

BPP University – University Policies and Procedures

Student Conduct Policy



Scope	Students/Staff/External Agencies/Public
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Purpose	Outlines the University's policies and procedures in relation to the management of student non-academic misconduct.

Regulatory Mapping

BPP University General Academic Regulations
Section C: Registration, Engagement, Progress, and Conduct Section G: Rights & Duties

BPP University
University Policies and Procedures
Student Conduct Policy

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1. Principles

- 1.1. The Student Conduct Policy specifically refers to the University's definitions of, and approach to, the management of student non-academic misconduct which may result in disciplinary action. The policy sets out the University's expectations with respect to what it considers as student non-academic misconduct, and its approach to student disciplinary action and defining the rights and responsibilities of both students and the University in relation to this.
- 1.2. The University is committed to providing a positive environment in which all students can achieve their full potential and in which they can study and engage with the University community safely and without being adversely affected by the inappropriate conduct of other students. It is an expectation therefore that students will comply with all the University's policies and regulations and maintain a level of appropriate conduct that demonstrates not only respect for themselves, but also the broader University community of students, staff, and wider representatives.

- 1.3. Non-academic misconduct that could potentially constitute a disciplinary offence, and may attract disciplinary action from the University, can be broadly considered to fall into (but not be limited to) the following categories:
- (a) Criminal offences that may impact the safety, wellbeing, and reputation of the University and its members. Disciplinary action in connection to a criminal offence committed by a student may most obviously be taken where these criminal offences were found to have been committed within the University environment or directly against its members. Disciplinary action however may also be taken where a criminal offence occurring and affecting individuals outside the University community could be considered as a disciplinary offence owing to its potential impact on the University, its community, and/or its reputation. (Please see Police Action for information on how criminal proceedings are managed within the non-academic misconduct process).
 - (b) Matters which endanger, or may endanger the health, safety, and wellbeing of others, and consequently can or could cause actual or potential undue distress or harm to others.
 - (c) Behaviour that is insulting or disrespectful to staff, students, or visitors at the University.
 - (d) Matters which cause or may cause reputational damage to the University.
 - (e) Matters which prevent or disrupt, or has the potential to prevent or disrupt the normal functioning and effective operation of the University or its activities.
 - (f) Behaviour which impedes or interferes, or may impede or interfere with the pursuance of work/study/day-to-day activity of University members.

2. Scope

- 2.1. Incidents of alleged non-academic misconduct can be reported by any member of the University, such as staff, fellow students, and those otherwise associated with the University. Furthermore, concerns may be raised by members of the public with respect to alleged non-academic misconduct, or information may be provided to the University by the Police or legal system about potential criminal proceedings taking place against a student of the University. In all cases, the University will take such allegations seriously, and will determine the most appropriate course of action in line with the principles and procedures as outlined in this policy.
- 2.2. In managing alleged non-academic misconduct under the terms of this policy, the University may require to proceed with more than one course of action in response to

a single matter where it relates to other regulations, policies, and procedures within the University. Consequently, in addition to action taken under the terms of this policy, the non-academic disciplinary matter may be subject to action under other University regulations, policies, and procedures. Where such multiple routes of action are required to be undertaken, students will be provided with clear support and advice on what elements of regulation, policy, and procedure affect them, and clear direction will be given when action under those elements will be undertaken.

- 2.3. This policy and its operation is not subject to the procedural rules of evidence as applicable in the criminal courts. The University cannot and will not seek to internally progress a criminal process of any kind through this policy or action taken under this policy. **Decisions taken through the policy on matters of non-academic misconduct will be made on the balance of probabilities** and not on the principle of beyond reasonable doubt. Where decisions are made under this policy therefore, those authorised to do so will consider the information that is available or that has been gathered through the investigation process, and decide on the basis of this information which version of events is most probably true, and whether the alleged behaviour is probable or not. Where versions of events are judged to be equally probable, allegations will not be considered to be confirmed.
- 2.4. Students who are raising a concern with respect to Harassment and Sexual Misconduct should in the first instance refer to the Policy on Harassment and Sexual Misconduct and support will be provided by the University where a student or university member wishes to raise a complaint against another student of the University under the terms of this policy. Should a student seek to raise a formal complaint against another student following the advice and support provided under the auspices of the Policy on Harassment and Sexual Misconduct, then this policy will come into effect to manage that complaint.
- 2.5. Where concerns are raised with respect to the concerns relating to the exercise of freedom of speech, the Academic Freedom and Freedom of Speech Policy should be referred to. Support will then be provided by the University where a student, university member, or external speaker wishes to raise a complaint against another student of the University under the terms of this policy. Should an expression of freedom of speech be considered to be in disciplinary breach following assessment under the auspices of the Policy on Academic Freedom and Freedom of Speech, then this policy will come into effect to manage that complaint. It is to be noted that lawful expressions of freedom of speech will not be restricted by the University, nor should recourse be made to this policy in order to try and restrict lawful expressions of freedom of speech.

