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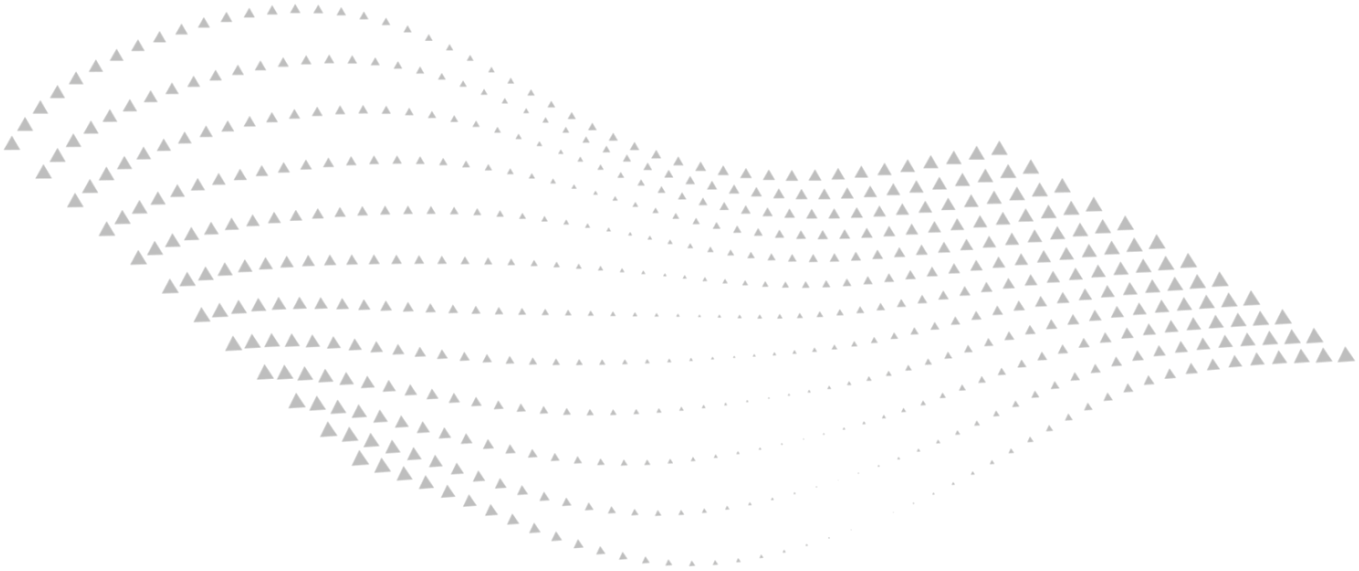
Student Disciplinary Procedure



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1 Purpose

This Procedure sets out how BIMM University and MetFilm School (the University) investigates and determines allegations of student misconduct.

It aims to:

- protect the safety and wellbeing of students, staff and visitors.
- ensure allegations are considered fairly, consistently and proportionately.
- uphold the standards expected of students.
- support the principles of natural justice and procedural fairness.
- ensure compliance with applicable legal and regulatory requirements.

This Procedure applies to allegations of non-academic misconduct, including:

- breaches of the Student Code of Conduct.
- bullying and harassment.
- sexual misconduct.
- discriminatory behaviour.
- online misconduct.
- intimidation, victimisation or retaliation.
- breaches of precautionary measures.
- conduct which may adversely affect the University community or reputation.

2 Applicability and Scope

This Procedure applies to:

- all students registered on a BIMM University course in the UK, Germany or Ireland, including those studying at MetFilm School. Students at partner institutions should refer to the Partner Operations Handbook to determine which process applies to them.
- students studying on short courses delivered by BIMM University.
- students whose studies are suspended or interrupted, and
- students who have completed the academic requirements of their course, but whose results, award or graduation have not yet been confirmed.

This Procedure applies regardless of whether a student is studying in person, online, or through work-based learning, placement or other approved learning activities.

Allegations may be considered under this Procedure where conduct occurs:

- on campus.
- online.
- during placements or work-based learning.
- during field trips or University activities.
- within private or social settings.
- outside term time.

