



UCFB*

Student Code of Conduct Procedure

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*UCFB is a trading name of University Campus of Football Business Limited.

1. Introduction

- 1.1 This Procedure follows guidance produced by:
- Office of the Independent Adjudicator, [Good Practice Framework for Disciplinary Procedures](#);
 - Office of the Independent Adjudicator, [Part B: Non-Academic Disciplinary Procedures](#);
 - Office of the Independent Adjudicator, [Guidance Note: Completion of Procedures Letters](#);
 - Universities UK, [Changing the Culture Reports](#);
 - Universities UK and Pinsent Masons: [Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct](#), 2022;
 - Universities UK and Pinsent Masons: [Guidance for Higher Education Institutions: How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence](#), 2016; and
 - Universities UK, [How to Handle Alleged Student Misconduct: Case Studies](#), 2024.
- 1.2 UCFB upholds the highest standards of integrity and rigour and allegations of student misconduct are reviewed fairly and in a timely manner, ensuring that the process is transparent and investigations are undertaken confidentially and in accordance with:
- [Data Protection Action](#), 2018;
 - UK [General Data Protection Regulation \(GDPR\)](#), 2018;
 - UCFB, [Confidentiality – Student Wellbeing Guidance Statement](#); and
 - UCFB, [Privacy Policy](#).

2. Purpose

- 2.1 The Procedure described in this document is designed for the investigation of allegations of non-academic student misconduct. The procedure designed for the investigation of allegations of academic student misconduct can be found in the [UCFB Academic Integrity & Academic Misconduct Policy](#).

3. Scope

- 3.1 The UCFB Student Code of Conduct states in Section 2.1.1 that: “UCFB students are expected to uphold high standards of conduct by showing respect for the institution, its staff, fellow students, and the wider community. This includes acting as positive ambassadors, adhering to the [UCFB Community Charter](#), recognising and valuing diversity, and ensuring safety both on and off UCFB premises. Specific conduct standards apply during learning, on UCFB and Unite Students premises, and at UCFB or Student Union social events, including sporting activities.”
- 3.2 Allegations may be investigated under this Procedure irrespective of such developments as:
- the Reporting Parties withdrawing the allegation at any stage; or
 - the Responding Parties admitting, or having admitted, the alleged misconduct, in full or in part; or
 - the Responding Parties admitting, or having admitted, other forms of misconduct, whether academic misconduct or otherwise; and/or
 - the Reporting Parties and/or the Responding Parties) withdrawing from the Procedure.
- 3.3 UCFB is required to provide an anonymised annual report to the Academic Board and the Board of Directors of the number of allegations of non-academic misconduct for

the academic year that reached a 'Stage 2: Serious Misconduct Investigation'. This report will be made publicly available.

4. Procedures

- 4.1 This Procedure commences upon receipt of an incident report to:
Resolutions@UCFB.ac.uk by the Resolutions Team.
- 4.2 The Resolutions Team will then determine whether the incident involves current students and:
 - a. If so, the Resolutions Team will commence the investigatory process as detailed in the policy applicable for the misconduct alleged; and
 - b. If not, the Resolutions Team will inform the Reporting Party¹ that UCFB will ensure that applicable policies are applied and close the case.
- 4.3 The Resolutions Team will then review the Responding Party's disciplinary record (including warnings, fines, and other sanctions) and, from this, determine whether the incident satisfies the requirements for resolution via an Initial Meeting or an Academic Misconduct Panel.
- 4.4 If the investigation sits between two states, it will be referred for an Initial Meeting. The investigation may progress to a Resolutions Panel further down the line if so decided by the Identifying, Investigating Officer and/or the Resolutions Team. The Resolutions Team retains the right to categorise any breaches of the Code of Conduct brought forward as they see fit.
- 4.5 This Procedure involves a multi-stage process that escalates investigations as needed, based on the following:
 - 4.5.1 Non-Categorised incidents: If the incident involves the following and takes place in halls, no action is usually taken by the Resolutions Team², unless the behaviour is persistent in which case an investigation may be initiated:
 - a. Lockouts;
 - b. Noise complaints;
 - c. Minor damage to property;
 - d. ID card misuse (residents only);
 - e. Unregistered guests (non-covid); and/or
 - f. Suspected use/possession of illegal drugs or any substance that has a similar effect to illegal drugs.
 - 4.5.2 If the incident involves the following (which is not an exhaustive list), an Initial Meeting may be initiated:
 - a. Tampering with Automatic Fire Detection coverings;
 - b. Smoking indoors;
 - c. Aggressive behaviour; and/or
 - d. Harassment or bullying
 - e. ID card misuse;
 - f. Impolite behaviour; and/or
 - g. Failure or refusal to comply with staff.
 - h. Unacceptable behaviour arising from consumption of alcohol or other substances.
 - i. Possession or use of illegal drugs.

¹ This will apply only if the Reporting Party is a member of the UCFB community. Members of the public would not be advised whether an investigation has been initiated. Instead, they would be advised that UCFB processes will be undertaken, as appropriate.

² Instead, these incidents should be reported to Unite Students directly via Manchester: millpoint.general@unitestudents.com ; Wembley: archviewhouse.general@unitestudents.com

- j. Failure to respect the rights of others to Freedom of Speech within the law.
 - k. Actions that caused or could have caused a health and safety concern on UCFB premises
 - l. Behaviour that damages the relationship or reputation of UCFB with local communities.
 - m. Behaviour that damages the UCFB relationship with external organisations and groups
 - n. Disruption of or improper interference with the academic, administrative, sporting, social or other activities of UCFB.
- Please refer to the UCFB Code of Conduct Policy for further examples.

