

UNIVERSITY OF BUCKINGHAM

STUDENT NON-ACADEMIC MISCONDUCT

POLICY AND DISCIPLINARY PROCEDURES



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STUDENT NON-ACADEMIC MISCONDUCT POLICY AND DISCIPLINARY PROCEDURES

1 Introduction

- 1.1 The University of Buckingham (“the University”) is a diverse and inclusive community. As members of the community, all students are expected to adhere to the University Regulations Handbook and relevant student policies. All students are expected to show respect for their fellow students, members of staff and for their property, as well as for the University’s facilities and premises. Students are responsible for the consequences of their decisions and are expected to behave in a way that does not interfere unjustifiably with the normal operations of the University.
- 1.2 The University’s relationship with the local community is very important. The University expects students to behave respectfully towards the members of that community and not to engage in behaviour that causes distress or harm to others. Students are encouraged to participate responsibly in the life of the local community.
- 1.3 All students must adhere to the General Regulations for Students of the University.
- 1.4 The Student Non-Academic Misconduct Policy (NAMP) and its Procedures will be instigated where there is reason to believe that a student may have been involved in non-academic misconduct. Such misconduct may take the form of any disciplinary offence identified in the General Regulations for Students of the University, any breach of the required standard of behaviour set out in Section 7 of the General Regulations for Students of the University, or any matters in respect of which the General Regulations state that disciplinary action will be taken. It may also take the form of a breach of any of the University’s policies and regulations including the Library Rules, Policy on Alcohol, Policy on Drugs and Dangerous Substances, Social Media Policy, Bullying and Harassment Policy, Use of University Data and Networks Policy, Sexual Misconduct and Harassment policy and the University Good Neighbour Guide.
- 1.5 This Policy and these Disciplinary Procedures apply to matters of alleged non-academic misconduct only. Alleged offences of academic misconduct will be dealt with under the University’s Academic Integrity Policy.
- 1.6 This policy and these disciplinary procedures outline the means by which disciplinary matters involving non-academic misconduct will be handled and the sanctions that may be imposed. Alleged offences of academic misconduct will be dealt with under the University’s Academic Integrity Policy and Procedures.
- 1.7 The Senate is responsible for the maintenance of student discipline and good conduct but may delegate the exercise of any or all the relevant powers or duties to the Registrar and Director of Professional Services who shall normally delegate day-to-day responsibility for student discipline to the Student Conduct Team.
- 1.8 The Student Conduct Team will work with Student Support services to adopt a cohesive approach to swiftly resolve any incidents that may arise.
- 1.9 Matters reported to the Student Conduct Team will be handled in a confidential, sensitive manner. Student Support services will be available, if necessary, before, after or during any meeting arranged under these procedures.
- 1.10 This policy and these disciplinary procedures categorise alleged misconduct as either minor or major offences depending on the seriousness of the alleged misconduct. A non-exhaustive list of examples of misconduct can be found in Section 6 and Annex 1 and the specific procedures for alleged major and minor offences are outlined in Sections 10 and 12.
- 1.11 The University reserves the right to determine any action required to be taken in response to alleged misconduct in accordance with any perceived risk to other students and/or members of staff and others and the severity of the alleged misconduct.
- 1.12 Where any risk is deemed serious, the Registrar and Director of Professional Services (in the case of misconduct amounting to a major offence) or the Assistant Registrar Student



Administration (in the case of misconduct amounting to a minor offence) may, upon the recommendation of the Student Conduct Manager, temporarily suspend or exclude a Student against whom misconduct is alleged from all or parts of the University grounds and facilities, and/or may restrict the student's access to all or parts of the University grounds and facilities. The authority to permanently expel a student from the University is granted exclusively to the **Vice-Chancellor or a council member, should a conflict of interest be identified.**

2 Terminology

- 2.1 Anyone making a report under this policy and these procedures will be referred to as a **"Reporter."**
- 2.2 Where a report is made by someone who is a victim of the alleged misconduct, or where such a person subsequently becomes involved in any disciplinary proceedings, that person shall be referred to as a **"Complainant."**
- 2.3 Any student who is alleged or suspected to have been involved in non-academic misconduct reported under this policy and these procedures will be referred to as the **"Student."**
- 2.4 Non-academic misconduct under this policy will be reported to the group referred to as the **"Student Conduct Team"** or "the Team." A person accompanying any Student reported or Complainant under this policy to a meeting and/or hearing (such as a fellow student or member of staff unconnected to the matter), will be referred to as a **"Supporter"** as set out in [Section 5.9](#).
- 2.5 Cases of major non-academic misconduct will be considered by the Major Offences Panel, referred to as **"the Panel"** as defined in [Section 12.6](#).
- 2.6 An application to appeal the outcome of a Major Offences Hearing where the sanction is expulsion, will be heard by the Appeals Panel for Major Offences of Non-Academic Misconduct (Expulsion), referred to as **"the Major Appeals Panel (Expulsion)"** as defined in [Section 13.5](#).
- 2.7 An application to appeal the outcome of a Major Offences Hearing where the sanction is any other remedy, will be heard by the Appeals Panel for Major Offences of Non-Academic Misconduct (Other Sanctions), referred to as **"the Major Appeals Panel (Other Sanctions)"** as defined in [Section 13.9](#).
- 2.8 Permanent staff-initiated termination of a University accommodation contract is referred to as **"Eviction."**
- 2.9 Temporary staff-initiated banning from any specific area of the University is referred to as **"Exclusion."**
- 2.10 Permanent staff-initiated banning from the University is referred to as **"Expulsion."**
- 2.11 Temporary staff-initiated banning from the University and programme of study is referred to as **"Suspension."**
- 2.12 Permanent staff-initiated withdrawal from studies is referred to as **"Withdrawal."**

3 Scope of the Disciplinary Procedures

- 3.1 This Non-Academic Misconduct Policy and these Disciplinary Procedures apply to all undergraduate, foundation, postgraduate taught and postgraduate research students, visiting and occasional students registered to study in all campuses and online at the University of Buckingham.
- 3.2 Where an alleged offence has taken place in any of the University's accommodation halls or residences, this policy and procedures may take precedence over any others.
- 3.3 Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Alleged misconduct, which may be judged to fall short of the professional codes of conduct,



may be considered under the Fitness to Practise Proceedings as well as under these procedures.