Conduct may be considered where it:

- Negatively affects members of the University community.
- impacts the safety or wellbeing of others.
- adversely affects the University's activities, operations or the safety and wellbeing of its community.

- creates risks for the University or its community.

2.1 Definitions

Reporting Party: The individual who has reported an alleged breach of this Procedure or who is directly affected by the alleged conduct.

Responding Party: The individual whose conduct is the subject of an allegation under this Procedure.

Misconduct: Behaviour that may breach the Student Code of Conduct, University regulations, or other University policies, and which may be investigated under this Procedure.

Precautionary Measures: Temporary measures put in place to manage risk, protect individuals, preserve the integrity of an investigation, or support the effective operation of the University while a matter is being investigated. Precautionary measures are not disciplinary sanctions.

Minor Misconduct: Conduct that does not present a serious risk of harm and has limited impact on individuals or the wider University community.

Major Misconduct: Conduct that causes, or has the potential to cause, significant harm to individuals, the University community, or the University's operations, or which otherwise warrants consideration by a Student Disciplinary Panel.

Balance of Probabilities: The standard of proof used under this Procedure. An allegation will be upheld if, having considered all of the available evidence, it is more likely than not that the alleged conduct occurred.

Working Day: Monday to Friday, excluding public holidays and University closure days.

2.2 Relationship with Other Policies

Allegations of misconduct may arise from conduct covered by:

- Student Code of Conduct.
- Bullying & Harassment Policy.
- Sexual Misconduct Policy.
- Student Social Media Policy and Guidelines.
- Student Charter.
- Student Equal Opportunity and Diversity Policy.

The Bullying & Harassment Policy and Sexual Misconduct Policy provide definitions, expectations, support arrangements and reporting routes.

Formal investigation, disciplinary decision-making, sanctions and appeals relating to student misconduct are managed under this Procedure.

3 Students Completing Their Studies

Where a student who is subject to an ongoing disciplinary investigation or disciplinary proceedings is due to complete their studies. The University reserves the right to defer the following until the disciplinary process has concluded:

- progression decisions.

- conferral of an award.
- graduation.
- release of final results.

Students will be informed in writing if such action is taken and provided with reasons for the decision.

4 General Principles

The Student Disciplinary Procedure operates on the following principles:

- The University will act fairly, reasonably and proportionately.
- The standard of proof is the balance of probabilities. This means that, after considering all of the available evidence, the University believes it is more likely than not that the alleged behaviour occurred. It does not require the University to be certain that something happened. Instead, the decision-maker must decide whether the evidence shows that it is more likely than not that the allegation is true.
- The University will consider all relevant evidence.
- Students will be informed of allegations made against them and given a reasonable opportunity to respond.
- Students may be accompanied at meetings by a supporter of their choice who is not a witness in the case.
- Reasonable adjustments will be considered for students with disabilities, medical conditions or other protected characteristics.
- The University will seek to complete investigations and hearings promptly. Where delays occur, parties will be kept informed.
- The University will take all reasonable steps to maintain confidentiality, subject to legal obligations and safeguarding requirements.
- Retaliation against any person for making a report, participating in an investigation, providing evidence or supporting another person through the disciplinary process will normally be treated as misconduct under this Procedure.

4.1 Freedom of Speech

The University is committed to protecting lawful freedom of speech and academic freedom. Students will not be subject to disciplinary action solely because they have expressed lawful views, including views that others may consider controversial, offensive, shocking or upsetting. Where allegations relate to speech or expression, decision-makers must consider whether the behaviour constitutes lawful freedom of speech before determining that misconduct has occurred. Any restrictions on speech must be lawful, necessary and proportionate. Please see the Freedom of Speech Policy for further information.

4.2 Support for Students

The University will offer appropriate support to both:

- the Reporting Party (the person(s) who has reported an alleged incident of misconduct or who is directly affected by the alleged behaviour); and
- the Responding Party - the person(s) whose behaviour is the subject of the allegation or report), as well as any witnesses as appropriate.