4.5.3 If the incident involves the following, a Resolution panel may be initiated:

- a. Possession of weapons;
- b. Use and/or supply of Class A, B or C drugs;
- c. Sexual misconduct;
- d. Damage to safety equipment;
- e. Theft of UCFB equipment
- f. Repeated misconduct;
- g. Physical and/or verbal violence;
- h. Harassment (severity dependent); and/or
- i. Abusive behaviour (severity dependent).
- j. Abusive language about others on the grounds of disability, sex, gender identity, pregnancy, race, religion or sexual orientation.
- k. Physical violence or threats of towards others;
- l. Making unwanted remarks of a sexual nature.

4.5.4 If the Responding Party already has a disciplinary record (including warnings, fines, and other sanctions), any further breaches may be escalated directly to a Resolutions Panel. The following are examples of this:

- a. Two or more incidents of harassment or discrimination;
- b. Persistent minor breaches of different natures (any number of incidents above two may constitute persistent behaviour); and/or
- c. Two or more incidents with smoking indoors and/or tampering with Automatic Fire Detection.

4.6 Factors that will be taken into account in establishing the route to resolution include:

- Student focused – focusing on a series of breaches from one student, regardless of other students involved in these incidents. Examples of these include public health mandates, patterns of aggressive behaviour, multiple breaches of a serious nature, etc; and
- Incident focused – focusing on an incident in which more than one student is accused of misconduct. Examples of these are drugs found at a gathering, physical fights in which multiple people are named as the aggressors etc. These types of cases would normally only involve one incident but there are some situations where additional incidents may be considered, for example if the same students are involved in a subsequent incident of a similar nature.

These factors help the Resolutions Team to focus on the most important aspects of the breach and minimise the number of hearings a student may need to attend. Sometimes multiple hearings will be unavoidable thus every effort will be made to minimise the stress for the involved parties, where possible.

- 4.7 The aim of the non-academic misconduct investigation process is to ensure that the students involved are disadvantaged as little as possible thus every reasonable avenue to limit stress and impact to the students will be utilised – this may include involvement of the Student Support Team, Course and/or Module Leaders, Deans, etc.

5. Risk Assessment of the Parties

- 5.1 At times it may be necessary to mitigate risk and protect the UCFB community by applying precautionary measures prior to or at the start of the disciplinary process.
- 5.2 Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that UCFB has decided that the Responding Student has committed any misconduct. The aim is to protect all members of the UCFB community.
- 5.3 The Resolutions Team reviews all incident reports and carries out an initial triage to see if incidents meet the threshold for an immediate safety threat.
- 5.4 The Risk Assessment Group is convened to consider whether precautionary measures should be applied in response to an incident report. The purpose of this Group is to assess any immediate or potential risks to the safety and wellbeing of individuals and the wider UCFB community prior to the investigation starting.
- 5.5 The Risk Assessment Group will typically include the following members (or their nominees) and make the final decision on whether to apply precautionary measures under delegated authority from the UCFB Board of Directors:
- Director of Student and Academic Services;
 - Dean of Education and Student Experience; and
 - Head of Student Support.
- 5.6 Additional members of staff with relevant input or expertise may also be asked to participate in a Risk Assessment Group meeting.
- 5.7 As part of their determination, the Risk Assessment Group will consider whether specific arrangements can reasonably be made for any Responding Student, subject to precautionary measures. They will also liaise with the Academic Team, where appropriate, to help minimise the impact on the student's studies.
- 5.8 UCFB may recommend that either Supported Party not have contact with each other and with named others during the precautionary measures period.
- 5.9 This decision will be formally recorded in the meeting Minutes by the Resolutions Team and could consist of one or more of the following:
- a) Restricting students' access to the campus or certain parts of the campus, e.g. particular buildings;
 - b) Restricting students' participation in certain academic and/or non-curricular activities;
 - c) Issuing a non-contact agreement to everyone involved, whereby everyone will be asked to sign a copy of identical agreements. This is to ensure the safety and wellbeing of all students involved, to ensure all students are supported and that they also understand the boundaries on any interactions;
 - d) Suspending students: suspension means that the student is prohibited from participating in the academic activity of UCFB and the student's registration

on their course of study is put on hold - a full or partial suspension may be put in place where appropriate; and/or

- e) Excluding the student: exclusion means that the student is prohibited from taking part in UCFB activities, using UCFB facilities and/or entering UCFB grounds or premises - full or partial exclusion may be put in place where appropriate.

- 5.10 The Resolutions Team will inform the relevant Supported Party in writing when a precautionary measure has been applied in their case, and the reasons for this, usually within three working days of the decision.
- 5.11 A Reporting Student and the Responding Student have the right to appeal the precautionary measures applied to them. The student can appeal against the precautionary measures at any point during their application by writing to the Resolutions Team via Resolutions@ucfb.ac.uk expressing their reasons for the appeal.
- 5.12 Any precautionary measures will be reviewed at regular intervals (with a maximum of two months between reviews) to consider whether they should be revoked, extended or the terms amended. In the case of UCFB awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.
- 5.13 If a Responding Student breaches the precautionary measures applied to them, then they may be subject to further disciplinary action and any breach will be considered and addressed during the Resolutions Panel hearing.

