

## Section 3

### Student Disciplinary Rules and Procedures

Guidance may be sought from the University Secretary's Office +44 (0)191 227 4399

Students may seek independent advice and support from the Students' Union Advice and Representation Centre – [su.advice@northumbria.ac.uk](mailto:su.advice@northumbria.ac.uk)

#### 3.1 Introduction

- 3.1.1 Under the University's Articles of Government [Articles 3(2)(f) and 13(2)] 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 Suspension, Expulsion or Restriction of Students on disciplinary grounds. This document describes the rules and procedures established by the Board of Governors under Article 13(2). On initial enrolment at the University and on re-enrolment in subsequent academic years, students agree to abide by the University's rules, procedures and regulations. Students have a responsibility to familiarise themselves with these.
- 3.1.2 The University expects Students to conduct themselves generally in such a way as not to hinder the achievement of the University's purposes and proper operation, nor to damage its reputation. Students are expected to conform to agreed policies, rules, regulations and directions (as contained within this Handbook or otherwise) regulating conduct generally or specifically in respect of particular matters, activities and services. **Students on professional programmes should note that regulations require that they abide by their relevant professional code of conduct.**

#### 3.2 Definitions/Interpretation Clause

- 3.2.1 NOTE: for ease of reference, these procedures use the term 'Student' (with an initial capital) to denote a person against whom a complaint of Misconduct has been made, and 'student' (with a lower case initial letter) to denote other students.

#### 3.3 Misconduct

- 3.3.1 Disciplinary action may be invoked against a Student if there is a complaint from any person either from within or outside the University community that a Student has committed Misconduct.
- 3.3.2 These rules will normally be applied in respect of alleged misconduct in relation to activities engaged in, or services and facilities enjoyed, as a Student, or occurring on or in the vicinity of the premises of the University. However, the University reserves the right to take disciplinary action against a Student in respect of any Misconduct wherever it may have taken place; this is particularly relevant for students on professional programmes.
- 3.3.3 Disciplinary procedures for Misconduct in Residences are dealt with according to the procedure described in Appendix 4.

### **3.4 Misconduct that is also a criminal offence**

*Note: The purpose of this section is to differentiate between those areas which fall to be dealt with under the jurisdiction of the criminal law and those which are appropriate to the University's jurisdiction. The University's processes are not a substitute for, and will not be used to replace, the criminal law.*

3.4.1 The following procedures apply where the alleged Misconduct would also constitute an offence under the criminal law if proved in a court of law:

- (i) Where the offence under the criminal law is considered to be not serious (having regard to the penalties attached to such offences, and other relevant factors), action under these Rules may continue, but such action may be deferred at the discretion of the Vice-Chancellor pending any Police investigation or prosecution;
- (ii) In the case of all other offences under the criminal law, no action (other than Suspension or Restriction under paragraph 3.6 below) may be taken under these Rules unless the matter has been reported to the Police and either prosecuted or a decision not to prosecute has been taken, at which time the Vice-Chancellor may decide whether disciplinary action under these procedures should continue or be taken;
- (iii) Where a finding of Misconduct is made, and the Student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these Rules;
- (iv) Where in any particular case there is doubt as to whether or not the alleged offence should be referred to the Police, the University's decision will rest with the Vice-Chancellor.

### **3.5 Vice-Chancellor's discretion to dismiss a complaint**

3.5.1 Where a complaint of Misconduct has been made, the Vice-Chancellor may rule that the complaint should not be the subject of further action under these procedures; such a ruling shall not preclude informal action by way of warning or otherwise if appropriate.

### **3.6 Suspension or Restriction pending a hearing (i.e. NOT as a penalty)**

3.6.1 A Student who is the subject of a complaint of Misconduct or against whom a criminal charge is pending or who is the subject of Police investigation, may be suspended or restricted by the Vice-Chancellor pending the disciplinary hearing or the trial.

3.6.2 When the Vice-Chancellor has delegated the power to suspend or restrict under this paragraph a full report shall be made to the Vice-Chancellor of any Suspension or Restriction under this paragraph.

3.6.3 Suspension should be used only where Restriction from specified activities or facilities would be inadequate.

3.6.4 An order of Suspension or Restriction may include a requirement that the Student should have no contact of any kind with a named person or persons.

- 3.6.5 Suspension or Restriction pending a hearing must not be used as a penalty. The power to suspend or restrict under this paragraph is based on:
- (i) minimising the risk to other members of the University community;
  - (ii) minimising the risk of the student re-offending or further offending;
  - (iii) removing the material risk that the student's presence would inhibit a proper disciplinary investigation.

The power shall be used only where the Vice-Chancellor is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the Student.

- 3.6.6 No Student shall be suspended or restricted unless he or she has been given an opportunity to make representations in writing to the Vice-Chancellor. Any such representations should be made within three working days of receiving the notice issued under 3.6.5.
- 3.6.7 In cases of great urgency the Vice-Chancellor may restrict or suspend a Student with immediate effect provided that, within five working days, the opportunities described in paragraph 3.6.6 are given and the matter is reviewed.
- 3.6.8 A decision to suspend or restrict from academic activities associated with the Student's Programme of study shall be subject to review at the request of the Student where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person but the Student shall be entitled to submit written representations. The review will be conducted by the Vice-Chancellor where the decision to suspend or restrict has been made by his/her delegate or by three members of the Board of Governors (including at least one academic member and one lay member) where the decision has been made by the Vice-Chancellor.
- 3.6.9 The Vice-Chancellor shall review the Suspension or Restriction every four weeks in the light of any developments and of any representations made by the Student or anyone else on his/her behalf.