- 3.4 The University may take disciplinary action in response to any alleged misconduct, which has impacted or may impact on its students, staff, or others as well as on the community and/or the University's property or reputation.
- 3.5 Disciplinary procedures will be conducted in an objective and thorough manner and the University will use its best endeavours to ensure that these take place within the time limits prescribed in this policy and procedures.
- 3.6 If a Student withdraws from the University during disciplinary proceedings, they will no longer be deemed a registered student and all disciplinary proceedings against them will be suspended. In the event of the Student reapplying to the University, disciplinary procedures may be reinstated under this policy.

4 Information, Support, Advice and Guidance

- 4.1 Students are encouraged to report incidents of alleged misconduct to the Student Conduct Team, using the Report and Support online reporting portal [Report + Support - University of Buckingham](#), or via email to student.conduct@buckingham.ac.uk. The team are trained to deal with the complaint and to give appropriate advice. The team may liaise with internal and external agencies to ensure that the student receives the appropriate support, and that any ensuing investigation is not prejudiced. The University does however recognise that Complainants will sometimes be more comfortable reporting an incident to a third party, such as a counsellor in the Wellbeing, Skills and Diversity team, and will endeavour to investigate those complaints in a manner which would cause minimum inconvenience to the Complainant. It may be necessary for the Student Conduct Manager to make their own enquiries of the Complainant if there is insufficient information received from the third parties to satisfy the Student Conduct Manager that the alleged perpetrator has a case to answer.
- 4.2 Allegations of misconduct that are recorded on Report and Support will be reviewed by the Student Conduct Manager and they will make enquiries with the complainant to satisfy the alleged perpetrator has a case to answer.
- 4.3 If an anonymous allegation is received, no formal action can be taken by the University. The information will be used to identify and analyse trends to inform future campaigns to target unacceptable behaviours.
- 4.4 Anyone recognised as a Complainant under this policy (see [Section 2.2](#) above) will be entitled to know the outcome of any disciplinary proceedings resulting from the report to the extent that the Student Conduct Team deem necessary, being cognisant at all times of their duty to protect the privacy of individuals under the UK's data protection laws.
- 4.5 The outcomes of cases dealt with under this policy and these procedures will be shared with the relevant University services and/or departments and/or any relevant Regulatory Body.
- 4.6 Where there are concerns that the involvement of any student in disciplinary proceedings (whether as someone against whom allegations of misconduct have been made, as a Complainant or otherwise as a witness) will have a detrimental impact on them by reason of any ill health or disability, or by reason of the nature of the proceedings themselves, a referral should be made by the Student Conduct Manager, with the consent of the relevant student, to Wellbeing Skills and Diversity. Wellbeing Skills and Diversity will endeavour to provide appropriate support before, during and/or after any disciplinary investigation meeting/hearing. Such support will be offered as a matter of course to victims of serious misconduct such as sexual misconduct or physical assault.
- 4.7 The Student Conduct Manager will ensure that Student Support services provide any student, no matter what their personal situation is, with support at any point in the NAMP proceedings.



Consent for such a referral will be sought for those students where there is a concern that ill health or disability of any student may impact on their ability to participate in proceedings.

5 General Principles

- 5.1 Any allegation of non-academic misconduct will be dealt with in the first instance under [Sections 7](#) and [8](#) of this policy.
- 5.2 The following principles shall apply to the implementation of these procedures to ensure that Students are treated fairly, consistently, appropriately, and transparently, and that allegations of non-academic misconduct are dealt with effectively, efficiently and in the best interests of all:
- a) Cases will be handled in a confidential, sensitive manner.
 - b) Factual determinations will be reached on the balance of probabilities; in other words, where a finding of non-academic misconduct requires a determination that X or Y happened, the decision maker(s) will decide whether X or Y happened by asking whether it is more likely than not that X or Y happened.
 - c) The University will not act on allegations of misconduct, which the relevant decision maker(s) considers vexatious, spurious, or malicious.
 - d) The University reserves the right not to proceed with any investigation if the relevant decision-maker(s) considers that there are insufficient grounds or evidence to do so. Any such decision will be explained in clear and transparent terms to any Complainant and an appropriate record made.
 - e) In reaching any decisions, the relevant decision-maker(s) will take into account all the available evidence to the extent that it is determined to be relevant and credible.
 - f) A clear, accurate and appropriate written record shall be kept in an electronic confidential file of all actions and decisions taken in relation to reports of alleged non-academic misconduct, and of all discussions, meetings and telephone calls related thereto, from the time of the initial report to the completion of all procedures including any appeals. In the event of any subsequent criminal investigation, the records will be available to the police
 - g) The Student shall have the right to be informed of, and to respond to, any allegations considered under this policy or these procedures.
 - h) The University shall ensure that the Student has access to all the evidence upon which it is proposing to base any disciplinary decision taken under these procedures.
 - i) Sanctions imposed under these procedures shall be reasonable and proportionate.
 - j) The Student shall have the right to appeal the outcome of any allegation of non-academic misconduct reached under these procedures.
 - k) Legal representation will not normally be available to the Student or to any other participant in a meeting or hearing held under these procedures.
- 5.3 These disciplinary procedures do not aim to emulate the criminal law or criminal justice system, but the University has legal obligations relevant to these procedures including a duty to act fairly and reasonably in relation to all parties. Similarly, these procedures take into account rules of natural justice, which confer on students facing allegations of non-academic misconduct the right to know the case against them; the right to defend themselves; and the right to have their cases considered impartially.
- 5.4 Students will be given the opportunity to attend any investigatory meeting and/or disciplinary hearing. If a student attends a disciplinary hearing, they will be asked to leave whilst the panel deliberate the outcome. If a Student is unable to attend a meeting or hearing on a date initially proposed, the University will normally agree to postpone to an alternative date, which will not generally be more than 5 days after the originally suggested date.