6. Local Level Resolution

- 6.1 Misconduct may sometimes be addressed without initiating a formal investigative process. In such cases, an informal meeting should be arranged between the student and relevant senior member of staff and/or relevant departments. Other staff including academic representatives may be present.
- 6.2 Early intervention and restorative approaches are used to rebuild trust and support a constructive resolution.
- 6.3 Concerns should be raised directly with individuals at the earliest opportunity and refer to the Student Code of Conduct policy as well as setting expectations for future behaviour.
- 6.4 In some cases an informal verbal warning may be given but will form no part of a formal disciplinary record. A note of any such warnings or actions taken following the meeting with the student(s) should be communicated to the Resolutions team.
- 6.5 If the issue remains unresolved, required improvements not achieved or further information becomes available which suggests the matter means the formal disciplinary procedure may then be implemented.

7. Formal Disciplinary Procedure: Investigation

- 7.1 The Director of Student and Academic Services or nominee (of authority) will assign an Investigating Officer (IO) to each Stage 1: Minor Misconduct Investigation.
- 7.2 Once an IO has been assigned, they will receive: the Incident Report and evidence pack complete with evidence redacted by the Resolutions Team, e.g. other students' addresses, sections which are about students unrelated to the investigation (see Section 10.4 Document Redaction (below)).
- 7.3 The Resolutions Team will send the Responding Student a Notice of Investigation informing them of the start of the investigation within five working days of receipt of the incident report. In addition to the Notice of Investigation, the relevant policies as well as the UCFB Student Code of Conduct and UCFB Student Code of Conduct Procedure will be signposted in the letter.
- 7.4 The IO will be given an allowance of 20 working days from the date the Incident Report and evidence pack are sent to them to complete their investigation. The Resolutions Team will send a reminder to the IO on the eighth day of the investigation to offer advice and guidance and/or to discuss a potential extension to the investigation timeframe. Only requests with appropriate circumstances will be considered for extension. If granted, the extension period will normally be between one to five working days.
- 7.5 The IO will make direct contact with the Responding Parties following the Notice of Investigation Letter via their UCFB e-mail address.
- 7.6 In cases where the Reporting Party is not a member of the UCFB community, the IO will schedule meetings or request statements from the parties in the following order:
- Reporting Parties;
 - Witnesses; and
 - The Responding Student(s).

However, first contact (via email) will be made at the same time with all parties involved.

- 7.7 The IO Report may make the following recommendations:
- Suggest the evidence shows that no misconduct has taken place;
 - Suggest the evidence is insufficient/inconclusive therefore no conclusion can be made;
 - Suggest the evidence shows that misconduct has taken place but due to mitigating circumstances/information uncovered during the investigation either no penalty or a lighter penalty should be imposed;
 - Suggest the evidence shows that misconduct has taken place, and a proportionate sanction should be imposed;
 - Suggest the evidence shows that gross misconduct has taken place and that the case should be reviewed to progress to an Misconduct Panel; or
 - Recommend a sanction, but it will be the Resolutions Team who apply the sanction to ensure sanctions are proportionate.

- 7.8 The appropriate outcome letter(s) are sent to the student with the IO and Student Support made aware. Reporting parties can only be made aware of any sanctions issued to the Responding party where it directly affects them.
- 7.9 If an escalation to a Resolutions Panel has taken place, skip to Section 8 (below) for further guidance.

8. Resolutions Panel: For serious or further instance of misconduct

- 8.1 A Resolutions panel may be called if:
- It is unable to be resolved at Stage 1 with an appropriate sanction
 - The Responding student misconduct is frequent or repeated
 - The Responding Student fails to comply with disciplinary decisions or sanctions previously applied.
 - The evidence suggests that serious misconduct has taken place.
 - The Responding student is faced with the possibility of suspension or exclusion/restriction.
- 8.2 The Responding Student(s) (and in some cases the Reporting Parties)) will be advised of the Misconduct Panel date at least seven working days before the date of the hearing. The information provided to the Responding Student(s) will:
- Confirm the time and place of the Misconduct Panel (normally through Microsoft Teams, unless an in-person meeting is requested or deemed necessary by the Chair of the Misconduct Panel);
 - Detail the nature of the alleged misconduct and a summary of the evidence for the complaint;
 - The student's entitlement to accompaniment at the meeting by a friend or representatives unconnected with the allegation;
 - The members and Chair of the Misconduct Panel;
 - The requirement that the student attends, including informing the student that if they fail to attend, without good reason, the Misconduct Panel will go ahead in their absence using the facts as recorded.
- 8.3 The Misconduct Panel will consist of a Chair, who is a senior member of staff within UCFB, two panel members, an Officer (usually a member of the Resolutions Team), and the Responding Students (at times the Reporting Parties may also participate). Additional attendees in the hearing may be either witnesses called by UCFB or the Responding Students or support/accompanying persons attending together with a supported student.
- 8.4 The Responding Students may request to change the date/time of the Misconduct Panel once after receiving the Invitation to Misconduct Panel Letter, if the request is made at least one working day prior to the hearing date. The Resolutions Team will honour all such requests and will work with students to ensure a reasonable date/time for the Panel to be rescheduled.
- 8.5 If the Responding student does not attend the Panel, the Panel will review any reasons provided for their absence. If no reasons are given, or if the reasons are deemed invalid, the Panel will proceed in the student's absence, and the student will be considered to have accepted the findings and any resulting penalty. If valid reasons are provided, a single adjournment may be granted, with further adjournments allowed only in exceptional cases at the discretion of the Panel Chair.