### **3.7 Students with Health Difficulties**

- 3.7.1 While diagnosed health difficulties do not necessarily mitigate the imposition of penalties on discipline grounds, the University recognises that there may be circumstances where Disciplinary Procedures may need to be informed by an understanding of the impact of such difficulties on the Student's behaviour. If at the initiation of Disciplinary Procedures, or at any stage of the proceedings, it appears that the Student may be experiencing health difficulties that materially affect their behaviour and/or judgement, then the Head of Wellbeing in Student Services shall be consulted. This is to ensure that the Student is properly supported throughout the process and that the disciplinary process is informed by a clear understanding of the significance of the Student's health for the alleged Misconduct being considered.
- 3.7.2 Interim action such as 'Suspension or Restriction pending a hearing', 3.6, may be taken but the Student must be directed to appropriate support, within or without the University, as advised by the Head of Welfare.

- 3.7.3 Should matters be serious enough to result in the Disciplinary Officer recommending that a Student be Restricted or Suspended, until such time as they are fit to return, the procedures for the 'Restriction or Leave of Absence of Students on Health Grounds (Section 9) will be used instead of these Disciplinary Procedures.
- 3.7.4 This does not prevent the University from making a disciplinary decision to Expel a student under the disciplinary procedures should the situation warrant it.
- 3.7.5 Any action will be in compliance with the Human Rights Act (1998) and Disability Discrimination Act (2005).

### **3.8 Procedure for Dealing with Allegations of Misconduct**

#### **3.8.1 Stage 1 The Informal Stage**

- (i) Staff at all levels have a part to play in assisting with the maintenance of Student discipline. 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.
- (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 for the initiation of the formal stage.

#### **3.8.2 Stage Two The Formal Stage**

- (i) The Disciplinary Officer shall have the facts investigated as quickly as possible and a report prepared for his/her consideration.
- (ii) On receipt of the report regarding an allegation of Misconduct the Disciplinary Officer shall arrange a hearing of the allegation of Misconduct unless he/she decides that:
  - (a) the matter is not sufficiently serious to 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 accordingly referred to the Vice-Chancellor forthwith for consideration, *or*
  - (c) it may constitute an offence under the criminal law and a decision is taken to report it to the Police.

#### **3.8.3 The Disciplinary Officer shall determine the nature of the case:**

- (i) if no breach of a professional code of conduct is involved the hearing will involve the Disciplinary Officer and normally the School Registrar who will be responsible for making a detailed record of the proceedings. Other staff may be co-opted to the hearing as the Disciplinary Officer deems fit
- (ii) if the case includes an alleged breach of a professional code of conduct the hearing will be conducted by a 'Professional Suitability Board':

- (a) the composition of the 'Professional Suitability Board' shall be the Disciplinary Officer, at least one other member of academic staff (who has had no previous dealings with the case) and a representative of the relevant profession. Normally the School Registrar will also attend and will be responsible for making a detailed record of the proceedings.
- (b) The 'Professional Suitability Board' will determine:
  - whether the Student is guilty of Misconduct

*and/or*

  - has breached the relevant professional code and if so, the seriousness of this breach
- (c) In the light of its findings the 'Professional Suitability Board' may impose any of the penalties in regulation 3.8.5 and/or may withdraw the Student from their professional programme.

- 3.8.4 (i) When arranging a disciplinary hearing to consider a case of alleged Misconduct the Disciplinary Officer will notify the Student of the nature of the allegation.
- (ii) The Student shall be given not less than five working days notice in writing of the hearing date and be informed that he/she may be accompanied by a Friend<sup>1</sup>, and may call witnesses, at the hearing. The facts shall be established as fully as possible, calling witnesses where necessary.
- (iii) A Student accused of Misconduct should normally be entitled to see and to be provided with copies of all relevant documentary material or other evidence and should normally be entitled to question the complainant(s) or other witness(es) at the interview of the Student conducted under this procedure.
- (iv) However in some wholly exceptional cases this may not be appropriate. Examples of such wholly exceptional cases include (but are not limited to) cases where a complainant or witness alleges that a Student is guilty of intimidation, harassment, or violence and the complainant or witness has a reasonable fear of reprisal or otherwise has a valid reason to remain anonymous and does not wish for such valid reasons to be personally identified, or has a valid reason not to be questioned by the Student accused of Misconduct.
- (v) In such wholly exceptional cases, the Disciplinary Officer shall consult with the Student Appeals and Complaints Ombudsman and with such other officers of the University and/or of the Students' Union as he/she considers to be appropriate and, following such consultation, he/she may decide to provide the Student accused of misconduct with copies of all documentary evidence provided to him/her, suitably expurgated to remove all references which may identify the names and addresses (as the case may be) of such complainant(s) or witness(es).

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<sup>1</sup> Students may be accompanied at a Professional Suitability Board by a Trades Union representative

- (vi) The Disciplinary Officer must ensure that the Student is made aware of the case against him/her and is given an adequate opportunity to provide evidence in rebuttal and to present his/her case. In presenting his/her case, the Student shall normally be permitted to question a complainant or witness. If the Disciplinary Officer does not agree to allow the Student to question a complainant or witness, the Disciplinary Officer should invite the Student to address him/her on the questions which the Student would wish the Disciplinary Officer to raise with such complainant or witness, and if the Disciplinary Officer considers such questions to be relevant, he shall raise such questions (in the absence of the Student and his/her Friend) with such complainant or witness.
- (vii) In reaching a disciplinary decision, notice should be taken of the nature and extent of the alleged Misconduct (including professional codes of conduct relevant to the Student's programme of study) and the current conduct record of the Student.
- (viii) In the event that a Student accused of Misconduct who has been requested to attend a meeting conducted under these Regulations fails to attend at the appointed time without reasonable explanation he/she shall be deemed guilty of Misconduct for which separate disciplinary action may be taken against him/her.
- (ix) Notwithstanding 3.8.4 (viii), failure by a Student to attend a disciplinary interview or hearing after being properly served with notice does not prevent the case being proceeded with and disciplinary action taken.
- (x) The burden of proof shall rest on the person(s) bringing the charge of Misconduct who shall be required to satisfy the Disciplinary Officer that, on a balance of probabilities, there is evidence of Misconduct by the Student.

