



Non-Academic Misconduct

DISCIPLINARY POLICY AND PROCEDURE

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POLICY

1.Scope

- 1.1 The Student Non-Academic Misconduct Policy and Disciplinary Procedure (NAMP) applies to all undergraduate, foundation, postgraduate taught and postgraduate research students, visiting and occasional students registered to study in all campuses and online at the University of Buckingham. This policy and disciplinary procedure is applicable to instances of alleged non-academic offences only. Academic offences will be addressed through relevant academic integrity procedures.
- 1.2 The University of Buckingham (“the University”) is a diverse and inclusive community. As members of the community, all students are expected to adhere to policy and procedures as set out in the [University Regulations Handbook](#).
- 1.3 The Senate is responsible for the maintenance of student discipline and good conduct but may delegate the exercise of any or all the relevant powers or duties to the Registrar and Chief Administrative Officer (or nominee) who shall normally delegate day-to-day responsibility for student discipline to the Student Casework Team.
- 1.4 This policy and these disciplinary procedures categorise alleged misconduct as either minor or major offences depending on the seriousness of the alleged misconduct.
- 1.5 If a student withdraws from the University during disciplinary proceedings, they will no longer be deemed a registered student and all disciplinary proceedings against them will be suspended. In the event of the student reapplying to the University, disciplinary procedures may be reinstated under this policy.
- 1.6 This policy (and procedure) does not address alleged bullying of a student by a member of staff. If the allegation relates to harassment or bullying by a member of staff, students should use the [Student Complaints Procedure](#). The matter will be referred to the HR Department for investigation and action under the appropriate employment policies.

2. Introduction

- 2.1 The university will support all students (as identified in section 1) who engage with this policy and procedure. This means that complainants, alleged perpetrators, witnesses and by-standers are eligible and will be sign-posted to sources of support, including the [Wellbeing, Skills and Diversity Team](#). This is applicable regardless of any objectiveness tests undertaken as part of the investigation.
- 2.2 Support will be offered to students affected in all cases as soon as the university becomes aware of the misconduct, regardless of whether a formal report is made or not, and regardless of whether the offence took place on university premises.

- 2.3 Students registered on programmes leading to membership of a professional body should demonstrate appropriate behaviour and standards required for entry into that profession. Alleged misconduct, which may be judged to fall short of the professional codes of conduct, may be considered under the Fitness to Practice proceedings as well as under these procedures.
- 2.4 Students are responsible for the consequences of their actions and are expected to behave in a way that does not interfere unjustifiably with the normal operations of the University.
- 2.5 Any breach of the required standard of behaviour set out in Student Code of Conduct, or any matters in respect of which the Student Code of Conduct state that disciplinary action will be taken. It may also take the form of a breach of any of the University's policies and regulations including the Library Rules, Policy on Alcohol, Policy on Drugs and Dangerous Substances, Social Media Policy, Dignity at Work and Study Policy and Procedure, Use of University Data and Networks Policy, Sexual Misconduct and Harassment Policy and the University Good Neighbour Guide.
- 2.6 Disciplinary procedures will be conducted in an objective and thorough manner and the University will use its best endeavours to ensure that these take place within the time limits prescribed in this policy and procedures.
- 2.7 Should this Policy and Procedure change in the period between the incident or offence occurring, and its being reported, the most recent (newest) version of the Policy and Procedure will apply.
- 2.8 If this Policy and Procedure is reviewed and updated during an investigation, the version used at the time of the report being made will continue to be used.
- 2.9 These disciplinary procedures do not aim to emulate the criminal law or criminal justice system. These procedures take into account rules of natural justice, which confer on students facing allegations of non-academic misconduct the right to know the case against them; the right to defend themselves; and the right to have their cases considered impartially. Legal representation will not normally be available to the Student or to any other participant in a meeting or hearing held under these procedures.
- 2.10 Any behaviour that can be construed as harassment in retaliation (in response to a formal disclosure being made to the university) may constitute non-academic misconduct under this policy and process.

