



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Student Conduct Procedure

For addressing non-academic misconduct

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Purpose

- 1 Buckinghamshire New University (BNU or the University) is committed to creating a diverse and inclusive learning environment in which everyone feels safe and is treated with dignity and respect. All members of the BNU community are expected to take personal responsibility for their conduct, to behave with integrity, to be aware of the impact on others, and contribute to a safe, supportive, and welcoming environment where people can be themselves.
- 2 This Procedure informs students and staff of the stages within the Student Conduct Procedure, the potential outcomes, and the ways in which students may engage with the process. This includes submitting a complaint to the Office of the Independent Adjudicator (OIA) following the completion of the internal Procedure.
- 3 The purpose of the Student Conduct Procedure is to set out how the University manages and addresses reports of alleged misconduct and/or incidents that contravene the Student Prevention of Harassment and Sexual Misconduct Policy. The stages outlined in the Procedure apply to these cases unless otherwise stated. Specific information about what constitutes misconduct can be found in appendices 1 to 3 of this procedure.
- 4 The Procedure applies to all BNU students and includes BNU Partner students specifically where a behaviour or incident relates to formal reporting of allegations of harassment and/or sexual misconduct against or by BNU Partner students studying at a Partner Institution. This follows the principles laid out in the Student Prevention of Sexual Misconduct and Harassment Policy. BNU Partner students should refer to the relevant partner's Student Conduct or equivalent Student Disciplinary Procedure in the first instance for reporting behaviour or incidents that do not relate to harassment and/or sexual misconduct.

Applicability and Scope

- 5 A student under this Procedure is a person registered with the University, enrolled on a programme of study, taught by the University and/or studying for a Buckinghamshire New University Award. It includes degree and higher degree apprentices, UK and Transnational Higher Education (TNE) partnership students. Where the procedure may differ for BNU Taught Students and BNU Partner Students this will be specified.

Where the Procedure applies

- 6 The Student Conduct Procedure applies to all Buckinghamshire New University taught 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 their graduation date.
- 7 This Procedure should be read, where applicable, in conjunction with the Student Prevention of Harassment and Sexual Misconduct Policy, and the Fitness to Practise Procedure. Other relevant documents may include the Support to Study Procedure, the Accommodation Disciplinary Procedure, Disclosing Criminal Convictions Policy, and the Students' Union (SU) Members Code of Conduct and Disciplinary Procedures as applicable. The University's student-related policies can be found on the [Policies and Strategies](#) webpage.
- 8 Where a Reported Party is a Partner Institution staff member, this should be managed by the Partner Institution via their staff procedures. The University must be notified of these cases

where the Reporting Party, in staff cases, is a BNU Partner student and the allegation is sexual misconduct and/or harassment. Students and staff at a Partner Institution should refer to the Partner Institution's relevant procedure for incidents that do not relate to harassment and/or sexual misconduct.

- 9 This Procedure applies to reports to the University's Resolution Team of alleged incidents of misconduct including harassment and sexual misconduct that involve or affect one or more students (see paragraph 46 for how to formally report alleged misconduct and paragraphs 51 to 53 for Partner Institutions or Partner Students needing to report allegations of sexual misconduct and/or harassment to the University).
- 10 This Procedure applies to incidents of misconduct that occur when the Reported Student is a BNU Taught student and where the incident or behaviour occurs:
 - a. on or in close proximity to University campuses or associated teaching locations;
 - b. on temporary sites used by the University for teaching, examinations, or other activities;
 - c. whilst using University systems and digital platforms accessed on campus, home or elsewhere;
 - d. through online activities such as email, the internet, or social media;
 - e. during teaching and practical delivery whether online or in person;
 - f. whilst participating in University-sponsored or arranged placement, visits or study trips.

Harassment and Sexual Misconduct

- 11 Additionally, this Procedure also applies to incidents of harassment or sexual misconduct that occur in the following settings:
 - g. off University campuses, such as a Partner Institution where the Reported Student or Reporting Party is a BNU Partner Student. In such instances, the incident and/or behaviour may initially be considered by the Partner Institution if it is appropriate or possible to address by Early Resolution. If not, the case should be formally reported to the University;
 - h. in University accommodation for serious cases if referred on from the [Accommodation Disciplinary Procedure](#) and where it is not appropriate or possible to address by Early Resolution;
 - i. within the SU, at an SU event or activity if referred on from the SU Disciplinary Procedures and where it is not appropriate or possible to address by Early Resolution.

Where the Procedure does not apply

- 12 This Procedure does not apply to applicants, offer holders, graduates of the University or students who have withdrawn or interrupted from their course. Where an issue pertains to an applicant or unenrolled/unregistered offer holder, this is managed by the Admissions Team (in conjunction with academic teams) who can be contacted via admission@bnu.ac.uk.
- 13 Where a Reported Student withdraws or interrupts from the University during a Stage 1 Investigation and becomes unenrolled, the investigation will be paused. If the student subsequently returns to study and is re-enrolled, the investigation will recommence. For the avoidance of doubt, students who are registered but not currently enrolled are not considered within the scope of this Procedure until they resume enrolment.

- 14 The University will not normally take conduct action towards students acting in their personal capacity in their own homes (excluding BNU halls of residence), or in public places away from the University's premises under this procedure but reserves the right to exercise discretion over where to apply the procedure on the criteria outlined herein.
- 15 Where a student is undertaking a course which leads to professional registration, and the allegation leads to evidence of their behaviour impacting on their professional standing, the University will normally consider the allegation under the [Fitness to Practise Procedure](#).
- 16 Where alleged misconduct relates, or may relate to, a physical or mental health condition the University may choose to deal with the allegation under the [Support to Study Procedures](#).
- 17 This Procedure may apply alongside, or following investigations of breaches of, the [Accommodation Disciplinary Procedure](#) such as alleged breaches of the Halls Licence Terms and Conditions located [here](#).
- 18 Where a student matter could fall under more than one procedure (e.g., Student Conduct, Fitness to Practise, Support to Study), the most appropriate procedure will take precedence. Fitness to Practise will normally apply to concerns about professional suitability, and Support to Study where health or wellbeing is the primary concern. Students will not normally be required to engage with multiple procedures in parallel or consecutively. The University reserves the right to pause, defer, or close one procedure and transfer the matter to another if it is deemed more appropriate or better suited to the circumstances, including where new information emerges.
- 19 Alleged misconduct by an apprentice learner may be considered by the University or by the apprentice's employer, depending on the context of the behaviour and the agreement between the University and the employer.
- 20 This Procedure does not apply to cases of academic misconduct (e.g., contract cheating, plagiarism, etc.). Allegations of Academic Misconduct will be considered under the University's [Academic Integrity Policy](#).
- 21 BNU SU has separate conduct procedures detailed within its byelaws. These cover allegations of misconduct on Union premises, in the immediate vicinity of the Union, at a Union event, or whilst representing the Union or one of its clubs or societies. Where appropriate, the University may act under the Student Conduct Procedure following on from the SU procedure. The SU may ask the University to investigate alleged breaches of the principles set out in the Student Prevention of Harassment and Sexual Misconduct Policy where these are formally reported. Cases will be referred from one procedure to the other in such circumstances; procedures will not run concurrently.
- 22 Where an allegation relates to a student who is also employed by the University or the SU, the relevant employee process will normally take precedence. Decisions will be made on a case-by-case basis depending on the nature of the student's employment.
- 23 Complaints made by students about alleged staff misconduct are managed under the [Employee Disciplinary Policy and Procedure](#). For some research students and staff pursuing professional development, the University is a workplace. In these situations, the employee procedure supersedes the student procedure.