Any vexatious, frivolous, and obviously unmeritorious concerns raised with respect to freedom of speech, and misuse of the Academic Freedom and Freedom of Speech Policy and other university regulations and policy, such as this policy, in an attempt to suppress lawful expressions of freedom of speech, will itself attract disciplinary action under the terms of this policy.

- 2.6. Matters relating to academic misconduct are primarily managed separately to this policy. Where a student is however found to have engaged in academic misconduct that may also raise a concern relating to non-academic misconduct or a potential offence as stipulated in this policy, a decision may also be taken to initiate action under this policy in addition. These processes will not however occur concurrently, with action in relation to the suspected academic misconduct proceeding first, and action in relation to the suspected non-academic misconduct as a secondary process once the outcome of the academic misconduct has been concluded. The only action that may be taken prior to the outcome of the academic misconduct process is where precautionary action must be taken to guard the safety and wellbeing of the students involved and the wider University community.
- 2.7. The policy does not apply to the failure by a student to meet contractual obligations in relation to the payment of fees and the discharge of non-disciplinary debts to the University, and these are dealt with separately by the terms and conditions that students contractually agree to upon registration at the University.
- 2.8. Whilst this policy takes precedence in the management of student non-academic misconduct, concerns about student conduct may be most appropriately addressed by the University's Support to Study Policy in place of this policy. This does not however prevent the University from additionally taking action under the terms of this policy in relation to the same matter where this is most appropriate.
- 2.9. The University recognises that many students are registered on programmes that lead to membership of a professional body, and students are, in addition to the expectations of conduct set out in this policy, also expected to demonstrate the behaviours and standards required by their respective professional body. Where Schools have specific procedures in place to regulate professional behaviours and connected suspected misconduct (i.e., fitness to practise), these procedures will take precedence over this policy. Please also consult the section of this policy regarding Statutory and Professional Body Programmes.
- 2.10. There may be instances where Schools do not have specific procedures to regulate professional behaviours, but must correspond with professional bodies over a student

found to have engaged in misconduct. Schools where appropriate will be expected to report this to their respective professional bodies following the outcome of the misconduct investigation process (and any associated appeal period) as outlined in this policy.

- 2.11. Students who have outstanding disciplinary action against them will not be permitted to graduate or conclude their studies until the action under this policy is concluded. It is however at the University's discretion under exceptional circumstances to permit graduation or conclusion of studies ahead of action under this policy concluding should it decide (in its sole discretion) it is appropriate to do so.
- 2.12. Students who attempt to withdraw from the University whilst disciplinary action is proceeding against them, will not be permitted to do so until the action under this policy has concluded. The student's intention to withdraw will be noted, and the disciplinary process will proceed and conclude ahead of a decision being made on the student's notification to withdraw. Where the conclusion of the disciplinary process is that the student should be expelled from the University, then the expulsion will be recorded by the University as the reason for the student leaving the University, and not the voluntary withdrawal of the student.

3. Disciplinary Offences and Determination of Action

- 3.1. The University takes seriously any failure to maintain appropriate standards of behaviour, and examples of non-academic misconduct that could represent a disciplinary offence are provided below. The disciplinary offences outlined below are extensive examples of what may constitute disciplinary action, but are not exhaustive of the particular concerns that can be brought for disciplinary action. This policy outlines the broad categories within which disciplinary action can be brought, and determination of a potential disciplinary offence that is not detailed in the examples below, can be considered in line with the broad categories as stipulated in this policy.
- 3.2. It is recognised that disciplinary offences can vary in degrees of severity, and consequently the University has established three levels of disciplinary offence ascending in severity and complexity to reflect the University's treatment of these offences. Alleged offences at each level are also managed, investigated and considered in differing ways to reflect the severity and complexity of the alleged offence. It is important to note that the University considers ALL forms of non-academic misconduct to be serious regardless of level, and all concerns raised by reporting parties will be given equal and due consideration within the University's processes.