3. Definitions

- 3.1 Where a report is made by someone who is a victim of the alleged misconduct, or where such a person subsequently becomes involved in any disciplinary proceedings, that person shall be referred to as a "Complainant."
- 3.2 Cases of major misconduct will be considered by the Disciplinary Panel, referred to as "the Panel".

- 3.3 Temporary staff-initiated banning from any specific area of the University is referred to as “Exclusion.”
- 3.4 Permanent staff-initiated banning from the University is referred to as “Expulsion.”
- 3.5 Temporary staff-initiated banning from the University and programme of study is referred to as “Suspension.”
- 3.6 Permanent student-initiated withdrawal from studies is referred to as “Withdrawal.”
- 3.7 Temporary student-initiated withdrawal is referred to as an “interruption”.

PROCEDURE

4. Reporting Misconduct

- 4.1 Students are encouraged to report incidents of alleged misconduct to the Student Casework Team, using the [Report and Support](#) online portal, or via email to student.conduct@buckingham.ac.uk.
- 4.2 If preferred, students may contact their Personal Tutor, Faculty Dean, Head of Student Services or the Wellbeing, Skills and Diversity department. Staff will discuss matters discreetly and liaise with the Student Casework team if prompted to do so. Where there may be a safeguarding concern, the relevant steps will be taken according to the Safeguarding policy.
- 4.3 The Student Casework team may liaise with internal and external agencies to ensure that the student receives the appropriate support.
- 4.4 If an anonymous allegation is received, the university will establish based on the information provided, whether it is possible to take further action. If no formal action can be taken by the University due to lack of information, then the report will be used to identify and analyse trends to inform future campaigns to target unacceptable behaviours. Where a report is made anonymously, the university will be unable to make direct addresses for support, but sources of support will still be available via the [university website](#).
- 4.5 It may be necessary for the Student Casework Team to make their own enquiries of the Complainant if there is insufficient information received from the third parties to satisfy the Student Casework Team that the alleged perpetrator has a case to answer.
- 4.6 The Complainant will not normally be informed of the details of any sanction imposed where a case is upheld except where the sanction has a direct impact on them e.g. a written or verbal apology or no-contact order. This is to protect the privacy of others in accordance with Data Protection legislation.
- 4.7 Similarly, all information provided to the university by students will be handled with sensitivity and used fairly, and in compliance with UK GDPR legislation.

Where there may be a safeguarding concern, the relevant steps will be taken according to the Safeguarding policy.

- 4.8 The outcomes of cases dealt with under this policy and these procedures will be shared with the relevant University services and/or departments and/or any relevant Professional, Statutory and/or Regulatory Body (PSRB).
- 4.9 The University reserves the right not to proceed if the relevant decision-maker(s) considers that there are insufficient grounds or evidence to do so.
- 4.10 In reaching any decisions, the relevant decision-maker(s) will take into account all the available evidence to the extent that it is determined to be relevant and credible.
- 4.11 A clear, accurate and appropriate written record shall be kept in an electronic confidential file of all actions and decisions taken in relation to reports of alleged non-academic misconduct.
- 4.12 The University shall ensure that the student(s) has access to all the evidence upon which it is proposing to base any disciplinary decision taken under these procedures.
- 4.13 The student(s) shall have the right to appeal the outcome of any allegation of non-academic misconduct reached under these procedures. Except in cases where a suspension may be issued under the Safeguarding Policy, in which case, the process of that policy will apply.
- 4.14 Anyone making a report of alleged non-academic misconduct that may amount to or include criminal offending, will be offered support by the Student Casework Team to help them understand the available options and/or to decide how to proceed. These recommendations may include the following:
 - Making a report to the police.
 - Attending the nearest sexual assault referral centre (in a case of alleged sexual misconduct).
 - Arranging for counselling by the Wellbeing Skills and Diversity team or their nominee.
- 4.15 Where a complainant decides not to escalate the matter to the police, the University will still ensure that they are fully supported.
- 4.16 Where there are concerns that the involvement of any student in disciplinary proceedings (whether as someone against whom allegations of misconduct have been made, as a Complainant or otherwise as a witness or by-stander) will have a detrimental impact on them by reason of any ill health or disability, or by reason of the nature of the proceedings themselves, a referral should be made by the Student Casework Team, to Wellbeing Skills and Diversity. Wellbeing Skills and Diversity will endeavour to provide appropriate support before, during and after any disciplinary investigation meeting/hearing to all students impacted. Such support will be offered as a matter of course to victims of serious misconduct such as sexual or physical assault.