Support

- 24 The Office of the Dean of Students is responsible for the management of the Student Conduct Procedure. The Resolution Team can be contacted for procedural guidance by emailing: resolution@bnu.ac.uk
- 25 All members of the BNU community are expected to take personal responsibility for their behaviour, to behave with integrity, to be aware of the impact on others and to provide a safe, supportive, and inclusive environment where people can be themselves.
- 26 Any student including the Reporting Party, the Reported Student, or a witness involved in a conduct case at the University's home campuses can contact [The Student Hub](#) for confidential wellbeing support, including, for example, from trained Sexual Violence Liaison Officers (SVLO), where appropriate. The Student Hub and/or SVLO will be responsible for signposting students to the Student Conduct Procedure where appropriate. The Student Hub can be contacted by emailing: students@bnu.ac.uk.
- 27 The University's [Report + Support](#) system can be used to disclose experiences or incidents of misconduct as well as to access support for the Reporting Party or another student related to a range of internal University services and external support.
- 28 The SU can provide independent support, advice, and advocacy for any student involved in a conduct case including BNU Partner Students. The [Students' Union Advice Centre](#) can be contacted by emailing: SUAdvice@bnu.ac.uk.
- 29 The University is committed to ensuring that students with disabilities, mental health conditions, or other vulnerabilities are supported throughout the Procedure. Reasonable adjustments can be made at any stage of the Procedure to ensure that no student is disadvantaged due to a disability or health condition. The University will work closely with the Inclusion, Diversity & Disability Team to assess and implement appropriate adjustments. These will be determined on a case-by-case basis, in consultation with students and relevant support services, and can be reviewed regularly throughout the process. This team can be contacted via Inclusion@bucks.ac.uk.
- 30 Adjustments may include, but are not limited to:
- Providing information in alternative formats (e.g., large print or audio).
 - Allowing flexible scheduling of meetings or hearings to accommodate medical needs.
 - Offering remote or hybrid attendance options for interviews or panels.
 - Adjusting the format or pace of questioning to reduce cognitive load or anxiety.
 - Permitting the presence of a support worker, advocate, or mental health mentor.
 - Ensuring correspondence and, communication methods and formats are accessible.
 - Offering alternative formats for communication (e.g., written summaries, visual aids, or audio recordings).

Precautionary Action

- 31 In certain circumstances, where the University determines that a general duty of care applies, the University may take action to protect students, staff, or members of the University or wider community while the Student Conduct Procedure is ongoing. In such cases, the University may impose temporary restrictions on the Reported Student.
- 32 Where a student is formally reported for alleged misconduct, the Office of the Dean of Students can take one or more Precautionary Actions for a period whilst the investigation is ongoing.

These are neutral actions taken without prejudice, intended to protect the investigation, the Reporting Party and/or members of the University community and mitigate risk. They are not a sanction.

- 33 A risk assessment will be conducted by the Office of the Dean of Students ahead of any action to ensure that it is proportionate, reasonable in mitigating identifiable risk. Where appropriate, consultation will take place with relevant areas in the University and SU to inform the risk assessment.
- 34 This aspect of the procedure only applies to students who have been formally reported for alleged misconduct.
- 35 Precautionary action may be put in place:
 - a. To ensure that an investigation, either by the University or Police, can be carried out without impediment;
 - b. Where the alleged behaviour may represent a realistic risk of harm to the safety and/or wellbeing of the Reporting Party, Reported Student, or other members of the University community while the allegation is being investigated by the University or the Police
 - c. Where it is deemed that a general duty of care exists.
- 36 Examples of precautionary actions include, but are not limited to:
 - a. Pausing the conduct case if appropriate;
 - b. Barring entry into specific areas of campus (including the Students' Union);
 - c. Barring entry into specific or all University accommodation if not a resident;
 - d. Prohibiting any and all contact between the Reported Student and Reporting Party and selected relevant individuals (to include any witnesses);
 - e. A requirement for student(s) to move University accommodation;
 - f. A period of temporary suspension from campus and/or study.
- 37 Any Precautionary Action will be proportionate to the nature of the risk(s) being managed.
- 38 Temporary Suspension will only be considered for serious cases where it is strictly necessary. A decision to temporarily suspend a student will be made by the Interim Measures Panel.

Interim Measures Panel

- 39 An Interim Measures Panel (IMP) is made up of a Chair, two senior academic and/or professional services staff and a where applicable a SU representative/Sabbatical Officer. The IMP is responsible for ensuring consideration is given to the support needs of students involved in incidents of harassment and/or sexual misconduct and/or other serious incidents on a discretionary basis. The Panel is intended to assess the academic, wellbeing and support needs of all parties involved, including any member of the University community affected. The Panel will not consider the detail of the reported incident.
- 40 The IMP may consider interim interventions following a risk assessment of the incident and/or behaviour of harassment and/or sexual misconduct of one or more than one student. This includes any necessary or immediate action and determining whether Precautionary Action needs to be put in place in accordance with the Student Conduct Procedure. Any Precautionary Action will be proportionate to the nature of the risk(s) being managed.

- 41 The Reported Student will be notified of the decision within 3 working days of the Panel. The Reporting Party will also be updated where appropriate.
- 42 Any agreed next steps following an IMP will be progressed by the Resolution Team. Additionally, any Precautionary Action agreed upon will be reviewed every 10 working days during a Stage 1 Formal Investigation. This review will assess whether there are any changes to the risk assessment and whether adjustments to the Precautionary Action are required, for example if there has been a material change in circumstances. A breach of any applied Precautionary Action will result in a review of the original conditions and may result in more substantial measures being implemented.
- 43 Precautionary Action will normally remain in place until:
 - a. criminal or legal proceedings have concluded and, following an assessment of whether the Reporting Party still wishes to proceed with the case; or
 - b. the Student Conduct Procedure has concluded, and the Reported Student has received an outcome; or
 - c. a new risk assessment has been carried out and it has been determined that the Precautionary Action is no longer necessary.
- 44 The Reported Student may request a review of the Precautionary Action applied by writing to the Resolution Team within 10 working days of the notification of the initial Precautionary Action or where there has been a material change of circumstances. The Reported Student should set out clearly and succinctly the reasons for their request and include any relevant supporting evidence.
- 45 The Resolution Team will inform the relevant university departments of any Precautionary Action taken. The University will inform the Reported Student and any relevant areas of the University when the Precautionary Action has been lifted or where it is determined to be no longer required. Where relevant, the Reporting Party may also be updated on any Precautionary Action.

