

# Procedure

## Student Disciplinary Procedures

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### Forms and templates

- Form 1 – Template allegation form
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- Form 3 – Letter to inform student of allegations (Internal use only)
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- Form 5 – Outcome letter major misconduct (Internal use only)
- Form 6 – Referral to panel letter gross misconduct (Internal use only)
- Form 7 – Student disciplinary appeal form
- Form 8 – Completion of Procedures letter (Internal use only)

Note: Hyperlinks have been provided for ease of reference. For other documents please see the Policies page on the main University website (<http://bucks.ac.uk/about-us/governance-and-policies/policies>)

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## Introduction

- 1 Students are members of the University community. Their actions can have an impact on the safety and operation of that community. The student disciplinary process exists to address situations where a student's behaviour has fallen below acceptable standards.
- 2 It is the responsibility of the Academic Registry to monitor and review the procedures to ensure they are fully effective and consistently applied across the University.
- 3 Along with other student related procedures, the Office of the Independent Adjudicator (OIA) is the final appeal body for students who have been subject to disciplinary processes.

## General principles

### Student awareness

- 4 Students need to be aware from the point of application to graduation what is expected of them in terms of behaviour in all areas of their study – this includes on campus, off campus, on placement and in University accommodation.

### Scope

- 5 This procedure applies to all Bucks New University students, including degree and higher degree apprentices.

Note: Where this document refers to 'students' this will include degree and higher degree apprentices unless specified otherwise.

### Jurisdiction

- 6 These procedures normally apply to misconduct which takes place on the University's premises. They also apply to misconduct which may take place on sites temporarily used by the University for teaching or examinations and to any misconduct on University sponsored or arranged placements, visits or study trips.
- 7 The accommodation contract that a student signs when taking a tenancy with the University includes certain expectations regarding behaviour. The Accommodation Manager will normally deal with matters of misconduct within the tenancy contract. However on occasion (e.g. cases of persistent or gross misconduct) such matters may be referred to these procedures.
- 8 Where the student is enrolled on a course based at a partner institution, the partner institution's own disciplinary procedures should be used in the case of minor misconduct, unless the partner institution has reached an agreement with the University that this is not the case. Major and gross misconduct matters will be dealt with under the University procedures, in conjunction with the partner institution. Further advice and guidance on this can be sought from the Academic Registry.
- 9 The University will not normally take disciplinary action towards students acting in their personal capacity in their own homes, or in public places away from the University's premises. The exception to this will be where the student's behaviour is serious

enough to warrant concern. Examples may include: the police being called to an incident, serious assault on others, anti-social behaviour, or where the student's behaviour may impact on the University population, or the University's reputation.

- 10 The University recognises that it is not placed to undertake a criminal investigation. It will, however:-
  - co-operate fully with any associated Police investigation and subsequent legal proceedings.
  - establish separate disciplinary proceedings where such measures are indicated by the behaviours and circumstances.
  - at no time undertake any investigations or actions which may impact on any police investigation.
    - hence, disciplinary action may run in parallel to risk assessment processes, although the two processes are independent, but in the event of a police investigation, University disciplinary proceedings will be placed on hold.
    - in that event, the process of risk assessment may continue despite the police investigation because the University feels that this is a reasonable and proportionate way of discharging its duty of care to all concerned.
- 11 If internal disciplinary proceedings are placed on hold it should be noted that in some instances this could be several weeks or months, especially in cases where a police investigation is taking place.
- 12 Where students are accessing the University's computer network from home or elsewhere, or representing the University in any way or are otherwise identifiable and potentially able to bring the University into disrepute, the University will normally take action if it receives an allegation and appropriate evidence.
- 13 The University's policies, regulations and procedures, including health and safety and emergency procedures, as well as the Learning Partnership Agreement, are published on the University's website and are available to students at the time of their admission and during the course of their studies. Taken together these documents provide a guide as to what constitutes **good conduct** under the contract that students have formed with the University.
- 14 These procedures do not normally cover alleged misconduct which took place in the Students' Union, or at a Students' Union event or activity. In that case the Students' Union's own disciplinary procedures should be used. An exception to this may be where criminal activity, including sexual violence, is alleged to have taken place.
- 15 Where the allegation concerns cheating, collusion or plagiarism the regulations for *Academic Misconduct* must be used.
- 16 If a student believes they have been the subject of bullying or harassment they should refer to the *Student policy - harassment and bullying* and the *Student complaints procedures*.
- 17 Where the allegation leads to evidence of the student having mental health problems, which affects their behaviour, consideration should be given to whether the *Fitness to study procedures* should supersede the Disciplinary Procedure. For advice and guidance on this, please contact the Director for Student Success.

- 18 Where a student is undertaking a professional course, and the allegation leads to evidence of the student's behaviour having an impact on their professional standing, consideration should be given to whether the *Fitness to practise procedures* should supersede the Disciplinary Procedure.