- 5.5 The University may conduct proceedings by telephone or video conference if necessary. If video conferencing is used the meeting may be recorded to support note taking. Permission from attendees will be sought before recordings commence and they will be deleted once the notes from the meeting are shared with participants.
- 5.6 If a Student is unwilling to participate in a meeting or hearing, or is unable to participate, the University may hold the meeting in the Student's absence and the Student will be invited to submit written representations, which will be considered by the relevant decision-maker(s).
- 5.7 If a Student fails to attend a meeting and/or hearing without good reason, having previously been properly notified of the meeting and/or hearing, the University may continue with the meeting and/or hearing in their absence.
- 5.8 Failure by a Student to attend a meeting and/or hearing without having given the University reasonable notification of their intended absence may result in further disciplinary action.
- 5.9 Students and Complainants have a right to be accompanied to any meeting and/or hearing carried out under these procedures by a Supporter: normally a fellow student or a University member of staff who has no connection to the matter under consideration. This right is a right to be accompanied for the purposes of support only and not a right to representation and the Student shall be expected to speak on their own behalf.
- 5.10 Notwithstanding Section 5.9, the Chair of any meeting or hearing may, at their discretion, permit a Student's Supporter to address the meeting or hearing.
- 5.11 In exceptional cases, a Student may be permitted legal representation under the procedures applicable to major offences. The question of whether any such representation will be permitted is one for the Chair of the Major Offences Panel (the "Panel") who may, if permitting such representation, also appoint a legal adviser to the Panel. In such a case, the legal adviser may be present at all discussions of the Panel for the purpose of providing advice.
- 5.12 The University will use its best endeavours to adhere to the time limits outlined within these procedures but, where necessary, time limits may be adjusted accordingly. Where this happens, the Student and any Complainant will be informed of the reasons for this by a member of the Student Conduct Team via email.
- 5.13 Where necessary and appropriate, the University may adjourn any disciplinary investigation meeting and/or hearing and reconvene it at a later date.
- 5.14 The Student and/or Complainant and/or any witnesses involved in an investigation into non-academic misconduct must not discuss the case with the wider student body. Contact between the Student, Complainant and any witnesses should be avoided during the investigation.

6 Non-academic Misconduct

- 6.1 Allegations of non-academic misconduct will be dealt with under the **minor** or **major** disciplinary processes depending on the severity of the alleged misconduct. Types of non-academic misconduct are set out in [Annex 1](#). They consist of, but are not limited to:
- a) Action or conduct that causes actual or potential distress or harm to others, regardless of whether distress or harm was intended.
 - b) Action or conduct that causes actual or potential damage to the property of others.
 - c) Action or conduct that disrupts the normal operations and/or safe use of the University facilities and premises, including by damaging the reputation of the University.
 - d) Action or conduct that interferes with or impedes the ability of members of the University to work or study.
 - e) Action or conduct which, for Students of Medicine and Allied Health courses falls short of the behavioural standards expected by the General Medical Council. The misconduct could be such that a referral to the Fitness to Practise process is deemed appropriate by the PSC committee and if this the case the student will be notified accordingly.



- 6.2 Alleged misconduct that would otherwise be regarded as minor offending may be treated as major offending if the Student has been involved in multiple or repeated offending.

7 Reports of Non-Academic Misconduct

- 7.1 Anyone wishing to make a report or complain about the conduct of a student should contact the Student Conduct Team via email: student.conduct@buckingham.ac.uk, alternatively, an allegation may be recorded using [Report and Support](#). In the event that staff outside of the Student Conduct Team are made aware of serious misconduct, they should notify the Student Conduct Team as soon as is reasonably practicable. Staff to whom reports of non-academic misconduct are made should refer to and act in accordance with the procedures in this document.
- 7.2 Reports of alleged non-academic misconduct made against a student by third parties external to the University community, will be investigated as far as reasonably practicable. Once a case has been reported, it is a matter between the student(s) concerned and the University. However, where a matter concerning a third party has been reported to the police, interventions from the University are not possible.
- 7.3 Anyone making a report of alleged non-academic misconduct that may amount to or include criminal offending, will be provided with support by the Student Conduct Manager or their nominee to understand the available options and/or to decide how to proceed. These recommendations may include the following:
- a) Making a report to the police.
 - b) Attending the nearest sexual assault referral centre (in a case of alleged sexual misconduct), to enable the collection of forensic evidence while the Complainant is deciding on next steps.
 - c) Arranging for counselling by the Wellbeing Skills and Diversity team or their nominee.
 - d) The Complainant deciding not to escalate the matter to the police, the University has a responsibility to ensure that the Complainant is fully supported in any decision they make and encouraged to report serious matters to the police.
- 7.4 The Student Conduct Manager will ensure that anyone reporting alleged non-academic misconduct which may amount to or include criminal offending, understands the process related to each option and, in particular, the difference between criminal investigation/proceedings and the University's disciplinary investigation/proceedings. The Student Conduct Manager will ensure that the reporting student has had this explained to them, in such terms as are appropriate in the circumstances, that:
- a) Under the criminal process, the alleged misconduct will be treated as a potential criminal offence (rape or assault for example), whereas under the University's disciplinary procedures it will be treated as a potential breach of discipline (sexual or physical misconduct, for example).
 - b) Any investigation under this policy and procedures will be more limited than a criminal investigation because forensic analysis and medical examinations are not available to the University, and the University has no power to compel witnesses to give evidence.
 - c) The sanctions available to the University under these procedures are more limited than those available to a judge on a finding of criminal misconduct.
 - d) The University will not disclose information about the outcome of disciplinary proceedings except in very limited circumstances.
- 7.5 Where the alleged misconduct may amount to a criminal offence, and in which a Complainant does not wish a report to be made to the police (or to make any such report themselves), the Student Conduct Manager will advise the complainant that any steps taken under the policy and procedures in relation to the alleged misconduct may affect any future police investigation, should the Complainant subsequently decide to make such a report.