5. Major/Minor Offences

Initial Steps in the Disciplinary Procedures

5.1 The Student Casework team will determine whether the allegation is one that falls within the scope of this policy and these procedures.

Complainants may be invited to a meeting to discuss their report further.

Where any alleged misconduct may also amount to or involve the commission of one or more criminal offences, the Student Casework team will make enquiries as to whether the alleged misconduct has already been reported to the police, and if it has not, whether any such report is under consideration.

In any case in which a report has been made to the police, the Student Casework team will usually suspend the investigatory procedures pending the outcome of that report, giving due consideration to any advice given by the investigating officer in the police investigation.

The Student Casework team may decide that the nature of the alleged misconduct is such that it is not suitable for determination under these procedures, (by reason of the seriousness of the matters alleged, and/or the likely difficulties relating to evidence, and/or any other reason), and in that event will refer the matter to the appropriate authority with the necessary powers to investigate and impose an appropriate sanction.

5.2 Allegations of non-academic misconduct will be dealt with under the minor or major disciplinary processes depending on the severity of the alleged misconduct.

5.3 Examples of major and minor misconduct are provided in the table below. This list is not exhaustive and conduct cases will be assessed based on their severity and impact (i.e. harm to others) on a case-by-case basis.

Offence	Example	Major/Minor
Physical misconduct	Punching, kicking, slapping, hair pulling, biting, pushing, shoving	Major
Sexual Misconduct	Sexual intercourse or engaging in a sexual act without consent, attempting to engage in sexual intercourse or engaging in a sexual act without consent. Sharing private sexual materials of another person without consent. Kissing without consent. Touching inappropriately through clothes without consent. Inappropriately showing sexual organs to another	Major

	person. Repeatedly following another person without good reason. Making unwanted remarks of a sexual nature.	
Abusive or bullying behaviour	Threats to hurt another person. Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age. Acting in an intimidating and hostile manner. Use of inappropriate language.	Minor/Major
Damage to property including vandalism	Causing minor damage to university property or the property of others.	Minor
	Causing significant damage to university property or the property of others.	Major
Unauthorised taking (theft) or use of property	Unauthorised entry onto or unauthorised use of university premises.	Minor
	Taking property belonging to another without permission	Major
	Serious misuse of university property.	Major
Drugs	Use of cannabis (1 st offence)	Minor (referred to WSD)
	Repeated use of cannabis (2 nd + offence).	Major
	Dealing/Supplying of illegal drugs	Major
	Use of illegal drugs (other than cannabis)	Major
Alcohol-related behaviour	Drunkenness	Minor (referred to WSD)
	Conduct that may harm persons or property	Major
Operations	Behaviour which has damaged or could have damaged the reputation of the University	Minor/Major
Fraud	Falsification or fraudulent use data, information, university intellectual property, or another person's personal information	Major

Offences against the criminal law	where these offences involve other students or directly affect the interests of the University	Major
Antisocial behaviour	Disruptive behaviour (first offence)	Minor
Repeated Anti-social behaviour	2+ offences	Major
Repeated or persistent breach of university policies or regulations	2+ offences	Major

6. Potential Outcomes for Major/Minor Offences

6.1 The table below provides a sample of sanctions that may apply to major and minor misconduct. This is not exhaustive, and other sanctions may be applied on a case-by-case basis and in proportion to the reported conduct:

