



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Student Code of Conduct

Contents

Introduction	2
Purpose and Scope.....	2
Relevance to other procedures	4
Responsibilities	4
The Student Code of Conduct.....	4
Expectations of student behaviour.....	4
Student misconduct.....	5
Sexual misconduct	6
Procedures for dealing with alleged breaches of the Student Code of Conduct	8
Making an allegation.....	8
General Principles	9
Standards of Proof	9
Initial considerations and the preliminary investigation stage.....	9
The formal stage	10
The review stage	12
Complaint to the Office of the Independent Adjudicator	13
Appendix 1: Procedure for a Conduct Hearing	14
Conduct Panel Terms of Reference	14
Panel procedure.....	15
Appendix 2: Process for Temporary Exclusion.....	17

Note: Hyperlinks have been provided for ease of reference. For other documents (referred to in italics) please see the Policies page on the main University website

(<https://www.bucks.ac.uk/about-us/how-our-university-operates/policies-and-strategies>).

Approved by: Council	Date first published: Sep-2020
Owner: Office of the Dean of Students	Date updated: Aug-2024
	Review Date: Sep-2026

This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact the University Secretariat.

© 2024 Buckinghamshire New University

Introduction

- 1 The University is committed to providing a community where equality is promoted, diversity and inclusivity are valued, and individuals are respected. Our staff and students share the responsibility for promoting and fostering an inclusive environment and ensuring that others do not experience harassment.
- 2 Good conduct is essential to what it means to be a student at Buckinghamshire New University. This means being aware of the impact of your behaviour on others, knowing what is acceptable, and engaging positively with the local community, treating others with respect, dignity and consideration, taking responsibility for your actions and for your learning and development.
- 3 If you see or experience unacceptable behaviour by a student you can report it to any one of the following members of staff / areas of the University, where you will be advised what happens next:
 - Personal Tutor, Course Leader or another senior member of your School;
 - Student Resolution (resolution@bnu.ac.uk);
 - Directorate of Student Success (Students@bnu.ac.uk);
 - Students' Union Advice Centre (suadvice@bnu.ac.uk);
- 4 The University has a duty of care towards all staff and students and will act to safeguard their interests, and signpost to appropriate support services. We will treat incidents of discrimination, bullying, harassment or other inappropriate behaviour seriously.
- 5 The University will take appropriate action to protect the University community against inappropriate behaviour, including reporting the matter to the Police or taking legal action
- 6 The University promotes positive behaviours. Recommendations arising from student casework will be used to improve guidance and support for students.
- 7 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Buckinghamshire New University is a member of this scheme. If you are unhappy with the outcome of your Conduct case, you may be able to ask the OIA to review this. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>
- 8 You normally need to have completed this procedure before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>

Purpose and Scope

- 9 The purpose of this *Code of Conduct* is to set out the standards of behaviour expected of students, and the University's process for investigating and addressing alleged breaches of the Code.
- 10 It applies to all Buckinghamshire New University students from the point of enrolment on a programme at the University, through to the conclusion of their studies and/or graduation, but not after the graduation date.

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

- 11 Where students are enrolled at a partner institution, the partner's own conduct procedures should be used in the first instance. For instances of major or gross breaches of conduct resulting in temporary or permanent exclusion, the decision will usually be referred to the University for ratification.
- 12 The *Code* applies to student behaviour which takes place:
- on or in close proximity to the University's premises;
 - on sites temporarily used by the University for teaching or examinations;
 - during teaching sessions delivered by online and distance learning means;
 - on social media;
 - during University-sponsored or arranged placements, visits or study trips;
 - when accessing the University's computer network from home or elsewhere; or
- 13 which may bring the University into disrepute. The University will not normally take action towards students acting in their personal capacity in their own homes, or in public places away from the University's premises except as indicated above or for incidents aimed at and reported by another student where harm has been caused or alleged. This includes, but is not limited to, incidents of violence, sexual misconduct, bullying and harassment, and online abuse. BNU reserves the right to exercise discretion on matters of jurisdiction based on a harm-reduction approach
- 14 The University is not placed to undertake a criminal investigation, but will:
- co-operate fully with any associated Police investigation and subsequent legal proceedings;
 - establish separate conduct proceedings where there are indications that University regulations have been breached.
- 15 The University will not undertake any investigations or actions which may impact on a police investigation but will not put proceedings on hold unless strictly necessary to avoid delay to either party and to safeguard the learning community.