### **Fairness of the process**

- 19 A written record will be kept of all meetings and telephone calls and retained in a confidential file.
- 20 Whilst every effort to work within the published timescales will be made, where necessary timescales may be extended, as long as all parties are updated on the progress of the investigation on a regular basis.
- 21 The University will be as transparent as possible regarding disciplinary investigations. Requests for access to certain documents will be considered within the boundaries of the Data Protection Act 1998 or the Freedom of Information Act 2000.
- 22 Investigations into allegations will be carried out in a timely, objective and thorough manner, and any judgement made will be on the basis of the evidence provided by all parties.
- 23 Investigating officers, Disciplinary Managers and Disciplinary Panel members must ensure they act in an unbiased manner and do not make any prior judgments about a case before it is investigated.
- 24 Appropriate support will be offered to the alleged perpetrator, such as referral to the Counselling Service and arrangements to undertake examinations etc.
- 25 No disciplinary penalty may be applied to a student unless the allegation has been fully investigated and the Disciplinary Manager or panel has confirmed the penalty.
- 26 The student must be allowed the right to respond to any allegations. Every effort should be made to ensure the student understands their rights and does make a response, even if it is only to confirm they have no comment to make. The student must be allowed access to all of the evidence the University has in respect of the case.
- 27 The University will provide appropriate training and support to investigators, disciplinary managers, and panel members.
- 28 The University must ensure that the student is provided with all of the evidence to be used at a panel hearing.
- 29 Individuals acting as investigating officers should not be involved in the decision making at panel stage.
- 30 The outcome of the investigation and/or panel hearing should detail the facts proven, the reasons why the determination was made, and the reason for any penalty applied.

### **Confidentiality**

- 31 From beginning to end the procedures must be operated within the limits of strict confidentiality and involve the minimum number of individuals.
- 32 Persons who make a complaint about student misconduct, or those who make allegations which are later found to be true, must be informed at the end of the process that appropriate action has been taken. They will not be entitled to detailed information

on outcomes. The Disciplinary Manager may arrange to meet with the complainant in some cases. If in doubt, please contact the Governance & Quality Unit in Academic Registry for advice and guidance.

- 33 In certain circumstances involving degree or higher degree apprentice/s the University may inform the employer. In that case, the student will be informed that this will happen.

## Setting standards of conduct

- 34 The *Learning partnership agreement* includes standards of behaviour for students. The breach of some standards would not normally be expected to lead to disciplinary actions, for example failing to attend one class. However causing damage to University property would be a breach of that agreement.
- 35 The *Regulations for the use of computing facilities at Buckinghamshire New University* set standards for student use of computing facilities, breach of which may lead to disciplinary action.
- 36 Certain professional courses (such as Nursing, Social Work, Pilot training etc.) may have additional codes of conduct, please refer to the course handbook or course leader for more information.
- 37 The University has zero tolerance towards those whose behaviour is considered to be unacceptable and will take action to protect its staff.
- 38 The University's definition of unacceptable behaviour includes communicating with the University in a malicious, vexatious or aggressive manner for example:
- Making frivolous complaints, or multiple complaints regarding the same subject
  - Acting in a threatening manner either verbally, through an e-mail or by letter
  - Making claims that are knowingly false or unfounded.
- 39 If the behaviour of a complainant is unacceptable the University will normally tell the complainant why their behaviour is considered unacceptable and give them an opportunity to amend it. If the behaviour continues, the University will take action.
- 40 Action that may be taken may include but is not limited to:
- requesting contact in a particular form (for example letters only);
  - requiring contact to take place with a named person;
  - restricting telephone calls or emails to specified days and times;
  - asking the complainant to appoint a representative to correspond with us;
  - asking the complainant to enter into an agreement about their conduct.
- 41 Where a complainant continues to behave in a way considered to be unacceptable, the student may be referred under the University disciplinary procedure and/or the University will cease consideration of the case and issue a completion of procedures (CoP) letter.
- 42 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the University will consider reporting the matter to the Police or taking legal action.

## Categories of misconduct

- 43 The University has defined a system of three levels of misconduct: **minor**, **major** and **gross misconduct**. This is designed to empower all staff to address minor breaches of behavioural standards, ensure a fair but swift resolution of more serious breaches, and involve a panel only where gross misconduct is alleged, and if the allegations are proven may lead to suspension or exclusion from the University.
- 44 Matters relating to allegations of sexual violence will be considered under the levels of gross misconduct.
- 45 The table on the following pages suggests definitions within each category. This list is not exhaustive. Guidance can be sought on categories of misconduct from the Governance & Quality Unit.
- 46 Repeat or consistent breaches of conduct could lead to further disciplinary action.

**Table 1: Table of definitions, examples and suggested penalties (not exhaustive)**

	<b>Definition</b>	<b>Examples</b>	<b>Determining body</b>	<b>Suggested penalties</b>
<b>Minor Misconduct</b>	Behaviour which is annoying but has a small or temporary impact on the community	<p>Talking in, or being late for, lectures resulting in disturbance to others</p> <p>Making significant noise or disruption outside of classrooms</p> <p>Dropping litter</p> <p>Suspected of being under the influence of alcohol or drugs on campus, not having a significant impact on others</p> <p>Behaviour likely to disturb other students in the Library (i.e. eating, use of mobile phone etc)</p> <p>Anti-social behaviour in the community, for example excessive noise, parking in access areas, not ensuring litter is collected appropriately</p> <p><b>Nursing and ODP students only</b> - When travelling to and from the University, travelling to placement or on community placement uniform must be covered at all times.</p>	Any member of staff	<p>The behaviour should be addressed firmly and directly by the member of staff witnessing the behaviour.</p> <p>If the student(s) are unresponsive to the informal reprimand then the matter should be taken up as major misconduct</p>

