

Sexual Misconduct Policy and Procedures

1. Scope and purpose

- 1.1 This Policy uses the term 'student' or 'students' throughout. This refers to all learners at the University, including undergraduate and postgraduate students and apprentices. Where separate arrangements or rules apply, the target group or groups are named in the paragraph.
- 1.2 This policy and its procedures are for use in student disciplinary matters that meet the definition of sexual violence and misconduct between students enrolled at the University. If a member of staff was accused of sexual violence and misconduct, this would be dealt with under staff procedures. If a student is accused of sexual violence or misconduct by a staff member, this policy and procedure is used.
- 1.3 This policy and its procedures are part of the Student Conduct Policy Framework.
- 1.4 The University recognises that incidents of sexual violence and misconduct occur within the University, and that an increase in incidents disclosed by students reflects the trend across higher education and beyond.
- 1.5 The University acknowledges that sexual violence and misconduct can be experienced by any individual, regardless of sex, gender identity, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status.
- 1.6 The University and its Students' Union are committed to ensuring that all interpersonal interactions will demonstrate dignity and respect, and personal relationships will be grounded upon mutual respect, open communication, and clear consent.
- 1.7 As part of our collective responsibilities, the University encourages the reporting of incidents, including by those who witness misconduct but who are not themselves, the victim. The academic, welfare and support needs of those affected by an alleged incident will be considered, and the University will fulfil its duty of care to all involved parties, with support from Student Services being offered to both parties.
- 1.8 This policy and its procedures apply to all current students enrolled at the University and completing courses and units which lead to an award or the award of academic credit.

2. Key responsibilities

- 2.1 Under the University's Articles of Association, responsibility is delegated by the Board of Governors to the Vice-Chancellor for the maintenance of student discipline.
- 2.2 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar. Where this policy and procedure refers to the 'Student Governance team' this is under the management of the Academic Registrar. Where this policy and procedure refers specifically to the role of the Academic Registrar, this responsibility may be delegated to an appointed deputy if the Academic Registrar is unavailable.
- 2.3 An appropriately trained member of staff conducts the preliminary investigation.
- 2.4 The University's Appeals Panel for Disciplinary matters is chaired by a Deputy Vice-Chancellor.
- 2.5 The Students' Union support and represent students reporting an incident or accused of an incident, if desired.

- 2.6 Student Services will be able to offer advice and support to both students reporting an incident and those accused of an incident, and will help students contact appropriate external professional bodies who also provide specialist support.
- 2.7 Under this policy and associated procedures any University role or officeholder or officer of the Students' Union may act through their appointed nominee.

3. Introduction and context

- 3.1 The Student Sexual Violence and Misconduct Policy and Procedure is intended to provide a clearly formulated and impartial process for dealing with problems of student misconduct of a sexual nature within a reasonable timescale and having due regard to the spirit of natural justice.
- 3.2 The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio- economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. The University will seek to ensure that the consideration of issues raised under these procedures is conducted transparently and in a way which is fair to all parties concerned. All cases will be considered in accordance with the Equality, Diversity and Inclusion Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 3.3 Students must recognise that they are independent adults with legal and social responsibilities and are therefore personally accountable for their actions and behaviour. The University aims to foster a community which has an atmosphere of trust and respect. Students are expected to conduct themselves in accordance with these principles, and with the University's commitment to access and diversity. As members of the University community all students are expected to conduct themselves with due regard for the good name and reputation of the University. They are required to comply with the University's current Rules, Regulations, Policies and Procedures at all times including those relating to Learning Services and the Students' Union.
- 3.4 Students enrolled on courses leading to professional registration are subject to the University's standard policy and procedures in relation to academic assessment/progress and conduct, in addition to Fitness to Practise procedures. For students who have been found guilty of major misconduct under this policy, or where non-major misconduct has implications on their fitness to practise, the outcome will be referred for consideration under the Fitness to Practise Policy.
- 3.5 Where proceedings have been instigated by a student ('reporting student') in relation to another student ('accused student'), the University has a duty of care to both parties and will take all necessary steps to protect both students from harm and to continue to provide education to both students.
- 3.6 The University will not act on allegations of misconduct which it considers to be vexatious, spurious or malicious.
- 3.7 The Sexual Violence and Misconduct Policy and Procedure is an internal policy and procedure and not a legal process. The University does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such, the engagement of legal professionals by students in relation to disciplinary procedures is not normally permitted, and would be allowed only in exceptional circumstances in discussion with the Academic Registrar and the Disciplinary Panel Chair.
- 3.8 Students may be accompanied and supported at all stages of this procedure by a friend or representative, or if they are an apprentice, by their employer, not acting in a legal capacity.