- 8.6 The Misconduct Panel will discuss the case in private and reach a decision based on the available evidence. The Panel will endeavour to make a decision on the same day as the hearing, but this may not always be possible and further deliberation required. In exceptional circumstances this process may be delayed by a couple of days – where this happens the Responding Students will be made aware via email.
- 8.7 An Outcome of Hearing Letter will be sent to the Responding Students within five working days of the outcome being reached by the Misconduct Panel.
- 8.8 An outcome letter will also be issued to the Reporting student, but will only be informed of any sanctions taken that are directly affect them. Eg. A written apology from the Responding Party.
- 8.9 The Responding Students are afforded ten working days to advise the Resolutions Team of their wish to appeal the outcome. Information on how to proceed with this is detailed within the outcome documentation sent to Responding Students following the Misconduct Panel.

9. How reports are received: pathways and codes

- 9.1 UCFB broadly puts non-academic misconduct into four categories:
- **People:** this includes, among other things:
 - Physical misconduct
 - Sexual assault
 - Sexual harassment
 - Relationship abuse
 - Stalking
 - Hate crimes
 - Sexual misconduct
 - Bullying
 - Harassment
 - Discrimination
 - Disruptive behaviour
 - **Property, Environment, and Community:** this includes damage to property, unauthorised use of property, and anti-social behaviour;
 - **Health, Safety, and Wellbeing:** this includes behaviour which causes or risks causing harm; and
 - **Institutional:** this includes disrupting UCFB procedures, and causing damage to UCFB.
- 9.2 All members of the UCFB community should submit an incident either [with contact details](#) or [anonymously](#) as soon as possible, when they observe, or are informed of, or are adversely affected by student conduct which may breach UCFB codes of conduct, including those involving ex-students and/or accommodation issues.
- 9.3 Members of the public may also report potential breaches. Reporting parties who are neither staff nor students will not receive an email from the Resolutions Team seeking clarification on the report or further evidence. However, they may receive a notice to say that the report has been received and that the relevant UCFB policies will be applied, as appropriate.

- 9.4 It is incumbent upon all Reporting Parties, when making any disclosure or report relating to student conduct to be truthful and clearly state exactly what happened in the incident they observed, were informed of, or were adversely affected by. UCFB will give all Reporting Parties the opportunity to be heard. Upon making a disclosure, UCFB will explain all of the relevant options available to the Reporting Parties so that they can make an informed choice before proceeding with any further steps.
- 9.5 UCFB will not take any immediate action in response to an incident report unless there is a concern about immediate safety and/or where it has a duty to do so under relevant legislation, e.g. safeguarding, etc.
- 9.6 Academic Centres and individual members of staff: Sometimes the Resolutions Team will receive queries from members of staff regarding incidents they have witnessed or had disclosed to them by a student. Academic colleagues are asked to complete an incident report to ensure that UCFB has a formal record of all incidents.
- 9.7 Incident Dates: Incidents may be reported some time after they occur. For example, an incident which occurs at the library may have been reported at 01:00 but may have happened three hours earlier at 22:00. In this case, the incident date would be the day prior to the report date.

10. Tracking of Disciplinary Cases and Data Practice

- 10.1 Records of all reported incidents will be maintained by the Academic Quality Team for a period of closure of case plus six years, in accordance with the [UCFB Records Lifecycle Management Scheme](#). The Incident Code, Responding Student names and student numbers, incident date, incident details and incident location will be held for this duration. Following the six-year deadline, only the incident date, details, and location will be retained and will be archived.
- 10.2 These details are held to ensure adequate processing time for each incident report. Access to these records is limited to the members of the Academic Quality Team and the Director of Student and Academic Services.
- 10.3 Parts of the data which the Resolutions Team collects throughout the academic year are used in annual reporting to ascertain whether there are any concerning trends within misconduct cases, viability of current policies against staffing and case numbers as well as explore any potential over-representation of demographics.
- 10.4 **Microsoft Teams Storage:** All evidence which is shared to the Resolutions Team will be stored in accordance with confidential data handling good practice. This will include all incident reports, Evidence, Investigation Reports, Statements, Notices of Outcome, Notices of Investigation, Precautionary Measures Letter or Penalty Letters which are either provided by staff and students involved in the misconduct process or created by the Resolutions Team prior, during, or following a misconduct process. This data will be held for a period of closure of case plus six years, following which all of this data will be deleted.
- 10.5 **Emails relating to disciplinary processes:** The parties involved in a misconduct process will be advised of next steps and, where appropriate, the outcome of the process via email. These emails will be held in the Resolutions Team Outlook folders for six years after which they will be deleted.
- 10.6 **Data shared to third parties (Internal and External to UCFB):** The third parties who may receive information in relation to disciplinary processes from the Resolutions Team are as follows:
- The Academic Centre of the Responding Student, the Facilities Team, the Student Support Team and/or Learning Support Team, Academic Registry, Student Finance, and the awarding partner, e.g. the Student Conduct Team.
 - The Resolutions Team will not share any data to third parties who are external to the UCFB unless an external third party has followed appropriate channels

of requesting required data and we are compelled to do so by the Data Protection Officer, Legal Counsel to UCFB, an FOI request or the Office of Independent Adjudicator.