Sanction	Minor	Major
Verbal Warning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Written Warning, no-contact agreement, written apology, fine, compulsory training, restorative measures, behavioural contracts, any other recommendation deemed reasonable.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Final Warning		<input checked="" type="checkbox"/>
Suspension		<input checked="" type="checkbox"/>
Recommendation for permanent expulsion		<input checked="" type="checkbox"/>

The following fines apply in cases of a breach of accommodation rules and/or fire safety regulations. 1st offences relating to accommodation rules will normally be dealt with by the Accommodation Office with further offences referred to the Student Casework team:

Non-compliance: leaving the building during a fire drill:	
1st Offence	verbal warning
2nd Offence	written warning and £25 fine
3rd Offence	final warning and £50 fine
4th Offence	Eviction
Tampering with safety equipment:	
1st Offence	written warning and £250 fine

2nd Offence	final warning and £500 fine
3rd Offence	Eviction
Candles lit/unlit; any device producing a naked flame and/or smoke and/or heat:	
1st Offence	written warning and £100 fine
2nd Offence	final warning and £200 fine
3rd Offence	Eviction
Smoking/Vaping:	
1st Offence	written warning and £100 fine
2nd Offence	final warning and £200 fine
3rd Offence	Eviction
Non-compliance: using a fire exit in a non-emergency:	
1st Offence	written warning and £50 fine
2nd Offence	second written warning and £200
3rd or more Offences	£500

Noise making:	
1st Offence	verbal warning
2nd Offence	written warning
3rd Offence	final warning and £100 fine
4th Offence	Eviction

7. Student Misconduct Procedure (Minor)

- 7.1 Cases will be handled in a confidential, sensitive manner. If the Student Casework Team determines that alleged misconduct, if proven, may amount to a **minor offence** the following procedures will apply.
- 7.2 The University will not act on allegations of misconduct, which the relevant decision maker(s) considers having been made for the purpose of being vexatious, spurious, or malicious.
- 7.3 A member of the Student Casework Team will contact all relevant parties and including the complainant, inform them of the allegation made, gather and collate evidence. If necessary, affected parties will be interviewed (via video call). In some cases, for example, reports made by security staff with accompanying video evidence, the Student Casework Representative may determine the outcome without referral to the student.
- 7.4 The student shall have the right to be informed of, and to respond to, any allegations considered under this policy or these procedures.

- 7.5 Where a video call takes place, permission from attendees will be sought before recordings commence and they will be deleted once the notes from the meeting have been written and saved to the relevant case file.
- 7.6 If a student is unwilling to participate in a meeting, the University may hold the meeting in the student's absence and the student will be invited to submit written representations, which will be considered by the relevant decision-maker(s).
- 7.7 If a student fails to attend a meeting and/or hearing without good reason, having previously been properly notified of the meeting and/or hearing, the University may continue with the meeting and/or hearing in their absence. Failure to attend may result in further disciplinary action.
- 7.8 The Student Casework Representative will remain impartial and objective as they review all the evidence, and use this to make their decision, taking into account the perception of the recipient(s), the circumstances of the case and the perception of any other related parties including the alleged perpetrator(s). A decision will be taken on the balance of 'reasonableness' (whether it is reasonable for the offence to have the effect that it has) and any sanction will be relevant and proportionate to the offence (this includes referral to a Major Offence Panel).
- 7.9 In addressing cases of minor misconduct, the Student Casework Representative will take into account in determining any sanctions, any previous non-academic misconduct that the student has been found to commit, and/or which they have admitted.
- 7.10 The Student Casework Representative will consider all of the evidence and reach one of the following conclusions:
- No case to answer (no further action)
 - A sanction is applied (Table 6.1).
- 7.11 Any sanction will be proportionate and relevant to the misconduct. *For example, a student who does not have authorised access to a given university premises but enters anyway may be asked to write a short reflective essay about their behaviour and the relevant university policy.* The Student Casework Representative will decide what sanction is appropriate, relevant and proportionate on a case-by-case basis.
- 7.12 The Student Casework team must inform the affected student(s) in writing (email and/or letter) of the outcome within 15 working days from the date of the report, as well as details of any sanction to be imposed and details of how to appeal. Please note that this timeframe may be longer depending on the circumstances of the case.
- 7.13 The outcome of a Non-Academic Misconduct investigation does not constitute a legal ruling on whether any criminal activity has taken place.