4. Sexual Violence and Misconduct – Definitions

- 4.1 For the purpose of this policy and procedure, sexual violence and misconduct is defined as any unwanted conduct of a sexual nature which occurred in person or by any other means.
- 4.2 Each case of sexual violence and misconduct will be determined to be either major or non-major and will be dealt with accordingly. The categorisation of major/non-major is made by the professional judgement

of the staff involved in investigating the case, and in considering the mitigating, aggravating and compounding factors of each situation.

4.3 Consent is the most important factor in determining sexual violence and misconduct. It is defined in the Sexual Offences Act 2003 for England and Wales that a person consents to something if that person 'agrees by choice and has the freedom and capacity to make that choice'.

4.4 The following table outlines some examples of sexual violence and misconduct and how they are likely to be considered (the grey text provides examples of non-major and major under the same heading). The list is non-exhaustive.

Misconduct	Non-Major	Major
a) Engaging, or attempting to engage in a sexual act with another individual without consent.	x	✓
b) Sexually touching another person without their consent.	✓	✓
Example 1) Kissing another person on the hand or cheek without consent where there is no element of force or other harassment behaviours involved.	✓	x
Example 2) Kissing another person without consent where there is any element of force involved.	x	✓
c) Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature	✓	✓
Example 1) Making a single remark of a sexual nature where there was clearly no intention to cause offence.	✓	x
Example 2) A number of 'non-major' behaviours, with intent to cause offence.	x	✓
d) Inappropriately showing sexual organs to another person.	✓	✓
Example 1) Inappropriately showing sexual organs to others where the act is not focused upon any individual.	✓	x
Example 2) Inappropriately showing sexual organs to others where the act is focused upon any individual.	x	✓
e) Following another person without good reason.	✓	✓
Example 1) Single incident of following another person without good reason where there is no threatening or abusive behaviour involved.	✓	x
Example 2) Repeatedly following another person.	x	✓
f) Recording and/or sharing intimate images or recordings of another person without their consent.	x	✓
g) Arranging or participating in events aimed at degrading or humiliating those who have experienced sexual violence, for example inappropriately themed social events or initiations.	x	✓
h) Failure to comply with previously imposed sanction(s) under this Policy.	x	✓
i) Repetition of non-major misconduct offences, which when taken together, become major.	x	✓
j) Failure to comply with any reasonable instruction(s) relating to discipline issues.	x	✓

5. Misconduct that is also a criminal offence

5.1 Students are required to keep the University informed of any criminal investigations, charges or convictions in order that a risk assessment may be made as to the suitability of their continued enrolment at the University.

5.2 The following procedures apply where the alleged misconduct is reported to the Academic Registrar, and the misconduct, if proved, would also constitute an offence under UK criminal law.

5.3 If a matter referred under this Procedure could be a criminal offence, the Academic Registrar will consult with senior colleagues before taking any action. This may also involve discussion with an apprentice's employer.

- 5.4 If the offence is reported to the Police, the Academic Registrar will defer action until the Police and courts have dealt with the matter to allow the criminal proceedings to take priority. However, the University may still take precautionary measures as outlined in Section 6.
- 5.5 The University respects the rights of the reporting individual to determine if they will report the matter to the Police and will support their decision. The University may, in exceptional circumstances, report the alleged crime to the Police contrary to the wishes of the victim, if justified on grounds of protecting the reporting individual (or others) from harm.
- 5.6 If the matter is reported to the Police no internal action other than taking precautionary measures shall normally be taken until any subsequent criminal proceedings have been completed or that the Police advise that they do not object to the University dealing with the matter.
- 5.7 Where a finding of misconduct has been made under this policy, and a student has also been sentenced by a criminal court in respect of the misconduct, the penalty imposed by the criminal court shall be taken into consideration in determining the penalty under this policy.