Reporting Misconduct

- 46 Students or staff who witness, experience, or are informed of unacceptable behaviour by a student can report it through one of the following methods:
 - Submit a Stage 1 Misconduct Allegation Form online or by emailing this to resolution@bnu.ac.uk.
 - Use the [Report + Support](#) online platform.
 - Email Resolution@bnu.ac.uk to request a conversation.
- 47 A Report is treated differently from a Disclosure. A Report involves the sharing of information with the University by a student or staff member who has experienced, is experiencing, or has witnessed alleged misconduct, with the intention of initiating a formal procedure and investigation under this Procedure.
- 48 A Disclosure, by contrast, involves sharing information about an experience with a member of the University community or via the Report + Support system, without necessarily initiating a formal process. Disclosures can relate to the conduct of any individual, including students, staff, or third parties. However, the University will only consider initiating precautionary action or an investigation under this procedure based on a Disclosure if it concerns the conduct of another

student. In such cases, the University may act without a formal Report if the information disclosed indicates a serious risk to the safety or wellbeing of any individual or the wider University community.

- 49 All Reports are handled sensitively and in accordance with the principles of fairness, confidentiality, and proportionality. Where appropriate, the University may take precautionary action or initiate an investigation without the direct involvement of the Reporting Party, particularly where a general duty of care is deemed to exist.
- 50 A Report should be made within 15 working days of an incident or behaviour occurring. It is recognised that some cases of harassment and/or sexual misconduct may fall outside of the 15 working days of the incident or behaviour occurring and that the deadline should not be considered a barrier to reporting.

Partner Students and Partner Institution Reports

- 51 For Partner Institution staff reporting a formal allegation of sexual misconduct or harassment from or against a BNU Partner Student to the University for investigation, an email should be sent to Resolution@bnu.ac.uk within 5 working days of the report or the incident with as much detail as possible. Staff at Partner Institutions should report formal allegations of sexual misconduct or harassment involving BNU Partner Students by emailing resolution@bnu.ac.uk within 5 working days of the incident or report, including as much detail as possible.
- 52 A meeting will be arranged to discuss this. Partner Students should make initial reports to the Partner Institution as soon as possible but the guidance in paragraph 50 around timeframes not being a barrier to reporting applies.
- 53 BNU Partner Students can report incidents of harassment and/or sexual misconduct directly to the University, without the need to first report the matter to their Partner Institution. Reports can be submitted using the methods outlined in paragraph 46 of this Procedure.

Anonymous and Third-Party Reports

- 54 Where an allegation of misconduct is made about another student anonymously, there will be limited action the University can take in response. The University recognises that some individuals may wish to report misconduct anonymously or through an intermediary. While anonymous reports are accepted, the University's ability to investigate and respond may be limited if sufficient information is not provided. Where possible, anonymous reports will be used to identify patterns of behaviour, inform preventative measures, or initiate broader investigations if there is a potential risk to the safety or wellbeing of the University community.
- 55 The University will not normally accept reports of student misconduct from third parties, (e.g., members of the public) unless the report relates to a serious risk to the safety or wellbeing of members of the University community. In such cases, the University will determine whether to proceed with an investigation based on the nature of the allegation and the available evidence.

Student Conduct Procedure

Early Resolution Interventions

- 56 In some instances, students affected by misconduct may prefer to resolve the issue informally to restore a positive learning environment. Students are encouraged to contact their Course Team,

or the Resolution Team should they wish to discuss/explore possible resolution and/or the Student Wellbeing Team to discuss support options available to them. Please note no student is required to complete or attempt Early Resolution and can make a report at any time.

- 57 Staff are encouraged to address minor conduct concerns informally and promptly, where appropriate. This typically occurs within academic schools or student support services and should be handled by the staff member who first received the concern. Concerns should, where possible and appropriate, be raised directly and informally with student(s) at the earliest opportunity as part of an Early Resolution approach.
- 58 Misconduct that causes minor disruption or anti-social behaviour that is not directed at other individuals can often be addressed informally without the need to initiate the formal conduct procedure through an Early Resolution Intervention.
- 59 Early Resolution is suitable for:
 - Minor disruption, issues, or low level anti-social behaviour
 - First time/one off incidents or unintentional misconduct where informal intervention is likely to be effective.
- 60 Examples include: disruptive behaviour in lectures, seminars, or study spaces (e.g. talking over others, using mobile phones inappropriately), being noisy in shared spaces or communal areas, failure to follow instructions from staff (e.g. not leaving a room when asked, not complying with classroom etiquette), inappropriate language or tone that is not targeted or abusive but may be considered unprofessional or disrespectful, misuse of facilities, such as eating in non-designated areas or minor damage to property.
- 61 It is expected that such matters will be addressed immediately by a member of staff who witnessed an incident or were advised of it occurring or within 10 working days of the issue occurring. This is designed to empower staff to address minor breaches of behavioural standards. Dealing with matters informally will normally only be appropriate when this is the first time that concerns about the student's conduct have been raised.
- 62 An Early Resolution intervention may include managing an incident, requesting a meeting with a student regarding potential and/or actual misconduct, or requesting a student to leave a particular area of the University premises temporarily to de-escalate an incident. These conversations should be held privately and should clearly explain the concerns, and set expectations for future behaviour.
- 63 The purpose of these discussions is to ensure the student understands the nature of the concerns, expected improvements in behaviour (including any relevant timescales), and that support is available to them.
- 64 An Early Resolution Intervention may be undertaken if the action does not exacerbate the incident; or the action can be considered sufficient to resolve the incident without the need to initiate the Student Conduct Procedure.
- 65 Where a member of staff has implemented an Early Resolution Intervention, they should inform the Resolution Team of the incident, student(s) involved, and the applied Early Resolution by emailing resolution@bnu.ac.uk. This is for monitoring purposes and so any repeat incidents can be identified and appropriately managed.
- 66 The formal Conduct Procedure may be invoked where an issue has been discussed with a student informally and:

- a. the issue has not been resolved and the problem persists; or
- b. the required improvements in conduct are not achieved; or
- c. further information becomes available which suggests the matter is more complex.

67 Additionally, the Reporting Party (student or staff member) can engage with the formal conduct procedure by formally reporting matters to the Resolution Team by completing the Misconduct Allegation Form.

Stage I: Formal Investigation

68 Formal conduct proceedings can only be initiated by the Office of the Dean of Students. This follows an Initial Review which considers formally reported allegations of incidents or behaviour which may breach the expectations on behaviour, and principles outlined in this procedure, and/or the Student Prevention of Harassment and Sexual Misconduct Policy.

69 As part of the Initial Review the Office of the Dean of Students will also determine whether precautionary action is required, following any risk assessment process deemed necessary.

70 Where a report is referred to Stage I, an Investigator will consider the allegation.

71 The Investigator will normally be a University employee but may also be an external specialist. They will not have been involved in making the allegation, any Early Resolution or precautionary action, or have any connection to the event that gave rise to the allegation. They must also have had no previous material involvement in the alleged matter involving the Reported Student or, where relevant, involvement with the Reporting Party to avoid bias or the perception of bias.

72 The Investigator will consider the allegation and the evidence provided by the Reporting Party, the Reported Student and/or any evidence collated during the investigation.

73 The Reported Student will be notified in writing of the allegation(s) made by the Reporting Party, including details as to how the alleged behaviour may have breached University policies and procedures. All relevant evidence will be provided to the Reported Student.

