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Nottingham
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Responding Students

This guidance is for students who have had an allegation of possible misconduct made against them by another person. It is to provide you with information about the disciplinary process, including how you will be expected to contribute to it and where you can find support. This guidance is produced in line with the [Student Code of Discipline](#).



Definitions

Reporting party	the person who has made an allegation and reports this to the university.
Responding student	the person who has had an allegation made against them which is being considered under the Student Code of Discipline.
Officer of Summary Jurisdiction	these are members of university staff who are able to make decisions about misconduct, based on the findings of the investigation.
University Assessor	the University Assessor is responsible for supporting the disciplinary process, including making decisions on whether a case should be dismissed, managed by an Officer of Summary Jurisdiction or considered at a Senate Disciplinary Committee.
Investigating Officer	the person who will undertake the investigation, including interviewing reporting parties, responding students and witnesses, as well as gathering evidence.
Sexual Misconduct Panel	this is a panel of experienced and trained staff from across the university who will assess cases of sexual misconduct and make recommendations about next steps.
Senate Disciplinary Committee	for the most serious cases of misconduct, a hearing of the Senate Disciplinary Committee will be organised to review the allegation(s), make a decision on the outcome and decide on a penalty. There is further detail on this later in this guidance.



Timescales

We work hard to ensure there are no delays in the disciplinary process and will always try to update you on timescales if these do occur. We aim to complete the process, including making a decision on the outcome within 60 days of the start of the investigation. Appeals against the outcome should normally be concluded within 30 days. If the allegation is being investigated by the police this is likely to increase these timescales.

Seeking advice and support

We want to do all we can to support you during this process. There is a broad range of support available to all students at the university, with information available on the following webpages.

[Welfare, Health and Wellbeing](#)

[Student Support Packages](#)

If you have a disability and would like to request reasonable adjustments to help you engage with the disciplinary process please let us know about this as soon as possible. There is additional information on support for disabled students here: [Disabled Students](#)

If English is not your first language, and you are struggling to understand or contribute to the process, we may be able to arrange for a translation service to support the investigatory meeting or Senate Disciplinary Committee Hearing.

We understand that this may be a difficult time for you and want to do all we can to support you.

The Students' Union Education Advisors support students who are subject to disciplinary procedures and can be contacted on SUAdvice@nottingham.ac.uk. We strongly recommend you contact them at the earliest opportunity so they can support you throughout the process, provide representation and attend any meetings or hearings with you.

If you do not wish to have an SU Education Advisor supporting you at meetings, you are allowed to have someone else with you for support. This should be another University of Nottingham student, a member of staff or a member of a union and they should not have had any involvement in the case (eg they cannot be one of the witnesses). They are able to support you and take notes but are not allowed to answer questions on your behalf or contribute to the meetings in anyway.

The disciplinary process

- After allegations of possible misconduct have been made against you, we will consider if this is something that might indicate a potential breach of the university's [Student Code of Discipline](#).
- If the allegations could constitute a criminal offence, they may also be reported to the Police. If this is undertaken, it is likely the disciplinary process will be put on hold until there is an outcome of that process, but the university reserves the right to undertake their own investigation.
- Where something is reported to the Police or a formal investigation is to be undertaken by the university, we will undertake a risk assessment to consider how we can ensure the safety of all involved. We can put precautionary measures in place if this is required to safeguard members of the university community or the investigation. If this is required. It is important to note these are not an indication of guilt or of the potential outcome of the disciplinary process and you are able to appeal this decision. (for example, a no-contact arrangement between yourself, the reporting party and others; a transfer from your university accommodation; temporary suspension from your course; or exclusion from all or some of the university grounds.)
- Where a disciplinary process is undertaken, there will be an investigation so we can understand more about what happened.

This may include:

- A meeting with you to discuss the concern/allegation
 - A meeting with the reporting student
 - Meeting with any witnesses
 - Gathering and reviewing other sources of evidence
- The investigating officer will meet with you to take your statement about the allegation(s) made. This meeting can take place on Teams or face to face; you can let us know which you are most comfortable with, and we will try to accommodate your wishes. The investigating officer will take notes and if the meeting is held on Teams, it will usually be recorded. There will be an opportunity for you to review the notes or transcript to confirm that they are an accurate of your perspective.
 - In some cases, there will not be enough evidence to continue with the disciplinary process, in which case you will be informed of this and no further action will be taken under the Code of Discipline.
 - Where there is enough evidence to proceed, the investigating officer will develop an investigation report which will be used to make a decision on what will happen next. The information below explains what actions might be undertaken and the potential outcomes of these.