Support shall be available regardless of whether a formal report is made. This may include:

- wellbeing support.
- counselling referral.
- academic support.
- safeguarding support.
- external specialist services where appropriate.

In cases involving bullying, harassment or sexual misconduct, separate support contacts will normally be allocated to the reporting and responding parties.

4.3 Accompaniment and Representation

Students may be accompanied at any meeting, hearing or appeal held under this Procedure by:

- a fellow student.
- a friend.
- a family member.
- another supporter of their choice.

The accompanying person may provide support, take notes and confer with the student during the meeting or hearing. The student will normally be expected to present their own case and respond directly to questions.

4.4 Reasonable Adjustments and Accessibility

The University is committed to ensuring that students are able to engage fairly with this Procedure. Students who are disabled, have a long-term health condition, a specific learning disability, a mental health condition, or any other circumstance that may affect their ability to participate in the process may request reasonable adjustment as part of the disciplinary process.

The University will consider reasonable adjustments on an individual basis to remove, reduce or mitigate any substantial disadvantage arising from a disability, health condition or other relevant circumstance.

Reasonable adjustments may include, but are not limited to:

- providing information in an alternative format.
- allowing additional time to review documentation or submit responses.
- adjusting meeting or hearing arrangements.
- permitting participation by telephone or video conferencing.
- taking regular breaks during meetings or hearings.
- permitting the involvement of a support worker, interpreter or other appropriate individual.
- adapting communication methods where appropriate.

Requests for reasonable adjustments should be made as soon as possible to allow appropriate arrangements to be considered and implemented. The University may request further information where necessary in order to implement reasonable adjustments.

4.5 Legal Representation

This Procedure is an internal University process and is not intended to replicate court or criminal proceedings.

Students do not have an automatic right to legal representation under this Procedure. Legal representation will not normally be permitted at investigatory meetings, as these meetings are fact-finding in nature and do not determine whether misconduct has occurred or impose disciplinary sanctions.

Students may be accompanied by a supporter in accordance with this Procedure. In most cases, this provides an appropriate level of support and legal representation will not be necessary for a student to participate effectively in the process.

Requests for legal representation at a Major Misconduct Disciplinary Panel Hearing or Appeal Hearing will be considered on a case-by-case basis where a party believes there are exceptional circumstances that make legal representation necessary.
. In deciding whether to permit legal representation, the University will consider what is fair in the circumstances of the case, taking into account:

- the seriousness and complexity of the case.
- whether there are parallel criminal proceedings.
- whether the outcome may have significant professional, regulatory or career implications for the student.
- whether the student is likely to be substantially disadvantaged in presenting their case without legal representation; and
- any other relevant fairness considerations.

Requests for legal representation should normally be submitted in writing no later than five working days before the relevant hearing. The student will be notified of the decision before the hearing takes place.

5 Timescales

The University will normally aim to complete each stage of this Procedure within the timescales set out below. Some cases may take longer because of their complexity, the availability of witnesses, criminal proceedings, safeguarding concerns, or the volume of evidence that needs to be considered. Where it is not possible to meet the timescales below, students will be informed of the reasons for the delay and provided with an updated timescale.

Stage	Typical Timescale
Initial assessment of a report (including determination of any precautionary measures)	Within 10 working days*
Review of precautionary measures (if requested)	Within 10 working days
Investigation	Normally 30 working days
Notice of a Disciplinary Panel Hearing (Major Misconduct cases)	At least 10 working days before the hearing
Outcome letter following a decision or hearing	Within 5 working days of the hearing

Submission of an appeal	Within 10 working days of the outcome letter
Appeal outcome	Normally within 20 working days after submission of an appeal

*For the purposes of this Procedure, "working days" means Monday to Friday, excluding public holidays and University closure days.

6 Reporting Misconduct

Reports may be made by:

- students.
- staff.
- visitors.
- third parties.

Reports may be submitted through designated reporting mechanisms available here or directly to a member of university staff.

Anonymous disclosures will not normally result in disciplinary action on their own. However, the University may use information received through anonymous disclosures to identify risks, inform safeguarding measures, identify patterns of behaviour and support other investigations.