74 Both the Reporting Party, if also a student, and the Reported Student will be advised how to access advice and support from the University's Student Hub/Wellbeing Services and the Students' Union Advice Centre. The Reported Student will be provided with a copy of the Student Conduct Procedure, and/or the Student Prevention of Harassment and Sexual Misconduct Policy, where relevant.

75 The Reported Student will be invited to an interview to respond to the allegation(s) and will be provided with any evidence that is being considered as part of the Stage I Investigation. This includes evidence shared at the outset along with any additional material obtained during the investigation. The Reported Student should be given the opportunity to respond to any new evidence by the Investigator.

76 The Reported Student will be given 5 working days' notice of the interview. If they decline to attend, they may submit a written representation for consideration.

77 Where the Reported Student declines, or fails to attend two interview opportunities without explanation, it will be reasonably concluded that they have declined to be interviewed. The Investigator may then proceed with the Investigation and reach a determination and/or potential sanction.

- 78 The Reported Student can be joined at any meeting by a Companion, who will normally be a member of staff, a family member or friend, or a member of the Students' Union Advice Centre team. The Companion attends as a silent observer and may not speak during the meeting or hearing unless explicitly invited to do so by the Chair or Investigator. Their role is to provide emotional or procedural support to the student. The Reported Student is responsible for arranging the Companion's attendance at the interview and must inform the Investigator who this will be in advance. Where a case involves confidential information relating to other students or University staff a Companion who is another student may not be permitted.
- 79 Students are not normally permitted to be legally represented during any stage of the Student Conduct Procedure. However, the University recognises that there may be exceptional circumstances where legal representation may be appropriate. These include, but are not limited to:
- cases where the potential outcome may have serious consequences, such as permanent exclusion;
 - situations where the student has a disability, mental health condition, or other vulnerability that may impair their ability to represent themselves effectively;
 - cases involving complex legal or procedural issues.
- 80 Requests for legal representation must be submitted in writing to the Resolution Team in advance of any meeting or Panel hearing. The request should include the reasons for the request and any supporting evidence. The University will consider such requests on a case-by-case basis, balancing the need for fairness with the principles of the Procedure.
- 81 The Reporting Party may also be accompanied by a Companion for any meeting, or conversation, under the same stipulations.
- 82 A written record will be kept of all meetings and interviews held as part of the Stage I Formal Investigation.
- 83 Upon the conclusion of the Formal Investigation the Investigator can:
- a. Determine the allegation is 'Not Upheld' (on the balance of probabilities, it is more likely than not that the misconduct did not occur) and provide the outcome to the Reported Student; or
 - b. Determine the allegation is 'Upheld' (on the balance of probabilities, it is more likely than not that the misconduct did occur) and issue an outcome to the Reported Student including any sanction to be applied.; or
 - c. Determine that some aspects of the allegation are 'Upheld', while others are 'Not Upheld'. In such cases, this will be clearly specified in the outcome; or
 - d. In a complex case, or those involving harassment or sexual misconduct, the matter can be referred/escalated to a Conduct Panel Hearing.
- 84 A case may be considered complex if the alleged misconduct involves a significant risk to the safety or wellbeing of others, potential reputational damage to the University, external bodies (e.g. the police), multiple allegations or parties, and/or repeated or escalating behaviour.
- 85 Where the Investigator determines that a Conduct Panel Hearing should take place, they will refer the Investigation Outcome to the Resolution Team to arrange a Conduct Panel Hearing and notify all parties of the next steps.

86 The outcome and conclusions of the Stage I Formal Investigation will be communicated to the Reported Student by email.

Stage I: Conduct Panel

87 The Conduct Panel will convene for complex cases, as determined by the Investigator as well as for all cases of harassment and sexual misconduct.

88 The Panel is responsible for determining the outcome and sanctions.

89 The Panel can decide that there is insufficient evidence to substantiate the allegation based on the balance of probabilities.

90 The Resolution Team will invite the Reported Student to the Conduct Panel Hearing in person or online. The Reported Student will be informed of the proposed date of the Conduct Panel, the names and job titles of the Panel members, the names of any witnesses the Investigator intends to call and be given at least 5 working days' notice. The Reported Student will be provided with relevant evidence gathered during the Formal Investigation.

91 The Reported Student will have the opportunity to submit a written representation or response and confirm whether they will attend Conduct Panel Hearing or not. Where the Reported Student submits a written representation instead of attending the Conduct Panel Hearing, they must submit this to the Resolution Team no later than 3 working days before the scheduled hearing.

92 If the Reported Student wishes to call witnesses to attend the Panel, it is their responsibility to arrange this, and they should inform the Resolution Team of the details no later than 3 working days before the scheduled Panel date.

93 The Reported Student has the right to be accompanied by a Companion, who shall normally be a member of staff, a family member or friend, or a member of the Students' Union Advice Centre. The Reported Student is responsible for arranging their Companion's attendance at the hearing and must notify the Resolution Team who this will be. The guidance on legal representation in paragraph 80 applies.

94 The Panel will comprise of:

- A Chair – a senior academic or professional services member of staff
- Two further members of both academic and professional services staff (the academic to be from a different subject area to the Reported Student)
- A nominee from the SU.

95 All members will be asked to confirm they have had no significant prior involvement in the case or connection to the parties involved to avoid bias or the reasonable perception of bias.

96 The Panel will be conducted in accordance with the directions of the Chair of the Panel and can include:

- The hearing of related allegations relating to two or more students at the same hearing;
- Imposing time limits on submissions of evidence and documentation;
- Postponing the Hearing to another time or date.

- 97 The Investigator will present the case to the Panel. If in attendance, the Reported Student can also present their case. If not, the Panel will consider any written representations or mitigating statements that was submitted in advance. The Reporting Party may be invited to attend in the capacity of witness, but this is their choice.
- 98 The Panel will deliberate in private and reach a decision by a majority vote. If there is no majority, the Chair will have the casting vote.
- 99 Once the Hearing is concluded, the Panel will determine either that:
- the allegation is Not Upheld, in which case, the case will be dismissed, and the student will be notified of the outcome by the Resolution Team; or
 - the allegation is Upheld, in full or in part, in which case, the Panel can apply one or more of the sanctions.
- 100 The Panel's decision will be communicated to the Reported Student via email.
- 101 The Resolution Team will notify both the Reported Student and the Investigator of the Panel's decision in writing, normally within 10 working days of the Hearing.
- 102 It is expected that Stage 1 of this Procedure will be completed within 35 working days of receipt of the allegation of misconduct.