Possible outcome	Next steps
A decision that there is not enough evidence to uphold the allegation(s).	You will be informed of this decision and no further action will be taken.
A decision that the investigation has produced enough evidence for an Officer of Summary Jurisdiction to make a decision.	The Officer of Summary Jurisdiction will make a decision on the outcome of the case and, where the allegation(s) have been upheld, they will apply sanctions from the list below.
Where the allegation is one of sexual misconduct, the case could be considered by a Sexual Misconduct Panel, in line with the university's Sexual Misconduct Policy .	<p>The Sexual Misconduct Panel can take the following action:</p> <ul style="list-style-type: none"> ▪ Dismiss the case and take no further action. ▪ Propose the use of mediation or other processes related to the Dignity at Nottingham Policy. ▪ Refer the case to the University Assessor (see below). ▪ Refer the case to the appropriate staff member to enact Fitness to Practise proceedings. ▪ Refer the case to the Police. ▪ Request further investigation to gather additional evidence.
Where there are allegations of serious misconduct, the University Assessor can refer the case to a Senate Disciplinary Committee hearing for consideration.	<p>The Senate Disciplinary Committee hearing considers all the evidence and can make one of the following findings:</p> <ul style="list-style-type: none"> ▪ there is insufficient evidence to uphold the allegation(s). ▪ there is sufficient evidence to uphold some, or all, of the allegation(s). ▪ they require further information or evidence on which to make a decision.

The Senate Disciplinary Committee hearing

The role of a Senate Disciplinary Committee hearing is to review cases of the most serious misconduct and make a decision on the appropriate outcome.

They will consider all the information and evidence collected as part of the investigation to make a decision on the 'balance of probabilities' (see below). There are usually two members of staff and a Students' Union representative at the hearing, all of whom will be independent to the case.

The University Assessor presents the case to the hearing, the reporting student will usually attend as a witness. You are expected to attend and can bring an SU Education Advisor or another nominated person to support you.

You will be asked to confirm your statement and answer any questions from members of the hearing. You will be provided with an opportunity to ask questions of the reporting student and any witnesses, and the chair will make arrangements for how this will be managed.

If the allegations are upheld, you will also be provided with an opportunity to present any mitigating factors that can be taken into account before deciding on the sanction.

The balance of probabilities

The outcome of the disciplinary process will be made on 'the balance of probabilities'. This means that for an allegation of misconduct to be upheld, the evidence must show that it is more likely than not to have taken place.

Sanctions

An Officer of Summary Jurisdiction can impose one of the following sanctions:

- a fine of up to £250, with the option to suspend some or all of the fine
- a non-contact order
- other boundaries appropriate to the breach of the code of discipline, but not suspension, exclusion or expulsion

A Senate Disciplinary Committee can impose one of the following sanctions:

- a fine of any amount, with the option to suspend some or all of the fine
- the withdrawal of computing facilities
- removing permission to have a motor vehicle on university premises
- payment of compensation relating to an injury caused or damage to property
- applying conditions
- suspending the student from their course or excluding the student from the whole or a part of university premises
- expelling the student

Providing information on the outcome

Wherever possible, you will be informed of the outcome of the hearing on the day and this will be followed up in writing within 48 hours of the hearing.

Where the University considers it reasonable or appropriate, the reporting party will be informed of the outcome.

Appeal

You are able to appeal a finding of misconduct (unless the allegation has been admitted), the sanction imposed, or both within 7 days of receipt of the written confirmation of the decision using the [Disciplinary Appeals form](#). There is further information in section 36 of the Code of Discipline.

Feedback

After the process has concluded, there will be an opportunity for you to provide feedback about the process to help us understand your experience and consider any improvements. You can send any feedback to anne.partington@nottingham.ac.uk

Additional information

If you require any additional information or support about the disciplinary process, please contact ra-conduct-investigation@exmail.nottingham.ac.uk