3.8.5 Having determined the facts the Disciplinary Officer shall make a determination thereon and may impose one or more of the following penalties as he/she considers appropriate in the circumstances:

- (i) an oral warning (not recorded on the Student's file);
- (ii) a formal written warning (recorded on the Student's file for such period as is determined by the Disciplinary Officer);
- (iii) a fine or penalty not exceeding £200 (or such revised sum as the Vice-Chancellor may from time to time determine);
- (iv) restitution and/or compensation for damage to, or any loss of, any property, or for wasting staff time;
- (v) confiscation of any property considered to be dangerous to others;
- (vi) withdrawal of any benefit, facility or privilege relevant to the Misconduct;
- (vii) 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 Accommodation Manager;

- (viii) a recommendation to the Vice-Chancellor of Suspension, Expulsion or Restriction.

In the case of disciplinary investigations undertaken by the Disciplinary Officer of the Library and Learning Services, the Student's personal tutor and Head of Department will be informed of any formal disciplinary proceedings and the resulting outcome. In addition to imposing any of the penalties (i) to (viii) above, the Disciplinary Officer may withdraw privileges or facilities regarding use of the University Library for a stated period of time.

- 3.8.6 Where the Disciplinary Officer makes a recommendation/decision in accordance with paragraph 3.8.5 (viii) the Vice-Chancellor shall be furnished with a copy of the record of the disciplinary hearing and a copy of the papers considered by the Disciplinary Officer within five working days of the Disciplinary Officer's determination. When the Disciplinary Officer is other than the Dean of School, they shall also inform the appropriate Dean(s).
- 3.8.7 The Disciplinary Officer shall notify the Student in writing within 10 working days of his/her decision and in relation to paragraph 3.8.5 (i) to (vii) (and/or 3.8.3.(ii).(c) in the case of a 'Professional Suitability Board') above of the Student's right to appeal.
- 3.8.8 Where any penalty is imposed (except for an oral warning), the reasons for the decision should be recorded on his/her file along with an indication of how long the matter should remain on the file. Where, in any subsequent disciplinary proceedings, it has been decided to impose a penalty (but not otherwise) any previous Misconduct records on file may be taken into account (unless a time limit on the maintenance of the record has been specified and expired). Any such instances where the student has been found guilty of Misconduct may be referred to in the event that the University is requested to provide a reference for the Student.
- 3.8.9 Disciplinary Officers shall inform the following of any penalty they have imposed other than an oral warning:
  - (i) Pro Vice-Chancellor (Learning & Teaching), for information only
  - (xi) the Student Appeals and Complaints Ombudsman who will contact the student to explain the remaining appeals procedure.

### **3.9 Appeals**

#### **3.9.1 Appeals Against Disciplinary decisions other than decisions to Suspend, Expel or Restrict.**

A Student who is dissatisfied with the ruling of a Disciplinary Officer under paragraph 3.8.7 against him/her may, within 10 working days of being notified of the Disciplinary Officer's decision, submit an appeal in writing to the Student Appeals and Complaints Ombudsman specifying clearly the grounds of appeal. The Student Appeals and Complaints Ombudsman shall provide a copy of the written appeal to the Disciplinary Officer.

#### **3.9.2 The following are the only permissible grounds for appeal:**

- (i) that there was bias or a procedural irregularity, which materially prejudiced the Student's case *or*

- (ii) that the decision reached was not supported by the evidence provided *or*
- (iii) that relevant evidence that was not previously available has emerged subsequently.

3.9.3 The Student Appeals and Complaints Ombudsman will review the case on the basis of such evidence that has been provided and decide on the appropriate action of:

- (i) dismissing the appeal at this stage *or*
- (ii) referring the appeal to an Appeals Panel.

3.9.4 The Student Appeals and Complaints Ombudsman shall inform the Student of their decision, normally within 10 working days of receiving the appeal. If the decision is to dismiss the appeal at this stage a 'Completion of Procedures Letter' will be issued.

3.9.5 If the Student Appeals and Complaints Ombudsman judges that permitted grounds for an appeal have been established they shall convene an Appeals Panel as soon as reasonably practicable, normally composed of:

- (i) the Pro Vice-Chancellor (Learning & Teaching) or his/her nominee – Chair;
- (ii) a Dean of School (from a School other than the Student's);
- (iii) the Director of Academic Services or his/her nominee unless any of the above have been involved at an earlier stage.

A representative of a relevant profession may attend the panel as an adviser as determined by the Student Appeals and Complaints Ombudsman.

3.9.6 The quorum for the Appeals Panel shall be three.

3.9.7 The Student and Disciplinary Officer shall be given at least 10 working day's notice in writing, of the date of the Appeal Hearing.

3.9.8 The Student Appeals and Complaints Ombudsman as adviser or his/her nominee shall attend all Appeals Panel hearings and shall appoint a Clerk to the Panel.

3.9.9 The Disciplinary Officer shall be entitled to produce a written response to the appeal to the Student Appeals and Complaints Ombudsman at least seven working days before the appeal hearing.

3.9.10 At least five working days before the appeal hearing the Appeals Panel; the Student and Disciplinary Officer shall be furnished with papers which are to be considered at the appeal hearing.

3.9.11 The Student shall have the right to appear and be heard, and be accompanied by a Friend at the meeting of the Appeals Panel. If the Student fails to attend the meeting of the Appeals Panel, the Panel will be entitled to proceed in his/her absence and to reach a decision on the evidence available at the meeting. The Appeals Panel shall determine the procedure to be followed at the hearing.