Sanctions for Misconduct

- 103 Where a misconduct case is upheld, sanctions can include one or more of the following:
- Compulsory attendance at a workshop, training and/or development sessions;
 - A formal written warning (with conditions);
 - A requirement to provide a written reflective piece to demonstrate understanding and learning in relation to the misconduct;
 - Restorative measures relevant to the misconduct such as an apology in person or in writing;
 - Restrictions, such as a requirement not to contact persons impacted by the misconduct for a specific period (up to a maximum of the duration of student's studies);
 - Payment towards repair, cleaning and/or replacement costs for the damage or misappropriation of University or student property (up to a maximum of £500);
 - Partial exclusion from specific events, and /or parts or the whole of campuses (up to a maximum of the duration of a student's studies);
 - Exclusion from specific events, and /or parts or the whole of campuses (up to a maximum of the duration of a student's studies);
 - Suspension from the University for a specified period of time (up to the maximum 12 months from the date imposed);
 - Permanent exclusion from the University (the student remains liable for any tuition fees or other costs due before exclusion).
- 104 This list is intended as illustrative rather than exhaustive and the circumstances of each case, determined by an Investigator or a Conduct Panel, will influence which sanction(s) are considered appropriate.
- 105 Exclusion or suspension from the University as a sanction (items h. to j. above) can only be applied by a Conduct Panel. Permanent exclusion of a student from the University as a sanction

(item j.) requires ratification by a member of the University Strategy Group (USG). If the panel does not include a member of USG, the Chair will forward the outcome and recommendation of the panel to the Resolution Team for ratification by USG within 5 days of the Panel Hearing.

I06 The Investigator or Conduct Panel (as appropriate) have the discretion to decide what sanction(s) is appropriate within the parameters outlined. This decision will consider:

- a. the nature of the misconduct; and
- b. the impact of the behaviour on others (whether the behaviour caused actual harm or distress); and/or
- c. any mitigating factors the student puts forward or aggravating factors.

I07 Mitigating factors might include:

- a. that it is a first offence;
- b. the student admitted the misconduct at the earliest opportunity;
- c. the student has expressed sincere regret and remorse;
- d. the student has compelling personal circumstances that affected their judgment.

I08 Misconduct may be considered more serious and thus a more severe sanction applied due to the presence of aggravating factors that might include:

- e. it is repeated or persistent misconduct;
- f. it is premeditated or deliberate behaviour;
- g. it demonstrates discrimination, harassment, or hate or the targeting of a vulnerable individual or group;
- h. it represents a failure to comply with previous conduct outcomes or precautionary action;
- i. there is a lack of insight, remorse, or willingness to engage with the process.

Restorative Justice Approaches

I09 In appropriate cases, the University may offer restorative approaches as part of its response to student misconduct. Restorative approaches are designed to support learning, accountability, and the repair of harm through constructive and voluntary engagement between those affected.

I10 Restorative options may include but are not limited to:

- Facilitated dialogue or mediation between the parties involved;
- Reflective exercises to promote understanding of the impact of the behaviour;
- Community-based actions that contribute positively to the University environment (e.g., volunteering with a University service or student support initiative such as peer mentoring or wellbeing or awareness campaigns related to the nature of the misconduct);
- Agreed outcomes that support reparation and reintegration.

I11 Participation in restorative processes is entirely voluntary and will only be pursued where all parties provide informed consent. These approaches are typically considered for first-time, low-level, or relational misconduct, and are not appropriate in all cases particularly where there is a significant risk of further harm.

I12 The suitability of restorative approaches will be assessed on a case-by-case basis by the Resolution Team, in consultation with the students involved and relevant support services.

Stage 2: Right of Review

- I 13 Under this procedure the right to request a Stage 2 Review of the Stage 1 outcome is for the student(s) subject to conduct action. A Review must be submitted on the Stage 2 Conduct Review Form to resolution@bnu.ac.uk no more than 10 working days after the Reported Student is notified of the outcome of Stage 1.
- I 14 Reporting Parties are not entitled to request a review under this procedure. They are entitled a transparent update at the conclusion of the case.
- I 15 A Reported Student who has received a sanction under Stage 1 of this Procedure has the right to submit a Review of the outcome and/or the sanction applied on the following grounds:
- there was a procedural irregularity at the formal Stage 1 (the Student Conduct Procedure was not correctly followed); and/or
 - there is evidence of bias; and/or
 - the sanction(s) were unreasonable and/or disproportionate given the circumstances presented; and/or
 - new material evidence is available which the student was not able, for valid reasons, to provide earlier in the process.
- I 16 The submission of a Review normally delays or pauses the implementation of any sanction. However, if a student was temporarily excluded pending the Stage 1 outcome, that exclusion remains in place until the Review outcome is known.
- I 17 The ground(s) for Review must be made clear in the Student Conduct Review Form. The Review will be considered by the Dean of Students (or their nominee) and may be rejected if it:
- is received late and there is no reasonable explanation for why it could not be submitted within the 10 working days timeframe; and/or
 - does not clearly state the grounds on which the Review is being requested; and/or
 - is entirely without merit.
- I 18 The Dean of Students (or nominee) will consider the Review based on the written Review documentation, the information provided by the Reported Student, and the documents related to Stage 1.
- I 19 After reviewing the Stage 1 outcome and decision, the Dean of Students (or nominee) may:
- reject the Review and uphold the original decision and sanction(s); or
 - uphold or partially uphold the Review; and
 - refer the case to a new or first Conduct Panel Hearing where it has been determined that the Procedure was not correctly followed and/or the sanction imposed was disproportionate to the misconduct that has been upheld.
- I 20 The Reported Student can expect to receive a Review outcome via email within 15 working days of submitting their Stage 2 Review.
- I 21 At the conclusion of the conduct procedure the Reporting Party will be provided with an update on the resolution of the case.

I22 The University may disclose the outcome of a misconduct case to the SU in respect of the impact of any sanctions, including suspensions and exclusions or should it be deemed that a general duty of care exists.

Standard of Proof

I23 The burden of proof lies with the University to establish that the allegation is upheld. The Reported Student is not required to disprove an allegation. The University must prove, on the balance of probabilities, that the Reported Student is responsible for the misconduct.

I24 Whilst the Reported Student is not required to disprove the allegation, there may be circumstances during the process where the Reported Student is expected to provide evidence to support their account of events, or to demonstrate that a particular action did or did not occur. An example could include screenshots of messages or a statement from someone who was with them at the time of the incident.

I25 It must also be determined by the University that the alleged misconduct has breached the expected standards of behaviour outlined in this procedure, the Expectations for Student Behaviour and /or contravened the principles of the Student Prevention of Harassment and Sexual Misconduct Policy.

Allegations of Misconduct that may constitute a Criminal Offence

I26 The University's Student Conduct Procedure cannot be used to determine whether a criminal offence has been committed; this is a matter for the police and/or the criminal courts. This Procedure is not a substitute for a police investigation or criminal prosecution. However, the University recognises that certain behaviours may constitute criminal offences and may be reported to the police.

I27 If the University considers that a matter being disclosed or reported constitutes a serious risk of harm to the Reporting Party, Reported Student or others, it may report this to the police without consent in accordance with the Safeguarding Policy. In other cases, the University will seek the Reporting Party's consent before making a report. Reporting Parties and witnesses retain the right to contact the police independently.

I28 The University will normally suspend its internal procedures while criminal or legal proceedings are ongoing, to avoid interference. However, depending on the circumstances, the University may proceed with its own processes concurrently.

I29 Where an incident has been reported to the police, the University may implement precautionary measures under this Procedure. These measures will not override criminal investigations or legal proceedings, which will take precedent, and will typically remain in place until those proceedings conclude.