- 3.3. Where a concern is raised in respect to non-academic misconduct a determination will be made by the Proctor's Office on the particular level the alleged offence is categorised at, and which process of the disciplinary procedure its consideration, management, and investigation will undergo. The categories of offence are outlined below:

Level 1 Offences

- Abusive or intimidating behaviour whether expressed orally or in writing or electronically;
- Anti-social or offensive behaviour, or conduct in general, which causes or could cause undue distress, concern or disruption to others and/or to University activities. This also includes anti-social behaviour which causes or may cause reputational harm to the University, or that which damages or may damage the relationship the University has with broader society (that is individuals outside the University's direct membership).
- Attempting to and/or causing minor damage to University or University members' property, and the University's physical facilities/premises.
- Misuse or unauthorised use of University premises, facilities, services, or items of University property. This includes, but is not restricted to, computers, IT networks/technologies, or information resources.
- Causing a health and safety concern.
- Failure to comply with the University's terms and conditions, regulations, and policies and procedures.
- Minor incidences of inappropriate behaviour that is incompatible with relevant codes of professional conduct.
- Minor incidences of making false, frivolous, or vexatious complaints.

Level 2 Offences

- Multiple or repeated Level 1 offences;
- Attempting to cause and/or causing physical harm;
- Serious or persistent threatening or abusive behaviour to include but not restricted to bullying, harassment, or intimidation;
- Causing a serious health or safety concern;

- Serious incapacity from alcohol or illegal drugs whilst on University premises;
- Possession of illegal drugs;
- Attempting to and/or causing serious damage to University or University member's property, and the University's physical facilities/premises, including damage/misuse of BPP's IT networks/technology.
- Theft or misappropriation of property;
- Moderate deception, dishonesty, falsification of documents, fraud, deceit in relation to the University and its members;
- Moderate incidences of inappropriate behaviour that is incompatible with relevant codes of professional conduct.
- Moderate incidences of making false, frivolous, or vexatious complaints.
- Persistent refusal or failure to observe and comply with another penalty applied under this policy.
- Doing, or failing to do, anything which causes moderate risk to the University being in breach of a statutory obligation.

Level 3 Offences

- Multiple or repeated Level 2 offences;
- Attempting to cause and/or causing serious physical harm.
- Gender based violence, sexual violence, or sexual misconduct.
- Vocal or active incitement of violence in order to promote political, religious, philosophical or other beliefs including views which undermine the rule of law, individual liberty, and democracy.
- Abuse, threat or intimidation motivated by prejudice or discrimination.
- Coercion, persistent or serious harassment, bullying or intimidation.
- Making a threat to life.
- Conduct which is lewd or obscene or which otherwise could be reasonably deemed to be offensive.
- Serious incidents of inappropriate behaviour that is incompatible with relevant codes of professional practice.

- Serious deception, dishonesty, falsification of documents, fraud, deceit in relation to the University and its members;
- Serious incidents of making false, frivolous, or vexatious complaints.
- Doing, or failing to do, anything which causes serious risk to the University being in breach of a statutory regulation.
- Actions that bring or are likely to bring the University into significant and serious disrepute.

4. Considerations for alleged non-academic misconduct that may constitute a criminal offence

- 4.1. The University respects the rights of reporting students, that is students who allege to have been subject to non-academic misconduct by another student, to report this alleged non-academic misconduct to the Police where it may constitute a criminal offence. The University will provide appropriate advice and support for reporting students who wish to proceed with reporting such matters to the Police and will not seek to impede such reports. The same principles apply to other members of the University community, but where those members are staff or non-student members of the University advice and support will be provided by the University's HR Department.
- 4.2. In certain cases, reporting students/university members may not wish to report non-academic misconduct that may constitute a criminal offence to the Police. The University may however make a determination that the alleged non-academic misconduct poses a potential risk to the University, its members, and broader society, and therefore may in certain cases find itself duty bound to report the matter to the Police. In such situations, reporting students/university members will be informed of the University's rationale in taking that decision, and provide appropriate support and advice to the reporting student/university member during and following that decision being taken.
- 4.3. In both the above cases, the responding student, that is the student who is the subject of the alleged non-academic misconduct, will also be provided with support and advice by separate members of staff to those supporting the reporting student/university member. This is to ensure that both parties (the reporting and the responding) are supported equally through what is recognised as a difficult and distressing situation for all parties involved.
- 4.4. Where reported incidents of alleged non-academic misconduct are subject to police or legal action, in addition to considering the level at which an alleged offence will be

considered, a decision must be taken as to the most appropriate course of action in light of external police and/or legal processes. The University will be required to consider whether action should be undertaken whilst police or legal action is in progress. The University will in most cases recognise that the criminal process takes priority and will seek to act in a way that does not impact on the progress of the criminal process.