7 Initial Assessment

Following receipt of a report, the University will conduct an initial assessment.
The purpose of the assessment is to determine:

- whether the allegation falls within the scope of this Procedure.
- whether immediate support is required.
- whether precautionary measures should be considered.
- whether the allegation should proceed to investigation.
- whether another procedure would be more appropriate.

Following an initial assessment, the University may decide that:

a) There is insufficient evidence to proceed, and the case will be closed.
b) The matter does not fall within the scope of this Procedure, and no further action will be taken under the Student Disciplinary Procedure.
c) The matter would be more appropriately considered under another University policy or procedure, including but not limited to the Fitness to Study Procedure, Student Complaints Procedure, Safeguarding Policy or Academic Regulations.
d) Informal, educational or restorative action is more appropriate than formal disciplinary action.
e) A formal disciplinary investigation should be commenced.

Where there is evidence that a student's behaviour may be substantially affected by their physical health, mental health or wellbeing, the University may consider whether the matter should be addressed wholly or partly under the Fitness to Study Procedure.

The University will normally inform relevant parties of the outcome of the Initial Assessment and any next steps, where appropriate and lawful to do so.

8 Precautionary Measures

Precautionary measures, including suspension, are not disciplinary sanctions. They are temporary measures put in place to manage risk, safeguard individuals, protect the integrity of an investigation, or support the effective operation of the University while an investigation is ongoing.

Precautionary measures may include:

- no-contact arrangements.
- restrictions on access to premises.
- timetable adjustments.
- temporary suspension from specified activities.
- suspension from study.

Any precautionary measure must be:

- necessary.
- proportionate.
- based on an assessment of risk.
- regularly reviewed.

Students shall be informed in writing of:

- the measure imposed.
- the reasons for the decision.
- review arrangements.
- any right to challenge the decision.

The University may need to share information about precautionary measures with relevant members of staff where this is necessary to implement the measure, manage risks, protect individuals, or support the effective operation of the University. Information will only be shared on a need-to-know basis and in accordance with data protection legislation and the principles of confidentiality.

8.1 Review of Suspension

A student who has been suspended from study as a precautionary measure may request a review of that decision within 10 working days of being notified of the suspension.

A request for review should be submitted in writing to casework@bimm.ac.uk and should explain why the student believes that:

- the suspension is no longer necessary;
- the suspension is disproportionate;
- there has been a significant change in circumstances; and/or
- relevant information was not available when the original decision was made.

8.2 Review Process

The suspension will normally remain in place while the review is being considered, unless the University determines that there are exceptional circumstances which justify its immediate amendment or removal.

The review will normally be conducted by an appropriately senior member of staff who was not involved in the original decision wherever possible. The reviewer will consider:

- the reasons for the suspension.

- the information available when the decision was made.
- any additional information provided by the student.
- whether the suspension remains necessary and proportionate.

8.3 Review Outcome

Following the review, the University may:

- maintain the suspension;
- vary the terms of the suspension; or
- lift the suspension.

The student will normally be informed of the outcome in writing within 10 working days of submitting their request.

8.4 Ongoing Review

Regardless of whether a student requests a review, the University will keep all precautionary measures under regular review and may amend or remove them at any stage where it is considered appropriate to do so.

Where a student is suspended from study as a precautionary measure, the University will consider what reasonable steps may be taken to minimise any unnecessary impact on their studies, while maintaining the safety of individuals and the integrity of the disciplinary process.

9 Formal Investigation

Where a report proceeds to a formal investigation, an Investigating Officer will be appointed to gather and consider relevant information. The Investigating Officer's role is to establish the facts of the case fairly and impartially. They do not make assumptions about whether misconduct has occurred and will consider information from all relevant parties.