I30 A decision by the police or Crown Prosecution Service (or other relevant authority) to take No Further Action or an acquittal at trial, does not prevent the University from initiating a Stage 1 Formal Investigation. If a Reported Student is convicted or accepts a police caution for an offence within the scope of this Procedure, the University may consider that outcome when determining sanctions.

I31 The University has an information-sharing agreement with the police, allowing for the reporting of serious offences. The police may also inform the University of significant involvement with any student. Any staff member or student may contact the police or relevant authorities if they have concerns about the safety or wellbeing of a student or others.

I32 Students or applicants who disclose a criminal conviction, or who are subject to ongoing or pending criminal proceedings without a formal conduct report or investigation, will be managed under the Disclosing Criminal Convictions Policy by the Admissions Team or Academic Registry.

Office of the Independent Adjudicator of Higher Education (OIA)

I33 The outcome of the Stage 2 Review represents the final decision of the University and marks the completion of its internal procedures. A Completion of Procedures (COP) letter will be issued by email to both the Reported Student and the Reporting Party (if also a student).

I34 The COP letter will include information on the next steps and how to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Students who remain dissatisfied with the outcome have the right to refer their case to the OIA. Complaints must be submitted within 12 months of the date of the COP letter.

Confidentiality, Monitoring and Data Sharing

I35 The University processes all personal data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Further details on how the University collects, processes, and stores personal data can be found in the [Privacy Notice for Students](#).

I36 The Office of the Dean of Students monitors student conduct cases on an anonymised basis to identify trends, inform preventative measures, and support continuous improvement. Records relating to conduct matters are retained in line with the University's Retention Schedule.

I37 All student conduct cases and outcomes are managed with an appropriate level of confidentiality. Information is shared only with those who need to know for the purposes of managing the case. No third party will be informed of more than is necessary regarding the circumstances or outcome of a case.

I38 When considering whether to share information internally or externally, the University will balance the interests and risks to both the Reporting Party and the Reported Student. Each case will be assessed on its individual merits. Where necessary, relevant information may be shared with student support services, the student's academic School or College, and/or the SU.

Table of Definitions

Term	Definition
Allegation	A formal claim that a student has breached University policies or behavioural expectations, prompting review or investigation
BNU Partner student/partner student	A student studying at a Partner Institution that delivers a programme validated by the University that, upon successful completion, leads to an award of a BNU degree or qualification.

BNU Taught Student	A student studying at Buckinghamshire New University (BNU) on a programme of study delivered and taught by BNU staff, either on-campus or through BNU's own online platforms
Balance of Probabilities	The standard of proof used in University procedures, meaning it is more likely than not that the misconduct occurred.
Burden of Proof	The responsibility of the University to prove that the misconduct occurred, not the responsibility of the student to disprove it.
Companion	A person who accompanies a student to meetings or hearings, typically a staff member, friend, family member, or SU advisor.
Conduct Panel (Stage 1)	A group of University and SU staff convened to consider complex or serious cases of misconduct and determine outcomes and sanctions.
Criminal Proceedings	Legal processes involving the police or courts to determine criminal responsibility.
Disclosing Criminal Convictions Policy	The University's policy for managing students or applicants who disclose criminal convictions or ongoing legal matters.
Disclosure	Involves sharing information about an experience of misconduct, harassment and/or sexual misconduct with a member of the University community either in person or online using the University's Report + Support system.
Early Resolution	Informal steps taken to resolve concerns without formal conduct action, usually carried out locally.
Extremism	Holding or promoting views that oppose fundamental values such as democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs. May include behaviour that raises concerns under the Prevent Duty.
Fitness to Practise (FtP)	Refers to a student's ability to demonstrate the skills, knowledge, character, conduct, behaviour, and health required to practise safely and effectively in a professional role. It applies to students on courses regulated by professional, statutory, or regulatory bodies (PSRBs), such as those in healthcare, social work, teaching, and law. Students on such programmes are normally managed through the FtP procedure where conduct issues arise
Formal Investigation (Stage 1)	A structured process led by an independent Investigator to assess formally reported student misconduct, gather evidence, and determine outcomes and sanctions
Freedom of Speech	The right to express lawful views and opinions, including those that may be controversial or unpopular, within the limits of the law and University policy. This right does not extend to speech that incites hatred, violence, or discrimination.
Harassment	Any unwanted conduct related to a relevant protected characteristic and the conduct has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another (Section 26, Equality Act 2010). May also include harassment of two or more persons (Section 1, Protection from Harassment Act 1997).
Incident	An occurrence or related event or action relating to alleged misconduct by a student. An incident can include allegations, formal findings of misconduct and the University having reasonable grounds for suspecting that misconduct has taken or is taking place.
Interim Measures Panel	A university panel that assesses the academic, wellbeing, and support needs of individuals involved in serious incidents—such as harassment or sexual misconduct
Misconduct	Behaviour that breaches University policies, including but not limited to harassment, dishonesty, violence, or disruption.
OIA (Office of the Independent Adjudicator)	The independent body that reviews student complaints about higher education providers in England and Wales. Students issued with a Completion of procedures letter at the conclusion of conduct procedures can engage with the OIA at the conclusion of the full conduct procedure.
Partner Institution	An external institution delivering BNU programmes under a formal partnership agreement normally at separate locations
Precautionary Action	Temporary measures taken to protect individuals or the community while an investigation is ongoing.
Protected Characteristics	Characteristics protected under the Equality Act 2010, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
Report	Involves the sharing of information with the University by an individual that has or is experiencing misconduct for the purposes of initiating a formal procedure and investigation as set out in the Student Conduct Procedure.

Reported Student	The student alleged to have committed misconduct.
Reporting Party	The student(s), staff member(s) or third party who were/are subject to or who witnessed the alleged misconduct.
Resolution Team	The University team responsible for managing student conduct cases and coordinating investigations and hearings.
Review (Stage 2)	A formal request by a Reported Student to reconsider the outcome or sanction of a Stage 1 decision.
Safeguarding Policy	The University's policy outlining how it protects students and staff from harm, including when it may report concerns to external authorities.
Sanction	An educative, restorative, or corrective action imposed following an Upheld finding of misconduct.
Sexual misconduct	Any unwanted or attempted unwanted conduct of a sexual nature through any medium, including online. Includes, but is not limited to, sexual harassment, sexual assault, and rape. This definition includes the most serious behaviour; it is not intended to be an exhaustive list.
Staff/member of staff	Individuals employed by or contracted to the University, including academic and professional services personnel, contractors, and security.
Student	A person registered with the University, enrolled on a programme of study, including apprentices and students at partner institutions.
Support to Study	A supportive process used when a student's health or wellbeing impacts their ability to engage with their studies or results in poor conduct or behaviour.
University	Buckinghamshire New University or BNU
University Premises	Includes physical and digital spaces such as campuses, online platforms, and placements. Can include Students' Union premises.
University Strategy Group (USG).	The senior leadership team responsible for the day-to-day running of the University and chaired by the Vice-Chancellor acting as the Chief Executive Officer. USG oversees strategic planning, academic leadership, financial management, and institutional.