Note: Conduct action may run in parallel to risk assessment processes, although the two processes are independent.

In the event of a conduct case being put on hold due to a police investigation, the process of risk assessment should continue in order that the University take reasonable and proportionate action to discharge its duty of care to all concerned.

Relevance to other procedures

- 16 Examination and other academic assessment irregularities will be dealt with in accordance with the University's *Academic Integrity Policy*.
- 17 Infringements to the accommodation licence agreement will normally be dealt with by the Accommodation Service in the first instance. Cases of persistent or gross misconduct may be referred to these procedures.
- 18 Alleged misconduct which takes place within the Students' Union (SU), or at an SU event or activity will normally be dealt with under the SU's own disciplinary procedures.
- 19 Where an allegation relates to a student who is also employed by the University or the Students' Union, consideration will be given under which procedure the alleged breach of conduct will be managed.
- 20 In some cases, the University may choose to deal with a student matter under the *Support to Study Procedures*.
- 21 Where a student is undertaking a course which leads to professional regulation, and the allegation leads to evidence of their behaviour impacting on their professional standing, the University will normally opt to deal with the allegation under the *Fitness to Practise* procedures.
- 22 The *Student Bullying and Harassment Policy* provides guidance to students on the support available. Formal incidents of bullying or harassment reported to the University are managed under the *Student Code of Conduct*.

Responsibilities

- 23 This procedure is approved by Council, the University's Governing Body, in accordance with the University's *Articles of Government*.
- 24 Day to day management of this procedure is devolved to the Resolution Team. This includes monitoring and review to ensure that it is effectively managed and applied consistently across the University.
- 25 The Resolution Team will also be responsible for making minor changes to procedure in accordance with good practice and to take account of any changes in the University's structure. A summary of changes will be reported to Council annually.

The Student Code of Conduct

Expectations of student behaviour

- 26 On campus, including the Halls of Residence, and when accessing University facilities online, the University expects students to:
 - Behave in a responsible manner, demonstrating respect to all members of the University community and maintaining a professional image;

- Act within the law and not engage in any behaviour which is likely to bring the University into disrepute;
- Behave and communicate in ways that do not offend others, such as not using abusive or obscene language or behaving in a discriminatory way;
- Treat all University property with respect;
- Comply with reasonable requests from members of staff, including the Security team;
- Adhere to the University's Health and Safety policies, including observing fire alarms and evacuating buildings when alarms sound;
- Be considerate to their neighbours especially in relation to noise levels, disposal of rubbish and parking.

27 Students behaviour off campus and online are also expected to follow the above guidance.

Student misconduct

28 The following bullets list examples of misconduct as defined above. The list is not exhaustive:

- Incidents of sexual violence or harassment – including sexual acts by violence or coercion, sexual acts without consent, unwanted sexual comments or advances (see further detail below on the management of sexual misconduct)
- Anti-social behaviour on campus or during an online teaching session, e.g. disturbing scheduled teaching, or causing disruption within a designated learning space;
- Anti-social behaviour in the community, e.g. excessive noise, parking in access areas or private property, not arranging for household rubbish to be collected;
- Breach of health and safety regulations, i.e. interfering with fire equipment, failure to evacuate etc. or other unsafe behaviour;
- Damage to or theft from, University or placement provider property;
- Misuse or unauthorised use of University premises, facilities or items of property;
- Bullying and/or harassment in person, online or in other forms of communication such as email or phone;
- Breach of use of computing facilities regulations, including the sharing of obscene images and material;
- Failure to respond to a reasonable instruction by a member of staff (including to desist in minor misconduct), or to produce an ID card when required to do so, or to disclose name and other relevant details when it is reasonable to require that information be given;
- Being disruptively under the influence of alcohol or drugs on campus or in University accommodation;
- Possession of illegal substances on University or placement provider's premises (including accommodation);
- Making offensive (e.g. discriminatory) 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, or which could reasonably be determined to result in, causing distress or harassment;