	Definition	Examples	Determining body	Suggested penalties
<b>Major Misconduct</b>	Behaviour which has a significant impact or has the potential to have a significant impact on the community	<p>Breach of health and safety regulations i.e. interfering with fire equipment, failure to evacuate etc. or other unsafe behaviour</p> <p>Damage to University or placement provider property (up to the amount of £1000)</p> <p>Limited breach of use of computing facilities regulations</p> <p>Failure to respond to a reasonable instruction by a member of staff (including to desist in minor misconduct)</p> <p>Repeated instances of anti-social behaviour in the community, for example excessive noise, parking in access areas, litter not being collected appropriately. Being disruptively under the influence of alcohol or drugs on campus or in University accommodation</p> <p>Running a business on University property without the written permission of the Vice Chancellor</p> <p>Making offensive comments to or about members of the University, and/or making or publishing audio or visual recordings of members of the University (staff and students), without their consent and with the intention to cause distress or harassment. This will include the inappropriate use of social media, such as Facebook, Twitter etc.</p> <p>Dishonesty and fraud in relation to the University or placement provider – where the consequences may be relatively limited</p>	<p>Designated 'Disciplinary Manager' depending on type of misconduct:</p> <ul style="list-style-type: none"> <li>• General - Head of School</li> <li>• Computing facilities – Head of IT</li> <li>• Library facilities – Library Manager</li> <li>• Accommodation – Accommodation Manager</li> <li>• Off campus conduct – Director for Student Success</li> <li>• Other – Director of Estates</li> </ul>	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• Requirement to write a letter of apology</li> <li>• Payment of compensation i.e. to pay for repair of property</li> <li>• Community service or other form of reparation</li> <li>• Written warning that repeat of behaviour would be considered gross misconduct</li> <li>• Period of suspension from the University not exceeding one month</li> <li>• Another penalty the Disciplinary Manager feels appropriate in the circumstances</li> </ul>

	Definition	Examples	Determining body	Suggested penalties
<b>Gross Misconduct</b>	Behaviour which represents a fundamental breach of behavioural standards	<ul style="list-style-type: none"> <li>• Major damage to University or placement provider property (over the amount of £1000)</li> <li>• Theft of University or placement provider property</li> <li>• Dishonesty and fraud in relation to the University (i.e. falsifying or misrepresenting education qualifications, financial information) which may have significant impact on the University or its members, OR where the student may gain significant benefit from the fraudulent behaviour</li> <li>• Major breach of use of computing facilities regulations</li> <li>• Possession of illegal substances on University or placement provider’s premises (including accommodation)</li> <li>• Offensive, slanderous, harassing, threatening or dangerous behaviour towards another person, face to face</li> <li>• Any incidents of sexual violence</li> <li>• Making offensive comments to or about members of the University, and/or making or publishing audio or visual recordings of members of the University (staff and students), without their consent and with the intention to cause significant distress or harassment, by electronic means. This will include the inappropriate use of social media, such as Facebook, Twitter etc.</li> <li>• Any criminal activity on University or placement provider’s property</li> <li>• Serious criminal activity off University property, in particular any crimes involving violence.</li> <li>• Behaviour likely to bring the University into disrepute, including serious cases of anti-social behaviour in the local community</li> </ul>	Disciplinary Panel	<p>Any penalty available for major misconduct plus:</p> <ul style="list-style-type: none"> <li>• Exclusion (involuntary suspension) for a specific time period</li> <li>• Expulsion</li> </ul>

## The process

See: Appendix 1: Student disciplinary process diagram

### Minor misconduct

- 47 Any member of staff who witnesses inappropriate behaviour should address the issue without delay.
- 48 If the student(s) are unresponsive to the informal reprimand then the matter should be taken up as major misconduct.

### Major or gross misconduct

#### Making an allegation

- 49 Information about student misconduct may come from a range of sources – University employees, other students, University contract staff (such as Security), the police, members of the public, etc.
- 50 It is important that all members of the University understand their responsibility in passing this information on to an appropriate member of staff, who will make the formal allegation.
- 51 Generally the allegation will need to be made by a person (one or more may apply):
- who has witnessed the misconduct or been the 'subject' of misconduct
  - who discovered evidence of the misconduct
  - who has received the allegation from an external person
  - who has taken a disclosure of sexual violence from a student
- 52 Within **10 days** of the incident, all such allegations must be made in writing (email is acceptable), be dated and include the full name, job title and department of the person making the allegation. Additional evidence should be included in an appendix (e.g. a written statement from the external person drawing this to our attention).
- 53 The person making the allegation should ensure they understand the following **before** the allegation is submitted:
- the disciplinary procedure
  - the possible outcomes
  - the allegation, investigation report and associated statements and evidence will be seen by the person the allegations relate to
  - the person making the allegation cannot remain anonymous
  - they may be asked to attend a disciplinary hearing as a witness, and the person the allegations relate to is permitted to question them during the hearing
  - the limitations of a University investigation
- 54 See **Form 1** for a template allegation report.
- 55 See **Form 2** for a template witness statement.
- 56 Anonymous allegations will not normally be considered unless they are accompanied by clear and verifiable documentary evidence which points to misconduct – in which

case the person in receipt of the information will be considered to have 'discovered evidence of misconduct'.