- 10.7 **Written correspondence:** All written correspondence from the Resolutions Team will be identified as “Private and Confidential in the confines of the current procedure”. This means that should you share the information from within the letters to parties external to the UCFB or those who do not contribute to the proceeding of the disciplinary process you may be liable for further breaches under the Student Code of Conduct as well as the Data Protection Regulations set forth by UCFB. If you are unsure as to whether you should share the information sent to you, you are welcome to get in contact with the Resolutions Team via email – resolutions@ucfb.ac.uk.

11. Standard Correspondence

- 11.1 Local Resolution
As this is seen as an informal resolution prior to escalation to formal proceedings communications will invariably be limited to emails informing both the Responding party and the Resolutions team of any meetings that took place and/or verbal warnings issued.
- 11.2 The following templates may be sent to Responding Students during a Stage 1 process:
- Confirmation of receipt (Reporting party)
 - Risk assessment notification (both parties)
 - Investigation notification (both parties)
 - Outcome notification – Responding party (full disclosure)
 - Outcome notification – Reporting party (limited information)
- 11.3 Resolutions Panel
The following may be sent to students during a Resolutions Panel process:
- Invite to Disciplinary Hearing (both parties)
 - Invitation to hearing as a Witness
 - Hearing agenda
 - Minutes
 - No further action (where appropriate)
 - Notice of Resolutions Panel outcome to Responding Party (with sanctions and 10 day window of appeal)
 - Notice of Outcome of Panel to Reporting Party (limited detail)
 - Behavioural contract
 - CoP Letter
- 11.4 Document Redaction: Documentation and evidence regarding student conduct often undergoes redaction to protect privacy and maintain confidentiality. This process involves UCFB staff removing or obscuring specific information, such as personal details, sensitive evidence, or internal deliberations to ensure proportionality and relevance on the basis of the Data Protection Principles set forth by UCFB. The Resolution Team maintains unredacted copies of all documentation and evidence for reference and record-keeping purposes. In addition to documents and evidence from a Misconduct Panel, the Incident Reports and other relevant evidence shared with an IO will be suitably redacted prior to sending them out.

11.4.1 Redaction is used to protect:

- **Privacy:** Documentation and evidence regarding student conduct often contains sensitive personal information, such as names, addresses, and details about alleged offenses, which should be protected to prevent harm or distress. Redaction ensures that individuals' personal information is not disclosed to unauthorized parties, helping to protect their privacy and prevent harm.
- **Confidentiality:** Student Code of Conduct processes are confidential, and revealing internal deliberations, witness statements, or other confidential information could prejudice future proceedings or undermine the integrity of an investigation.
- **Rights of the parties:** Redaction ensures that individuals involved in the process, both those accused and those who may be affected by the outcome, have their rights protected, particularly their privacy and the right to a fair process. While redaction may seem to obscure information, it actually helps to ensure fairness and transparency by removing irrelevant or prejudicial information.
- **UCFB Legal and regulatory compliance:** Redaction helps ensure compliance with relevant data protection laws and regulations, such as the General Data Protection Regulation (GDPR), which governs the processing of personal data.

11.4.2 Examples of information often redacted:

- **Personal Information:** Names, addresses, phone numbers, email addresses, social media handles, and other identifying details of individuals involved.
- **Specific Evidence:** Details of witness statements, police reports, medical records, and other evidence that may be considered sensitive or could jeopardize the safety of individuals.
- **Internal Deliberations:** Internal communications between UCFB staff, lawyers, or other parties involved in Student Code of Conduct processes may be considered confidential.
- **Sensitive Information:** Details about mental health issues, financial situations, or other sensitive personal information that could be harmful or stigmatising.

11.4.3 Redaction is undertaken by one or a combination of the following:

- **Manual redaction:** Redaction can be done manually by physically covering or deleting specific sections of a document with black markers or other materials.
- **Digital redaction:** UCFB may use software to redact documents digitally, allowing for more precise and efficient redaction.
- **Metadata removal:** Redaction can also involve removing or altering metadata associated with a document, such as author names, creation dates, or file paths.

12. Investigations, Investigating Officers, and Misconduct Panels

12.1 Formal Disciplinary Procedure: Investigations

The Formal Disciplinary Procedure investigations is part of the formal disciplinary procedure which is implemented either when a breach of the Code of Conduct cannot be dealt with at local level due to the seriousness or the repeated offences of

an individual. Investigations at this stage, in most cases, take at most 20 working days to conclude. Upon the conclusion of the investigation, Responding Students receive an outcome to the Investigation from the Resolutions Team within three working days. Responding Students do have a right to appeal the outcome they receive, instructions on how to do so are relayed within the Outcome Letters.