- 4.5. There may however be situations where the University must safeguard its members whilst the criminal process is ongoing, especially as it may take a significant time for the process to conclude. Where police and or the legal system are not yet able to do so, or determine not to proceed with criminal or other legal proceedings, or the University determines it is appropriate or necessary to proceed with disciplinary action, then the University may decide to undertake its own disciplinary action at a point of its choosing. In the majority of cases however, only a determination of precautionary action will be made in the first instance when a responding student is subject to criminal proceedings to safeguard the University community.
- 4.6. Precautionary action is where the University undertakes a decision, informed by risk assessment, as to whether the responding student subject to criminal or legal proceedings requires to have restrictions placed upon their interactions and attendance within the University environment, its activities (both physically and virtually) and its members. This may consist of, but is not restricted to, conditions placed on their interactions and attendance within the University, its activities, and its members, or temporary suspension from the University, whilst criminal and/or legal proceedings are ongoing. The conditions of any precautionary action will be regularly reviewed in order to ensure they remain appropriate, and will reflect any further information that emerges from the criminal and/or legal proceedings. Where new information comes to light following the initial imposition of precautionary measures, a further risk assessment will be taken as to the continued appropriacy of those precautionary measures and may result in either a continuation of current measures, a reduction of current measures, or an increase in current measures.
- 4.7. The University is emphatic that any precautionary action that may be taken is to protect the interests of all parties involved in the allegation of non-academic misconduct, including the responding student and wider University community. In imposing or not imposing such precautionary action, this does not represent the University making a judgement on whether alleged non-academic misconduct has occurred or not.

- 4.8. Where a responding student is subject to criminal or legal proceedings, consideration will be undertaken by the University Proctor, the Chief Legal Officer, and the Head of Welfare and Student Support on the following matters:
- a) Whether the University must proceed with its own internal investigation of the matter;
 - b) Precautionary action is to be determined and applied and placed under regular review; or
 - c) No action is to be taken at this point, but the progress of criminal and/or legal proceedings will be monitored and reviewed, with the possible use of options a) and/or b) reserved for future use should circumstances change.
- 4.9. As part of the above determinations, the University may wish to meet with or otherwise seek information from the responding student, but this is not necessarily required. Where it is required to meet with the responding student, information will only be gathered to seek to inform the University's considerations on the police and/or legal action being taken and will not be investigative of the disciplinary matter. The University may also seek to contact the Police or legal system to gather information.
- 4.10. In cases either subsequent to the initial report of alleged non-academic misconduct to the University, or acquired as new emerging information reported to the University, where a student has been convicted by a court of law, the court's penalty, conviction, or sentence, may be taken into consideration by the University. This consideration could involve but is not limited to undertaking a risk assessment, determining a requirement for precautionary action, determining a penalty under the terms of this policy, or reviewing and/or amending a previously applied penalty.
- 4.11. There may on occasion be incidents that occur under the terms of this policy where the matter also constitutes a criminal offence, and the University may decide it is appropriate to report it to the Police directly. This may be in order to protect the student or another person from harm, or prevent a crime from taking place. The University will always take the victim(s) views into account in making a determination whether to report to the Police or not. The decision on whether to report a matter to the Police or not will be taken by the Proctor in discussion with the Chief Legal Officer and Head of Welfare and Student Support.