- Inappropriate use of social media, such as Facebook, Twitter (X), Instagram, Snapchat WhatsApp and TikTok etc. to make offensive, defamatory or threatening comments to or about members of the University or wider community
- Dishonesty and fraud in relation to the University or a placement provider (e.g. falsifying or misrepresenting education qualifications, financial information, impersonating another student) which may have significant impact on the University or its members, OR where the student or another person may gain significant benefit from the fraudulent behaviour;
- Any criminal activity on University or placement provider's property;
- Serious criminal activity off University property or online, in particular any crimes involving violence or sexual misconduct;
- Behaviour likely to bring the University into disrepute

Sexual misconduct

- 29 Sexual misconduct is a term that captures all types of sexual violence, from rape and sexual assault, to stalking, harassment and abuse (UUK, 2022). The University adopts a zero-tolerance and harm reduction informed approach to sexual misconduct which means any instance reported will be taken seriously and the appropriate action taken. This does not mean all forms of sexual harm will be addressed in the same way.
- 30 Sexual misconduct refers to a broad spectrum of behaviours that includes but is not limited to, intimate partner abuse, coercive and/or controlling behaviour, online harassment, and stalking. The University acknowledges that Sexual misconduct can be experienced by any individual, regardless of their identity. The University is committed to promoting a culture in which any incidents of Sexual misconduct will be thoroughly addressed to ensure the preservation of a safe work and study environment.
- 31 This policy outlines how sexual misconduct alleged against another student is managed. Should you experience sexual misconduct by a member of BNU staff this can be reported to someone within the School or the Resolution Team or using the University's online reporting facility: <https://reportandsupport.bnu.ac.uk/>
- 32 Reporting and Reported students can also contact the Student Wellbeing Team via students@bucks.ac.uk where you will be put in contact with the Sexual Violence Liaison Officer or a Safeguarding Officer.
- 33 Sexual misconduct is a form of sexual harassment and is unwanted behaviour of a sexual nature which:
- violates a person's dignity;
 - makes them feel intimidated, degraded, or humiliated;
 - creates a hostile or offensive environment
- 34 A person doesn't need to have previously objected to someone's behaviour for it to be considered unwanted.

- 35 When considering whether the relevant conduct was 'sexual', the Resolution Team will take into account the experience and viewpoint of the person (the Reporting Student) making the allegation. Equally the Reporting Student's wishes will be taken into account when considering what action to take. Sexual misconduct will be broadly managed in the same way as other types of misconduct. There may be occasions where a case of sexual misconduct is progressed without the involvement of a reporting student when there is a risk to the safety of the BNU community.

Categories of misconduct

- 36 There are three categories of misconduct that the University uses

- a **Minor misconduct** relates to action or behaviour which is unacceptable and in breach of the Student Code of Conduct but that has a small or temporary impact on the reporting party, the University or wider community. A series of incidents of minor misconduct may be categorised as major misconduct
- b **Major misconduct** relates to action or behaviour which is unacceptable and in breach of the Student Code of Conduct and that has a significant impact or has the potential to have a significant impact on the reporting individual or the University or wider community; Instances of major misconduct may also include, but are not limited to, repeated or persistent minor misconduct, multiple concurrent minor misconduct, or refusal to comply with a penalty imposed under this procedure. Any repeat of behaviour proven as major misconduct will be treated as gross misconduct
- c **Gross misconduct** relates to action or behaviour which is unacceptable and in breach of the Student Code of Conduct and represents a fundamental breach of behavioural standards that and has a substantial impact or has the potential to have a substantial or lasting impact on the reporting individual or the University or wider community. Proven gross misconduct may result in a student's registration being terminated

- 37 Determining the category of misconduct a behaviour or action represents will be done on receipt of an allegation of a breach of the Code of Conduct. At this stage, it is based on what the behaviour would constitute if proven. This categorisation can change during the course of an investigation where new information comes to light. This process may require the Resolution team to carry out preliminary enquiries that may include a conversation with the reporting party and the reported student along with a review of any supporting evidence.

- 38 It is expected that instances of minor misconduct will be addressed immediately by a member of staff who witnesses an incident. This is designed to empower staff to address minor breaches of behavioural standards.
- 39 Incidents or unacceptable behaviour that falls under major or gross misconduct should be dealt with using the formal process outlined below.