- 3.9.12 The Appeals Panel shall decide whether it wished to hear evidence from any person. If it decides to hear any such evidence, the Appeals Panel will decide whether to allow the Student (or their Friend) to question that person. Any person appearing before the Appeals Panel shall have the right to be accompanied by a Friend.
- 3.9.13 The burden of proof shall be on the Student to prove that his/her grounds of appeal are justified. The standard of proof shall be on the balance of probabilities.
- 3.9.14 The decision of the Appeals Panel shall in all cases be by a majority of those voting.
- 3.9.15 The Appeals Panel may, after hearing the case:
- (i) confirm the decision of the Disciplinary Officer;
  - (ii) dismiss the appeal;
  - (iii) nullify the decision of the Disciplinary Officer and substitute its own decision and/or penalty for that of the Disciplinary Officer;
  - (iv) reduce, uphold or increase any penalty applied to the Student.
- 3.9.16 For all penalties less than Suspension, Expulsion or Restriction the decision of the Appeals Panel is final. If the Appeals Panel recommends a penalty of Suspension, Expulsion or Restriction the Student Appeals and Complaints Ombudsman shall furnish the Vice-Chancellor with a copy of the record of the Appeals Panel hearing and a copy of the papers considered by the Appeals Panel within 10 working days of the Appeals Panel's determination.
- 3.9.17 The Student Appeals and Complaints Ombudsman shall notify the Student of the decision of the Appeals Panel in writing within 10 working days of the decision being made and issue a 'Completion of Procedures Letter'

### **3.10 Recommendations of Suspension, Expulsion or Restriction**

- 3.10.1 In the event that a Disciplinary Officer or an Appeals Panel recommends a penalty of Suspension, Expulsion or Restriction it will not take effect unless and until confirmed by the Vice-Chancellor. The Vice-Chancellor will confirm the recommendation or substitute his/her own decision or penalty for that of the Disciplinary Officer or Appeals Panel. His/Her decision will be taken on the basis of the papers and will be notified to the Student and the Student Appeals and Complaints Ombudsman in writing within 10 working days of receipt of the papers.

### **3.11 Appeals to the Student Appeals Committee**

- 3.11.1 Where the Vice-Chancellor confirms a recommendation of a Disciplinary Officer or Appeals Panel to Suspend, Expel or Restrict a Student, and the Student is dissatisfied with the Vice-Chancellor's determination, he/she may submit an appeal in writing to the University Secretary within 10 working days of receipt of the Vice-Chancellor's determination under paragraph 3.10.1 above, specifying clearly the grounds on which he/she wishes to appeal to the Student Appeals Committee. The grounds for appeal are as stated in paragraph 3.9.2 above.
- 3.11.2 The University Secretary will review the case on the basis of such evidence that has been provided and decide on the appropriate action of:

- (i) dismissing the appeal at this stage *or*
- (ii) referring the appeal to a Student Appeals Committee.

3.11.3 The University Secretary shall inform the Student of their decision, normally within 10 working days of receiving the appeal. If the decision is to dismiss the appeal at this stage a 'Completion of Procedures Letter' will be issued.

3.11.4 If the University Secretary judges that permitted grounds for an appeal have been established they shall convene a Student Appeals Committee as soon as reasonably practicable, composed of:

- (i) two independent or co-opted governors, (one of whom shall chair the Committee);
- (ii) one member of the teaching staff, nominated by the University Secretary, from a School other than that of which the Student concerned is a member; and
- (iii) the President of the Students' Union or his/her nominee.

A representative of a relevant profession may attend the committee as an adviser as determined by the University Secretary.

3.11.5 The quorum for the Student Appeals Committee shall be three.

3.11.6 The Student shall be given at least 10 working day's notice in writing of the Appeal hearing.

3.11.7 The University Secretary as adviser or his/her nominee shall attend all Student Appeals Committee hearings and shall appoint a Clerk to the Panel.

3.11.8 The Disciplinary Officer shall be entitled to produce a written response to the appeal to the University Secretary at least 7 working days before the appeal hearing.

3.11.9 At least 5 working days before the appeal hearing the Appeals Panel; Student and Disciplinary Officer shall be furnished with papers which are to be considered at the appeal hearing.

3.11.10 The Student Appeals Committee may, after hearing the case:

- (i) confirm the decision of the Vice-Chancellor;
- (ii) dismiss the appeal;
- (iii) reverse the decision of the Vice-Chancellor and substitute its own decision and/or penalty for that of the Vice-Chancellor;
- (iv) reduce, uphold or increase any penalty applied to the Student.

3.11.11 The University Secretary shall notify the Student of the decision of the Student Appeals Committee in writing within 10 working days of the decision being made. The Student Appeals and Complaints Ombudsman will issue a 'Completion of Procedures Letter'.

3.11.12 The decision of the Student Appeals Committee shall be final.

### **3.12 Miscellaneous**

#### **3.12.1 Confidentiality:**

**It is important that the Disciplinary Procedures be conducted with strict confidentiality. Where sanctions are imposed, the University will ensure that only the Student upon whom such sanctions are imposed, together with the Student's advisers/representatives, the Student's Guidance Tutor and the Dean of the appropriate University School and the Student Appeals and Complaints Ombudsman will be informed.**

### **3.13 Independent Adjudication**

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 complaints processes have been exhausted, but the student remains dissatisfied with the outcome.

On completion of the University's internal Appeals Procedure a student will be issued with a 'Completion of Procedures Letter' by the University Secretary's Office and provided with details of the services available to the student from the Office of the Independent Adjudicator. The Completion of Procedures Letter will:

- provide a description of the complaint
- confirm that the University's internal complaints procedure has been completed
- state the outcome of the internal complaint process
- confirm that the student has the right to take the complaint to the OIA
- indicate how a student can contact the OIA
- stipulate that the OIA will only consider complaints from students within a period of three months from the date of the Completion of Process Letter
- enclose an explanatory leaflet on the OIA.

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, should be obtained from the University Secretary's Office.

## **Appendix 1**

### *Disciplinary Officers*

Staff designated as Disciplinary Officers and their areas of jurisdiction are as follows:

- (i) Dean of School of the Programme for which the Student is registered. All matters not falling within the jurisdiction of any other Disciplinary Officer. All matters 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 the Student Accommodation Manager or their nominee but the Disciplinary Officer of the Student's School shall be informed in case professional suitability issues also arise.

NB: The Dean of School may delegate his/her responsibility as Disciplinary Officer to an Associate Dean of School, or equivalent;

- (ii) Student Accommodation Manager (or his/her 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 and issues relating to student behaviour in the community;
- (iii) Deputy Director of Academic Services (or his/her nominee)  
All conduct in, or pertaining to the operation of, the Library and Learning Services.
- (iv) Director of IT Services  
All conduct pertaining to the operation of IT services;
- (v) Director of Sport Northumbria  
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 practice requirements for such programmes will be outlined in their programme handbooks.