8. Right of Appeal (Minor)

- 8.1 The complainant may appeal the outcome of the case where:
- There has been procedural irregularity,
 - There is bias, or failure to reach a reasonable decision,
 - There is evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time,
 - That the sanction imposed was disproportionate to the offence.
- 8.2 The complainant must complete the Appeal Form and submit this to the Student Casework team via student.conduct@buckingham.ac.uk within 10 working days of receiving their outcome letter.
- 8.3 Any relevant evidence to be considered in the review must be submitted with, and at the same time as, the review form. It is the responsibility of the student to gather and provide such evidence.
- 8.4 The Registrar and Chief Administrative Officer (or nominee), who has not participated in the original investigation and decision-making process and has no conflict of interest, must consider the review application.
- 8.5 The Registrar and Chief Administrative Officer (or nominee) dealing with the appeal may undertake a review of the papers but will not re-hear the case or interview the student. The person dealing with the review must decide to:
- Uphold the original decision; or
 - Uphold the original decision but reduce the sanction, or;
 - Overturn the original decision and remove the sanction; or
 - In any case, in which new information is presented at the appeal stage that causes the Registrar and Chief Administrative Officer (or nominee) to conclude that the offence is more serious than was originally considered, impose a greater sanction, or;
 - Refer the case back to Non-Academic Misconduct procedures for further investigation.
- 8.6 Where a request for appeal does not meet any of the grounds for review, and/or is submitted out of time, the appeal will be dismissed.
- 8.7 The Student/Complainant will be notified of the decision by email within 10 working days of the receipt of the application for appeal by the reviewer.
- 8.8 Where a review is not upheld, a Completion of Procedures letter (COP) will be issued by the Student Casework Team within 10 working days of the date of the outcome. The COP will state that the Student/Complainant has exhausted the University's internal procedures and has the right to request a review of their case by the Office of the Independent Adjudicator (OIA).

9. Student Misconduct Procedure (Major)

- 9.1 Where the Student Casework team determine that an offence or incident is deemed to be major, the Student Casework Representative will collect and collate evidence, interviewing (via video call) any relevant individuals. The Casework team aim to complete all interviews and gather evidence within 10 working days from the date of the disclosure. Please note that this timeframe may be longer depending on the circumstances of the case.
- 9.2 Staff will remain impartial and objective as they review all the evidence, and use this to make their decision, taking into account the perception of the recipient(s), the circumstances of the case and the perception of any other related parties including the alleged perpetrator(s). A decision will be taken on the balance of 'reasonableness' (whether is reasonable for the offence to have the effect that it has) and any sanction applied will be relevant and proportionate to the offence.
- 9.3 The Student Casework team may conclude that a case of harassment and/or sexual misconduct has taken place where the alleged perpetrator knows that their conduct amounts to harassment, or where a reasonable person in receipt of the same information of the case would reach that conclusion.
- 9.4 The Student Casework Representative will produce a report outlining their findings.
- 9.5 A Disciplinary Panel ('the panel') will be established consisting of a Dean or senior member of academic staff, and a senior member of professional services staff and supported by a representative from the Student Casework team. There should be no conflict of interest between the panel members and the student as far as reasonably possible.
- 9.6 The Dean will act as the Chair of the panel and will have the casting vote in the event of a deadlock between panel members. The Dean can also decide to adjourn the hearing if they consider the student to be unclear as to the severity of the conduct and possible consequences. In this case the hearing will be rescheduled with deadlines adjusted and communicated accordingly.
- 9.7 The Student will be invited to attend a hearing of which written notification will be sent to the Student's University email account at least 10 working days before the date of the hearing, except that, where the Disciplinary Panel considers that there are exceptional circumstances, a hearing may be convened urgently, in which case the student will be informed of the reasons for the expedited hearing of which they will be given not less than 5 days' notice.
- 9.8 The student should (where possible) be accompanied by a supporter, this could be a member of staff (for example, a personal tutor) a friend or family member. Supporters are not to verbally participate in the hearing.
- 9.9 The student may seek personal testimonials from relevant University staff members. Any such testimonial should be submitted to the Student Casework Officer at least 5 days before the hearing in order that they may be circulated to the Panel by email.