9.1 Communication During the Investigation

The Responding Party will normally be:

- informed of the allegation(s) made against them.
- provided with details of the process that will be followed.
- informed of any precautionary measures that have been applied.
- provided with sufficient information about the allegation and the evidence being considered to enable them to understand the case against them and respond meaningfully before a decision is reached;
- given a reasonable opportunity to respond to the allegation(s).
- given an opportunity to provide a written response, submit evidence and identify any witnesses they believe are relevant to the investigation; and
- updated where there are significant developments in the case.

The Reporting Party will normally be:

- informed that their report has been received;
- provided with information about available support;
- informed of the next steps in the process;

- given an opportunity to provide relevant information, evidence and details of any witnesses;
- informed where the matter proceeds to a formal investigation;
- updated where there are significant developments in the case;
- informed when the investigation has concluded; and
- provided with information relevant to their participation in the process, subject to any legal, confidentiality, data protection or safeguarding restrictions.

9.2 Evidence

The Investigating Officer may gather information from a range of sources, including:

- written statements.
- meetings with those involved.
- witness accounts.
- relevant correspondence, messages or social media content.
- University records.
- information provided by external agencies where appropriate.

The Responding Party will normally be given access to the information that will be considered in reaching a decision, subject to any legal, confidentiality, data protection or safeguarding restrictions.

The Reporting Party may also be provided with relevant information where this is necessary to enable them to participate in the process or respond to matters raised during the investigation, subject to any legal, confidentiality, data protection or safeguarding restrictions.

9.3 Investigation Meetings

The Investigating Officer may invite the Reporting Party, Responding Party and/or witnesses to attend one or more investigation meetings. Students will normally be given reasonable notice of any meeting and may be accompanied by a supporter in accordance with this Procedure.

Where an individual is unable or unwilling to attend a meeting, they may be invited to provide a written statement instead.

9.4 Investigation Outcome

At the end of the investigation, the Investigating Officer will determine whether:

- there is no case to answer.
- alternative action is appropriate.
- the matter should be considered as Minor Misconduct. or
- the matter should be treated as Major Misconduct and referred to a Student Disciplinary Panel.

9.5 Criminal Investigations and Proceedings

Where an allegation is also subject to a police investigation or criminal proceedings, the University may continue, pause or adapt its own investigation as appropriate. The University will consider the circumstances of each case individually and may take precautionary measures where necessary to protect members of the University community while investigations are ongoing.

A decision by the Police or Crown Prosecution Service not to take further action, or an acquittal in criminal proceedings, does not prevent the University from taking action under this Procedure. The University will determine disciplinary matters using the balance of probabilities standard.

10 Minor Misconduct

Minor Misconduct involves conduct that does not present a serious risk of harm and has limited impact on individuals or the wider University community. Minor Misconduct cases may be determined by the Investigating Officer without a disciplinary panel.

Possible outcomes include:

- written warning.
- behavioural agreement.
- apology.
- training requirement.
- reflective exercise.
- compensation for damage.
- no-contact arrangements.
- other proportionate sanctions.

Following the conclusion of a Minor Misconduct case, the student will normally receive a written outcome letter setting out:

- the findings reached.
- the reasons for the decision.
- any sanctions imposed, and
- their right to appeal.

11 Major Misconduct

Major Misconduct involves conduct that:

- causes or risks significant harm.
- seriously impacts individuals.
- seriously impacts the University community.
- involves repeated misconduct.
- involves failure to comply with previous sanctions.

Cases of alleged Major Misconduct shall normally be considered by a Student Disciplinary Panel. The student will receive:

- details of the allegations.
- evidence to be considered.
- details of the hearing arrangements.
- information regarding representation and support.

11.1 Student Disciplinary Panel

The Panel shall normally consist of:

- a Chair.
- two senior members of university staff.
    - The Panel shall be impartial and free from conflicts of interest.

- When considering cases involving harassment or sexual misconduct, panel members must have received appropriate specialist training.

The Panel shall determine on the balance of probabilities whether misconduct occurred.

11.2 Before the Hearing

The Responding Party will normally receive:

- at least 10 working days' notice of the hearing;
- details of the allegations to be considered;
- copies of the evidence that will be considered;
- details of the Panel membership;
- information about accompaniment, support and representation.