- 12.2 Investigating Officers (IOs) are expected to have completed the following training to ensure they deliver fair and proportionate investigations:

Compulsory	Recommended
Unconscious bias e-learning module	Any other specialist training applicable to the subject area
Bullying and Harassment e-learning module	Consent Matters course
GDPR and data sharing training	
Attend a training session either with a qualified Investigating Officer or with an external provider	
Student Disclosures of Unwanted Sexual Incidents e-learning module	

12.3 **Resolutions Panels**

Resolutions Panels are called when:

- The allegations are deemed as serious misconduct;
- Where the Investigating Officer is unable to come to a decision or their findings reveal evidence warranting escalation;
- It is unable to be resolved at Stage 1: Investigation;
- The Responding Student misconduct is frequent or repeated;
- The Responding Student fails to comply with disciplinary decisions or sanctions previously applied;
- The evidence suggests that serious misconduct has taken place; or
- The Responding Student is faced with the possibility of suspension exclusion/restriction.

- 12.3.1 Where a Resolutions Panel is deemed necessary, the constitution of the Resolutions Panel should be:

- a) Three members of UCFB academic staff, the Chair will be a Course Leader or above, with appropriate expertise of student conduct procedures, and
- b) A student representative nominated by the Students' Union.

Where possible, UCFB will seek to ensure that the composition of the Panel reflects the character and diversity of our institution, including Academic Link Tutors.

- 12.3.2 Responding Students receive an Invite Letter to the Hearing seven working days prior to the hearing date. The information provided to the student will:

- Confirm the time and place of the hearing (normally through Microsoft Teams, unless an in-person meeting is requested or deemed necessary by the Chair of the Misconduct Panel);
- Detail the nature of the alleged misconduct and a summary of the evidence for the complaint;
- The student's entitlement to accompaniment at the meeting by a friend or representatives unconnected with the allegation;
- The members and Chair of the Misconduct Panel;

12.3.1 Misconduct Panels will consist of a Chair, who is a senior member of staff within UCFB, two panel members, an Officer (usually a member of the Resolutions Team), and the Responding Students (at times the Reporting Parties may also participate). In some instances, further attendees may be the Reporting Student(s), Witnesses, Accompanying Person(s).

12.3.2 All Misconduct Panels are scheduled to take place virtually over Microsoft Teams. Responding Students are allowed to change the date/time of the hearing once. At which point, a new date/time will be agreed taking into account the availability of the Misconduct Panel and the Responding Students.

12.3.3 Responding Students will be sent a Microsoft Teams invite for the misconduct panel and will be admitted to the meeting at the appropriate time when the Chair requests to call them in to begin proceedings.

12.3.4 Misconduct Panels may last anywhere from 30 minutes to 1 hour. Panel outcomes will usually be communicated to Responding Students within three working days after the date of the hearing. Upon receiving the Outcome Letter Responding Students have 10 working days to initiate the appeal process by following guidance given within the Outcome Letter.

12.3.5 Any reasonable adjustment will be undertaken for Misconduct Panels upon the Responding Students' request.

12.3.6 In some situations, it may be necessary for Reporting Students or witnesses to attend the hearing without Responding Students being present. The facilitation of this will be agreed by the Chair of the Misconduct Panel and the Resolutions Team prior to the hearing taking place. Responding Students will be made aware of any arrangements to the hearing via the Agenda sent to them seven working days prior to the hearing. All participating students have the right to ask and be asked questions during a hearing - the format surrounding questions to/from Reporting Parties or witnesses will also be agreed with the Chair of the hearing and communicated via the Agenda, for example:

- Responding Students will return once the Reporting Parties or witnesses have read their statement and will ask questions via the chair.
- Responding Students will submit questions to the Chair before leaving the hearing, if required, and these will be asked to the Reporting Parties or witnesses by the Chair, the responses will then be relayed back to Responding Students once the Reporting Parties or witnesses have left the hearing. The same process will be followed with the questions presented by the Reporting Parties or witnesses

12.4 **Misconduct Panel Procedure:** Reporting Parties and Responding Students will be in attendance together for the introduction where appropriate given the nature of the case, Investigating Officer's report, and closing statements only. Each party will have the right to be heard by the Panel without the other present, and any new information

(including questions and answers) will be relayed to the other party on their return by the Officer in the following fashion:

- a) Responding Students will submit questions to the Chair where appropriate;
- b) Responding Students will leave the hearing;
- c) The questions of Responding Students will be relayed to the Reporting Parties by the Chair;
- d) Reporting Parties' responses will be recorded by the Officer;
- e) Responding Students will re-join the hearing;
- f) The answers will be relayed to the Responding Students by the Officer;
- g) Reporting Parties will submit questions to the Chair;
- h) Reporting Parties will leave the hearing;
- i) The questions of Reporting Parties will be relayed to Responding Students by the Chair;
- j) Responding Students' responses will be recorded by the Officer;
- k) Reporting Parties will re-join the hearing; and
- l) The answers will be relayed to Reporting Parties by the Officer.

12.5 Minutes: Minutes for the Misconduct Panel will be as exhaustive as possible and will conform to the UCFB Academic Committee Handbook. Role titles, e.g. Chair, Reporting Party, Responding Student, Officer, etc. will be used for all attendees of the hearing. All questions, answers and references to evidence will be recorded as accurately as possible, in addition to any mitigation, admissions and apologies. Misconduct Panels will be recorded to ensure utmost accuracy within the minutes with the recordings destroyed upon production of the minutes. All participants of the hearing will have the opportunity to consent to the recording prior to this taking place. The Minutes will be sent to the relevant parties within three working days of the Misconduct Panel, where possible. In some instances, the Minutes may be delayed to ensure optimal accuracy within them. The relevant parties will be made aware of any delays.