- 57 Within 10 days of the incident the completed allegation form and associated evidence should be sent in the first instance to the Governance & Quality Unit – see Appendix 3: Useful contacts for contact details.
- 58 The Governance & Quality Unit will refer the investigation to a Disciplinary Manager, who will appoint an appropriate employee to carry out an investigation into the allegation. The investigating officer will have had no previous involvement in the subject matter of the allegation. The Governance & Quality Unit will offer advice and guidance on any aspect of the procedure as required. The Governance & Quality Unit will not carry out investigations or act as a Disciplinary Manager.
- 59 The University considers it to be of great importance that a thorough and unbiased investigation is carried out.
- 60 If an allegation is sent directly to the Vice Chancellor or another member of the Senior Management Team, they will refer it to the Governance & Quality Unit in the first instance.

### **Students who are potentially causing danger to others**

- 61 If the student is on campus and is causing danger to anyone, the witness is asked to call the University's security employees on extension 5070 (HW) or 4401 (Uxbridge) or via Switchboard or Gateway Reception 3399 or Uxbridge Reception 4470 or the security point in residences who may, after brief investigation, telephone the emergency services. If necessary, the witness should contact the emergency services directly. If the student appears to be violent, dangerous or very disturbed, the witness should not approach them, but wait for the appropriate support to arrive.
- 62 If the student is not causing any danger to anyone but appears to have a physical or mental health problem or a disturbed state of mind which is affecting their behaviour, the person who experiences or witnesses this conduct, should act as under paragraph 47 above but consideration is then given to whether the *Fitness to Study Procedures* are then followed. The Director for Student Success, the Disability Service or Counselling Service can advise further on how discretion can be exercised in this regard.

### **Temporary exclusion**

- 63 Temporary exclusion of a student pending completion of disciplinary procedures may be considered in certain circumstances, such as a violent assault which resulted in police intervention.
- 64 It should be noted that in itself temporary exclusion from the University is not intended to be a penalty, although it may have consequences for the student which are unavoidable.
- 65 On the basis of an allegation, if the Governance & Quality Unit or appointed Disciplinary Manager considers that there is a risk of immediate or continuing danger to others, or disruption of the University's normal operations because of the nature of the student's behaviour, they may make a recommendation that the student is

temporarily excluded from all or part of the University's premises, including residential accommodation<sup>1</sup>.

- 66 The same procedure also applies to practice placements and other off-campus learning locations in which case the student may be suspended from the placement / learning setting and all or part of the University's premises, including residential accommodation. Please note – the Fitness to Practise procedure should be referred to regarding students on certain professional courses.
- 67 The Governance & Quality Unit or Disciplinary Manager will write a report and complete the 'Temporary Exclusion form'. The report will include details of the alleged misconduct, and be supported by any evidence which might be available. It will conclude with a recommendation for temporary exclusion and request for authorisation.
- 68 In making any recommendations they should take into account any examination attendance or assignment deadline that may apply to the student. If necessary, it should be explored whether special arrangements can be made in order for the student to attend exams or submit assignments. This may not always be possible.
- 69 The report will be submitted to one of the following, who will consider the report and recommendations, and confirm their decision within one working day. Those who can authorise temporary exclusion are:
- Head of School
  - Director of Estates
  - Director of Finance
  - A nominee of any of the above
- 70 Once approval is confirmed the Governance & Quality Unit will take the appropriate action to ensure the temporary exclusion is applied to the student's record, and will inform the student in writing of the decision and any conditions which apply. (N.B. If approval is not confirmed no further action will be taken.

### Right of Appeal

- 71 A student may submit an appeal against the temporary exclusion on the following grounds:
- Material procedural irregularity
  - Disregard of material evidence
  - New evidence has become available
  - Demonstrable bias or prejudice

An appeal must be submitted within 10 working days from the original decision in writing, and addressed to the Governance & Quality Unit at [resolution@bucks.ac.uk](mailto:resolution@bucks.ac.uk). It will be recommended to the student they seek help and support from the SU Advice Centre in submitting an appeal.

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<sup>1</sup> Note – students **cannot** be evicted from University Accommodation without following due process. Please contact the Accommodation Manager for advice and guidance.

- 72 The Governance & Quality Unit will undertake a prima facie review of the appeal to confirm it is eligible under the grounds mentioned in 69 above. If so, it will be referred to an Appeal Manager, who will be one of those mentioned in 67, but not the person who made the original decision, for consideration.
- 73 The Appeal Manager will inform the Governance & Quality Unit of their decision whether or not to uphold the appeal along with the reasons for that decision. The Governance & Quality Unit will inform the student of the outcome, and take any necessary actions.

### **Review of decision**

- 74 The decision to temporarily exclude a student will be reviewed every four weeks from the date of the original decision. If there have been any changes in circumstances since the original decision the Governance & Quality Unit will prepare a short report of the current situation highlighting those changes. The report will be referred to the person who made the original decision (or their nominee if they are unavailable). The review will not involve a hearing, but the student shall be entitled to submit a written statement for consideration. If there have been no changes in circumstance the suspension will remain in place for a further four week period.
- 75 If new information or evidence is made available which may have a material effect on the temporary exclusion, a review will be undertaken as soon as possible, and will not wait for the four week review.

