Leave of Absence shall be 12 months. The restriction or Leave of Absence may be renewed by the Vice-Chancellor at that point and renewed for up to a maximum of a further 12 months. A 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 shall 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 given information and guidance on any implications for his/her studies and possible financial implications. In the case of international students, any implications for their visa will also be explained. 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 of place on a Leave of Absence under these regulations (Appendix 1) a full report shall be made by the Student Appeals and Complaints Officer (or nominee) to the Vice-Chancellor of any recommendations and actions taken.
- 17.12.6** Any proposed change or removal of a Restriction, Leave of Absence, or other action by the University under these procedures, will require a further case conference (regulation 17.11.3) at which a further risk assessment will be undertaken and the actions of the University previously agreed, will be reviewed.

17.13 Appeal against a Restriction or Leave of Absence

- 17.13.1** The student may appeal against a restriction or Leave of Absence, normally within 10 working days of the notice (17.12.3) from the Vice-Chancellor. A case should be submitted in writing to the Student Appeals and Complaints Officer. Supporting evidence should be provided if appropriate (if such evidence cannot be provided within 10 working days the Student Appeals and Complaints Officer should be informed within this 10 working day period and provided with a

reasoned argument and evidenced where possible for an extension).

17.13.2 The Student Appeals and Complaints Officer will arrange for the original case conference to be reconvened to consider the appeal and a revised risk assessment will be produced in the light of the new information available. A recommendation will be made to the Vice-Chancellor in the light of the consideration of any additional information. The Vice-Chancellor will (normally within five working days):

17.13.2.1 confirm the original decision to impose a restriction or Leave of Absence;

17.13.2.2 amend or otherwise vary the original decision;

17.13.2.3 withdraw the original decision.

17.13.3 The Student Appeals and Complaints Officer 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 'Review Stage' (regulation 17.14) and the OIA⁴ will also be provided

17.14 Review

17.14.1 If the student is dissatisfied with the outcome of their appeal under 17.13 they may seek a review of the decision of the Vice-Chancellor on the following grounds:

17.14.1.1 that there was a procedural irregularity which materially affected the outcome;

and/or

17.14.1.2 that information that could not previously be made available and materially affects the outcome has subsequently emerged.

17.14.2 In the case of a request for review based on 17.14.1.2 the student must first successfully demonstrate that it was not possible to provide the submitted information in time to support the appeal under regulation 17.13. If this is not done, the evidence will be considered no further.

17.14.3 Any request for a review should be submitted to the Student Appeals and Complaints Officer (normally within 10 working days of the outcome to the appeal, 17.13.3) who will forward the submitted document and the original case file to an independent senior member of staff who has had no previous dealings with the case. They will

⁴ See Appendix H: Handbook of Student Regulations

decide (normally within 15 working days of the Student Appeals and Complaints Officer receiving the request for review) to either:

- 17.14.3.1 to reject the request for the review on the basis that:
 - 17.14.3.1.1 the request is not based on any of the grounds permitted in regulation 17.14.1;
 - 17.14.3.1.2 that the request was submitted outwith the permitted time-period with no good reason;
 - 17.14.3.1.3 that the request has failed to demonstrate any of the grounds set out in 17.14.1 above.

The Student Appeals and Complaints Officer will issue a 'Completion of Procedures Letter⁴'.

or

- 17.14.3.2 in the case of upholding the request, refer the case back to be reconsidered under 17.13.2 in the light of the report at this review stage

The decision of the independent member of staff on this matter will not be subject to further internal challenge.

- 17.14.4 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 OIA⁴.

17.15 Subsequent Challenge to a Restriction or Leave of Absence

- 17.15.1. Any challenge may be made no less than 3 months after any appeal (regulation 17.13), subsequent request for a review (regulation 17.14), or previous challenge to a Restriction or Leave of Absence made under regulation 17.15. If new materially significant information becomes available, any challenge must be submitted in writing to the Student Appeals and Complaints Officer and must support the argument that they are now able to manage the demands of studying within a university environment with no serious risk to themselves or others. The Student Appeals and Complaints Officer will judge whether "new materially significant information" has been provided. If this is not the case, the request will be rejected and a 'Completion of Procedure

Letter' issued. If the request is accepted, it will be considered as below. The judgement of the Student Appeals and Complaints Officer will be final in this matter and will not be subject to further internal appeal.