- (i) Obstruction or disruption of any academic activity or of the management, administration or operation of the University, including wasting staff time;
  - (ii) Theft or any other criminal offence on the University premises, 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;
  - (iii) Damage to, defacement or wrongful treatment of, the property of the University, its staff, students or visitors or any deliberate, reckless, negligent or careless act which causes, or is likely to cause, loss, damage or injury, or puts others at risk or which threatens the safety of the premises or its occupants;
  - (iv) Assault (including sexual assault);
  - (v) Sexual, racial or other harassment, or behaviour which causes fear or distress to others (including distress resulting from material placed on social networking sites, see Appendix 3); threatening, abusive, disorderly or unreasonable behaviour; behaviour damaging or contrary to race relations and equal opportunities policies (advice may be sought from the Director of Human Resources or the Head of Welfare in such cases (from whom the University's Anti-Harassment and Anti-Bullying Policy may be obtained)). If you wish to bring a complaint about another student you should use this Section. If you wish to bring a complaint about a member of staff, you should use Section 10 of this Handbook;
  - (vi) Academic Misconduct (including cheating in examinations and plagiarism);
- Note:** Cases of cheating and plagiarism will normally be dealt with by separate procedures by the Examination Board concerned (Assessment Regulations for Northumbria Awards, Appendix I). 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;
- (vii) 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;
  - (viii) In relation to Residences – breach of the House Rules, attached as Appendix 4 to these Rules;
  - (ix) Failure to comply with any ruling made as a result of disciplinary proceedings;
  - (x) 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 5 to these Rules;

- (xi) Failure to behave in accordance with the provisions of any professional Code of Conduct, including relevant “suitability to practice regulations,” which may be applicable to the students concerned, e.g. as when on a placement;
- (xii) Any behaviour which brings the University into disrepute;
- (xiii) Any act which the Vice-Chancellor or Disciplinary Officer has reason to believe is a breach of good discipline of the University.

## **Appendix 3**

### *Social Networking Sites*

Social networking sites are now widely used for both socialising and work. They are readily accessible and offer an immediate means of communication. However, they are relatively public and posted comments may be stored permanently. Care must therefore be taken not to cause offence or distress when making comments about individuals or their work, including University staff and students. The University has policies and procedures in place regarding the expected conduct towards others, whether said or in writing, and will take disciplinary action where relevant in such cases. If you are on a professional programme you should take particular care to always comply with the relevant professional code of conduct. There is also a body of law dealing with libel and slander.

The following points should therefore be borne in mind when using any website discussion forum:

#### **Good Practice**

- Never say anything that may cause distress to others
- Remember that unknown others may see what you write
- Remember that your comments may be saved and become a permanent record
- **Therefore always think before writing any comments about others, especially if they may be in any way critical.**

## **Appendix 4**

### Residences-House Rules

1. The House Rules are for the safety and comfort of all residents and exist to ensure that everyone enjoys living in the residences and no one is disturbed as a result of residents' actions or inactions.
2. Applicability. Residents are bound by these rules and are responsible for ensuring that non-residents (e.g. guests and visitors) that they have invited or who are in their company are aware of and comply with the House Rules at all times. Visitors are permitted to stay for a maximum of 2 nights in any 7.
3. Non-Compliance. Non-compliance with the rules by residents, guests or visitors will usually result in a warning, fine, notice to quit or a combination of these. A fine may be imposed upon a resident or a non-resident student and such fine may relate to his/her own actions or to those of his/her guest or visitor for which he/she is deemed to be responsible. Where the actions giving rise to the fine have been those of unidentified individual(s) from an identifiable group the fine shall be divided equally between every member of that group plus an administrative charge of £10 per person (normally £20 for an individual).
4. The Fire safety rules:
  - 4.1.1. Cooking, in any form, is not permitted in bedrooms.
  - 4.1.2. You must respond to fire alarms by vacating the building. We rarely have false alarms - but we do have a system that allows you to get out when there is a fire - before you are aware of it and before you are in immediate danger. Failure to vacate when an alarm sounds will result in disciplinary action - because you could be placing other people's lives in danger - in particular, the Fire Fighters who would be looking for you in the event of a fire spreading. Do not re-enter the building until you are informed it is safe to do so.
  - 4.1.3. Keep all fire doors closed. Please note that we have heat detectors in kitchens and smoke detectors in corridors - so please stop accidental soundings of the fire alarm by keeping kitchen doors shut - especially if you have burnt the toast! Fire doors must not be propped open.
  - 4.1.4. Do not interfere with any fire safety equipment on the understanding that any interference will result in the severest penalties since you could be putting someone's life at risk. Activation of a fire alarm call point without good reason is a criminal offence and is a police matter in addition to a University disciplinary matter.
  - 4.1.5. Candles (and other items producing a naked flame) are not permitted and will be removed by staff if discovered.
  - 4.1.6. Ordinary saucepans must not be used to deep-fry food (e.g. chips). Use thermostatically controlled deep-fryers only.
  - 4.1.7. Food cooking must be attended at all times. Oven cooked food must be checked regularly.
  - 4.1.8. Emergency exits are to be used only in an emergency.