### **Carrying out the investigation**

- 76 An investigation does not assume the allegation is true, but all incidents of major and gross misconduct must be fully investigated to determine what, if any, formal action needs to be taken.
- 77 See **Form 3** for a template letter to inform the student of the allegations and invite them to respond.
- 78 Normally the subject of the investigation will be invited to a meeting to discuss the allegations and make a response. They will also be required to submit a written response.
- 79 In some cases, other witnesses will also be interviewed, and required to submit written statements.
- 80 Notes of all meetings and interviews must be emailed to the participant/s for approval as an accurate record.
- 81 The purpose of an investigation is to:
- Confirm the conduct in question falls under the remit of the disciplinary procedure and classify whether it is minor, major or gross misconduct.
  - Identify and collate the relevant information, this will include gathering witness statements and other evidence.
  - Make a recommendation about any further action to be taken.
- 82 The investigation needs to determine whether there is a case to put forward to the Disciplinary Manager and/or panel and what specific matters need to be considered.

- 83 If the student does not co-operate with the investigation, the procedure will still go ahead, and the student must be informed that this will happen.

### Investigation report

- 84 The investigation should result in a report which will outline:
- a summary of the allegation
  - what happened during the investigation (i.e. witness statements, meetings etc.)
  - how the misconduct may impact on an individual, a group or the University as a whole
  - the category of misconduct
  - recommendation for next steps
- 85 The report should be submitted to the Disciplinary Manager within 20 days.
- 86 All interview notes, emails and other correspondence, and evidence considered in the process of the investigation must be submitted with the report, in clearly marked appendices.
- 87 See **Form 4** for a template investigation report.
- 88 The Disciplinary Manager will review the report and determine whether, **on the balance of probabilities**:
- a there is no case to answer and the matter should not be pursued
  - b that it should be pursued under another procedure
  - c if the matter is to be pursued under this procedure, whether the outcome can be determined by the Disciplinary Manager
  - d the matter constitutes gross misconduct and requires referral to a panel
  - e the allegation is frivolous, malicious or vexatious in which case it will not be pursued and a disciplinary allegation may be made against the individual making the allegation – staff or student.

### Decision by Disciplinary Manager (major misconduct)

- 89 The Disciplinary Manager should make their decision based on the findings of the investigation report, and other evidence provided, and take the next steps within 5 days of receiving the investigation report. The Disciplinary Manager is expected to exercise their own judgment in making those decisions. See **Forms 5** and **6** for template letters for use by the Disciplinary Manager. In some circumstances the Disciplinary Manager may use their discretion in whether the investigation needs to be continued further. If all of the evidence and notes are not included in the report, it will be returned to the investigating officer for amendment.
- 90 In the case of:
- (a) no case to answer**, the Disciplinary Manager should write to the student to confirm the outcome, and include reasons for the decision.
  - (b) it should be pursued under another procedure**, the student should be given clear information about what will happen next. In that instance it is the responsibility of the Disciplinary Manager to ensure the matter is referred to the next stage appropriately.

**(c) the matter is one of minor or major misconduct**, the Disciplinary Manager should write to the student with the outcome, and confirm any penalties applied. The letter must include information about the student's right to appeal. They may also offer advice to student with regard to their future conduct.

**(d) the matter is one of gross misconduct**, if the Disciplinary Manager finds the case meets the threshold for referral to a panel they must write to the student to inform them that the matter is being referred to a disciplinary panel hearing. A timeline should be included within the letter. The Disciplinary Manager must immediately refer the case to the Governance & Quality Unit who will arrange the panel hearing.

**(e) the allegation is vexatious**, the Disciplinary Manager should write to the student to confirm the outcome of the investigation. The Disciplinary Manager is responsible for ensuring the matter is referred to the next stage appropriately.

- 91 A copy of the investigation report will also be sent to the student with the above communications.
- 92 The Disciplinary Manager must keep the Governance & Quality Unit updated at regular intervals during, and at the conclusion of, the investigation.

### **Decision by a disciplinary panel (gross misconduct)**

- 93 Only cases of gross misconduct, which may result in exclusion or suspension will be considered by a panel.

### **Preparing for a panel hearing**

- 94 Every effort will be made to ensure an appropriate balance of panel members. (i.e. representatives of each Faculty, attention to gender and other characteristics)
- 95 A panel will comprise:
- A senior member of staff, such as a member of SMT, Head of School or Director of Service who will act as Chair (see attached list)
  - Two further senior members of staff
  - SU Sabbatical officer (not required for panel to be quorate)
- 96 Others who will attend the hearing:
- The student
  - The Disciplinary Manager<sup>2</sup>
  - Any witnesses either of the above wish to call
- 97 Exclusion from the University requires ratification by a member of the Senior Management Team (SMT). If the panel does **not** include a member of SMT, the Chair of the panel will forward the outcome and recommendation of the panel to a member of SMT for ratification within 5 days of the panel hearing.
- 98 The Governance & Quality Unit will appoint a secretary to the panel within 5 days of receiving the investigation report and other documents, and will offer support and guidance to them. The Governance & Quality Unit will confirm the panel members and

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<sup>2</sup> The Disciplinary Manager **must** attend the hearing to present the investigation report to the panel. If they are unavoidably unavailable due to pre-booked leave, they must appoint a nominee

identify all others who should attend the hearing. This will include the student, their supporter/s, any witnesses the University wishes to call, and the Disciplinary Manager.