5. Disciplinary Procedure

Guiding Principles

- 5.1. In the first instance, anyone wishing to raise a concern with respect to a student's non-academic conduct may do so by contacting the Student Conduct in the Proctor's Office. The Proctor's Office will decide on the level of the alleged offence, and what action is to be taken forwards. The Proctor's Office will also appoint an investigative officer to conduct the investigation of the concern raised.
- 5.2. Students are expected to co-operate with the process, and where there is lack of co-operation by the students involved, this in itself may represent an offence under the terms of this policy, and the University may take action under the terms of this policy as a result. Furthermore, should the students involved in the case choose not to co-operate or respond to the University's requests as part of this process, then the University can progress and conclude the process in the student's absence.
- 5.3. The University does however understand that a student's essential input into an investigation may be affected by issues that prevent them from engaging and the University will show flexibility within reasonable means to support that student in engaging fully, for example by extending timelines to the process within reason or making reasonable adjustments to elements of the process to support their needs. The University recognises however that processes cannot be extended indefinitely as this may affect the ability of the process to effectively conclude the concerns raised so as not to have a detrimental impact on the parties involved. The University will therefore not delay a process beyond a period of three months from the point the student advises us they cannot engage with the investigation. Following this three-month period, the investigation will resume and proceed to conclusion, even if the student in question is absent.
- 5.4. Where there is concern that the alleged incident of non-academic misconduct has the potential to be a criminal offence, a further concurrent determination must be made with respect to any precautionary action that is required to be taken. Furthermore, a decision must be taken as to whether the disciplinary process is to be placed on hold until any external Police or legal process concludes.
- 5.5. Where any student involved in the process is to have precautionary action put in place, they will be notified of this as soon as is possible in writing following the decision being made from the Proctor or their nominee.

- 5.6. Where it has been determined that the University wishes to proceed with considering an allegation under the terms of this policy, either immediately following the reporting of an alleged offence or following the conclusion of any criminal proceedings/precautionary action, the Proctor's Office will move to enacting the below procedures depending on the level of the alleged offence.
- 5.7. Students have a right to be accompanied to any discipline-related meeting, for support, by another member of the University under the following terms:
- a) A fellow student unconnected to the concern raised;
 - b) Member of staff of the University unconnected to the concern raised;
 - c) Member of the Students' Association of the University.
- 5.8. Accompanying persons must abide by the following principles:
- a) They are there for the purposes of supporting the student, and are not normally expected to participate in the meeting;
 - b) They are not to be a legal practitioner of any kind;
 - c) They are not to have been involved in the alleged concern raised.
- 5.9. Any electronic (audio or video) recording of any disciplinary meeting is forbidden. Any electronic recordings of disciplinary meetings will not be admissible to the investigation and they will not form part of the disciplinary process or decision-making. Furthermore, any recording of the meeting may constitute an offence under the terms of this policy. All meetings will be recorded by a written minute of the meeting which will be circulated to all parties in attendance at the meeting, where decisions and actions will be recorded. All those involved in the meeting will have the opportunity to check those minutes for factual accuracy.

Initial Investigation of Alleged Offences across all levels:

- 5.10. Where a concern has been raised and its level determined, a preliminary investigation will take place, as soon as possible and normally within 10 working days, to determine whether there is a case to answer. As part of this preliminary investigation the following decisions may be taken:
- a) That there is no case to answer and it should be dismissed;
 - b) Whilst the student's conduct does not meet the level required for disciplinary action, the initial investigation has raised some areas of concern that require guidance and support to be given informally about their conduct going forwards in order to support them avoiding misconduct in the future. The student should

be referred to the section of this policy on Informal Advisory Conversations in Relation to Conduct.

- c) That there is sufficient information available to enable a summary decision to take place, and therefore no further investigation is required. This action tends to take place where the responding student has confirmed or admitted the allegation, or where information is available to confirm an allegation, or confirm that the allegation is not an offence under the terms of this policy. If a summary decision is taken, the Investigative Officer will make a decision in line with the relevant decision-making section of this policy in line with the level of the offence; or
 - d) A fuller investigation is required and is conducted as follows:
- 5.11. The Investigative Officer will meet/seek to meet with the reporting student/individual making the allegation in order to gather information about the allegation in person. Where it is not possible for the Investigative Officer to meet in person with the reporting student/individual making the allegation, an investigation may still proceed if it is possible for sufficient information to be obtained through other means. Where a reporting student/individual making an allegation does not, cannot or refuses to meet with the Investigative Officer, and/or insufficient information is provided to the investigation regarding the allegation, the investigative officer may decide that the allegation cannot be considered any further under the terms of this policy.
- 5.12. Whilst the University will seek to protect the confidentiality of a reporting student/individual making an allegation against a student, confidentiality can only be maintained as far as is reasonable. A reporting student/individual making an allegation will be made aware that in order for action to be progressed under the terms of this policy, it will generally be necessary for the University to make that student aware of the details of the allegation, and the name of the person making the allegation. This is in order to provide the responding student with a fair opportunity to respond to the allegation and ensure a robust decision can be made on the outcome of the disciplinary action.
- 5.13. If a reporting student/individual making an allegation is not willing for their name or the details of the allegation they wish to make to be provided to the responding student, it will generally not be possible for the University to progress any action in response to the allegation. Where an allegation is made which indicates that the responding student may pose a risk within the University community, the University may decide that it is essential for the University to progress action under the terms of this policy. In

such circumstances, the University would adopt a risk-based approach and would seek to ensure that the responding student is directed to avoid any contact with the reporting student/individual who has made the allegation and where this individual is a student, that appropriate support is provided. Where the individual is not a student, the University will seek to offer advice on potential sources of support outside the University if required.