- 4.1.9. Fire exits must not be blocked.
- 4.1.10. Furniture and appliances (heaters, cookers and fridges etc.) must not be brought into residences without the express permission of the House Manager. Permission will not normally be granted for upholstered furniture unless a certificate of fire retardency is produced.
- 4.1.11. The University retains the right to remove items that could be potentially dangerous e.g. candles, heaters, unsafe cooking equipment.
- 4.1.12. The strictly no-smoking prohibition must be observed at all times.
- 4.1.13. You must attend the fire talks arranged during the Autumn term.
5. Fire Alarms – **97% of fire alarm activations are accidental; you will be charged if you accidentally activate the alarm.** Reasonable care is required of all students and their visitors to ensure that the alarms are not activated unnecessarily. An alarm activation in one of our residences requires the complete evacuation by everyone and the attendance of the fire service, who dispatch at least two tenders. This is why you will be charged without further warnings. Please note that **aerosol sprays (deodorant etc.)** and **hairdryers** can set off the alarms if used directly underneath the detectors. Please use them well away from the detector in your room.
6. Domestic Appliances. Only domestic electrical appliances e.g., hair dryers, shavers, stereos may be used and residents are to ensure that such appliances are fitted with fused plugs. All appliances must be switched off, disconnected and left in a safe condition after use. Electrical appliances must be in a safe condition. Staff will remove unsafe items.
7. Dangerous Behaviour. Behaviour that is dangerous, whether malicious or as an intended prank, is not permitted. Objects or substances of any kind must not be thrown from the windows of the building, and articles must not be placed on external windowsills because of the danger of injury to passing pedestrians being hit by falling objects.
8. Damage. Residents must not in any way damage, remove or misuse any part of the premises its furnishings, fixtures, fittings, decoration or equipment. This includes overflowing of water from any appliance and residents are required to keep all gullies, waste pipes and drains free from obstruction.
9. The University is committed to the safe undertaking of all works that affect the fabric or services of the building. All residents, whether living in or visiting our buildings, are also required to understand their responsibilities with respect to maintaining safe and healthy environment in which to work, study and live; this includes ensuring that a safe environment is maintained for staff, contractors and visitors e.g. do not leave cables trailing.
10. Users of the building are prohibited from undertaking any intrusive work in the building i.e. do not make a hole in the wall – (please use the pin boards provided) or drive any nail, screw or other article into any part of the building or affix any placard or other object to any part of the building.
11. Security. Residents must not allow unauthorised persons to enter the building. If in doubt residents should leave people outside the building because if they are authorised

they will have their own method of procuring entry. Following others into a building (tailgating) is the most common method used by thieves to enter the building. Residents are advised to always keep their bedroom and, where applicable, their flat entrance door locked. If a suspicious person is spotted then residents are advised to ring security immediately.

12. Dangerous Items. Any item or substance that is illegal, or could cause harm and is inappropriate to a residential environment, or is intended to inflict harm is prohibited. Notably fire arms (including replicas and air guns), hunting or combat knives and combustible materials come under this category. To be in possession, to use or be associated with any of the above will result in confiscation of the item and disciplinary proceedings. Residents in doubt should ask the House Manager before bringing any item into the Residence.
13. Noise - our biggest complaint. Residents are not to make an unreasonable noise at any time and in particular between the hours of 11.00 pm and 8.00 am, no noise that would disturb other residents should be audible outside the room in which the noise is being made. Consideration must be exercised in the use of audio equipment and the use of headphones should be considered.
14. Social Events. Applications for social activities / parties involving more than 4 people at any time and more than one visitor after 11pm must be made five weekdays (excluding bank holidays) in advance to the House Manager.
15. Nuisance. Residents must not engage in any behaviour constituting a nuisance or annoyance to other residents or interfering with the quiet and comfort of other residents or users of neighbouring property. This also applies to the distribution of unauthorised leaflets, posters and flyers which cause litter problems.
16. Privacy. All residents are required to treat the possessions, property and space of others with respect; uninvited intrusion into these may result in disciplinary action.
17. Grounds. No ball or other physical games are to be played in the immediate vicinity of the residences and other residential buildings. Residents should respect the gardens and other aspects of the environment. Any gardens or grounds attached to the Premises are to be left in a clean and tidy condition.
18. Non-Residents. Facilities in residences are provided for the use of those students living there. Residents may not permit or invite non-residents to use the communal facilities e.g. kitchen, as this could prevent the use of the facility to those who pay for it.
19. Security of Keys. Residents must not lend out keys to rooms.
20. Cleanliness. Residents are to keep their premises in a clean and tidy condition and failure to keep the premises clean may lead to extra cleaning charges.
21. Storage. Residents are to ensure that their belongings are stored in their own area and the accommodation is not cluttered with their items that would prevent staff from carrying out their normal duties.
22. Pets. Pets/animals are not to be kept on the premises or in any part of the residences. Guide dogs are the exception and special arrangements will be made.

23. Drugs. The storage, use or supply of illegal drugs is a criminal activity and is a police matter. All illegal drugs found will be confiscated and University action initiated in addition to any police action.
24. Criminal Activity. If Residents are arrested for an offence which may cause the resident to be an unsuitable tenant, they may be required to leave the premises permanently. If the resident allows any visitors onto the premises who are or have been arrested for an offence which may cause concern, then both may be required to leave the premises permanently. This rule applies to offences committed either on or off University premises.
25. Offensive Material. Posters or other material that cause offence may not be displayed and will be removed wherever found. The University's sexual, racial harassment and equal opportunities policies commit to providing an environment that is free from discrimination on the grounds of ethnic origin, colour, gender, disability, marital status, age, sexuality or religion.
26. Car Parking. Cars are not to be parked in residence car parks without an official parking permit.
27. Staff / Contractors Co-operation. Residents are to give access to University staff and authorised contractors carrying out their duties and are to behave with consideration, co-operation and courtesy towards all such persons at all times. Reasonable notice of a visit will be given wherever practicable.
28. Aerials and satellite dishes. Residents are not to fix TV or any other aerial or satellite receiver to the inside or outside of the premises.
29. Facebook and other social networking sites. Please take care when using social network sites and think carefully about what you post there. Don't forget that future employers have been known to check out applicants on their Facebook pages. Increasingly we receive complaints regarding posts on social networks and you should be aware that the University will take disciplinary action if you cause distress to others. You should read Appendix 3 of these regulations carefully
30. Disciplinary Procedures in Residences:

This procedure is in four stages:

Stage 1

- Student Assistant attending at the time.

Stage 2

- House Manager interview following a report.

Stage 3

- Accommodation Operations Manager hearing.