99 Secretary responsibility:

- confirm date for hearing
- send calendar invitations to the panel, the investigating officer, any witnesses the University wishes to call and the student, (it is the responsibility of the student to inform their supporter and/or witnesses of the date and time of the hearing)
- ensure that in the case of any declared disability, appropriate reasonable adjustments are made for any panel members or the student
- Find alternative panel member/s in the event of a conflict of interest
- Book the venue and equipment (e.g. laptop etc.)
- confirm timelines
- provide all of the evidence to the panel no later than 10 days before the date of the hearing
- no later than 10 days before the date of the hearing provide evidence and other information to the student about their rights and responsibilities including:
  - all of the documentary evidence to be presented to the panel (this must include all of the evidence considered in the course of the investigation)
  - their right to be accompanied to the hearing, although not by anyone acting in a legal capacity
  - their right to ask witnesses to attend the hearing
  - their right to submit a further statement or other evidence up to 5 days before the hearing (but not later)
- take formal notes of the hearing
- draft the decision letter for signature by the Chair

100 In some cases the Disability Service may be requested to provide evidence to a panel in the role of expert witness regarding the impact of a declared disability on the student's behaviour.

101 At the earliest opportunity the panel members should be made aware of the identity of the student involved, to ensure no conflict of interest. If a conflict of interest arises, this should be communicated to the secretary to the panel immediately on receipt of the documents, and an alternative panel member found.

102 The hearing can be postponed once at the request of the student, on receipt of appropriate evidence to substantiate their reasons for doing so. It should be noted that the hearing will then be delayed until the next scheduled panel date. If the student is unable to attend a second time, the panel will be held in their absence.

### **Panel procedure**

103 The role of the panel is to consider the evidence, determine whether the student's actions can be considered a breach of behavioural standards, and if so what the penalty will be.

104 The panel should be proactive and seek to engage with the process, ensure they are familiar with the case paperwork before the hearing, ask questions of the student and

any witnesses during the panel hearing, and ensure they are satisfied with all of the information made available to them before making any decision.

- 105 If a student brings a supporter to the hearing, that person may speak to the panel with the agreement of the Chair.
- 106 The hearing procedure may follow the format (see **Appendix 2: Normal procedure for a disciplinary hearing** for further guidance):
- The panel will meet at the allotted time, and hold a preliminary discussion based on the documentary evidence relating to the case, identify key points, and lines of questioning.
  - The student (and supporter) arrive 15 minutes later and are asked to enter by the Secretary.
  - The Chair introduces the panel and explains the process to the student
  - The Disciplinary Manager presents the case on behalf of the University
  - The Disciplinary Manager asks for witnesses to be called
  - Questions can be put to the witnesses by the panel and/or student
  - The Disciplinary Manager leaves the hearing
  - The student is invited to respond
  - Questions can be put to the student by the panel
  - The student calls any witnesses
  - Questions can be put to the witnesses by the panel and/or student
  - The student is invited to make a closing statement, then leaves the hearing

### **Making a decision**

- 107 The balance of probabilities should be used in University disciplinary matters, as opposed to the evidence being 'beyond reasonable doubt'.
- 108 When determining the appropriate penalty the Panel should take into account:
- Evidence of any mitigating circumstances and their relevance to the behaviour
  - Attitude of the student to the behaviour i.e. remorse or regret
  - Need for compensation to cover the cost of repairs to damaged property
  - Relevance of restorative justice
  - Likelihood of repeat of behaviour
  - Impact the behaviour has had on other persons
- 109 The Chair of the panel must give reasons for the decision which will be included in the minutes.
- 110 In some cases the Chair may decide to let the student know the outcome verbally on the same day, although this is not obligatory and is at the discretion of the Chair.
- 111 The outcome should be sent by letter, usually sent by email attachment to the student within 5 days of the hearing by the Secretary to the panel. A copy of the letter must be sent to the Governance & Quality Unit.

**Table 2: Table of penalties (not exhaustive)**

Minor Misconduct	Major Misconduct	Gross Misconduct
<ul style="list-style-type: none"> <li>• Oral warning</li> </ul>	<ul style="list-style-type: none"> <li>• Written warning</li> <li>• Apology in writing</li> <li>• Financial compensation for damage</li> <li>• Community service</li> <li>• Period of suspension from the University not exceeding one month</li> <li>• Final written warning</li> </ul>	<ul style="list-style-type: none"> <li>• Period of suspension from the University not exceeding one academic year</li> <li>• Expulsion from the University</li> <li>• Another penalty the panel feel is reasonable in the circumstances</li> <li>• Financial compensation for significant damage</li> <li>• Apology in writing</li> </ul>

N.B – any of the above penalties may be suspended, to take effect at a later date, or to take effect in the event of further misconduct. The list is not exhaustive.

### Review Stage

112 A student has the right to submit a request a review. The review stage will **not** consider the case afresh or involve a further investigation and will **not** consider any new issues raised by the student.