- 5.14. Where a reporting student/individual who has made an allegation indicates that they wish to withdraw the allegation, such a withdrawal would be noted and acknowledged by the University. The University may still decide that it is necessary/appropriate for action under this policy to continue, unless the withdrawal is made on the basis that the reporting student/individual who made the allegation has since determined, or admits that, it is not true. It should be noted that within the terms of this policy, maliciously making an allegation or deliberately making a false allegation may constitute a Level 2 offence under this policy.
- 5.15. The Investigative Officer will contact the responding student notifying them of the allegation, and invite the student to attend a meeting with the Investigative Officer in order that they can respond to the allegation. Where a responding student does not engage with the University, this will not prevent or preclude the University from progressing action and making decisions in respect of the matter, including decisions to apply a penalty or penalties against the student.
- 5.16. Where a student wishes to nominate a witness to contribute to a disciplinary process, they may do so, as long as that witness has information directly in relation to the allegation concerned. The Investigative Officer may decide either to meet with appropriate witnesses during the investigation, or to seek a written statement from such witnesses as the Investigative Officer considers most appropriate. Where any witness does not engage with the University, this will not prevent or preclude the University from progressing action and making decisions in respect of the matter.
- 5.17. Throughout the investigative process, notes will be taken, and information gathered by the Investigative Officer and/or the staff member attending a meeting or discussion with the Investigative Officer as support/administrative support. A summary note of a meeting will be shared and agreed with the student/individual with whom discussion at the meeting took place. Where a point within the summary note of a meeting is disputed by the student/individual but considered accurate by the Investigative Officer, both views will be recorded in the final version of the note.

- 5.18. On conclusion of the investigation the Investigative Officer will prepare an investigation report that will summarise the investigation process and note the key findings and conclusion of the investigation. Information gathered through an investigative process will be retained in line with the University's Data Retention Schedule.

6. Decision Making for Level 1 and 2 Offences

- 6.1. Once an investigation has concluded, the investigative officer will make one of the following decisions on the balance of the evidence they have collected:

- a) The allegation is to be dismissed as there is not sufficient evidence to establish on the balance of probabilities that the allegation occurred;
- b) The allegation is to be dismissed as there is not sufficient evidence to establish on the balance of probabilities that the allegation occurred, but some areas of concern require guidance and support to be given informally about the student's conduct going forwards in order to support them avoiding misconduct in the future. The student should be referred to the section of this policy on Informal Advisory Conversations in Relation to Conduct.
- c) The allegation is confirmed as there is sufficient evidence to establish on the balance of probabilities that the allegation occurred. The investigative officer should now proceed to issue a penalty; or
- d) The allegation is confirmed as there is sufficient evidence to establish on the balance of probabilities that the allegation occurred. The investigative officer believes however that the penalties available are not sufficient to address the gravity of the offence, and therefore the student is to be referred to the Student Discipline Committee for consideration.

Both the reporting and responding parties will normally be informed of the outcome in writing within 5 working days, including the allocation of any penalties as a result of a case being confirmed. Please note however that due to the complexity of investigations, extensions to this timeline may be required. In such cases, the Proctor's Office will write to all parties involved with the expected timeline, and reasons for this extension.

- 6.2. The following penalties will be available to the investigative officer where an allegation is confirmed and the penalties at Level 1 and 2 are sufficient to address the gravity of the offence:

Level 1 Penalties:

- a) A written reprimand to be held on the student's record for a period of time determined appropriate. Such a reprimand will constitute a formal warning to the student regarding their future conduct. A meeting will be held between the student and the relevant Pro-Proctor or nominee for a formal guidance conversation in relation to the conduct;
- b) Temporary exclusion from defined areas of the University or defined activities for a period of up to three months as determined appropriate;
- c) Suspension for a period up to three months as determined appropriate by the Investigative Officer. In imposing this penalty the Investigative Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
- d) A written agreement of good behaviour to be held for a period not exceeding one calendar year, should this surety be broken, the University has the right to re-examine the penalty and decide what further action is to be taken as a result of the surety being broken;
- e) Where appropriate, the University Proctor or nominee, may determine that the misconduct in question requires engagement in an act of community service from the student(s) in question. This community service seeks to educate the student(s) on how their actions have impacted others in the University community, and provide insight into the day-to-day experiences of those they have impacted to bring greater understanding and awareness in the student(s). For example, if the student has been abusive or offensive towards a member of customer services staff, the student may be required to shadow those staff for a day to understand their role and importance in the University.
- f) Engagement with and participation in appropriate training, or a programme of support;
- g) Appropriate compensation, without financial limit, for damage to University or private property; or
- h) Any combination of the penalties under a)-g).