- 7.6 Where the victim of an alleged misconduct which may amount to or involve the commission of a criminal offence is a member of the University community (student, staff or visitor), and wishes to make a report to the police, the University will support them so to do.
- 7.7 Where the University itself is the victim of alleged misconduct that may amount to or involve criminal behaviour, it may report such alleged misconduct to the police. It will also report alleged misconduct to the police where legally obliged so to do.

8 Initial Steps in the Disciplinary Procedures

- 8.1 When a report of non-academic misconduct is brought to the attention of the Student Conduct Team, the matter will usually be referred to the Student Conduct Manager in the first instance, unless the Student Conduct Manager is unable to act because of their lack of availability, a potential conflict of interest or for any other good reason, in which event the matter shall be referred to the University's Assistant Registrar Student Administration or nominee.
- 8.2 The Student Conduct Team will determine whether the allegation is one that falls within the scope of this policy and these procedures.
- 8.3 Complainants may be invited to a meeting to discuss their report further.
- 8.4 If the Student Conduct Manager considers that an allegation of misconduct is vexatious, spurious or malicious or there are deemed insufficient grounds to proceed, they may dismiss the complaint or report without further investigation. Any such decision, together with the basis for it, must be explained to any Complainant and an appropriate record made of the explanation. Malicious complaints may be referred for disciplinary action.
- 8.5 The Complainant may request a review of the decision to dismiss a complaint deemed vexatious, spurious, malicious or ineligible due to insufficient grounds. The request for review must be lodged within 10 days of the dismissal by completing the [Review/Appeal Form Against Decisions of Non-Academic Misconduct Proceedings](#). This must be submitted to the University's Student Conduct Team via email at student.conduct@buckingham.ac.uk. The review will be conducted by the Assistant Registrar (Student Administration) and an outcome will be issued within 10 working days of receipt of the request.
- 8.6 Where any alleged misconduct may also amount to or involve the commission of one or more criminal offences, the Student Conduct Manager will make enquiries as to whether the alleged misconduct has already been reported to the police, and if it has not, whether any such report is under consideration.
- 8.7 In any case in which a report has been made to the police, the Student Conduct Manager will usually suspend the investigatory procedures pending the outcome of that report, giving due consideration to any advice given by the investigating officer in the police investigation.
- 8.8 The Student Conduct Manager may decide that the nature of the alleged misconduct is such that it is not suitable for determination under these procedures, (by reason of the seriousness of the matters alleged, and/or the likely difficulties relating to evidence, and/or any other reason), and in that event will refer the matter to the appropriate authority with the necessary powers to investigate and impose an appropriate sanction.

9 Disciplinary Investigations

- 9.1 In any case, in which the Student Conduct Team determines that an allegation of misconduct should be dealt with under these procedures, the Student will be invited to an investigatory meeting by means of an email sent to the Student's University email account (which students are expected to check regularly). The notice will outline the nature of the matter under investigation where appropriate, and the relevant procedures.
- 9.2 If the Student Conduct Manager feels there is a possible conflict of interest they may consider whether to engage a Senior Member (or members) of Staff or an external investigator, to



conduct an investigation into the case. If such a decision is reached, the Student must be informed of it in writing.

- 9.3 The invitation to the investigatory meeting will give the Student at least 48 hours' notice of any meeting to be held in term-time (and at least a week's notice of any meeting to be held outside term-time), except in cases of exceptional urgency arising during term-time, in which case a Student may be given a shorter period of notice. In such cases, every reasonable effort will be made to ensure that the Student has received notification of the meeting.
- 9.4 The investigatory meeting will be conducted by the Student Conduct Manager or their nominee responsible for the case. Where more than one staff member is involved, they will agree a Chair of the meeting in advance and will notify the Student accordingly at the start of the meeting. The proceedings will be recorded by the Student Casework Officer or their nominee.
- 9.5 During the investigatory meeting, the Student will be given the opportunity to present their response to the matters raised in the original report of misconduct, and to make representations in relation to those matters. They may notify the Student Conduct Manager of any witnesses whose evidence might be taken into consideration, and the relevance of such evidence.
- 9.6 In any case in which video or audio footage is relied on or has been secured as possible evidence in the investigation of alleged non-academic misconduct, the footage must be provided to the Student at the meeting (or in advance of it), and the Student must be permitted to make representations on it.
- 9.7 The Student Conduct Manager, The Complainant and the Student may identify witnesses who will be contacted by the Student Conduct Manager, the Snr member (or members) of staff or external investigator and invited to a meeting during the course of the investigation.
- 9.8 The outcome of an investigatory meeting will be one of the following determinations:
- a) That there are inadequate grounds on which to proceed with the disciplinary proceedings, and/or that there is and is likely to continue to be, insufficient evidence upon which the allegation(s) of misconduct could be upheld, in which case the proceedings will be terminated without any sanction being imposed against the Student;
 - b) That the matter requires further investigation before the alleged misconduct can be classified as minor or major, in which case the Student will normally be informed of this by the Student Conduct Manager at, or within 24 hours of, the end of the meeting. After further investigation, the Student Conduct Manager will determine whether outcome a, c or d is appropriate;
 - c) That non-academic misconduct amounting to a **minor offence** may have occurred, in which case the procedures in [Section 10](#) will apply; or
 - d) That non-academic misconduct amounting to a **major offence** may have occurred, in which case the procedures in [Section 12](#) will apply.
- 9.7 The question of whether the alleged misconduct may amount to a major or minor offence will be determined taking into account the potential sanction if the misconduct is found to be proven. Usually, misconduct that may result in suspension of studies or expulsion will be deemed a major offence.

10 Procedures for Minor Offences

- 10.1 If the Student Conduct Manager determines that alleged misconduct, if proven, may amount to a **minor** offence the following procedures will apply.
- 10.2 The Student Conduct Manager must inform the Student of the allegations and of the procedures which will be followed.