113 Requests for review will **only** be accepted on the following grounds:

114 A request for review, which is made on a **Student disciplinary appeal form** (see **Form 8**), is only valid for consideration if:

- procedural irregularity, including bias on the part of the panel
- disregard of material evidence
- the penalty not being proportionate to the student's misconduct
- it is accompanied by appropriate evidence

Note: Students should use the Request for review form which will help them to identify their grounds for a review and provide associated guidance on the process. Completed forms should be submitted to [resolution@bucks.ac.uk](mailto:resolution@bucks.ac.uk) **within 10 working days** of receiving notification of the outcome of the formal stage.

115 A Request for review will be allocated to an appropriate member of staff who has not been involved at any previous stage. Reviewers will be asked to consider whether:

- the procedure was followed during the formal stage
- the outcome was reasonable in all circumstances
- new 'material' evidence has been provided

Note: It is expected that Reviews will be completed **within 10 working days** of receipt.

116 Where a Review identifies issues with the outcome of the case at the formal stage, the Review will be **upheld** and the matter will be **referred back** to the formal stage for reconsideration. This decision will be communicated to the student in writing along with an explanation of the next steps in the process and the likely timeframe.

Note: Reconsideration of the case should be concluded as soon as possible. If a compelling case to overturn the decision is identified, appropriate action may be taken to ensure that the matter is resolved without further delay, i.e. without reconvening the original decision-making body.

- 117 The submission of a Request for Review delays the administering of a penalty. However, if the student was temporarily excluded pending the disciplinary investigation, this exclusion remains in place until the outcome of the review is known.
- 118 Where a Request for Review is **not accepted** (because it did not correspond to one or more of the grounds in paragraph 112 above) or is accepted and subsequently **not upheld**, this decision will be communicated to the student in writing by issuing a Completion of Procedures letter outlining the reasons for the decision.

Note: The Completion of Procedures letter will also advise the student about:

- their right to further action through the Office of the Independent Adjudicator (OIA)
- the timescales for doing so

- 119 Please refer to **Form 9** for a template Completion of Procedures Letter.
- 120 If a case is referred to a new panel, the panel is constituted as per paragraph 95 above. New panel members will not have had any previous involvement in the case. The hearing shall proceed as per the regulations above. Students shall be entitled to appeal against the new panel's decision as is their normal right.
- 121 If a student wishes to present new evidence to the rearranged panel they must provide details of why this evidence was not available at the time of the original panel hearing.

## Recording and statistics

- 122 The Governance & Quality Unit will keep a central record of all cases of Major and Gross Misconduct. An annual report on disciplinary matters will be presented to Council.
- 123 The Governance & Quality Unit will follow up on any recommendations and/or penalties made at any stage of this process, and assure they have been applied appropriately.

## The Office of the Independent Adjudicator (OIAHE)

- 124 If the subject of a disciplinary case is unhappy with the outcome after all the University's internal procedures have been completed they may complain to the Office of the Independent Adjudicator (OIA).
- 125 Any complaint to the OIAHE must be submitted within 12 months of the Completion of Procedures letter being received by the student. The OIAHE will not normally consider complaints which have not followed the University's procedures through all stages, including appeal.
- 126 The Office of the Independent Adjudicator for Higher Education may be contacted at:  
Office of the Independent Adjudicator  
Third Floor