Procedures for dealing with alleged breaches of the Student Code of Conduct

Making an allegation

40 An allegation should be submitted in the cases of alleged Major or Gross Misconduct and may be raised by:

- Employees of the University, including contracted staff;
- Another student, or a group of students;
- The Police;
- Members of the public.

41 Generally, the allegation will need to be made by the person or persons who has:

- Witnessed or discovered evidence of the misconduct;
- Been the subject of the misconduct;
- Received an allegation from an external source;
- Taken a disclosure of sexual violence from a student, and with the student's consent.

42 In general, an allegation should be made in writing to the University (by email to resolution@bucks.ac.uk) within **10 working days** of the incident. However, no report of alleged major or gross misconduct will be rejected on the basis of being out of time alone; each case will be assessed on the merits as part of an Initial Review. Students who would prefer to talk to a member of the team to engage with the process can do so Reasonable Adjustments can be made at any stage of the process to take into account the requirements of reporting students and reported students with disabilities.

43 The person making the report should include their full name and contact details and any supporting information.

44 Anonymous allegations will not be accepted. However, the University may take action to protect as far as possible the identity of an individual reporting an incident, especially where there is a verifiable concern of harm, and where it will not impair any subsequent investigation. Anonymous reports can be made via Report and Support but there may be a limit on the resulting action possible for such cases.

45 Allegations raised directly to the Vice-Chancellor or another member of the University Executive Team will be referred to the Resolution Team in the first instance

Third parties who raise an allegation

46 Third parties who raise an allegation will not be provided with details of the investigation, but will be informed when appropriate action has been taken.

47 Third parties may not appeal the outcome of any investigation, but may submit a complaint to the University should they have concerns about how the incident has been handled.

General Principles

- 48 Actions and penalties imposed will be proportional to the offence and will take into account mitigating and aggravating factors of the parties involved
- 49 The University will seek to conclude its procedures as quickly as possible and in line with sector good practice to minimise the impact on parties involved.
- 50 Processes will be applied consistently with opportunities for students to respond. Outcomes will be determined on the balance of probability with the burden of proof falling upon the University. Clear reasons will be given for decisions reached.
- 51 Decisions will be taken by members of staff who have had no previous involvement with the case, and no reasonable perception of bias.
- 52 In exceptional circumstances, the University may take action to speed up this process, especially where there is perceived to be an immediate risk to the health and safety of other members of the University community or general public which precludes a lengthy investigation. In such circumstances due consideration will be given to these general principles. Such actions may include referral of a case directly to a Conduct Panel.

Standards of Proof

- 53 The burden of proof lies with the University to establish that the allegation is true. The University must prove **on the balance of probabilities** that the student has done what they have been accused of. The student is not required to disprove the allegation.

Initial considerations and the preliminary investigation stage

- 54 On receipt of a formal allegation, within 5 working days, the Resolution Team will undertake an Initial Review to ensure that the matter falls within the remit of these procedures and that appropriate and sufficient evidence has been provided. The allegation may be referred back to the person reporting it for further information or evidence to be supplied before action can be taken.
- 55 The Resolution Team will also inform the reported student in writing (normally by email) of the allegation, provide them with any relevant evidence, and invite them to respond within 5 working days. If the student admits to the allegation this will be taken into consideration as to whether a full investigation is needed.
- 56 A Conduct Manager will be appointed to consider the case and make a decision on the outcome. If the student has admitted to the allegation, the decision regarding any penalty or referral to a panel hearing will be confirmed by the Conduct Manager immediately. If the student has not responded, or denied the allegations, the Conduct Manager will appoint an Investigating Officer to compile additional evidence and produce a report.
- 57 Where a student on campus is deemed to be potentially at risk of causing harm to either themselves or others, University Security or the appropriate Emergency Service (depending on severity) should be contacted immediately. If they appear to be violent, dangerous, or very disturbed, they should not be approached.

Temporary exclusion

58 Temporary exclusion may be considered where there is ongoing concern over risk to self or others. See Appendix 2: Process for Temporary Exclusion.