Level 2 Penalties:

- a) A written reprimand to be held on the student's record for a period of time determined appropriate. Such a reprimand will constitute a formal warning to the student regarding

their future conduct. A meeting will be held between the student and the relevant Pro-
Proctor or nominee for a formal guidance conversation in relation to the conduct;

- b) Temporary exclusion from defined areas of the University or defined activities for a period of up to six months as determined appropriate;
- c) Suspension for a period up to six months as determined appropriate by the Investigative Officer. In imposing this penalty the Investigative Officer will consider its impact upon both the student, the faculty and the University community as a whole, and any support that may be needed;
- d) A written agreement of good behaviour to be held for a period not exceeding one calendar year, should this surety be broken, the University has the right to re-examine the penalty and decide what further action is to be taken as a result of the surety being broken;
- e) Where appropriate, the University Proctor or nominee, may determine that the misconduct in question requires engagement in an act of community service from the student(s) in question. This community service seeks to educate the student(s) on how their actions have impacted others in the University community, and provide insight into the day-to-day experiences of those they have impacted to bring greater understanding and awareness in the student(s). For example, if the student has been abusive or offensive towards a member of customer services staff, the student may be required to shadow those staff for a day to understand their role and importance in the University.
- f) Engagement with and participation in appropriate training, or a programme of support;
- g) Appropriate compensation, without financial limit, for damage to University or private property; or
- h) Any combination of the penalties under a)-g).

7. Decision Making for Level 3 Offences – The Student Discipline Hearings Panel

- 7.1. In the case of Level 3 offences the Student Discipline Hearings Panel will meet to consider the investigation findings and make a decision on the outcome. Where it is agreed that a reporting or responding student may attend the Panel, they will only do so for the purpose of making a brief statement and answering any questions. A student attending will have the right to be accompanied at the meeting for support as set out in this policy. Should it be agreed that both the reporting student and the responding student are to attend the meeting of the Student Discipline Hearings Panel, they will

do so separately. Where it has been agreed that a student may attend a meeting of the Student Discipline Hearings Panel, failure by either to do so will not preclude the Panel from considering the matter and reaching a decision.

- 7.2. The Student Discipline Hearings Panel composition and terms of reference can be found in Schedule A of the General Academic Regulations (GARs).
- 7.3. Where the Student Discipline Hearings Panel considers it necessary, an appropriate member of University staff, normally the Investigative Officer, will be invited to attend the meeting of the Student Discipline Hearings Panel to answer any questions the Panel has on the investigative report/information on the matter. The member of staff attending will do so separately to any students who are also attending.
- 7.4. The Student Discipline Hearings Panel will consider the matter and reach its decision in private. Decisions will be taken on the basis of majority among the members of the Student Discipline Hearings Panel. The chair of the Student Discipline Hearings Panel will hold a casting vote which will apply in circumstances where there is a split-decision.
- 7.5. The Student Discipline Hearings Panel may decide:
 - a) The allegation is to be dismissed as there is not sufficient evidence to establish on the balance of probabilities that the allegation occurred; or
 - b) The allegation is confirmed as there is sufficient evidence to establish on the balance of probabilities that the allegation occurred. The investigative officer should now proceed to issue a penalty.
- 7.6. The decision of the Panel will be simultaneously communicated to the responding student, and the student/individual who made the allegation, within five working days of meeting. Please note however that due to the complexity of investigations, extensions to this timeline may be required. In such cases, the Proctor's Office will write to all parties involved with the expected timeline, and reasons for this extension. The communication will provide both with a concise summary of reasons for the decision and details of any right of appeal.