- 9.10 If the student fails to attend the hearing, the Chair, with the agreement of the other members of the Panel, may proceed with the hearing in their absence.
- 9.11 During the hearing, a summary of the case will be made, and the student will be invited to make a statement. The student will normally be asked questions by the panel and be invited to ask any questions of their own.
- 9.12 If during the meeting the student provides new evidence, which had not been made available before, the Chair of the Panel will decide whether the meeting should be postponed for the new evidence to be considered, or whether to dismiss the evidence and continue with the Hearing. In making this decision, the Chair should consider why this new evidence was not available before, along with the circumstances under which it has been obtained.
- 9.13 The student (and any Supporter) will be asked to leave the hearing so that the panel can consider the outcome (Table 6.1). In considering the case, the panel will take into account whether it is reasonable for the offence to have the impact that it has, and any sanction will be relevant and proportionate to the offence. The Panel must make a recommendation to the Vice-Chancellor (in cases where expulsion is recommended).
- 9.14 When making their decision, the panel will consider any previous non-academic misconduct that the student has been found to commit, and/or which they have admitted, and take this into account.
- 9.15 Following the hearing, the student will normally be notified of the outcome in writing via email within 15 working days of the date of the hearing. If a sanction is applied, it will be proportionate to the misconduct case.
- 9.16 The outcome of a major Non-Academic Misconduct investigation does not constitute a legal ruling on whether any criminal activity has taken place.

10. Right of Appeal (Major)

- 10.1 An appeal may be considered only where there is evidence that one or more grounds listed below apply:
- Procedural irregularity.
 - Bias, or failure to reach a reasonable decision in handling the process.
 - Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation/hearing.
 - That the sanction imposed was disproportionate to the offence.
- 10.2 A student may exercise the right to appeal against the outcome of a Major Disciplinary Hearing by completing the Review/Appeal Form Against Decisions of Non-Academic Misconduct Proceedings and submitting it to the Student Casework team via email at student.conduct@buckingham.ac.uk within 10 working days of the date of the letter notifying the student of the outcome of the disciplinary hearing.

- 10.3 Any evidence that the student wishes to be considered in the appeal must be submitted with the appeal application. It is the responsibility of the student to gather and provide any relevant evidence with their appeal.
- 10.4 Any appeal against a major offence finding may be considered by the Registrar and Chief Administrative Officer (or nominee) who will consider, on the basis of the documents generated in the proceedings and submitted by the student, whether the appeal application falls under one or more grounds of appeal.
- 10.5 If it is deemed to fall outside of the grounds of appeal, then the Student Casework team will inform the student in writing by sending a Completion of Procedures (COP) letter by email within 10 working days of the submission of the appeal.
- 10.6 If the Registrar and Chief Administrative Officer (or nominee) decides that the appeal falls within the parameters of section 10.1, the case will be referred to a Major Appeal Panel (the 'panel') consisting of a Dean (or Senior Member of Academic Staff) and a Senior Member of non-academic staff who were not involved in the previous proceedings and who do not have close connections with the Student or any Complainant. In addition to the above members, the Student Casework Team may also invite an independent health professional to join the panel where it is appropriate to do so.
- 10.7 The Major Appeal Panel will hold a meeting (online) as part of the proceedings, will invite the student to attend said meeting, and will consider the appeal. The student will be informed of the decision in writing by email within 10 working days.
- 10.8 The University will aim to resolve the appeal within 28 working days of receipt of the appeal and must inform the student of any anticipated delays by email.