- 10.3 When all investigatory meetings have been concluded, the Student Conduct Manager will write an investigation report, which will include a determination of the outcome and details of any sanctions imposed.
- 10.4 In some cases of alleged misconduct that, if proven, would amount to a minor offence, an investigatory meeting with the Student may not be necessary. An example of this would be where a report of misconduct is received from the Security Team that contains images and sufficient evidence to show that the incident did take place and that the Student is responsible. In such cases, the Student Conduct Manager may determine the outcome without referral to the Student.
- 10.5 The Student Conduct Manager may decide to take no further action in the case of a Student who is found to have committed a minor offence or where no offence may be proven. If considered appropriate, and other students are involved the Student Conduct Manager may arrange for the matter to be mediated subject to obtaining the consent of the Students involved.
- 10.6 In other minor offence cases the available sanctions consist of one of the following:
- a) A verbal warning
 - b) A written warning – which may also include the imposition of a behavioural contract and/or a fine and/or eviction from University accommodation
- 10.8 The Student Conduct Manager will take into account in determining any sanction(s), any previous non-academic misconduct that the Student has been found to commit, and/or which they have admitted. Any sanction determined will be proportionate to the misconduct committed. Involvement in recurring/multiple incidents will result in a more stringent sanction – see [Annex 1](#).
- 10.9 The Student Conduct Manager must inform the Student in writing of the outcome within 15 working days from the complainant meeting, as well as details of any sanction to be imposed and details of how to appeal.

11 Right of Review for Outcomes Imposed for Minor Non-Academic Misconduct

- 11.1 A Student or Complainant may request a review against the outcome of a minor disciplinary hearing, or the imposition of any sanction by the Student Conduct Manager, by completing the Review/Appeal Form Against Decisions of Non-Academic Misconduct Proceedings This must be submitted to the Student Casework officer via email at student.conduct@buckingham.ac.uk within 10 working days of the date of the letter notifying the Student about the outcome of the investigation.
- 11.2 Any relevant evidence to be considered in the review must be submitted with, and at the same time as, the review form. It is the responsibility of the Student to gather and provide any such evidence.
- 11.3 The Registrar and Director of Professional Services, who has not participated in the original investigation and decision-making process and has no conflict of interest, must consider the review application. A review will be considered only where the Registrar and Director of Professional Services is satisfied that there is evidence that one or more grounds listed below apply:
- a) Procedural irregularity;
 - b) Bias, or failure to reach a reasonable decision in handling the process;
 - c) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation/hearing; and/or
 - d) That the sanction imposed was disproportionate to the offence.
- 11.4 Where there are grounds for review against minor non-academic misconduct, the Registrar and Director of Professional Services dealing with the review may undertake a review of the



papers **but will not re-hear the case or interview the Student**. The person dealing with the review must decide to:

- a) Uphold the original decision; or
 - b) Uphold the original decision but reduce the sanction;
 - c) Overturn the original decision and remove the sanction; or
 - d) In any case, in which new information is presented at the appeal stage causes The Registrar and Director of Professional Services to conclude that the offence is more serious than was originally considered, impose a greater sanction.
- 11.5 Where a request for review does not meet any of the grounds for review and/or is submitted out of time, the review may be dismissed, and the Student/Complainant notified as per 11.6 below.
- 11.6 The Student/Complainant will be notified of the decision within 10 working days of the receipt of the application for review by the reviewer.
- 11.7 Where a review is not upheld, a Completion of Procedures letter (COP) will be issued by The Student Conduct Team within 28 days of the date of the outcome. The COP will state that the Student/Complainant has exhausted the University's internal procedures and has the right to request a review of their case by the Office of the Independent Adjudicator (OIA).

12 Procedure for Major Offences

- 12.1 The investigator must provide a report of their investigation in writing to the Major Offences Panel (see Section 12.3).
- 12.2 Notes from any such meeting will be used as evidence and submitted to the Major Offences Panel (see Section 12.3).
- 12.3 A Major Offences Panel consisting of a Dean/Associate Dean and a Registrar will be convened to consider and decide the outcome of the case. No one shall be appointed to the Panel who has already been involved with the case, or who has close connections with the Student or any Complainant. The Dean/Associate Dean will normally act as the Chair to the panel who will have a casting vote in the event of a deadlock between panel members.
- 12.4 The Student will be invited to attend a hearing of which written notification will be sent to the Student's University email account at least 10 working days before the date of the hearing, **except that**, where the Major Offences Panel considers that there are exceptional circumstances, a hearing may be convened urgently, in which case the Student will be informed of the reasons for the expedited hearing of which they will be given not less than 5 days' notice.
- 12.5 The Student has the right to be accompanied by a Supporter as at [Section 5.9](#) above, and the rules set out in [Sections 5.10](#) and [5.11](#) will apply.
- 12.6 The Student may seek personal testimonials from relevant University staff members. Any such testimonial should be submitted to the Student Casework officer at least 5 days before the hearing in order that they may be circulated to the Panel. The Student will be provided in good time, and in any event not less than 3 days before the hearing (1 day in the case of an urgent hearing), with the report of any investigator appointed to investigate the case.
- 12.7 The Student Casework Officer will circulate the case documentation to the Panel and the Student not less than 3 days before the date of the hearing, unless the hearing is expedited, in which case the case documentation must be circulated at least 24 hours before the hearing.
- 12.8 If the Student fails to attend the hearing, the Chair, with the agreement of the other members of the Panel, may proceed with the hearing in their absence.
- a) The procedure at the hearing will be as follows:



- b) The members of the Panel will meet without the Student or the Student Conduct Manager, present;
 - c) The Student Conduct Manager and the Student (and any Supporter) will join the meeting; The Panel will summarise the alleged offence and any evidence collected;
 - d) The Student will be asked to make a statement in response to the alleged offence;
 - e) The Panel will question the Student;
 - f) The Panel will hear any further representations from the Student regarding evidence submitted. If during the meeting the Student provides new evidence, which had not been made available before, the Chair of the Panel will decide whether the meeting should be postponed for the new evidence to be considered, or whether to dismiss the evidence and continue with the Hearing. In making this decision, the Chair should consider why this new evidence was not available before, along with the circumstances under which it has been obtained.
 - g) The Student will be asked to make any concluding remarks;
 - h) The Panel will hear any further statement and/or concluding remarks from the Student Conduct Manager;
 - i) The Student Conduct Manager and the Student (and any Supporter) will be asked to leave the hearing. The Panel must then consider its decision and where relevant, make a recommendation to the Vice-Chancellor.
 - j) If video conferencing is used, permission will be sought for the interview to be recorded. Once the notes have been completed, the recording will be deleted.
- 12.13 Following the hearing, the Student will normally be notified of the outcome in writing via email within 15 working days of the date of the hearing. The notification will confirm the imposition, if appropriate, of one or more of the following sanctions:
- a) A written warning – which may also include the imposition of a behavioural contract and or a fine
 - b) A final warning – which may also include the imposition of a behavioural contract and/or a fine and/or eviction from University accommodation
 - c) A recommendation that the Vice-Chancellor (or a member of Council if the Vice-Chancellor believes there may be a conflict of interest) exercise the authority granted to them under the University Statutes 16.6e and Section 11.5 in the Scheme of Delegation to permanently expel the Student from the University, which includes expulsion from University facilities, grounds and premises.
- The panel will take into account in determining any sanction(s), any previous non-academic misconduct that the Student has been found to commit, and/or which they have admitted. Any sanction determined will be proportionate to the misconduct committed. Involvement in recurring/multiple incidents will result in a more stringent sanction – see [Annex 1](#).
- 12.14 The notification of the outcome to the Student must include any sanction imposed and the written record of the hearing.
- 12.15 The Complainant may request a review of the outcome of a Major Offences Panel. The request for review must be lodged within 10 days of notification of the outcome by completing the [Review/Appeal Form Against Decisions of Non-Academic Misconduct Proceedings](#). This must be submitted to the Student Casework Officer via email at student.conduct@buckingham.ac.uk. The review will be conducted by the Registrar and Director of Professional Services and an outcome will be issued within 28 days of receipt of the request. If the review is not upheld, a Completion of Procedures letter (COP) will be issued by the Student Conduct Team within 28 days of the date of the outcome. The COP will state



that the Complainant has exhausted the University's internal procedures and has the right to request a review of their case by the Office of the Independent Adjudicator (OIA).

13 Right of Appeal for Students against Outcomes Imposed for Major Non-Academic Misconduct

- 13.1 A Student may exercise the right to appeal against the outcome of a Major Disciplinary Hearing by completing the Review/Appeal Form Against Decisions of Non-Academic Misconduct Proceedings and submitting it to the Student Casework Officer via email at student.conduct@buckingham.ac.uk within 10 working days of the date of the letter notifying the Student of the outcome of the disciplinary hearing. Any evidence that the Student wishes to be considered in the appeal must be submitted with the appeal application. It is the responsibility of the Student to gather and provide any relevant evidence with their appeal.
- 13.2 The University will aim to resolve the appeal within 28 calendar days of receipt of the appeal and must inform the Student of any anticipated delays.
- 13.3 An appeal against a finding of major non-academic misconduct, or a sanction imposed in relation thereto, will be conducted depending on the sanction(s) imposed.
- 13.4 Section 13.7 governs appeals relating to decisions permanently to expel a Student from the University.
- 13.5 Section 13.10 governs appeals from cases in which any other sanction(s) has been imposed.
- 13.6 An appeal may be considered only where there is evidence that one or more grounds listed below apply:
- a) Procedural irregularity;
 - b) Bias, or failure to reach a reasonable decision in handling the process;
 - c) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation/hearing;
 - d) That the sanction imposed was disproportionate to the offence.
- 13.7 An appeal against a decision to recommend a permanent expulsion may be considered by a Major Appeal Panel (Expulsion), consisting of three independent members of Council who have not been involved in the previous proceedings and who do not have close connections with the Student or any Complainant. A member of the Student Conduct Team will be appointed as Secretary to the Appeal Panel and will record the proceedings.
- 13.8 The Major Appeal Panel (Expulsion) will appoint one of its members to act as Chair.
- 13.9 The Major Appeal Panel (Expulsion) must consider, based on the documents generated in the proceedings and submitted by the Student, whether the appeal application falls under one or more of the grounds in Section 13.6. If the Major Appeal Panel (Expulsion) agrees by a 2:1 vote or unanimously that one or more grounds apply, it will invite the Student to attend a meeting and must consider the appeal in line with [Section 14](#).
- 13.10 Any other application for appeal against a major offence finding may be considered by the Registrar and Director of Professional Services, or their nominee where there is a conflict of interest who, will consider, on the basis of the documents generated in the proceedings and submitted by the Student, whether the appeal application falls under one or more grounds of appeal in Section 13.6.
- 13.11 If the Registrar and Director of Professional Services or their nominee decides that the appeal falls within Section 13.6, the case will be referred to a Major Appeal Panel (other Sanctions), consisting of a Dean/Associate Dean and a Registrar who were not involved in the previous proceedings and who do not have close connections with the Student or any Complainant. In addition to the above members, the Student Conduct Team may also invite an independent health professional to join the panel where it is appropriate to do so.



- 13.12 The Major Appeal Panel (Other Sanctions) will hold a meeting as part of the proceedings, will invite the Student to attend such meeting, and will consider the appeal in line with [Section 14](#).
- 13.13 If the Registrar and Director of Professional Services or their nominee, or the Major Offence Appeal Panel (Expulsion) decides that the appeal does not fall within Section 13.6, the Student will be informed in writing of this decision and the reasons for it, within 10 working days from the submission of the appeal. A Completion of Procedures letter (COP) will be issued by Registry within 28 days of the date of the outcome. The COP will state that the Student has exhausted the University's internal procedures and has the right to request a review of their case by the Office of the Independent Adjudicator (OIA).