Appendix I: Types of misconduct

I. Types of misconduct may include, but are not limited to, the following:

- I.1. Sexual violence or misconduct, indecent, inappropriate, threatening, or intimidating behaviour or language, including physical misconduct or abuse.
- I.2. Possession of a weapon, or the use or threat to use, a weapon.
- I.3. Harassment of any student, member of staff or visitor, including but not limited to harassment related to one or more of the following: race, ethnicity, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership, gender, age, and/or socio-economic status.
- I.4. Abusive or threatening behaviour towards a member of the University community.
- I.5. Bringing the University into actual or potential disrepute.
- I.6. Hindering, obstructing or preventing students, staff, or visitors from carrying out functions, work or activities.
- I.7. Damaging or vandalising University property or someone else's property whether intentional or by negligence.
- I.8. Misappropriation or misuse of University property or the property of a member of the University community.
- I.9. Attempts to persuade another member of the University to participate in actions that would breach this Procedure.
- I.10. Persuading another member of the University to participate in action that would breach this Procedure.
- I.11. Behaviour likely to cause injury or to impair safety on University premises or as part of University activities.

- 1.12. Bullying using force, coercion, harmful teasing, threats, intimidation or abuse either as an individual or as part of a group directed at an individual or group.
- 1.13. Conduct that constitutes a criminal offence, that took place on University premises, affected other members of the University community, or damaged the reputation of the University.
- 1.14. Possession and use of illegal substances on University premises.
- 1.15. Selling or providing to others illegal drugs on University premises
- 1.16. Falsifying or changing documents or evidence with the intention to mislead or gain an unfair advantage.
- 1.17. Ignoring or failing to comply with an instruction issued by a member of staff including security.
- 1.18. Deception, dishonesty or lying either overtly or by omission in relation to the University or its staff or students.
- 1.19. Interfering with fire equipment or deliberately activating fire or equipment alarms.
- 1.20. Malicious, vexatious or false allegations against staff or fellow students.
- 1.21. Non-compliance with a precautionary action or an outcome sanction previously issued.
- 1.22. Victimising any student, member of staff or visitor because of anything done or not done in connection with this Procedure (including raising an allegation or giving evidence).
- 1.23. Failure to disclose any conduct that has resulted in a conviction by a criminal court or for which a caution has been accepted during the student's period of registration at the University.

Appendix 2: Examples of unacceptable behaviour that constitutes misconduct

The following are examples of misconduct under this Student Conduct Procedure and/or the Student Prevention of Harassment and Sexual Misconduct Policy. These examples are illustrative, non-exhaustive, and intended to help students understand the types of behaviours and/or actions that may constitute misconduct.

2.1 Physical harassment, misconduct, and violence including:

- Pushing and/or shoving.
- Intimidating, bullying, or threatening behaviour.
- The use or threatened use of weapons or dangerous items to cause physical harm.
- Assault or causing physical harm.
- Fighting or altercations.

2.2 Sexual misconduct including:

- Making a single one-off remark of a sexual nature (in person or online), which is unwanted.
- Contravening the University's IT policies in relation to the use of University IT systems, watching pornography or looking at sexualised imagery on University IT equipment beyond that required by legitimate, academically required activity.
- Participating in any sexualised commentary about others online or in person.
- Engaging or trying to engage in a sexual act without consent.
- Engaging in any form of physical intimacy, including kissing, without consent.
- Physical unwanted sexual advances
- Touching another person inappropriately and without consent.
- Recording or sharing intimate pictures or recordings of another person without their consent.
- Failure of a Reported Student (in a sexual misconduct case) to comply with conduct decisions, including Precautionary Action and/or sanctions.
- Any humiliation (online or in person) or participation in the humiliation of anyone who has reported sexual misconduct.

- Stalking with a sexual motive.
- Sending sexually explicit messages or images.
- Sexual threats or coercion.
- Sharing explicit images or videos without consent (also known as ‘revenge porn’, as defined by the *Criminal Justice and Courts Act 2015*).
- Making sexual gestures or mimicking sexual acts in a way that is directed at or affects another person.
- Repeated sexual invitations after refusal.
- Deliberate exposure of intimate body parts (flashing or exhibitionism)
- Non-consensual removal of a condom during sex (also known as ‘stealthing’).
- All unwanted conduct of a sexual nature including historic or recent incidents.

2.3 Abusive and antisocial behaviour including:

- Anti-social behaviour which causes distress to others, such as excessive and unacceptable levels of noise on University premises.
- Making multiple or a single remark of a discriminatory, abusive, or bullying nature (in person or online).
- Contacting another person against the wishes of that person, through any means, in person or through use of technology and/or social media platforms
- Acting and/or speaking in a hostile manner.
- Persistent acts of bullying, harassment, or intimidation.
- Stalking, whether in person or online.
- Threats and threatening behaviour against another person, in person and online.
- Abusive comments and/or discriminatory language.
- Hate crimes or hate speech and incidents even if they don’t meet the criminal threshold.
- Engaging in or promoting extremist views or ideologies in person or online, including speech or actions that incite hatred, violence, or discrimination against individuals or groups based on protected characteristics, and certain behaviour that raises concerns under *the Prevent Duty and [Prevent Policy](#)*.
- Other behaviour which may constitute a criminal offence.
- Speech or behaviour, online or in person, that incites hatred, violence, or discrimination, or that breaches the law or University policies, may be considered misconduct and could lead to disciplinary action. The University supports [Freedom of Speech](#) within the law however this right is not unlimited and does not protect unlawful or harmful conduct.
- Acts of disturbance which threaten the rights and privacy of any member of the University, including the exercise of the right of Freedom of Speech within the law, while on University or Students’ Union premises or engaged in University or SU activity, or resident in University owned or managed accommodation.
- Failure of a Reported Student to comply with conduct decisions, including Precautionary Action and/or sanctions.

2.4. In relation to property or environment including:

- Damage to or misuse of University property or facilities.
- Damage to or misuse of the property of other students, staff, or visitors.
- Unauthorised taking of property or borrowing without permission even if the item has been returned without damage.
- Misappropriation of property.
- Unauthorised entry or unauthorised use of University premises, including entering another student’s accommodation without permission.
- Deliberate littering, vandalism, or damage to the natural or built environment on University premises.

2.5. Compromising the health, safety or wellbeing of students, staff, or visitors, or causing a health and safety concern including:

- Smoking/vaping in non-designated areas.
- Infringement of the University's Health and Safety rules; for example, failure to vacate during fire alarms, covering smoke alarms, unauthorised use of fire extinguishers.
- Significant or persistent health and safety offences.

2.6 .IT-related misuse including:

- any type of misuse relating to the University's digital systems, website, network, Wi-Fi, or IT hardware.
- Borrowing another person's IT credentials.
- Misuse of email from a University account or an account access via the University network.
- Deliberate abuse or attempted abuse of University IT systems through downloading/uploading inappropriate content or the use of/spreading of malware.
- Unauthorised sharing of material which infringes the copyright of another person or the University.
- Failure to respond to the reasonable request of a staff member.
- Failure to produce a student identification card or identify self to staff when asked.