11. Expulsion

- 11.1 Where expulsion has been recommended, the appeal will be considered by a Major Appeal Panel (Expulsion) consisting of three members of Council who are unconnected to the student or complainant. One member of council will be appointed as Chair.
- 11.2 The Major Appeal Panel (Expulsion) must consider, based on the documents generated in the proceedings and submitted by the student, whether the appeal application falls under one or more of the grounds in section 10.1.
- 11.3 If the Major Appeal Panel (Expulsion) agrees by a 2:1 vote or unanimously that one or more grounds apply, it will invite the student to attend a meeting (online) during which the case will be discussed. Afterwards, the panel must decide whether to uphold the appeal or not.
- 11.4 If the Major Appeal Panel decide not to uphold the appeal, then the student is expelled, and the Student Casework team will inform the student of the panel's decision within 10 working days by email.

11.5 If the Major Appeal Panel decide to uphold the appeal, then one of the following will apply:

- a. No further action is taken, and the student may resume their studies.
- b. The student may resume their studies, but one or more sanctions may apply (see table 6.1).

12. Criminal Proceedings

12.1 The University must cooperate with any police investigation related to a case of non-academic misconduct. In this instance:

- any internal procedures relating to the alleged non-academic misconduct must be suspended until the police investigation and (if relevant) any criminal proceedings are complete.
- The University may impose precautionary or preventative measures where necessary to protect and/or to discharge its legal obligations to students, staff and/ or the wider community.
- The Student Casework representative responsible for the case should make regular contact with the student and/or the police.
- The student should keep the Student Casework team informed of any developments in the police investigation and any criminal proceedings.

12.2 In any case in which a student is convicted of a criminal offence in connection with matters which may fall within the scope of this policy and these procedures, the following should apply:

- If the student is sentenced to a period of imprisonment which has the effect that the student is unable to attend the University, their studies may be suspended pending the outcome of any disciplinary procedure.
- Automatic withdrawal from study in cases of imprisonment for more than 12 months.
- [Other than in a case of automatic termination], the Student Casework Representative should determine whether the offence(s) amount to a breach of the University's Regulations falling within the scope of this policy and these disciplinary procedures.
- In the event of a conviction for non-academic misconduct falling within the scope of this policy and these procedures, the Student Casework Representative should determine whether the misconduct amounts to a major or minor offence.
- Conviction shall be taken as conclusive evidence that the alleged offence has occurred, with the effect that the University will not carry out its own investigation.
- The relevant disciplinary procedure must be followed to determine sanctions, adjusted if necessary to take account of any inability on the student's part to attend.

- In determining any sanction to be imposed on a student who has been convicted of a criminal offence, the focus of those determining sanctions should be on:
 - i. Any risk posed by the student to other students and members of staff.
 - ii. Any negative impact the student's misconduct may have, or have had, on the University's reputation.
 - iii. Whether the Student's misconduct prevents or interferes, or has prevented or interfered, with the normal operations of the University.
 - iv. Whether the Student's misconduct has impacted negatively on the University's relationship with the local community, key individuals, agencies or stakeholders.

12.3 In any criminal case in which a student is acquitted of criminal charges related to matters that may fall within the scope of this policy and these procedures, the Student Casework Representative will consider whether there is evidence based on which the student could be found to have committed non-academic misconduct. In reaching this decision, the Student Casework Representative shall proceed on the basis that the acquittal will be taken as conclusive evidence that the student has not committed any criminal offence of which they have been acquitted.

12.4 If the Student Casework Representative considers that there is such evidence, they will decide whether the possible misconduct would amount to a major or minor offence and will advise the Registrar and Chief Administrative Officer (or nominee) accordingly.