- 17.15.2.** Before permitting such a return to study, the University must be assured that the risk of any re-occurrence of the behaviour prompting the initial decision of the University is now minimal. The challenge to a Restriction or Leave of Absence will be considered by a Student Advisory Panel, normally including an appropriate risk assessment (Appendix 3) and support plan.
- 17.15.3.** The University cannot guarantee that places on a particular programme or module will remain available but where a programme or modules are unavailable, will endeavour to arrange acceptable alternatives. If a student is not able to return to their original programme of study due to being unable to satisfy the requirements of that particular programme, advice will be provided to the student of any alternative programme that may be appropriate.
- 17.15.4.** The Student Advisory Panel shall consist of:
- Faculty Associate Pro Vice-Chancellor (or nominee) not involved in making the original decision to Restrict the student or place them on Leave of Absence, who shall act as Chair.
 - The Head of Welfare, Immigration and Funding (if not previously involved) or his/her nominee.
 - A Sabbatical Officer of the Students' Union who has not been previously involved 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.

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

- 17.15.5.** The Clerk to the Panel will inform the student in writing of the matters to be considered by the Panel and the conduct of the Hearing. The student will be informed of their right to be accompanied or represented by a Friend at the Hearing. The notice will be sent not less than 10 working days before the date of the Panel subject to it being permitted

to reduce the period of this notice with the permission of the student and the Chair.

- 17.15.6.** At least seven working days before the Hearing, the student will be informed of the composition of the Panel. If the student feels that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge their case, they should submit their argument in writing to the Student Appeals and Complaints Officer within two working days of receiving notice of the composition of the Panel. They should fully explain the basis of their concerns and support this with evidence in so far as this is possible.

The Student Appeals and Complaints Officer will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Student Appeals and Complaints Officer on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed. All relevant papers will be provided to members of the Panel and to the student at least 5 working days in advance of the Hearing.

- 17.15.7.** The student shall have the right to submit, in writing, in advance of the Hearing, any material they feel is relevant to the matters to be discussed. Such materials should normally be submitted not less than six working days before the due date of the Hearing to the Clerk of the Panel who will distribute them to the Panel.
- 17.15.8.** The Student Advisory Panel may decide to adjourn its proceedings at any time in order to obtain further information, including, but not confined to, a further opinion of the University's Medical Adviser or other relevant professionally qualified person as to the fitness and capability of the student.
- 17.15.9.** The Student Advisory Panel will base its judgement on a re-assessment of the risk (Appendix 3) of the behaviour that prompted the initial University action occurring again. In the light of this, the Panel may:
- Uphold the last action taken by the Vice-Chancellor under these regulations;
 - Recommend that the decision of the Vice-Chancellor be amended in the light of the new information now available. The Panel may recommend a change to any existing conditions of a Restriction or Leave of Absence;

- Recommend that an existing Restriction or Leave of Absence be removed. The student may be advised to consult Student Support and Wellbeing to determine appropriate continuing support;
- If the Leave of Absence has been in place for a total of 24 months, recommend to the Vice-Chancellor that the student now be withdrawn under regulation 17.12.2.

17.15.10. 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.

17.15.11. Should the student be dissatisfied with the judgment of the Student Advisory panel they may either request a review of the Panel's judgement (regulation 17.14) or take their case to the OIA. Details will be provided by the Student appeals and Complaints Officer.

17.16 Automatic Removal of Precautionary Action

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

Appendix 1

Authority to Restrict or Suspend a Student

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

1. Head of Legal
2. Deputy Vice-Chancellor
3. Director of Student and Library Services

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

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

General Details

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

Student No: 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 Behaviour (consider when and where the behaviour occurred, who was involved (anonymised appropriately), levels of premeditation, use weapons):	
1b.	Is there a pattern of behaviour? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, provide details:	
2.	Has the student has been arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, go to Section 3	
	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:	

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

Risk Assessment

4.	The Behaviour	
	What is the harmful behaviour?	
	Who is at risk from student's behaviour?	
	When and where is the behaviour most likely to occur?	