14 Procedures for Appeal Panels (Major Offences)

- 14.1 The Student must be informed in writing of the date of the hearing at least 10 working days in advance. The Student may agree to attend the hearing, but the Major Appeal Panel may proceed with the meeting in the Student's absence, or in the absence of such agreement. The hearing may be held in person or online.
- 14.2 The Chair or nominee of the Major Offences Panel (see [Section 12.6](#)) involved in the previous proceedings may be asked to attend the hearing.
- 14.3 The Student has the same right to accompaniment by a Supporter as at [Section 5.9](#) above, subject to the same condition as at [Sections 5.10](#) and [5.11](#) above.
- 14.4 Copies of all documents to be considered must be circulated to the Student, and the Major Appeal Panel members 5 working days prior to the hearing.
- 14.5 The hearing may begin with private discussions by the Major Appeal Panel to clarify matters of process.
- 14.6 The hearing shall then be conducted as follows:
- The Student (with any Supporter) and the Chair or nominee of the Major Offences Panel may be invited to join the hearing;
 - The Student must be invited to make his or her representations;
 - The Appeal Panel may question the Student;
 - The member of the Major Offences Panel should be invited to make representations on behalf of the Major Offences Panel;
 - The Major Appeal Panel should question the member of the Major Offences Panel;
 - Once all questions have been asked and answered, the member of the Major Offences Panel should be invited to make any closing remarks;
 - The Student may be invited to make any closing remarks;
 - The Major Appeal Panel must end the meeting to consider its decision.
- 14.7 The Major Appeal Panel may:
- Uphold the original decision and sanction imposed;
 - Uphold the original decision but reduce the sanction imposed;
 - Overturn the original decision and invalidate the sanction imposed; or
 - Impose a greater sanction (in any case in which new information presented at the appeal stage causes the Major Appeal Panel to conclude that the offence is more serious than was originally considered).
- 14.8 The Student will be informed of the outcome of the appeal in writing within 5 working days. Confirmation of the outcome of the appeal will also be sent to the complainant. The outcome letter should state the decision of the panel and any recommendations that have been made.
- 14.9 Where the appeal is not upheld, a Completion of Procedures letter will be issued by Registry within 28 days of the appeal outcome. The COP will state that the Student has exhausted the University's internal procedures and has the right to request a review of their case by the Office of the Independent Adjudicator (OIA).



15 Non-academic Offences and Criminal Investigation

- 15.1 The University must cooperate with any police investigation related to a case of non-academic misconduct.
- 15.2 In any case in which alleged non-academic misconduct is subject to police investigation:
- a) any internal procedures relating to the alleged non-academic misconduct must be suspended until the police investigation and (if relevant) any criminal proceedings are complete;
 - b) The University may impose precautionary or preventative measures where necessary to protect and/or to discharge its legal obligations to students, staff and/ or the wider community (see [Section 16](#));
 - c) The Student Conduct Manager responsible for the case should make regular contact with the Student and/or the police;
 - d) The Student must be under a duty to keep the Student Conduct Manager informed of any developments in the police investigation and any criminal proceedings.
- 15.3 In any case in which a student is convicted of a criminal offence in connection with matters which may fall within the scope of this policy and these procedures, the following should apply:
- a) If the student is sentenced to a period of imprisonment which has the effect that the student is unable to attend the University, his or her studies may be temporarily suspended pending the outcome of any disciplinary procedure;
 - b) Automatic withdrawal from study in cases of imprisonment for more than 12 months
 - c) [Other than in a case of automatic termination], the Student Conduct Manager should determine whether the offence(s) amount to a breach of the University's Regulations falling within the scope of this policy and these disciplinary procedures;
 - d) In the event of a conviction for non-academic misconduct falling within the scope of this policy and these procedures, the Student Conduct Manager should determine whether the misconduct amounts to a major or minor offence.
 - e) Conviction shall be taken as conclusive evidence that the alleged offence has occurred, with the effect that the University will not carry out its own investigation.
 - f) The relevant disciplinary procedure must be followed to determine sanctions, adjusted if necessary to take account of any inability on the Student's part to attend.
 - g) In determining any sanction to be imposed on a Student who has been convicted of a criminal offence, the focus of those determining sanctions should be on:
 - i Any risk posed by the Student to other students and members of staff;
 - ii Any negative impact the Student's misconduct may have, or have had, on the University's reputation;
 - iii Whether the Student's misconduct prevents or interferes, or has prevented or interfered, with the normal operations of the University;
 - iv Whether the Student's misconduct has impacted negatively on the University's relationship with the local community, key individuals, agencies or stakeholders.
 - h) In determining any sanction to be imposed, consideration will also be taken of any criminal sanction imposed on the Student.
- 15.4 In any criminal case in which a Student is acquitted of criminal charges related to matters that may fall within the scope of this policy and these procedures, the Student Conduct Manager will consider whether there is evidence based on which the Student could be found to have committed non-academic misconduct. In reaching this decision, the Student Conduct Manager shall proceed on the basis that the acquittal will be taken as conclusive evidence that the Student has not committed any criminal offence of which they have been acquitted.



15.5 If the Student Conduct Manager considers that there is such evidence, they will consider whether the possible misconduct would amount to a major or minor offence and will advise the Registrar and Director of Professional Services accordingly.

15.6 No disciplinary action should normally be taken in such a case without the authorisation of the Registrar and Director of Professional Services, who will take into account the impact on the Student of the criminal proceedings resulting in the acquittal in determining whether any disciplinary procedures should be initiated.

16 Precautionary/Preventative Measures

16.1 In any case in which a Student is alleged to have committed non-academic misconduct, or is being investigated by the police in connection with any criminal offence, or has been charged with or convicted of any criminal offence, the Student Conduct Manager should carry out a risk assessment to determine:

- a) Whether the nature of the alleged non-academic misconduct, the circumstances in which it is alleged to have occurred, or any other circumstances have the effect that the Student poses an unacceptable risk to any other member of the University's community or to the wider community by reason of his or her continued attendance at the University (or at any other place in connection with his or her studies at the University);
- b) Whether the Student's continued attendance at the University (or at any other place in connection with their studies at the University) may pose an unacceptable risk to the Student them self;
- c) Where the Student's continued presence within the University, or attendance at the University (or at any other place in connection with his or her studies at the University), may prevent and or jeopardise any investigation into the Student's alleged misconduct.

16.2 In carrying out any risk assessment, the Student Conduct Manager may take into account the views of any Complainant and other relevant parties.