12.5 No disciplinary action should normally be taken in such a case without the authorisation of the Registrar and Chief Administrative Officer (or nominee), who will take into account the impact on the student of the criminal proceedings resulting in the acquittal in determining whether any disciplinary procedures should be initiated.

13. Precautionary Measures

13.1 Depending on the nature of the offence, it may be necessary for the Casework Team to make a referral to the Head of Student Services or one of the University's Designated Safeguarding Leads (DSL), to carry out a risk assessment and determine whether the student poses an unacceptable risk to any other member of the University's community or to themselves. The nature of the offence could include (but is not limited to) serious threats of harm, any potential risk to mental or physical health or highly sensitive issues. In this case, the university's [Safeguarding Policy](#) will apply.

13.2 Where the risk assessment (conducted by a member of staff trained in Safe Guarding) concludes that there is a risk (to the student or to others) the Registrar and Chief Administrative Officer may issue a suspension (from the university premises and any place connected to their studies) to the student and/or any

other affected parties. This is issued under the university's [safeguarding procedures](#).

- 13.3 Any suspension will clearly outline the restrictions imposed on the student, including a start and end date of the suspension. Such restrictions should relate to the student's access to university premises or facilities; to their contact with another student or students; and/or to their discussion of disciplinary proceedings with fellow students.
- 13.4 Any suspension issued as part of a safeguarding measure **cannot** be appealed under this policy and procedure as it is governed by [safeguarding policy and procedures](#). It is not the final outcome of the investigation, and nor is it a sanction or an indication of guilt. Students wishing to appeal a suspension issued as a precautionary safeguarding measure, can do so under the [safeguarding process](#) which states that a student wishing to review a precautionary measure (suspension) should write to the DSL who imposed the measure. Such a request should provide appropriate supporting evidence as to why the precautionary measure was objectively unreasonable. For precautionary measures up to suspension this will then be considered by an alternate DSL, for a precautionary suspension this will be considered by the PVC Academic and Provost.
- 13.5 Whilst under a precautionary suspension, students will still be kept informed of the major offence investigation and will be invited to the Major Offence Panel hearing.
- 13.6 Failure to comply with the terms of the suspension will be dealt with as an act of non-academic misconduct and may be subject to sanction under this policy and these procedures.

14. Sources of Support

- 14.1 Current students at the university who engage with the Non-Academic Misconduct policy and procedure (for example, as the recipient, alleged perpetrator, witness or by-stander) may find the following information and sources of support beneficial:
 - [Wellbeing, Skills and Diversity](#) team
 - [Harassment and Sexual Misconduct Policy](#)
 - [Dignity at Work and Place of Study Policy](#)
 - [Safeguarding Policy](#)
 - [Safeguarding Procedure](#)
 - [Mitigating Circumstances](#) policy
 - Faculty of Medicine and Faculty of Education [Mitigating Circumstances](#) form
 - Faculty of Business, Humanities and Social Science and Faculty of Computing, Law and Psychology [mitigating circumstances form](#)
 - [Fitness to Practice information](#) (FMHS only)

- 14.2 Staff involved in the NAMP process should consider whether any academic support is required to allow affected students to continue their studies. This can include reasonable adjustments, such as additional assessment time, timetable revision or alternative assessment method etc. Staff should contact the Head of Student Services in the first instance to discuss academic support mechanisms.

15. Reporting and Monitoring

- 15.1 Records of minor and major offences will be held by the Student Casework team. The Student Casework Representative (or nominee) will compile an annual report of all minor and major non-academic misconduct cases for submission to Senate at the end of each calendar year.
- 15.2 Information in respect of disciplinary offences must be reported as necessary to the relevant School, University's service(s) and/or Regulatory Body.

16. Version History

Version	Changes	Date
7	Review and updates regarding E6/OIA requirements	July 2025
6	Review	June 2022