12.6 Evidence packs for Panels: Any further documents gathered throughout the investigation and prior to the hearings, i.e. the Investigation Report, statements, photos, etc. will be redacted in accordance with Section 10.4 (above) before it is shared with Panel Members. Names within the documentation may be replaced with pseudonyms like 'staff member A' or 'student B' for ease of understanding. The following could be shared if necessary to the Panel. This is to ensure the Panel has a full indication of the engagement with the Resolutions Team and the information which has been relayed to them:

- All relevant policies and procedures;
- UCFB Student Code of Conduct;
- UCFB Student Code of Conduct Procedures;
- Notice of Stage 1 Investigation communication sent to the Responding Student;
- Invite to Hearing sent to the Responding Student;
- Hearing Agenda;
- Any Precautionary Measures letters issued during the misconduct process;
- Any relevant existing penalties, e.g. Behaviour Contracts; and
- Any further evidence supplied before the hearing (after being reasonably redacted).

11.8 Evidence packs for Students: Evidence and documents shared with students may be redacted further than the Panel's pack. All names and identifying information other than Responding Students, alleged victims and witness (if said witness has made a claim against Responding Students) information would be redacted. Further

information which may not be redacted are Reporting Students' details in sexual misconduct cases where Reporting Parties are named and not anonymous. Names within the documentation may be replaced with pseudonyms like 'staff member A' or 'student B' for ease of understanding. The evidence and documentation are shared with involved students via password protected files, which will be shared with students along with either the Invite to Hearing email or a subsequent email relating to the evidence. In most cases, the IO is given access to the student evidence and documentation so they can see what information the student has been given and can use this to base their report summary for the hearing. Within the evidence and documentation folder for the student, the following is usually included:

- All relevant policies and procedures;
- UCFB Student Code of Conduct;
- UCFB Student Code of Conduct Procedures;
- Notice of Stage 1 conclusion communications;
- Invite to Hearing letter;
- Hearing Agenda;
- Any Precautionary Measures letters issued during the disciplinary process;
- Any relevant existing penalties, e.g Behaviour Contracts; and
- Any further evidence supplied before the hearing (after being reasonably redacted).

13. Outcomes

13.1 **Behaviour Contracts:** are issued after a Resolutions Panel hearing in most cases. However, a behaviour contract may be implemented following a less serious Stage 1 investigation where the student admits to the alleged behaviour and offers an apology for it (the suitability of the latter would be decided between the Resolutions Team and the Director of Student & Academic Services or nominee). The contracts can include whatever the Panel (or the Resolutions Team and the Director of Student & Academic Services or nominee) deem proportionate and fair for the alleged misconduct. Stipulations may include the following²:

- Requirements of no further breaches of any kind, of a similar kind or of a specified kind;
- Bans from areas of the campuses, e.g. libraries, sports facilities, stadiums, and teaching spaces;
- Requests for apologies or reparations, e.g. replacements of broken or stolen property; and/or
- Class attendance requirements.

13.1.1 The Behaviour Contract does have an end date and this date will be included within the contract. Durations can include the following, for example:

- Until the end of the academic year (31st August XXXX);
- Until the end of the calendar year (31st December XXXX);
- For one calendar year from the date of the letter;
- Until the end of next academic year (31st August XXXX);
- Until the student completes a specified level of study;
- Until the student finishes their current course; or
- Until the student is no longer associated with UCFB (i.e. would include any subsequent courses such as Postgraduate Course etc.).

13.1.2 A Responding Student, who receives the Behaviour Contract as a penalty, will be required to acknowledge the receipt of the contract and accept the contract by replying to the penalty letter.

- 13.1.3 The consequences of breaching the Behaviour Contract will be clearly outlined in the penalty letter. In most cases, any breaches of the contract would result in a (further) disciplinary hearing (which may result in expulsion). However, if any other consequences are deemed appropriate by the Panel, these would be stated.
- 13.2 **Exclusion (penalty):** Two types of exclusions are utilised by the Resolutions Team: full (the student is excluded/restricted from all UCFB grounds and activities) and partial (the student is excluded/restricted from specified UCFB grounds and activities) Exclusions/ restrictions are put in place for a specified period of time. The end date of an exclusion will be clearly communicated to Responding Students.
- 13.2.1 If the exclusion/restriction affects Responding Students' ability to carry out their course, the Resolutions Team would ensure that the Academic Centre is notified and work with them, together with the Director of Student & Academic Services or nominee, to ensure the academic disruption to Responding Students is kept to a minimum.
- 13.2.2 Following the end date of the penalty of exclusion/restriction, the Resolutions Team will ensure relevant teams from within UCFB are notified so that Responding Students can resume their activities as normal.
- 13.2.3 There may be additional stipulations to the penalty of exclusion/restriction which will be relayed within the Penalty Letter sent to Responding Students.
- 13.3 **Suspension (penalty):** A Suspension means that Responding Students' records are paused for a specified period of time during which they are not able to access their email, complete exams, attend classes, etc. Prior to applying a penalty of Suspension, the Resolutions Team would ensure that the Resolutions Panel considers all possible implications of the penalty, i.e. housing and accommodation, visa status, financial implications such as access to tuition fees and maintenance loans in addition to further potential time implications.
- 12.3.1 At times a penalty of Suspension may be of disproportionate disadvantage to Responding Students and would thus fall outside of the precedent set for most allegations of misconduct. Should this be the case, the Resolutions Team will advise the Panel of other possible avenues of penalty.
- 12.3.2 The Resolutions Team will hold a conversation with Responding Students' Academic Centres to ensure all implications of a Suspension are fully understood and considered prior to advising Responding Students of the penalty via an Outcome Letter.
- 12.3.3 There may be additional stipulations to the penalty of suspension which will be relayed within the Penalty Letter sent to Responding Students.
- 12.3.4 With all cases of Suspension, Responding Students have a ten-working day window to advise the Resolutions Team of their intention to appeal. During this period, and during any appeals processes, Responding Students remain active student within UCFB until an outcome to the appeal has been received.
- 12.3.5 Following the end date of the penalty of Suspension, the Resolutions Team will ensure relevant teams from within UCFB are notified so that Responding Students can resume their activities as normal.
- 12.4 **Expulsion:** A penalty of Expulsion means that Responding Students' record is terminated and they are not permitted to re-enrol or enrol onto any other course at UCFB. An Expulsion is a recommendation issued by the Resolutions Panel and the Resolution Team will seek an endorsement to the penalty from the Director of Student and Academic Services prior to applying the penalty. There may be additional stipulations to the penalty of Expulsion which would be relayed within the Penalty Letter sent to Responding Students. With all cases of Expulsion, Responding