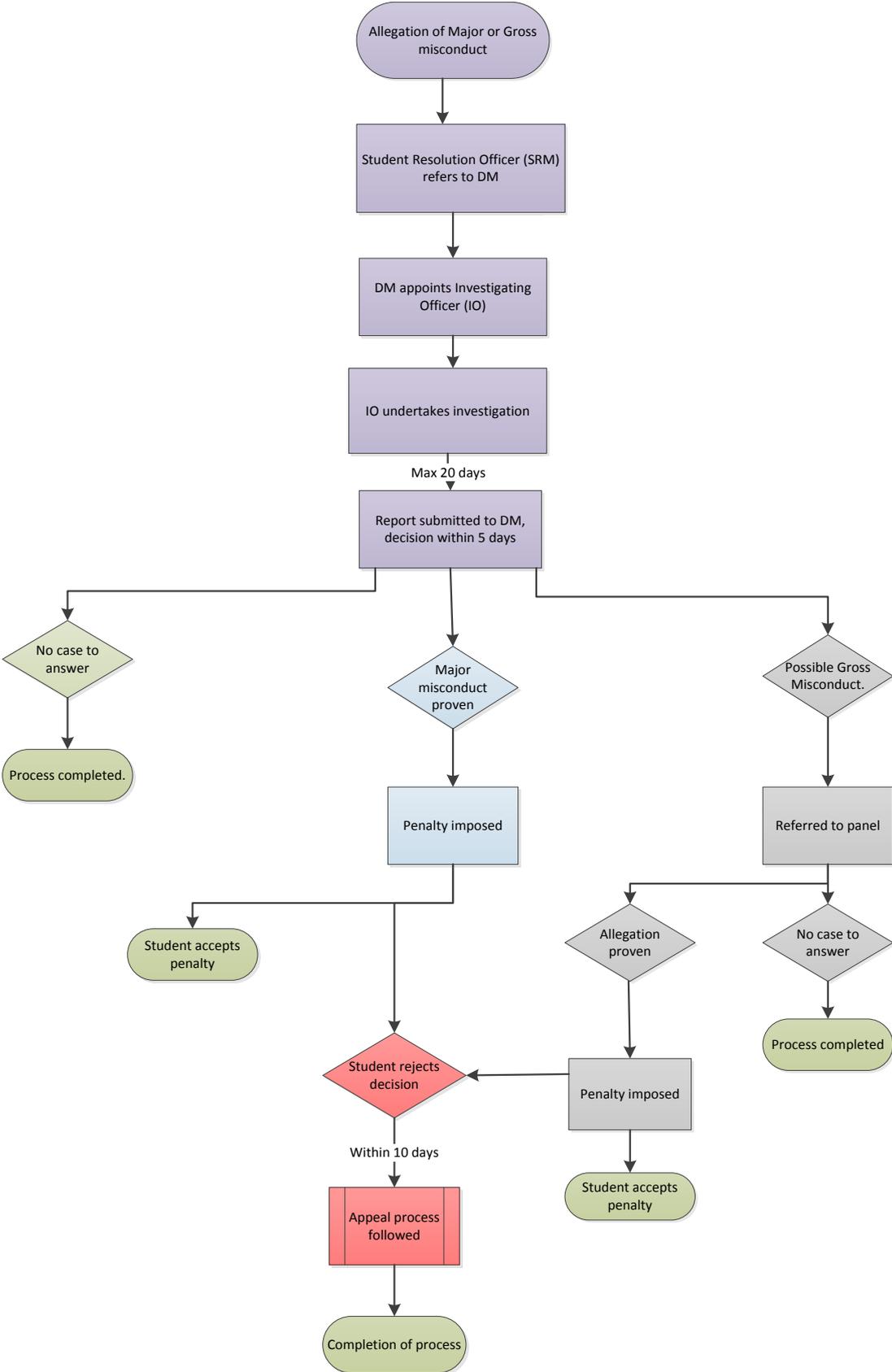
Kings Reach  
38-50 Kings Road  
Reading RG1 3AA

Tel: 0118 959 9813

Email: [enquiries@oiahe.org](mailto:enquiries@oiahe.org)

Website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

# Appendix 1: Student disciplinary process diagram



## Appendix 2: Normal procedure for a disciplinary hearing

- The panel will meet at the allotted time, and hold a preliminary discussion based on the documentary evidence relating to the case, identify key points, and lines of questioning.
- The student (and supporter) arrive 15 minutes later and are asked to enter by the Secretary
- The Chair introduces the panel and explains the process to the student
- The Disciplinary Manager presents the case on behalf of the University
- The Disciplinary Manager asks for witnesses to be called
- Questions can be put to the witnesses by the panel and/or student
- The Disciplinary Manager leaves the hearing
- The student is invited to respond
- Questions can be put to the student by the panel
- The student calls any witnesses
- Questions can be put to the witnesses by the panel and/or student
- The student is invited to make a closing statement, then leaves the hearing

**N.B. The hearing must be held in front of the whole panel AND the subject of the disciplinary with their representative. Witnesses must appear in front of the panel AND the subject of the disciplinary, who must be allowed to ask any questions which arise as a result of the witnesses' statements.**

### Further points to note:

- All the parties (other than witnesses) may ask questions of one another
- At the discretion of the Chair any person affected by the misconduct (normally a witness) may make a statement about the impact of the misconduct on them
- The student or representative makes a final statement which may include a statement of mitigating circumstances and good character if not included earlier in the presentation of their case
- The Chair summarises the main points of discussion
- The hearing may be adjourned while the Chair and the other members of the panel, come to a decision about whether the allegation is substantially true on the basis of the facts and on the balance of probabilities. The hearing may then either recommence for further questioning or the panel will make their final decision.
- If the allegation is deemed to be true, the Chair (and other members of the panel) decides on any penalty.
- When determining the appropriate penalty the Panel should take into account:
  - Evidence of any mitigating circumstances and their relevance to the behaviour
  - Attitude of the student to the behaviour i.e. remorse or regret
  - Need for compensation to cover the cost of repairs to damaged property
  - Relevance of restorative justice
  - Likelihood of repeat of behaviour
  - Impact the behaviour has had on other persons
- At the discretion of the Chair, a brief summary of the decision is relayed to the student immediately in person, if circumstances allow. Otherwise the decision is relayed in writing within 5 days of the hearing.

## Appendix 3: Useful contacts

Contact	Contact details
<b>Governance &amp; Quality Unit</b>	<b>Jean Whitehouse</b> 01494 522141 x 4294 <a href="mailto:resolution@bucks.ac.uk">resolution@bucks.ac.uk</a>
<b>Interim Director for Student Success</b>	<b>Julie Irwin</b> 2324
<b>Gateway Reception</b>	3399
<b>University Security team</b>	<b>Internal: High Wycombe – 5070 / Uxbridge – 4401</b> <b>External: 01494 605070</b>
<b>Disability Service</b>	01494 605049 <a href="mailto:disability.service@bucks.ac.uk">disability.service@bucks.ac.uk</a>
<b>Counselling Service</b>	01494 605018 <a href="mailto:counselling@bucks.ac.uk">counselling@bucks.ac.uk</a>