5.	Risk Factors associated with student's behaviour	Tick	Evidence
	Family and Relationships	<input type="checkbox"/>	
	Social Isolation	<input type="checkbox"/>	
	Accommodation	<input type="checkbox"/>	
	Education / Employment	<input type="checkbox"/>	
	Alcohol use	<input type="checkbox"/>	
	Substance Use	<input type="checkbox"/>	
	Lifestyle / Peers	<input type="checkbox"/>	
	Emotional and Mental Health	<input type="checkbox"/>	
	Physical Health	<input type="checkbox"/>	
	Attitude to their behaviour	<input type="checkbox"/>	
	Lack of Motivation to Change	<input type="checkbox"/>	

	Other	<input type="checkbox"/>	
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6.	Protective Factors mitigating student's risk	Tick	Evidence
	Family support	<input type="checkbox"/>	
	Accessing professional support	<input type="checkbox"/>	
	Engaging with studies	<input type="checkbox"/>	
	Motivated to change	<input type="checkbox"/>	
	Other	<input type="checkbox"/>	

7.	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.	<input type="checkbox"/>

	Consider Precautionary Restriction or Leave of Absence if regulations permit	
	Very high risk: Student presents an immediate risk of harm to others. Consider Leave of Absence if regulations permit	<input type="checkbox"/>

Risk Management Planning

8.	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 and explain why lesser interventions cannot manage the risk		
	Conditions	Person responsible	By when
Rationale for decision:			

9.	Leave of Absence Recommended? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, please detail any permitted qualifications to the Leave of Absence and explain below why lesser interventions cannot sufficiently manage the risk		
Rationale for decision:			

10.	Other Actions		
	consider what other actions the University can take in accordance with its policies and procedures to mitigate the risk factors and enhance the protective factors		
	Actions	Person responsible	By when

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

12.	Actions to be taken if further harmful behaviour occurs		
	Action	Person responsible	By when

Information Sharing

13.	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:			

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 A

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 request by an individual student for the review of a decision made the University in accordance with academic regulations.
Academic Judgement	a judgement that is made about a matter where only the opinion of an academic expert will suffice.
Associate Faculty Pro Vice-Chancellor	an officer with this title within a faculty (or their nominee).
Balance of Probabilities	a standard of proof that results in a judgment being 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 a decision made by the University or about how you have been treated.
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.
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.
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.
Examination Board	a meeting of examiners at which marks are ratified and / or decision are made about progression or academic award, at Northumbria University it is known as the Programme Assessment Board.
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 a 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.
Faculty Pro Vice-Chancellor	the head of a faculty or their nominee.
Faculty Registrar	a senior member of staff with particular faculty responsibilities who is authorised to make decision in student disputes.
Fitness to Practise	a standard of behaviour required of students on a professional programme, completion of which gives the student a direct or partial licence to practise,

commensurate to the professional standards and ethics of the relevant professional body.

Friend

a member of the University community (i.e. a fellow student, member of staff or Students' Union Officer). 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. See also regulations 1.4 and 1.5. Requests for a 'Friend' who is not a member of the University must be made to the Student Appeals and Complaints Officer at least seven working days in advance of the Hearing. The request will be considered against the criteria in regulation 1.5.

Head of Welfare, Immigration and Funding Support

the 'Head of Welfare, Immigration and Funding Support' (or an appropriate senior manager within Student Support and Wellbeing nominated by them).

Leave of Absence

the temporary suspension of studies and all associated activities at the University. This may be subject to qualification such as permission to attend for the purpose of examination, or other form of assessment.

Malicious

intended to cause harm

Manifestly Unreasonable

"perverse", that is, no reasonable person could have arrived at the decision made in light of the information available at the time and the regulations. "Manifestly" indicates that this should be immediately apparent. Disagreement with a decision does not make it unreasonable.

Materially Relevant

of meaningful significance to the case being made, as opposed to information that is irrelevant or of such a minor nature it has no significant impact on the case being made.