The formal stage

59 The purpose of an investigation is to:

- Confirm the alleged misconduct falls within the jurisdiction of these procedures;
- Identify and gather relevant evidence, including taking witness statements;
- Consider any mitigating or aggravating factors;
- Reach a conclusion based on consideration of that evidence as to whether the allegation took place, the overall impact, and the category of misconduct.

60 This will result in the compilation of an investigation report for the Conduct Manager. The report will summarise the findings and also include any recommendations for action and possible next steps.

61 During the investigation, it is expected that the Investigating Officer will offer to meet with the student to hear their account and explain the nature of the process and possible outcomes. The student will also be requested to submit a written statement, regardless of whether or not they choose to meet with the Investigating Officer. Students may be accompanied by a supporter or representative at such a meeting.

62 If the student does not co-operate, the investigation will go ahead and the conclusion will be based on the evidence available.

63 It is expected that investigations will be concluded within a maximum of **twenty working days**.

Decision of the Conduct Manager

64 The Conduct Manager will make a decision on whether or not to accept the findings of the investigation and any recommendations, including the category of misconduct.

65 They will determine whether:

- There is no case to answer and no further action is required;
- The case should be pursued under another procedure;
- The case constitutes minor or major misconduct and the appropriate penalty to be imposed;
- The case constitutes gross misconduct and must be referred to a formal Conduct Panel;
- The case constitutes frivolous, malicious or vexatious behaviour, in which case a disciplinary allegation may be made against the individual making the original allegation.

66 Within a maximum of 5 working days, the Conduct Manager will relay their decision to the Resolution Team, who will inform the student in writing (normally by email). A copy of the report and all evidence compiled will also be provided.

Referral to a Conduct Panel

67 Cases deemed to constitute gross misconduct will be referred to a formal Conduct Panel by the Conduct Manager. This is because the allegations are serious and/or the potential consequences for the student are severe, i.e. temporary or permanent exclusion.

See Appendix 1 for the constitution of the panel, the format of the meeting, and supporting guidance.

68 The Conduct Manager will be responsible for presenting the case against the student and calling any witnesses on behalf of the University.

69 The Student will attend the meeting and will be entitled to bring a supporter or representative. They may also call witnesses to the incident. Students may not bring supporters or representatives in a legal capacity.

70 The remit of the Panel will be to:

- Consider the evidence and ask questions of the Conduct Manager, the student and any witnesses called;
- Determine whether the student's actions can be considered a breach of behavioural standards outlined in the Student Code of Conduct or other University Policy;
- Consider the impact of mitigating or aggravating factors that may have been identified
- Agree the penalty for proven misconduct;
- Agree any additional support which should be offered to the individual.

71 A written record of the meeting will be securely held, which will confirm who attended, and summary of the discussion and any agreed actions. It will not be a verbatim account.

Penalties for proven misconduct

72 The penalties for major misconduct may include:

- Written warning, including a final written warning for persistent misconduct;
- Requirement for an apology in writing;
- Financial redress for damage to property;
- Period of temporary exclusion from the University of up to one month's duration;
- Any other penalty that is deemed reasonable given the circumstances of the case, not to include specific penalties for gross misconduct.

73 Penalties for gross misconduct may include any of the penalties for major misconduct with the following additions:

- Period of temporary exclusion from the University of up to one academic year;
- Permanent exclusion from the University (requires ratification by a member of the University Executive Team [UET]);
- Any other penalty that may be reasonable given the circumstances of the case.

74 Penalties may be suspended, to take effect at a later date, or to take effect in the event of any further misconduct.

75 The list does not include any penalties that may be imposed as a result of a contractual obligation.

Reconsideration of the same offence

76 The University reserves the right to reconsider an allegation if new evidence comes to light at a later date. Justification must be provided which demonstrates why the new evidence could not have been obtained at an earlier stage.

The Review Stage

77 At the conclusion of a case, the student has the right to submit a Request for Review by submitting a completed Student Conduct Request for Review form. A Request for Review is only valid when it is accompanied by appropriate evidence or supporting rationale, and can be submitted for consideration on the following grounds:

- procedural irregularity, including bias on the part of the panel;
- disregard of material evidence;
- the penalty not being proportionate to the student's misconduct.

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@bnu.ac.uk within 10 working days of receiving notification of the outcome of the formal stage.

