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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 designed 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 Conduct \(Non-Academic\)](#)



Definitions

Reporting party	the person who makes the allegation and reports this to the University is described as the reporting party.
Responding student	the person who has had an allegation made against them, where this is being investigated under the Student Code of Conduct (Non-Academic), is called the responding student.
Investigating Officer	the person who will undertake the investigation, including interviewing reporting parties, responding students and witnesses, as well as gathering evidence.
Authorised Person	these are members of University staff who can make decisions about misconduct, based on the outcomes of the investigation.
Student Misconduct Panel	for the most serious cases of misconduct, a Student Misconduct Panel will be organised to consider the allegations. There are further details about this below.



Timescales

We understand the disciplinary process can be difficult for all involved and we work hard to ensure there are no delays. We aim to complete the process, including the decision on a finding, within 60 days of the start of the investigation. If there are any delays, we will keep you updated about these. Any appeal you make will normally be heard with 30 days.

Seeking advice and support

You will be assigned a Single Point of Contact, who will provide information on the disciplinary process and well-being support if required.

There is also range of support available to you at the University, with additional information available on these links:

[Student Wellbeing Service](#)
[Student Support Packages - The University of Nottingham](#)

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

If English is not your first language, and you require support to understand and engage with this process, we can arrange for a telephone translation service for the investigatory interview or 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 Student's Union Education Advisors support responding students who are subject to disciplinary procedures and can be contacted on SUAdvice@nottingham.ac.uk. We recommend you contact them at the earliest opportunity so they can support you throughout the process, including at any meetings or panels you may need to attend.

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 cannot have had any involvement in the case (e.g. they cannot be one of the witnesses). They can support you and take notes but are not allowed to answer questions on your behalf or contribute to the meetings in any way.

The disciplinary process

After allegations of possible misconduct have been made, we will consider if they might indicate a potential breach of the [University's Student Code of Conduct \(Non-Academic\)](#).

If the allegations could constitute a criminal offence, they may also be reported to the Police. If this happens, 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 (for example, a no-contact arrangement between yourself and the reporting party, removal from university accommodation or temporary suspension / exclusion from your course or the whole or part of university grounds) 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.

Where a disciplinary process is undertaken under the Student Code of Conduct, there will be an investigation so we can understand more about what happened. This will 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 allegations made. This meeting can take place online or face to face. You can let us know which you are most comfortable with, and we will try to accommodate your wishes. The meeting may be recorded, and the investigating officer will take notes. There will be an opportunity for you to review the notes or transcript to confirm that they are an accurate representation of the meeting.

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.

Where there is enough evidence to proceed, the investigating officer will develop an investigation report which will be used to decide on what will happen next, as explained below.



Possible outcome	Next steps
An Authorised Person decides that there is not enough evidence to uphold the allegations	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 Authorised Person to decide on outcome and sanction.	The Authorised Person will decide on the outcome of the case and, where the allegations have been upheld, they will apply sanctions from the list below.
Where there are allegations of serious misconduct, the case may be referred to a Student Misconduct Panel for consideration.	<p>The Student Misconduct Panel 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 allegations ▪ there is sufficient evidence to uphold some, or all, of the allegations ▪ they require further information or evidence on which to decide

The Student Misconduct Panel

The role of the Student Misconduct Panel is to consider allegations of the most serious misconduct and decide on the most appropriate outcome.

The panel will look at all the information and evidence collected as part of the investigation and to make a decide based on the 'balance of probabilities.

There are usually two members of staff and a Students' Union representative at the panel meeting, all of whom will be independent to the case.

The case will be presented to the panel by a member of staff from the Investigations and Resolution team and you are expected to attend, with the SU Education Advisor or another nominated person to support you. The reporting student will also usually attend.

You will be asked to confirm your statement, answer questions from members of the panel and you will have the opportunity to ask questions of the reporting party and any witnesses. You may also be asked questions from the reporting party, through the chair.

Any questions you have for the reporting party must be sent to the chair for agreement and the chair will ask the questions on your behalf. The chair can make special arrangements for how this is managed in some cases, particularly where there are allegations of sexual misconduct and you will be provided with information on how this will work prior to, or in, the panel meeting.

If the allegations are upheld, you will also be provided with an opportunity to present any mitigating factors that can be considered when 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 Authorised Person can impose one of the following sanctions:

- Written apology / reflection
- Written warning
- Behaviour Agreement (including a no contact order)
- Training & awareness raising in a relevant area, including:
 - consent
 - healthy relationships
 - drug / substance use
 - health & safety issues
 - Fines up to £250
 - Restorative practice
 - Paying for any repairs / replacement / refurbishment as required

A Student Misconduct Panel can impose any of the above sanctions with the following also available to them:

- Fines up to £2, 000
- Compensation for any impact / loss experienced by the reporting party

- Repayment of any monies fraudulently obtained
- Compliance with original sanction / actions
- Suspension from the University for a fixed period
- Temporary or permanent exclusion from specific parts or all University premises
- Permanent expulsion from the University
- Permanent removal from university accommodation in line with the terms & conditions of the Licence Agreement

Informing you of 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.

Appeal

You can 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 [Student Misconduct Panel Outcome – Appeal Form](#).

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.