Misconduct	Any behaviour outlined in Section 3, Appendix 2 which can lead to disciplinary action.
Module	units of learning that have specified learning outcomes and a specified volume of credit at one level only. Each module successfully completed at a level contributes to a number of credits as determined at the validation of the programme.
Natural Justice	<p>The impartial and fair manner in which all disputes against the University are handled to ensure all parties receive a fair hearing.</p> <p>See Appendix B of the 'Handbook of Student Regulations 2018' for more details.</p>
Office of the Independent Adjudicator	the OIA is an independent body whose role is to review individual complaints by students against their University.
Personal Tutor	a member of the teaching staff so designated or, where not applicable, another appropriate tutor as designated by the Director of Programmes or the Programme Leader.
Procedural Irregularity	circumstances in which approved University processes have not been correctly followed.
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.
Ratified Marks	Marks are provisional until confirmed by the Programme Assessment Board.

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	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.
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 demonstrate a case is proven, 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; (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, ensures the fair, transparent and independent operation of the procedures described in the Handbook of Student Regulations.
Student Complaints Manager	a senior member of staff e.g. Student Progress Team manager or Senior Manager in a Service Department or their nominee.
Suspension	a total prohibition on attendance at or access (including electronic access) to the University and University

facilities and on any participation in University activities for a specified period, but it may be subject to qualification such as permission to attend for the purpose of an examination, or other form of assessment.

Suspension from Residences will be subject to the terms of the tenancy licence agreement between the University and the Student.

University

except where specified otherwise, each and every one of the University's campuses and other sites whether inside or outside the United Kingdom at which persons are enrolled on an academic programme of the University.

**University
Community**

all students enrolled at the University, all University staff or a Students' Union Officer.

Upheld

a judgment has been made that sufficient evidence exists and the necessary grounds have been met.

Vice-Chancellor

the Vice-Chancellor and Chief Executive of the University, or his/her delegate.

Vexatious

behaviour that is without merit, which is obsessive, persistent, prolific or repetitious

Working Day

any day except a Saturday, Sunday, Bank Holidays or a day of normal University vacation.

Appendix B

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 and taken seriously.
- (ii) When an allegation is investigated, the principles of natural justice will be applied, ensuring that all parties receive a fair hearing. These principles include, but are not limited to, the following:
 - a. The allegation shall be dealt with in an impartial and fair manner
 - b. No one shall be the judge in his or her own cause
 - c. If a Hearing is convened there shall be:
 - 1. adequate prior notice of the Hearing
 - 2. provision of the detail of the allegation and the response to both parties in advance of the Hearing
 - 3. impartiality on the part of those hearing the allegation
 - 4. provision for both parties to be able to fully articulate their views
 - 5. provision for both parties to be informed of the outcome of the allegation and the reasons for any decision made¹
- (iii) If a student believes, and can evidence, that the principles of natural justice have not been applied when their case has been considered, this will be grounds for appeal or review.

¹ In the case of complaints against members of staff that are categorised as 'Category B' the complainant will be entitled to a full report of the findings of the investigation subject to no details being provided about any staff management procedures resulting from the complaint.

Appendix C

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 suspension
4. The role of each member in a case conference is as follows:
 - a. Chair: Manager from Student Support and Wellbeing, usually the Head of Welfare, Immigration and Funding Support. They provide expertise in pastoral support and behavioural management and may be supported by other specialist staff from Student Support and Wellbeing;
 - b. Faculty Representative to provide programme knowledge or to liaise with appropriate Faculty academic and support staff;

- c. Student Appeals and Complaints Officer (or nominee) to ensure that the principles of natural justice are complied with and identify if and when Handbook of Student Regulations procedures arise. They do not act in a decision-making role;

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

Format Requirement

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

Undertaking an Investigation

Within this appendix the terms ‘complaint’ and ‘complainant’ are used in a generic sense to mean the matter being disputed with the University and the student raising the dispute. The equivalent terms for some sections of the ‘Handbook of Student Regulations’ will be ‘appeal’ and ‘appellant’ respectively.

1. All investigations should be conducted in an open and transparent manner, while ensuring the maintenance of confidentiality¹ as appropriate. Any investigation should also be conducted in accordance with the principles of natural justice² and the ‘Handbook of Student Regulations’.
2. The purpose of any investigation is to:
 - a. gain an understanding of what the complainant believes should have happened and why they believe this
 - b. gain an understanding of why the complainant feels the matter is unresolved
 - c. establish the facts based on the points raised by the complainant
 - d. find an appropriate resolution
3. Upon receipt of a complaint the investigator³ will undertake an initial screening, checking that:
 - a. the matter cannot be resolved informally
 - b. other procedures are not more appropriate
 - c. the complaint is eligible for investigation in accordance with the Handbook of Student Regulations
4. If accepted for investigation, the investigator shall:
 - a. clarify any unclear details of the complaint that are with the complainant
 - b. inform the party subject to the complaint that a complaint has been received and forward the documentation for an initial response