78 A Request for Review will be referred 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.

79 Where a Review identifies issues with the outcome of the case, the Review will be upheld and the matter will be referred back to the previous 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 must 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.

80 The submission of a Request for Review may delay the administering of a penalty. However, if the student was temporarily excluded pending the conduct investigation, this exclusion remains in place until the outcome of the Review is known.

81 Where a Request for Review is not accepted (because it did not correspond to one or more of the grounds above) or is accepted and subsequently not upheld, this decision will be

communicated to the student in writing (normally by email) by issuing a Completion of Procedures letter outlining the reasons for the decision.

- 82 If a case is referred to a new panel, the panel is constituted as 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 submit a Request for Review against the new panel's decision as is their normal right.
- 83 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.

Complaint to the Office of the Independent Adjudicator

- 84 If a student is still unhappy with the outcome after the University's internal procedures have been completed they may complain to the Office of the Independent Adjudicator for Higher Education (OIA).
- 85 Any complaint to the OIA must be submitted within 12 months of the Completion of Procedures letter being received by the student. The OIA will not normally consider complaints which have not been considered by the University.
- 86 The Office of the Independent Adjudicator for Higher Education may be contacted via: Tel:0118 959 9813

Email: enquiries@oiahe.org

Website: www.oiahe.org.uk/students/

Postal address: Office of the Independent Adjudicator Second Floor Abbey Gate 57-75 Kings Road Reading RG1 3AB

Appendix 1: Procedure for a Conduct Hearing

Conduct Panel Terms of Reference

1 A panel will comprise:

- A senior member of staff, such as a Head of School, Associate Head of School, or Director of Service, or member of the University Executive Team (UET) who will act as Chair
- Two further senior members of academic or PSE staff
- SU Sabbatical officer

A minimum of three members of the panel (including the Chair) will be required for quoracy purposes.

2 Every effort will be made to ensure an appropriate balance of panel members. (i.e. representatives from a different school to that of the subject of the disciplinary, regard to gender and other characteristics)

3 Others who will attend the hearing:

- The student
- The Conduct Manager¹
- Any witnesses either of the above wish to call

4 Permanent exclusion of a student from the University requires ratification by a member of UET. If the panel does not include a member of UET, the Chair will forward the outcome and recommendation of the panel to the Resolution Team for ratification within 5 days of the panel hearing.

5 The Resolution Team will appoint a Secretary to the panel within 5 days of the referral. The Secretary's responsibility will be to:

- a. confirm date for hearing
- b. book the venue and equipment
- c. send calendar invitations to the panel, the investigating officer, any witnesses the University wishes to call and the student,

Note: It is the responsibility of the student to inform their supporter and / or witnesses of the date and time of the hearing

- d. ensure that in the case of any declared disability, appropriate reasonable adjustments are made for any panel members or the student
- e. find alternative panel member/s in the event of a conflict of interest
- f. email an evidence pack to the panel and the student, no less than 5 working days before the date of the hearing

¹ The Conduct 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.

- g. Provide guidance to the student about their rights and responsibilities including:
 - i. their right to be accompanied to the hearing, although not by anyone acting in a legal capacity
 - ii. their right to ask witnesses to attend the hearing
 - h. Take a formal record of the hearing. (Records of meetings are not intended to a verbatim account, but will summarise key points and decisions)
 - i. Draft the decision letter for signature by the Chair
- 6 Panel members should be made aware of the identity of the student involved as soon as possible, to ensure no conflict of interest. If a conflict of interest arises, this must be communicated to the secretary to the panel immediately, and an alternative panel member appointed. Equally the student must make the secretary aware of any perceived conflict of interest as soon as possible, and before the hearing date.
- 7 The hearing may exceptionally be postponed once at the request of the student, on receipt of appropriate evidence to substantiate their reasons for doing so. If the student is unable to attend a second time, the panel may be held in their absence, although work commitments will not be taken into account for non-attendance.