Students have a ten-working day window to advise the Resolutions Team of their intention to appeal. During this period, and during any appeals processes, Responding Students remain active students within UCFB until an outcome to the appeal has been received.

- 12.5 **Communicating outcomes with other departments/teams:** It may be necessary for the Resolutions Team to inform other teams about penalties applied. Relevant stakeholders will be informed about Suspensions and Expulsions only when they are required to complete an action or prepare for an action in relation to the penalties. At times, less severe penalties or unprecedented circumstances may require communication with stakeholders. Examples of such instance are as follows:
- The Facilities Team is informed of an Exclusion/Ban;
 - The Academic Centre is informed of an Exclusion/Ban;
 - The Facilities Team is informed of a requirement to provide reparations (the Responding Student would usually be asked to leave the reparations in the most appropriate office so the affected student can retrieve them in a neutral space);
 - The UCFB Athletic Union and Sports & Active Lifestyle Officers may be informed of penalties; and/or
 - The Academic Centre, sponsor, and/or Widening Participation Team may be informed of penalties against scholarship/bursary awardees (awardees are held to much higher standards of behaviour and can have their scholarship/bursary revoked for even a minor breach of the Student Code of Conduct).

These examples are not exhaustive and other circumstances may require the Resolutions Team to make contact with relevant stakeholders from UCFB. Relevant stakeholders will also be contacted to inform them of the lifting, withdrawal, and/or expiry of penalties applied.

13. Appeals

- 13.1 Any instance where the allegations made against Responding Students are upheld, Responding Students have the right to appeal the outcome of the misconduct process. An intention to appeal an outcome must be communicated to the Resolutions Team in writing by Responding Students via Resolutions@UCFB.ac.uk within 10 working days of receipt of the outcome.
- 13.2 **How to appeal:**
- a) Appeal email is received from Responding Student within ten working days of the date of the Outcome Letter.
 - b) Responding Students must clearly communicate the grounds on which they lodge their appeal:
 - i. UCFB has failed to follow the procedure set out in this Policy;
 - ii. the decision was unreasonable and/or a disproportionate outcome has been imposed; and/or
 - iii. there is new information/evidence which was not reasonably available before and would have made a material difference to the outcome.
 - c) Responding Students will then receive an acknowledgement of the appeal from the Resolutions Team and will be informed whether their appeal will be considered by the Director of Student and Academic Services (i.e. it meets one of the grounds listed in Section 13.2b (above)).
 - d) The appeal and corresponding evidence will be reviewed by the Director of Student and Academic Service, or their nominee. They will not re-investigate the whole case but will review whether there has been a procedural irregularity or a breach of the Student Code of Conduct Policy.

- e) The Resolutions Team will expect a written outcome to the appeal from the Director of Student and Academic Services, or their nominee, within ten working days. However, dependant on the complexity of the misconduct case, some appeals may take longer. Any significant delays will be communicated to Responding Students by the Resolutions Team. Depending on the outcome of the appeal, the Director of Student and Academic Services, or nominee, may;
 - i. Uphold the appeal as the correct processes were not followed;
 - ii. Uphold the appeal as the new evidence has changed the balance of probability so misconduct is now not found;
 - iii. Reject the appeal and support the original finding and sanction;
 - iv. Reject the appeal and support the original finding but recommend a lesser sanction;
 - v. Suggest a different procedure be used to address the misconduct; or
 - vi. Refer the case for review by a Resolutions Panel where it is believed that serious misconduct has taken place (only available if an appeal is requested following Stage 1).
- f) The decision of the Director of Student and Academic Services, or nominee, will be final and there shall be no right of appeal.

13.3 **Completion of Procedures (COP) letters:** If an appeal is rejected, a COP letter will be issued to Responding Students within 28 days of notification. This is a rule set by Office of Independent Adjudicator (OIA) and must be abided by the Resolution Team. The COP letter is usually sent to Responding Students together with the appeal outcome. The COP letter will include information such as when the Resolutions Team was notified of a potential breach of conduct, when the investigation was completed, when the appeal was received and how to raise a complaint with OIA.