¹ See Appendix A of the ‘Handbook of Student Regulations’ for definition

² See Appendix B of the ‘Handbook of Student Regulations’ for definition

³ The investigator must be someone who has had no previous decision making role in relation to the matter being raised

- c. gather all the materially relevant information, ensuring that when information is requested from other parties a deadline for providing that information is provided. Sources of evidence may include, but are not limited to:
 - i. documentation relating to any informal attempts to resolve the complaint
 - ii. relevant policies and procedures
 - iii. minutes from meetings
 - iv. medical records if appropriate
 - v. witness statements
 - vi. hearsay
 - vii. expert advice from professional staff
5. In some instances, a meeting may be appropriate. If a meeting is convened, the investigator shall:
- a. identify a suitable time and place for the meeting
 - b. prepare for the meeting by familiarising themselves with any evidence already received and considering relevant questions to ask
 - c. ensure that all parties understand the purpose of the meeting and each other's roles
 - d. ensure that any party is made aware that they can be accompanied by a Friend¹
 - e. take notes of the meeting⁴. 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

⁴ Because audio recording affects individuals' ability to talk openly, audio recording will only be permitted in exceptional circumstances. Covert recording is a breach of trust and may be treated as misconduct (see regulation Section 3, Appendix 2 of the Handbook of Student Regulations).

- f. explain that information provided in the meeting may be referred to in the complaint outcome
 - g. conduct the meeting in an inquisitorial manner without being adversarial
- 6. If an investigation reveals other issues (i.e. not raised by the student) they should also be considered, for example:
 - a. An appeal is essentially a student questioning the security of a mark or judgement by the Examination Board
 - i. If the investigation reveals an actual or potential insecurity in the Examination Board decision, this should be investigated, even if not originally flagged by the Student. The University should do this as it would not be reasonable to ignore such an issue and it would undermine our academic standards
 - b. If the investigation of a complaint reveals additional ways in which a student has been disadvantaged or otherwise treated inappropriately, these should be addressed along with the subject matter of the initial complaint
- 7. Resulting decisions must only be based upon the entirety of the evidence gathered throughout the course of the investigation⁵. 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

⁵ See Appendix F of the 'Handbook of Student Regulations' for further guidance in relation to decision making

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

Format Requirement

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

1 Order of Proceedings at a Hearing

‘Hearings’ are the University’s mechanism for considering an allegation made by one party against another. They provide an opportunity for allegations and a defence to be made in the presence of both parties so that each may challenge the other. These points will be made before a ‘Panel’ (which may be one or more people) which will make a judgement on the case

- 1.1. Hearings will be conducted in accordance with the principles of natural justice¹.
- 1.2. The party with whom the burden of proof lies needs to demonstrate there are sufficient grounds to support their case.
- 1.3. The standard of proof² for judging the case shall be the ‘balance of probabilities²’.
- 1.4. The judgement of the Panel will be based on the evidence before it.
- 1.5. It is essential that the student feels empowered to present their argument. This may include challenging the evidence presented by the University.
- 1.6. Any student subject to the proceedings is permitted to be supported by a ‘Friend’ as defined in the Handbook of Student Regulations (see regulations 1.4 and 1.5). In disciplinary matters, the student will be expected to explain their actions and respond to allegations if the Chair of the Panel judges this to be necessary.
- 1.7. 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.
- 1.8. Proceedings are not a legal process. If a student appears before the Panel with a ‘Friend’ acting in a professional legal manner without prior approval,

¹ See Appendix B of the ‘Handbook of Student Regulations’

² See Appendix A of the ‘Handbook of Student Regulations’ for definition

the Chair of the Panel may stop the Hearing. If such behaviour persists, the Hearing should be adjourned and the Student Appeals and Complaints Officer consulted³.

2 Order of Proceedings

For Disciplinary Hearings, and other occasions where the burden of proof lies with the University as opposed to the Student, 'Student' and 'University' will be interchanged in 2.3 to 2.9 below (see Section 4 below)

2.1 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.