2.7. Disruption to the work of the University and its community including:

- Interference with the activities of the University.
- Obstruction of access to buildings or rooms.
- Deliberate or malicious acts intended to disrupt the activities of the University (does not include lawfully organised protest).
- Deliberate or malicious abuses of University functions and processes including making vexatious complaints against staff members or other students.
- Fraudulent activity designed to obtain an advantage financially or academically, such as falsifying evidence in support of an obtaining an extension to an assessment deadline.
- Actions, omissions, or statements intended to deceive the University.
- Fraud, falsification, deception, misappropriation, or dishonesty in relation to the University, its staff, students, or visitors.

2.8. Drugs and substances and all related activities including:

- Possession of illegal substances.
- Use of illegal substances.
- Intent to supply illegal substances.
- Use or intent to supply psychoactive substances (commonly referred to as 'legal highs') This includes substances covered under the *Misuse of Drugs Act 1971* and the *Psychoactive Substances Act 2016*.
- Being under the influence of such substances in a way that impairs behaviour, endangers safety, or disrupts the University community.

2.9. Reputational damage, including behaviour in the community likely to bring the University or SU into disrepute including:

- Behaviour that has caused serious damage to the reputation of the University, including disruptive behaviour in the community.
- Behaviour that has the potential to cause serious damage to the reputation of the University, including disruptive behaviour in the community.

2.10. Initiation ceremonies including:

- Organisation of and/or participation in any form of initiation ceremony or 'hazing' involving the coercion or attempted coercion of any of the participants, whether on campus, online or in the wider community.

Appendix 3: Definitions of Misconduct

3.1. Bullying
Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.
3.2 Coercion
When someone tries to or successfully persuades another to do something by using force, threats, or psychological tactics, such as establishing control, or imposing limitations on an individual's social support.
3.3. Deception
An act or a statement which misleads, conceals the truth, promotes a belief or concept that is not true.
3.4. Disruption
Behaviour that interferes with the normal functioning of the University, including its digital platforms. Examples include but are not limited to using the Chat function in online class for discussion that is irrelevant to the subject being taught; or interrupting staff or other students in-class and posting inappropriate content on social media sites.
3.5. Falsification/Fraud
In the context of this procedure, this refers to the alteration or creation of documents or communications—whether written or visual in a way that causes others to perceive them as genuine or has that intent.
3.6. Hate
Refers to bias or prejudice motivated incidents or offensive behaviour that targets an individual or community because of a protected characteristic, such as race or religion. Hate crimes can also target intersections of one's identity, such as Islamophobia which is targeted hate at Muslims both in terms of racialisation and religious belief. Hate can be verbal abuse, intimidation, threats, harassment, violence, and bullying, as well as damage to property (such as graffiti).
3.7. Harassment
Unwanted conduct, including sexual harassment, related to a relevant protected characteristic and the conduct has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another Section 26, Equality Act 2010 and/or a course of conduct which amounts to harassment of another and, which the person knows or ought to know amounts to harassment of the other This definition may also include conduct which involves harassment of two or more persons, and which the person knows or ought to know involves harassment of those persons Section 1, Protection From Harassment Act 1997.
3.8. Misappropriation
The unauthorised use, removal, or retention of property, whether physical, digital, financial, or intellectual, belonging to the University or any of its members. This includes, but is not limited to, the misuse of university resources, funds, or equipment, and may involve intentional deception or conduct likely to cause harm, loss, or disruption.
3.9. Misuse
Refers to the inappropriate, unauthorised, or harmful use of University property, systems, or resources, including IT systems, facilities, substances, or confidential information, in a manner that breaches University policies or endangers others.
3.10. Obstruction
Refers to any activity that limits or prevents other students or staff access to resources, services or procedures from functioning as intended. For example, demanding support beyond what is reasonable, outside of service level agreements resulting in less availability for others to access that service.
3.11. Sexual Misconduct
Any unwanted or attempted unwanted conduct of a sexual nature, including but not limited to Sexual harassment as defined by section 26(2) of the Equality Act 2010; Assault as defined by the Sexual Offences Act 2003; Rape as defined by the Sexual Offences Act 2003. This definition reflects one referred to by the Office for Students and includes the most serious behaviour; it is not intended to be an exhaustive list.
3.12. Victimisation
Occurs when a person is treated less favourably because they have made a complaint or allegation, have supported someone who has made a complaint or allegation, or are believed to have done either of the above; it also applies when the relationship between the student and the University has ended.

Appendix 4: Equality Impact Assessment

As a University, we are committed to enhancing equality, diversity and inclusion (EDI). We have a legal (Equality Act 2010) and ethical obligation to ensure our policies, systems and processes are fair, inclusive and ensure every member of the BNU community can thrive.

Whilst we all have protected characteristics, we know there are certain characteristics and communities that are marginalised and underrepresented in Higher Education and the workplace. These are: different ethnicities (including Gypsy, Roma, Traveller, Showmen and Boaters, migrants, refugees and asylum seekers) Disabled individuals; neurodiverse individuals; pregnancy (including maternity and paternity impact); the LGBT+ community; carers; people of different faiths; people impacted by menopause and individuals from a range of backgrounds including: socio-economic disadvantage, homeless, alcohol and/or substance misuse, people experiencing domestic and/or sexual violence, ex-armed forces, looked after children and care leavers. We also know individuals have multiple intersectional experiences and different points in their lives and careers.

1. With reference to the above characteristics, in what ways does this policy/procedure enhance equality and the access of opportunity at BNU?

This procedure promotes equality and access by ensuring a clear, consistent, and fair process for all students. The Students' Union Advice Centre is available to all parties, ensuring equitable access to information and independent guidance. The Early Resolution Process addresses concerns informally, and the stages of the procedure, along with their timelines, promote transparency throughout. Students can also contact the Office of the Independent Adjudicator (OIA), which is an independent body that provides an additional level of oversight after our internal procedures are completed. This enhances the fairness and accountability of the University's processes. Overall, the procedure fosters a respectful, inclusive, and supportive university environment, incorporating educative sanctions (which focus on learning and personal development) and restorative justice options to promote accountability.

2. In what ways does the policy/procedure adversely impact individuals from marginalised and underrepresented communities?

Precautionary measures, such as restricted access or no-contact conditions, may disproportionately affect students who depend on specific spaces, routines, or peer networks. Additionally, students from underrepresented groups may be less likely to engage with the procedure or support services due to mistrust or limited awareness of their options. While the procedure is designed to be fair, it may unintentionally disadvantage some students, particularly in terms of access to support or continuity of learning. The University continues to review and refine its approach to ensure equitable outcomes for all students.

3. How does this proposal work towards achieving the BNU Equality Objectives as outlined in the Equality Strategy 2023-2028? Please signpost objectives and actions in the BNU Equality Strategy.

The procedure ensures a fair, transparent, and consistent process for all students. Options for Early Resolution allow concerns to be addressed informally, promoting a whole-institution approach that enables our BNU community to resolve student behavioural matters without unnecessary escalation. Signposting to support services ensures equitable access to guidance and representation. The procedure sets clear expectations for respectful behaviour, supporting the University's

commitment to fostering a safe, inclusive environment. Ongoing monitoring will help ensure it remains effective and aligned with the University's broader objectives.



Signed:

Name: Dr Dionne Spencer, Dean of Students

Date: 15/7/2025



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