Level 3 Penalties:

- 7.7. The penalties which can be applied by the Student Discipline Hearings Panel under this Code include **any of the Level 1 and 2 penalties** and the following:
 - a) Temporary or permanent exclusion from defined areas, facilities or activities of the University. Temporary exclusions may be for a period up to 18 months. In these

circumstances, the Student Discipline Committee should consider the academic impact on the student and any support that may be appropriate;

- b) Suspension for a period of up to 12 months as determined appropriate by the Student Discipline Hearings Panel. In imposing this penalty the Panel will consider its impact upon both the student, the School and the University community as a whole, and any support that may be needed;
 - c) Expulsion from the University; or
 - d) Any combination of the penalties available to the Panel.
- 7.8. No expulsion will take effect until the period for appeal has expired but a suspension or temporary exclusion from the University /defined areas or activities of the University may remain in place for the duration of the appeal process.
- 7.9. Where a student is expelled from the University, the University reserves the right to refuse re-admission to that student in the future.

8. Appeals

- 8.1. The student shall have the right to appeal against the outcomes of disciplinary processes through the Academic Appeals Board as set out in the Appeals and Complaints Policy.

9. Informal Advisory Conversations in Relation to Conduct

- 9.1. The University identifies that there may be circumstances where a student's conduct does not meet the criteria to be considered an infraction under the terms of this policy, but the conduct in question has led to concerns that an informal advisory conversation should take place to better inform the student's future conduct.
- 9.2. The circumstances under which this determination may be made are typically, but not restricted to:
- a) At the initial determination stage, it is the view of the Proctor's Office that the alleged conduct does not meet the level of disciplinary infraction, but the student may benefit from an informal advisory conversation in relation to conduct.
 - b) Following initial investigation, it is the view of the investigating officer that the alleged conduct does not meet the level required for disciplinary investigation, but the student may benefit from an information advisory conversation in relation to conduct.

- c) Following investigation, it is the view of the investigating officer that the alleged conduct does not meet the level required for disciplinary investigation, but the student may benefit from an informal advisory conversation in relation to conduct.
- 9.3. In such situations, the relevant Pro-Proctor, or nominee, will arrange to meet with the student(s) to discuss their conduct, and how whilst it has not met the level to be considered an infraction, the student(s) in question would benefit from guidance on their future conduct.
- 9.4. It will be emphasised that this is an informal guidance conversation, and so is not formal action under the code, nor will a record be held of misconduct on the student's record. It will also be noted however that should such behaviour repeat itself in the future, this may be considered a disciplinary infraction, and so rather than a further guidance conversation being provided informally, a disciplinary investigation may proceed, and should misconduct be found, a formal penalty levelled.

10. Statutory and Professional Body Programmes

- 10.1. On a programme leading to the award of a statutory or professional body, or on a programme accredited by a statutory or professional body, the University may be required to notify the statutory and/or professional body that the student is being investigated for misconduct. Advice will be taken from the student's School, and also in line with the expectations of the statutory and/or professional body and their policy, procedures, and guidance on this. Where the University has a duty to report that a student is being investigated for misconduct, the University will do so, but be clear to the statutory and/or professional body that the student is under investigation, and that no judgement has been made and that the student should be treated without prejudice. If a case of misconduct has been upheld, the University may receive guidance on the penalty by the relevant statutory and/or professional body where it is necessary to report the outcome to, and to ensure the penalty is consistent with the University's duties to that statutory and/or professional body.
- 10.2. On a programme leading to the award of a statutory and/or professional body, or on a programme accredited by a statutory and/or professional body, the University undertakes to report to that body any identified breach of the Student Conduct Regulations in accordance with any agreement or regulation that exists between the University and the relevant professional body at the time of the misconduct being found proven.

- 10.3. Where a student commits misconduct and is on a programme of study that is not regulated by a statutory and/or professional body, but then subsequently enrolls on a programme which is regulated, a report will be made to the relevant body relating to the earlier misconduct if that regulatory body requires the University to do so.
- 10.4. Where a student appeals a finding of misconduct, the report will not be made until the appeal has been determined.

Policy Revision History

Version Number	Description	Author	Reviewed by	Date
1.0	<p>Movement of Policy to stand-alone section for ease of referencing.</p> <p>Revision to Section 9., detailing circumstances under which University is required to report investigations to PSRBs.</p>	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2024
2.0	<p>Realignment of the policy to the requirements of OfS Condition E6 and the Higher Education (Freedom of Speech) Act 2023.</p> <p>Addition of Informal Advisory Conversations</p> <p>Addition of Community Service Penalty.</p>	Director of Academic Governance & Proctor	Dean of Academic Quality & Policy	July 2025