2.2 If either party seeks to introduce new information during the course of the Hearing, the Chair of the Panel will make a judgement as to whether or not:

- i. the new information is materially relevant² and a valid reason has been provided for not supplying it earlier, and subsequently make a judgement as to whether or not:
 - a) the new evidence should be permitted in light of the above
 - b) the Panel should be rescheduled to allow the new information to be properly considered by the opposing party

2.3 If the burden of proof is on the Student, the Student presents their case, followed by:

2.4 Questions from the Panel to the Student.

2.5 Questions from the University to the Student.

³ In order that the appropriate format for the continuation of the Hearing may be determined, the Student Appeals and Complaints Officer would judge whether it was appropriate for such legal support to be available to the student. If this were permitted, a judgement would be made as to whether the Hearing could continue or needed to be adjourned, and on what basis.

- 2.6 The University presents its case.
- 2.7 Questions from the Panel to the University.
- 2.8 Questions from Student to the University to the party subject to the allegation.
- 2.9 Summing up by the Student.
- 2.10 Panel adjourns to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.

3 Conclusions and Recommendation

- 3.1. In reaching a conclusion, the Panel should consider both the written and oral evidence presented
- 3.2. The proceedings of the Hearing and the subsequent private discussion should be recorded. 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. The report should be prepared with due regard to confidentiality. The Panel may judge whether or not 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 2016'.
- 3.3. 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.

4 Disciplinary Hearings (including Fitness to Practise)

- 4.1 The University presents their case.
- 4.2 Questions from the Panel to the University.
- 4.3 Questions from the Student to the University.
- 4.4 The Student presents its case.
- 4.5 Questions from the Panel to the Student
- 4.6 Questions from University to the Student to the party subject to the allegation.
- 4.7 Summing up by the University.

- 4.8** Panel adjourns to consider the case in private. Exceptionally the Panel may recall either party to ask further questions.

Appendix F

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. All decision-making must be evidence-based

The principles of natural justice should apply throughout the process.

2. Criteria for Judgement

2.1 Start with the party with whom the burden of proof lies and establish:

2.1.1 Appeal

2.1.1.1 What is the alleged procedural irregularity?

2.1.1.2 What is the nature of, and the evidence for, the alleged bias on the part of examiners

2.1.1.3 What mitigating circumstances have not properly taken account of or why was the information not available for the Programme Assessment Board

2.1.2 Complaint

2.1.2.1 What is being alleged should have been done, that was not

2.1.2.2 What is the complainant alleging was wrong about how they have been treated

2.1.3 Discipline

2.1.3.1 What is the alleged misconduct¹?

3. Organise all the materially relevant evidence

3.1 Note: while the investigation will have been driven by Pt. 2 above, if at any point the investigator or adjudicator discovers other insecurities in University processes these should be addressed. Otherwise 'fishing' for evidence/issues should not occur

¹ If the student is on a professional programme they have additional behavioural obligations which apply in all aspects of their life, whether directly associated with the University or not

4. In turn, map the relevant evidence onto each of the allegations

- 4.1** This ensures that every allegation is explicitly addressed
- 4.2** Ensure that the source of each item of evidence is accounted for and stated

5. Conclusions; for each allegation

- 5.1** Make a judgement whether the allegation is justified or not
 - 5.1.1** The standard of proof is ‘balance of probabilities’
- 5.2** Make it clear what has been the reasoning in reaching this conclusion (Pt. 1 above), e.g.
 - 5.2.1** “... should have happened but did not. This was an error that disadvantaged you in the following ways ...”
 - 5.2.2** “The facts are not as alleged in ... because ...”
 - 5.2.3** “It was your responsibility to ...”
 - 5.2.4** “There is insufficient evidence to definitely establish what happened. On the balance of probabilities², I consider that ... happened for these reasons ...”