Stage 4

- Referral to the Student Accommodation Manager (Disciplinary Officer).

Depending on the seriousness of the report, the procedure may be invoked at any stage and or referred to the Student Accommodation Manager for a Stage 4 (formal) hearing. Standard fines (charges) may be applied at Stages 2 and 3. A wider range of penalties applies at Stage 4.

### Standard Fines.

The following fines apply to the common problems listed below although it is possible to appeal against any fine levied; students should note that an appeal decision can increase as well as decrease the fine levied. Although the list is not exhaustive it is indicative of how seriously the University regards these problems. Repetition of the same offence can result in an increased charge:

1. Noise / behaviour problems: £25 minimum (charges for noise are automatically £100 during exam periods).
2. Candles found to be alight: £65.
3. Inappropriate use of emergency exit (e.g. using them as an exit and setting off the alarm when there is no fire): £25.
4. Non-evacuation of the building on hearing the fire alarm: £65.
5. Misuse of fire extinguisher (e.g. discharging it): £125.
6. Activation of pre alarm (a system warning that the fire alarm will go into full activation if not re-set by a member of staff): £25 on first time, £65 on second occasion and rising further on subsequent occasions.
7. Wedging open fire doors or removal of automatic door closers: £25.
8. Activating the fire alarm without reasonable cause (including not attending to food being cooked at all times): £65.
9. Interference with fire detection equipment (e.g. covering up a heat or a smoke detector, reducing the noise level on an alarm sounder): £65.
10. Non compliance with the strictly no-smoking prohibition: £30 for the first offence; £65 for subsequent offences. NB use of illegal substances is considered separately and charges levied as appropriate.
11. Failure to attend a disciplinary or investigatory meeting, interview or hearing without reasonable notice: £30.

Students have the right of appeal against a standard fine and any such appeal should be made within 10 working days to the Student Accommodation Manager, c/o Student Accommodation Office. Appeal letters should describe the grounds on which the appeal is based; the grounds for appeal: incorrect procedure; additional information. The Student Accommodation Manager will review the case with the managers concerned and may arrange a Stage 4 disciplinary hearing to hear the appeal; students should understand that an appeal re-opens the case, with the full range of penalties available (i.e. the result of an appeal could be a more unfavourable outcome).

Damage charges: These are not fines but are straight re-charges that the University has incurred as a result of either accidental damage or malicious damage. In the case of accidental damage, the cost will be passed to a student by invoice. In the case of malicious damage there will also be disciplinary proceedings. Students wishing to query accidental

damage charges should also use the appeals procedure. All appeals must be lodged within 10 working days of notification of the damage charges.

#### **Stage 4 (formal hearings):**

An Accommodation Operations Manager may interview residents personally following an investigation - or for serious or persistent offenders, may refer the matter to the Disciplinary Officer for Residences (Student Accommodation Manager) for Stage 4 (formal) disciplinary action. Stage 4 hearings are also invoked to hear student appeals against standard fine.

1. When Stage 4 (Formal) Disciplinary Procedures are invoked the resident will be advised in writing at least five working days in advance of the date of the Disciplinary Hearing and of the nature of the alleged misconduct. This notice, and any other written notices given under these procedures, will whenever possible be delivered by hand to the person concerned.
2. The Student Accommodation Manager will usually arrange a panel to assist at the Disciplinary Hearing, but the matter may be determined by the Student Accommodation Manager alone. The resident must have been informed of their right to be assisted by a friend or the Students' Union at the Hearing and to call witnesses.
3. Failure of a student to attend a Disciplinary Hearing, after being properly notified to do so, could constitute an offence and does not prevent the case being proceeded with and action being taken. Additional disciplinary action may be taken for failure to attend.
4. When Formal Disciplinary Procedures are initiated it will be usual for the student's personal tutor and Head of Department to be advised. They will also normally be advised of the outcome of any hearing.
5. The Student Appeals and Complaints Ombudsman will be given a copy of the report of the Formal Hearing and will write separately to the resident to provide details of the appeals procedures remaining. If a penalty is imposed the resident may appeal in writing, within ten working days of being notified of the decision, to the Student Appeals and Complaints Ombudsman.

#### Penalties

Penalties that may be imposed within the disciplinary procedures are:

- i. A verbal warning
- ii. A formal written warning
- iii. A fine not exceeding £200
- iv. Restitution/compensation for damage or loss to any property
- v. Withdrawal of privileges or facilities relevant to the misconduct
- vi. Action under the Tenancy Agreement which may result in a Notice to Quit being served
- vii. A recommendation of suspension, expulsion or restriction from the University as defined in the University Disciplinary Code
- viii. Confiscation of any property considered to be dangerous or a nuisance to others.

A penalty may comprise one or more of the above.

## **Appendix 5**

### *Regulations for the Use of Computing and Library Facilities*

#### **1 Scope**

CONDITIONS OF USE OF THE UNIVERSITY COMPUTING AND LIBRARY FACILITIES AND RELATED SERVICES AND/OR ANY OTHER COMPUTING AND LIBRARY 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, in accordance with the procedures laid down in the registration leaflet to take out of the Library, Library resources for his/her own use.

**“Computer 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 books, pamphlets, periodicals, theses, electronic information, photocopies, microfilm, microfiche, gramophone records, illustrations, pictures, films, audio tapes, video tapes, other audio visual aids, computer hardware and software and any other University resources.

#### **3 Use of University Resources**

The University resources authorised 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:**

- \* Data Protection Act 1998
- \* Computer Misuse Act 1990
- \* Copyright, Designs and Patents Act 1988
- \* Copyright (Computer Programs) Regulations 1992

- \* Obscene Publications Act 1959
- \* Telecommunications Act 1984
- \* Defamation Act 1996.

- 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 The user agrees not to copy, modify or disseminate any part of the information gained from resources without permission from the copyright holder. Further the user must observe any restrictions placed on the use of specified software, information and equipment which are stated in any documentation relating to the use of such software, information or equipment.
- 5.2 The user agrees in particular to abide by the Eduserv User Acknowledgement of Third Party Rights, attached as Appendix 7 to these regulations.