The Reporting Party will normally be informed of the hearing arrangements and provided with information relevant to their participation in the process, subject to confidentiality, data protection and safeguarding considerations.

11.3 Attendance

The Responding Party is expected to attend the hearing wherever possible. However, where they are unable to attend for a good reason, the University may rearrange the hearing.

If the Responding Party chooses not to attend the revised date without good reason, the hearing may proceed in their absence provided they have been given reasonable notice and an opportunity to provide written representations.

12 Sanctions

Where misconduct is found, the University may impose one or more sanctions. When deciding on an appropriate sanction, the University will consider:

- the seriousness of the misconduct.
- the impact on individuals and the wider University community.
- the student's disciplinary history.
- the risk of further misconduct.
- whether the student has accepted responsibility for their actions.
- any aggravating factors, which may include:
  - repeated misconduct;
  - abuse of a position of trust or authority;
  - discriminatory behaviour;
  - retaliation against a Reporting Party or witness;
  - failure to comply with precautionary measures;
  - previous disciplinary findings;
  - significant impact on other individuals.
- Any mitigating factors, which may include:
  - early admission of responsibility;
  - genuine remorse;
  - co-operation with the investigation;
  - steps taken to repair harm caused;
  - personal circumstances that, while not excusing the behaviour, may help explain it.

Sanctions may include the following:

- Written Warnings
    - First Written Warning: a formal warning recorded on the student's file.
    - Final Written Warning: a serious warning indicating that further misconduct may result in suspension, exclusion or expulsion.
- Educational and Restorative Measures
    - mandatory training or educational activity;
    - reflective work or written reflection;
    - a requirement to provide an apology or make appropriate recompense;
    - behavioural agreements;
    - mediation or restorative measures where appropriate.
- Restrictions and Conditions
    - a No Contact Order;
    - restrictions on access to specified facilities, activities or events;
    - restrictions on participation in certain aspects of university life;
    - other conditions considered necessary and proportionate.
- Financial Remedies
    - restitution for loss or damage;
    - compensation or reimbursement where appropriate.
- Suspension and Exclusion
    - suspension from specified activities, facilities or services;
    - temporary suspension from study;
    - temporary exclusion from the University.
- Expulsion
    - permanent expulsion from the University.

13 Outcomes

Following the conclusion of an investigation, disciplinary hearing or appeal (at the minor or major stage), the student who is the subject of the allegation (the Responding Party) will normally receive written notification of:

- the findings reached;
- the reasons for those findings;
- any sanctions or actions being imposed;
- any conditions attached to those sanctions;
- their right to appeal and how to do so.

The University will provide sufficient information to enable the student to understand how the decision was reached.

13.1 Information Provided to the Reporting Party

Where a report has been made by or relates directly to another student (the Reporting Party), the University will normally inform them when the disciplinary process has concluded.

The University recognises that Reporting Parties have a legitimate interest in understanding whether their report has been considered,
the outcome of the process, and whether appropriate action has been taken.

. At the same time, the University must comply with its obligations relating to confidentiality, privacy and data protection.

As a result, the Reporting Party will normally be informed:

- whether the report was investigated.
- whether the allegation was upheld, partially upheld, or not upheld.
- whether the matter resulted in action being taken by the University.
- whether measures that directly affect the Reporting Party, such as a No Contact Order or other protective arrangements, will remain in place or be introduced.
- of any support available to them.

13.2 Information That May Not Be Shared

The University will not normally disclose personal information about another student (unless it is considered necessary, proportionate and lawful to do so), including:

- detailed disciplinary findings.
- details of another student's mitigation.
- confidential evidence provided during the investigation.
- specific sanctions imposed on another student.
- information relating to another student's health, wellbeing or personal circumstances.

13.3 Cases Involving Harassment or Sexual Misconduct

In cases involving bullying, harassment, sexual misconduct, violence, abuse or other behaviour that has directly affected a Reporting Party, the University may provide additional information where it considers this necessary to explain the outcome of the case, to protect the safety and wellbeing of those involved, or to enable the Reporting Party to understand the steps taken in response to their report. Any information shared will be limited to what the University considers appropriate, necessary and lawful in the circumstances.