6. Outcome

- 6.1** If the judgement is being made by a Panel every effort should be made to obtain a unanimous agreement. If this is not possible, the judgement shall be based on the majority view
- 6.2** If an appeal or a complaint
 - 6.2.1** In all cases fully acknowledge any error by the University
 - 6.2.1.1** Apologise
 - 6.2.1.2** If possible, indicate why the error occurred and what steps will be taken to minimise the risk of it happening again
 - 6.2.2** How can the resulting disadvantage be corrected?
 - 6.2.2.1** Remove the disadvantage, i.e. correct the mistake
 - 6.2.2.2** Mitigate the disadvantage, e.g. give the student a ‘first sit attempt’ at the assessment in question
 - 6.2.2.3** Provide redress-financial or otherwise, considering any distress or any inconvenience that may have been caused

² 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

6.3 If a finding of misconduct

- 6.3.1 Decide on a proportionate penalty in a stepwise fashion, starting with the lowest sanction permitted by the regulations**, (consider: is the penalty provided for in the regulations, has the adjudicator the authority to apply the penalty/can they only 'recommend' it/must the case be considered by a higher body)
- 6.3.2** A disciplinary penalty should be based on:
 - 6.3.2.1 Punishment for doing wrong
 - 6.3.2.2 Managing future risks³
 - 6.3.2.2.1 Deterrence to the individual and to others
 - 6.3.2.2.2 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
 - 6.3.2.3 The purpose of any penalty should be to ensure that the working and social environment of the University (for students, staff and visitors) continues to be a safe, positive, experience
- 6.3.3** The magnitude of the penalty should be proportionate in terms of:
 - 6.3.3.1 The disciplinary regulations breached
 - 6.3.3.2 Evidence of intent/repeated misconduct of this nature
 - 6.3.3.3 The harm done
 - 6.3.3.4 The risk of future such harm
- 6.3.4** It should be made clear why the Disciplinary Panel judges a lesser penalty to be inadequate/insufficient by reference to the above criteria

7. Remaining opportunities to continue dispute

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.

³ If the student is on a professional programme there is a specific obligation to consider the duty of the student to conform to the relevant professional body's expectations of behaviour and to appropriately manage the risk to the public

Appendix G

Format Requirement

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

Requests for Review

Part I: Requesting a Review

This document provides an opportunity request for a review of a Formal Stage 2 decision taken by the University, which may relate to Termination of Agreement, a Disciplinary Hearing, an Academic Appeal, Withdrawal for Unsatisfactory Academic Progress, a Complaint, Exclusion for Non-Payment of Tuition Fees, or Precautionary Action taken by the University on the Basis of Duty of Care.

A student may challenge a Stage 2 outcome if they feel that there has been an error in the process resulting in the decision being insecure. The permitted grounds for such a challenge are set out in i. below.

- i.** The permitted grounds for requesting a review are narrow. It is essential that any such request is submitted within the permitted time-period and clearly demonstrates an argument mapping onto one or more of these grounds:
 - a)** that there was a procedural irregularity in the consideration of the student's case that materially affected the outcome
 - 1.** If arguing for a review on this basis it is essential that the particular procedural irregularity is identified and that it is demonstrated how this would have a material impact on the outcome
- or
- b)** that information that could not previously be made available and is materially relevant to the outcome has subsequently emerged
 - 1.** If arguing for a review on this basis it is essential that
 - i.** the relevance of the information being provided is demonstrated