16.3 The Student Conduct Manager may decide, after conducting the risk assessment above, that:

- a) The Student must be required to agree in writing to specific conditions under a precautionary/preventative contract as a condition of continued attendance. Such a contract will not be considered as a sanction. The imposition of a requirement that a Student enter such a contract will not indicate any presumption that the Student is guilty of the alleged non-academic misconduct;
- b) A request must be made to the Registrar and Director of Professional Services (in the case of misconduct amounting to a major offence) or the Assistant Registrar Student Administration (in the case of misconduct amounting to a minor offence) to exercise the authority granted under University Statutes to suspend the Student from any class or classes and/or to exclude the Student from any or all of the University's grounds and premises. No such exclusion will indicate any presumption that the Student is guilty of the alleged non-academic misconduct.

16.4 Any contract imposed under Section 16.3(a) will clearly outline the restrictions imposed on the Student. Such restrictions should relate to the Student's access to University premises or facilities; to their contact with another student or students; and/or to their discussion of disciplinary proceedings with fellow students.

16.5 Any decision by the Registrar and Director of Professional Services or the Assistant Registrar Student Administration pursuant to a request made under Section 16.3(b) must be subject to regular review at periods of no more than three months where proceedings have not yet concluded, with consideration being given to any relevant changes in the circumstances.

16.6 The Student must remain under a duty to keep the University informed of any changes in their circumstances, including during any period of suspension, and to cooperate with the University.



- 16.7 Failure by the Student to adhere to the terms of any contract imposed under Section 16.3(a) must be dealt with as an act of non-academic misconduct and may be subject to sanction under this policy and these procedures, and /or to a request under 16.3(b).
- 16.8 Any decision to impose a contract on the Student pursuant to Section 16.3(a), and any decision of the Registrar and Director of Professional Services or the Assistant Registrar Student Administration to exercise the authority referred to in Section 16.3(b) above, together with the reasons for such a decision, should be communicated verbally to the Student in the first instance.
- 16.9 Where such a decision has been communicated verbally, written confirmation of the decision and the reason for this decision will be emailed to the Student's University email address within 2 working days of the verbal communication.

17 Reporting and Monitoring

- 17.1 Records of minor and major offences must be held by the Student Conduct Manager.
- 17.2 Information in respect of disciplinary offences must be reported as necessary to the relevant School, University's service(s) and/or Regulatory Body.
- 17.3 The Student Conduct Manager should compile an annual report of all minor and major non-academic misconduct cases for submission to Senate and RACC at the end of each calendar year.



Annex 1 – Misconduct, Outcomes and Policies

This Annex provides guidance on the type of conduct falling within the scope of the Non-Academic Misconduct Policy and Procedures. Any previous findings of misconduct made against a Student may be taken into account when determining what sanctions should be imposed in relation to subsequent misconduct.

The examples of unacceptable behaviour listed below are not exhaustive and the University may bring action in relation to other unacceptable behaviour.

Example of misconduct
Physical Misconduct
<ul style="list-style-type: none"> • Punching • Kicking • Slapping • Hair pulling • Biting • Pushing • Shoving
Sexual misconduct
<ul style="list-style-type: none"> • Sexual intercourse or engaging in a sexual act without consent • Attempting to engage in sexual intercourse or engaging in a sexual act without consent • Sharing private sexual materials of another person without consent • Kissing without consent • Touching inappropriately through clothes without consent • Inappropriately showing sexual organs to another person • Repeatedly following another person without good reason • Making unwanted remarks of a sexual nature
Abusive Behaviour
<ul style="list-style-type: none"> • Threats to hurt another person • Abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age • Acting in an intimidating and hostile manner • Use of inappropriate language • Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person
Other bullying or harassment
<ul style="list-style-type: none"> • Behaviour that is unwelcome, uninvited and causes a detrimental effect • Verbal aggression • Using discriminatory language



Damage to Property
<ul style="list-style-type: none">• Causing significant damage to University property or the property of students or employees of the University or visitors to the University• Causing minor damage to University property or the property of students or employees of the University or visitors to the University
Unauthorised Taking or Use Of Property
<ul style="list-style-type: none">• Unauthorised entry onto or unauthorised use of University premises• Taking property belonging to another without permission• Misuse of University property (for example computers and laboratory equipment)
Drugs
<ul style="list-style-type: none">• Dealing/Supplying of illegal drugs• Possession/use of illegal drugs and dangerous substances
Alcohol-related behaviour / Causing a Health or Safety Concern
<ul style="list-style-type: none">• Behaviour which may endanger the health, safety or wellbeing of other students, staff or University property• Act/omission that caused or could have caused a health and safety concern on University premises or during University activities (for example, disabling fire extinguishers)
Operational Obstruction
<ul style="list-style-type: none">• Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University• Behaviour which has damaged or could have damaged the reputation of the University
Misconduct in accommodation
<ul style="list-style-type: none">• Smoking/Vaping within University accommodation• Excessive noise - Noise nuisance between the hours of 11.30pm – 07.30am / Instances of noise complaints specifically between the hours 10.00pm – 07.00am within designated quiet accommodation• Possession of Candles (either lit or unlit) in University accommodation• Non-compliance with fire drills• Causing a health or safety concern - Tampering with smoke alarms/fire equipment/fire alarms, or any other health and safety concern



Potential outcomes for minor / major cases

Potential case outcomes	Minor offences	Major offences	Misconduct in accommodation
Verbal Warning	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Written Warning – which may include the imposition of a behavioural contract and/or a fine	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Final Warning – which may include the imposition of a behavioural contract and/or a fine and/or eviction from University accommodation		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendation for permanent expulsion		<input checked="" type="checkbox"/>	

Involvement in recurring/multiple incidents will result in a more stringent sanction. Any sanction decision will remain on record for the duration that the student is registered at the University. During such time, a student will be permitted a maximum of two verbal warnings, two written warnings and one final warning before escalation to recommendation for permanent expulsion.

Author: Joanna Jackson

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Related Documents:

- University of Buckingham General Regulations for Students
- University of Buckingham Student Bullying and Harassment Policy
- University of Buckingham Equality, Diversity and Equal Opportunities Policy
- University Whistleblowing Policy
- MB ChB Concerns Group Code of Practice
- MB ChB Fitness to Practise Code of Practice