13.4 Completion of the Process

The University will normally keep both parties informed of significant developments throughout the process and will notify them when the University's disciplinary procedures have been concluded.

14 Appeals

14.1 Eligibility

The student who is the subject of the disciplinary outcome (the Responding Party) may appeal the outcome of a disciplinary decision within 10 working days of the date of their outcome letter.

The Reporting Party will be informed of the outcome of the disciplinary process in accordance with the Outcome Notification section of this Procedure. The Reporting Party does not have a right to appeal a disciplinary decision, finding, or sanction imposed on another student. This is because the disciplinary outcome is a decision made by the University in relation to the conduct of the Responding Party. However, the Reporting Party may raise concerns if they believe there has been a procedural irregularity, if they have

been directly affected by the way the process was managed, or if further support or protective measures are required.

The Responding Party may submit an appeal on one or more of the following grounds:

a. New information has become available which could have affected the outcome of the case, and there is a good reason why it could not reasonably have been provided during the original investigation or hearing.
b. There is evidence that the correct procedures were not followed during the investigation, hearing or decision-making process, and this may have affected the outcome of the case.
c. There is evidence that bias, prejudice or unfair treatment may have affected the decision.
d. The findings of the investigation or Panel were unreasonable because the available evidence did not support the conclusions reached.
e. The outcome or sanction imposed was unreasonable or disproportionate in light of the findings of the case.

If you believe that one or more of these grounds is relevant to your case, you may submit an appeal request to casework@bimm.ac.uk within 15 working days of the outcome of your case

14.2 Initial Review of the Appeal

Upon receipt of an appeal, the University will undertake an initial review to determine whether:

a. the appeal has been submitted within the required timeframe;
b. the appeal identifies one or more valid grounds for appeal;
c. sufficient information has been provided to support the stated ground(s).

Appeals that do not meet these requirements may be rejected and will not proceed to a formal appeal review. Where an appeal is rejected at this stage, the student will be notified in writing and provided with the reasons for the decision.

14.3 Formal Appeal Review

Where an appeal is accepted for review, it will be considered by an appropriately senior member of university staff (the Reviewer) who has had no previous involvement in the case and who is authorised to determine appeals under this Procedure. The Reviewer will not normally re-investigate the case or reconsider all of the original evidence. Instead, they will review:

- the appeal submission;
- the original decision;
- the evidence considered during the original process; and
- any new information submitted in support of the appeal.

The Reviewer will determine whether one or more of the grounds for appeal have been established. The Reviewer may:

a. Not uphold the appeal and uphold the original decision.
b. Uphold the appeal in whole or in part and amend the outcome or sanction.

c. Refer the matter back for further investigation or reconsideration under the appropriate stage of this Procedure.

14.4 Outcome of the Appeal

Students will normally receive the outcome of their appeal in writing within 20 working days of submitting it. If it is not possible to meet this timescale, the University will explain the reasons for the delay and provide an updated timescale.

The appeal decision is final and marks the end of the University's internal disciplinary procedures. The University will normally issue a Completion of Procedures Letter following the conclusion of the appeal process, or upon request where no appeal is submitted.

14.5 Office of the Independent Adjudicator (OIA)

If a student remains dissatisfied after completing the University's internal procedures, they may be eligible to request an independent review by the Office of the Independent Adjudicator for Higher Education (OIA). The Completion of Procedures Letter confirms that the University has completed its internal disciplinary procedures. Students will normally require this letter before the OIA can consider a request for review.

The OIA is an independent organisation that reviews complaints and appeals from students who believe their higher education provider has not handled their case appropriately.

Requests for review must normally be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.

Further information about the OIA, including eligibility criteria and how to submit a request for review, can be found at www.oiahe.org.uk.

15 Record Keeping and Confidentiality

The University will retain records in accordance with applicable data protection legislation and records management requirements. Information will only be shared where necessary, proportionate and lawful. Individuals involved in proceedings should respect the confidentiality of the process.