and

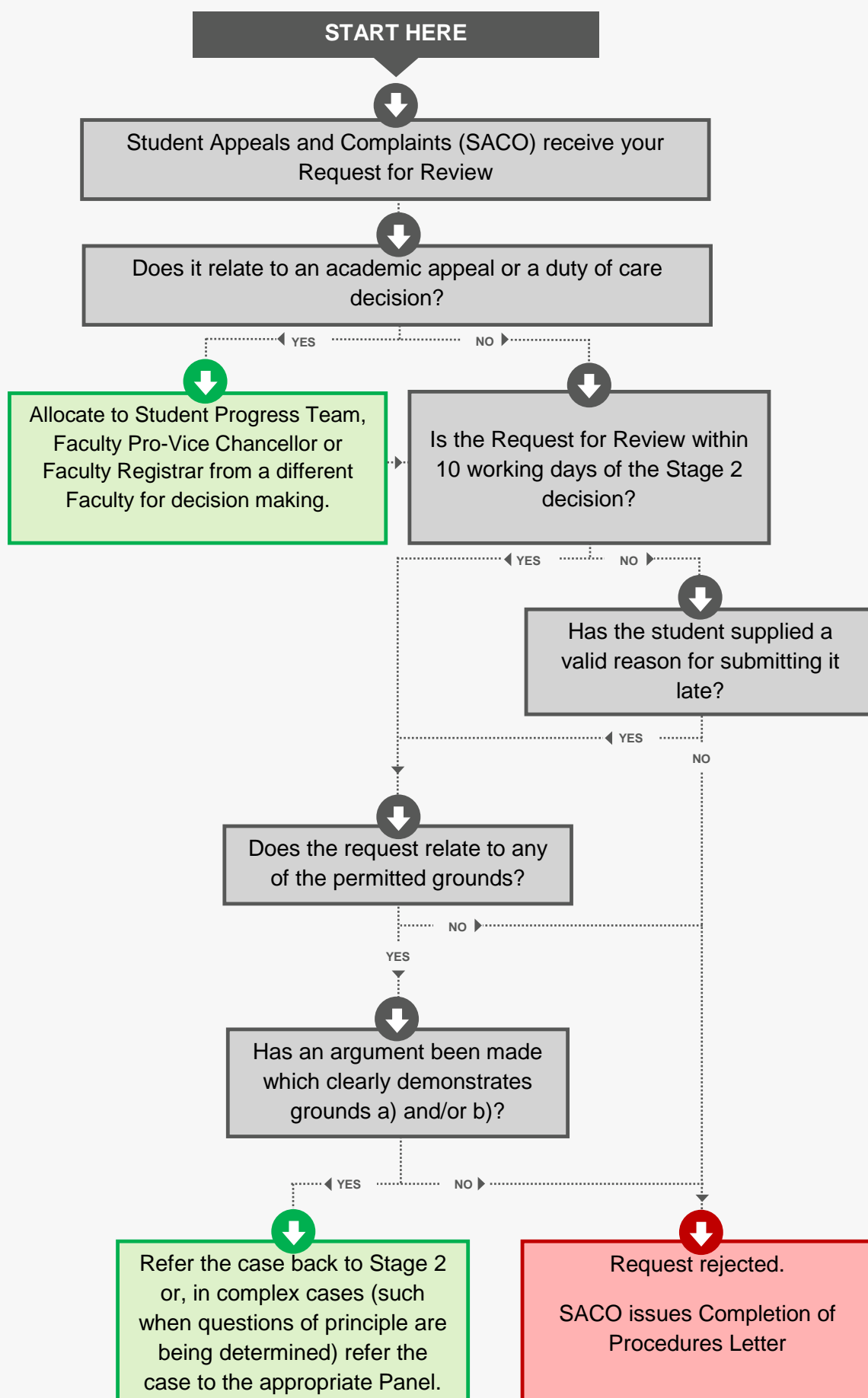
- ii. it is demonstrated that this information could not have been made available at Stage 2 of the process
- ii. Requests for a review should be submitted to the Student Appeals and Complaints Officer at studentappealsandcomplaints@northumbria.ac.uk within 10 working days from the date the student is informed of the University's decision at Stage 2. Requests received outside the 10 working day deadline will only be considered in exceptional circumstances. If a valid reason for wishing to submit a request for review late 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 Letter¹ will be issued.
- iii. Students can request a review by completing the 'Request for Review Form' available online. Students should not supply evidence they submitted in support of their case at Stage 2. They need to demonstrate why they feel they have grounds for a review 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 the student to demonstrate there is substance to their claims.
- iv. Upon receipt of a request for a review, the student's case will be considered by the Student Appeals and Complaints Officer but, if the review relates to an Academic Appeal (Section 7) or a Duty of Care decision (Section 17), the Student Appeals and Complaints Officer will nominate a member of the Student Progress Team, a Faculty Registrar or a Faculty Pro Vice-Chancellor from a different faculty to consider the student's case. 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.** The decision-maker will make a judgement on the request for a review on the basis of the criteria indicated in i. above. 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 or does not relate to any of the permitted grounds

¹ See Appendix H of the 'Handbook of Student Regulations'

- or

- ² In requesting a reconsideration at Stage 2 the Student Appeals and Complaints Officer will ensure that the principles of natural justice remain paramount, when directing what is reconsidered at Stage 2 and by whom
- Handbook of Student Regulations 2018-19: **Appendix G** **3**

Part II: Decision Making Process for Requests for Review



Appendix H

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/heretohelp/advice/>