## **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 facilities complies with, the University's policies and strategies, including:
  - \* IT Systems Security Policy
  - \* IT Architecture Strategy
  - \* Email Policy
  - \* Computer Systems Interception and Monitoring Policy.

## **8. Computer Usernames and Library membership**

- 8.1 A computer 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 and usernames should be reported immediately to the University Library.
- 8.4 Replacement University Smartcards will be charged for at a replacement cost.

## **9. Use of premises and equipment**

- 9.1 To enter University Library premises users should have a valid University Smartcard or pass issued on application to the Welcome Desk. Visitor passes will only be issued on production of suitable ID. During 'self service' hours access is by University Smartcard only. To use Open Access computing facilities users should also have a valid computer username issued by the University. Such a University Smartcard, pass or computer username must be shown or declared at the request of the Director of University Library & Learning Services or any other duly authorised officer. Any person without such a smartcard, pass or computer username may be requested to leave University Library & Learning Services premises.
- 9.2 Users may bring coats and bags into the University Library & Learning Services premises on condition that such items may be searched by the Director of University Library & Learning Services or any other duly authorised officer.
- 9.3 The University assumes no responsibility for any damage or theft of users' property.
- 9.4 Smoking is not permitted on University premises.
- 9.5 Eating and drinking are permitted only in designated areas in University Library & Learning Services premises and in accordance with current Library guidelines.
- 9.6 Use of mobile phones is permitted only in designated areas in University Library & Learning Services premises.
- 9.7 In other University computing and library facilities, users must observe local restrictions on eating and drinking and use of mobile phones.
- 9.8 Consumption of alcohol is not permitted in University Library and Learning Services premises, or in any other University computing and library facilities.
- 9.9 People using University computing and library facilities must not by their conduct disturb other users.
- 9.10 The user must not remove equipment from the location to which it has been assigned or tamper with normal operational settings of the facilities.
- 9.11 The user must not connect any equipment to the University network without approval from IT Services.
- 9.12 Removing University resources without authorisation or stealing or attempting to steal University resources is forbidden.
- 9.13 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 requirements**

- 10.1 Materials may be borrowed from the Library in accordance with the current loan procedures. These are outlined in the information which is given to each borrower on registration.
- 10.2 If University resources are lost or damaged the facts must be reported immediately to the University Library & Learning Services. The borrower/user will be required to repay the full cost of replacement or repair.
- 10.3 The person named on the University Smartcard is responsible for the care and safe return to the Library, on or before the date due back of all resources borrowed with the University Smartcard.
- 10.4 If 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 is displayed in the Library. If the material has not been returned six weeks after the due date then the borrower will be liable for the cost of the material as well as the fines and an administrative charge.
- 10.5 The Director of University Library & Learning 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 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.

## **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 the Regulations**

- 14.1 Failure to observe these regulations and procedures may result in the user being suspended from use of the University facilities and, in relation to staff appropriate disciplinary action under the University Staff Management Procedures, in relation to

students disciplinary action in accordance with Section 3 of the Handbook of Student Regulations, and/or legal proceedings being taken. For students, such failure may also result in a user not obtaining his/her degree or other award.

- 14.2 Users found breaching the regulations may be requested to leave the Library or Open Access areas immediately and their University smartcard and computer usernames may be blocked.

## **15 Information**

- 15.1 Copies of University IT systems strategy and policy documents and the JANET Acceptable Use Policy are available from the Library and Open Access areas enquiry desks.
- 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 6**

### *Guidance to Students Living in the Local Community*

#### **Introduction**

The University plays a positive role in the local community and works closely with community representatives to both explain the value of the contribution of its students and staff and to deal with any problems that may arise. Students living in the community are subject to the various statutory and other legal requirements and agencies that protect society as a whole. They may also be seen as representatives of the University and it is important that they act responsibly and sensitively to others in the community.

An issue for the University is the extent to which it should take action in relation to Misconduct away from the University's premises or when not on University business. The University's position is that:

1. When students are off University premises but taking part in University activities (e.g. field trips or sporting events) the University will treat Misconduct in the same way as Misconduct committed on the University premises.
2. When students are away from the University's premises and not taking part in University activities any Misconduct that involves or affects other University students may be treated in the same way as Misconduct committed on the University's premises.
3. When external Misconduct involves neither of the conditions above, such as anti-social behaviour towards neighbours, the University may act on the grounds that students may have damaged the reputation of the University.

**NB: for some professional programmes there are additional fitness to practice requirements (outlined in the relevant programme documentation). Misconduct of any form may have implications for such fitness to practice.**

#### **Anti-Social Behaviour in the Community**

1. The University receives complaints from the public about the behaviour of people believed to be students of Northumbria University. Often, although not always, these complaints relate to behaviour as neighbours.
2. Sometimes the subject of the complaints are not Northumbria University students. Sometimes the fault may be in whole or in part with the person making the complaint rather than the student.
3. The University, out of a sense of responsibility, and out of a concern for its reputation, does respond to complaints about individual students, or groups of students.
4. In many cases the action will be taken at the Informal Stage, with students given advice as to how to best behave within the community.
5. However, the University has the right to deal with particularly serious cases under the Formal Stage of the Disciplinary Procedures. Penalties may range from a fine through to expulsion from the University in the case of gross Misconduct.

### **Facts about Misconduct in the Community**

1. The City Council operates a Night Watch Team every night who can issue on the spot fines for disturbances.
2. The Anti-Social Behaviour and Enforcement Team can issue Acceptable Behaviour Agreements to individual students, or students collectively on housing agreements, when persistent complaints of anti-social behaviour in the community are received.
3. If the Police become involved in any incident involving Northumbria University students they will routinely inform the University.



## Appendix 7

### 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.

<b>Agreed by:-</b>		
..... <i>signature</i>	..... <i>name</i>	..... <i>date</i>
..... <i>Organisation</i>	..... <i>Department/Location</i>	..... <i>Academic Course</i>