Panel procedure

- 8 The role of the panel is to:
- consider the evidence;
 - determine whether the student's actions can be considered a breach of the Student Code of Conduct or any other University Policy
 - agree any penalty for proven misconduct
 - agree any additional support which should be offered to the student
- 9 The panel should be proactive, ensure they are familiar with the case paperwork in advance, 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.
- 10 If a student brings a supporter or representative to the hearing, that person may speak to the panel with the agreement of the Chair.
- 11 The hearing will follow the following format:
- The panel will hold a private preliminary discussion (approximately 15 minutes) regarding the documentary evidence, identify key issues, and agree lines of questioning.
 - The student (including their supporter or representative as appropriate) and the Conduct Manager are invited into the hearing
 - The Chair makes introductions and explains the format of the meeting
 - The Conduct Manager presents the case on behalf of the University and addresses any questions from the panel or student
 - The Conduct Manager asks for their witnesses to be called
 - Questions can be put to the witnesses by the panel and/or student

- The student is invited to respond and address any questions from the panel
 - The student calls any witnesses who will address any questions from the panel and / or student
- The student is invited to make a closing statement
- The student and Conduct Manager leave the hearing

Note: The open part of the hearing must be held in front of the whole panel AND the subject of the disciplinary with their supporter or 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.

- The panel will hold a further closed meeting to confirm whether they find the allegation is deemed to be true, and if so to decide on any penalty.

12 When determining an appropriate penalty, the Panel must take into account:

- Evidence of any mitigating circumstances or aggravating factors and their relevance to the behaviour
- Possible unintended impact of a penalty, including whether a period of suspension in relation to a maximum period of registration
- Attitude of the student to the behaviour, such as evidence of remorse or regret
- Impact the behaviour has had on other persons
- Need for compensation to cover the cost of repairs to damaged property
- Likelihood of repeat of behaviour

13 Full details of the reasons for the decisions will be recorded in the minutes of the meeting.

14 The Secretary will ensure the outcome is sent by email to the student within 5 working days of the hearing.

Appendix 2: Process for Temporary Exclusion

- 1 Temporary exclusion of a student pending completion of the conduct procedures may be considered in certain circumstances, such as a violent assault which resulted in police intervention.

Note: 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.

- 2 On the basis of an allegation, if the Resolution Team or the appointed Conduct 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.
- 3 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.
- 4 The Resolution Team or the Conduct Manager will complete the 'Temporary Exclusion form', which incorporates a risk assessment tool. 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.
- 5 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.
- 6 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:
 - Member of the University Executive Team (UET)
 - Head of School
 - Director of Estates
 - Director of Student Success
 - A nominee of any of the above
- 7 Once approval is confirmed the Resolution Team will take the appropriate action to ensure the temporary exclusion is applied to the student's record, and will inform the student in writing (normally by email) of the decision and any conditions which apply.

Note: If approval is not confirmed no further action will be taken.)

Right of Appeal

- 8 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
- 9 An appeal must be submitted within 10 working days from the original decision in writing, and addressed to resolution@bnu.ac.uk. It will be recommended to the student they seek help and support from the SU Advice Centre in submitting an appeal.
 - 10 A prima facie review of the appeal will be undertaken to confirm it is eligible under the grounds mentioned. If so, it will be referred to an Appeal Manager, who will be one of those mentioned above, but not the person who made the original decision, for consideration.
 - 11 The Appeal Manager will inform the Resolution Team of their decision whether or not to uphold the appeal along with the reasons for that decision. The Resolution Team will inform the student of the outcome, and take any necessary actions.

Review of decision

- 12 The decision to temporarily exclude a student will be reviewed every four weeks from the date of the original decision. Any changes in circumstances will be highlighted.
- 13 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 will 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.
- 14 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.



High Wycombe Campus
Queen Alexandra Road
High Wycombe
Buckinghamshire
HP11 2JZ

Aylesbury Campus
59 Walton Street
Aylesbury
Buckinghamshire
HP21 7QG

Uxbridge Campus
106 Oxford Road
Uxbridge
Middlesex
UB8 1NA

BNU based at
Pinewood Studios

Pinewood Studios
Pinewood Road
Iver Heath
Buckinghamshire
SL0 0NH

Missenden Abbey
London Road
Great Missenden
Buckinghamshire
HP16 0BD

Telephone: 01494 522 141

 BucksNewUni

 BucksNewUni

 BucksNewUni

 BucksNewUniversity