6. Precautionary measures pending a hearing

- 6.1 A student, who is the subject of a complaint of misconduct under this policy and procedure, may be subject to precautionary action by the Academic Registrar pending a disciplinary hearing and/or conclusion of the criminal proceedings. Any decision will be taken after a risk assessment on a case-by-case basis in consultation with Senior Colleagues. Any such measures shall be reported to the Student Governance team, the relevant Course Leader and the Manager of the Students' Union.
- 6.2 Precautionary measures pending a disciplinary hearing and/or criminal proceedings are to be used only where necessary to protect the University community, or the property of the University community or to facilitate an investigation into the facts or to safeguard student wellbeing. Written reasons for the decision shall be recorded and made available to the student. Any action taken as a precautionary measure is not a penalty or sanction and does not indicate that the University has concluded that the accused student has breached the conduct rules or committed a criminal offence.
- 6.3 Precautionary measures will be reasonable and proportionate and may include:
 - a) Imposing conditions on the accused student, such as not contacting the reporting student or witnesses, move accommodation, keeping the details of the accusation confidential.
 - b) Suspending the accused student pending investigation.
 - c) Excluding the accused student from, for example, taking part in University and/or Students' Union activities on or off campus, using specific facilities and/or entering University grounds/premises.
- 6.4 A student who is suspended may be wholly or partly forbidden from entering University premises and from participating in University activities including exercising their functions or duties of any office or committee membership in the University or the Students' Union. Suspension may be subject to qualification, such as permission to take an assessment. The terms of the suspension shall be notified in writing to the student.
- 6.5 Normally no student will be suspended unless they have been given the opportunity to make representations to the Academic Registrar either in person or in writing, as the student chooses. Such representations may be put forward by the student or by their accompanying friend or representative (not acting in a legal capacity).
- 6.6 In cases deemed to be urgent, particularly if the safety of others is at risk based on a risk assessment, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance the student or their representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.
- 6.7 In any event any decision to suspend a student shall be subject to review after 20 working days. Such a review shall not involve a hearing but the student, either personally or through their friend or representative shall be entitled to submit written representations. The review shall be conducted by the Academic Registrar in consultation with senior colleagues.

- 6.8 For an apprentice, the decision to inform their employer is a complex but important element in the implementation of this policy. Apprentices are encouraged to report the incident, whether they are the accused of the incident or the victim of the incident. This reporting may be to their line manager or to their HR department. In the case of suspension, an apprentice's employer will be informed.
- 6.9 In addition to the initial review, the Academic Registrar shall review the suspension or exclusion on receipt of evidence of altered circumstances, which might affect the decision.

7. Initiation of disciplinary procedure

- 7.1 The Disciplinary Procedure shall be initiated by any person reporting an allegation of misconduct to the Student Governance team. The Student Governance team will notify the student of the general nature of the alleged misconduct and that it has been reported to them under this procedure.
- 7.2 The University reserves the right to act under these procedures against an accused student if the reporting student does not wish to make a formal complaint.
- 7.3 Students and staff have the right to complain, and are encouraged to do so, about behaviour they find personally offensive even when they are not the target of that conduct.

8. Investigation

- 8.1 The Academic Registrar shall ensure that the member of staff conducting the investigation ('the investigating officer') has been supplied with all necessary information to commence the investigation. This may include a preliminary investigative interview with the relevant parties (including witnesses) to determine whether any further action should be taken, at which the Academic Registrar (or their representative) may be in attendance. The investigating officer will determine the format of the investigation, which may involve subsequent interviews with all relevant parties. Students who are party to the complaint are entitled to be accompanied by a friend or representative, including an apprentice's employer, not acting in a legal capacity. The initiation of the investigation shall normally take place within 5 working days of the alleged misconduct being reported.
- 8.2 The offer of support from Student Services will be made explicitly to both parties at this stage.
- 8.3 Following the interview, the investigating officer may determine one of the following outcomes:
- To dismiss the allegations immediately if they believe that there is no case for the accused student to answer
 - To determine if the alleged misconduct is considered major or non-major as outlined in 4.4 above. The alleged misconduct can only be dealt with summarily if is considered non-major and
 - All allegations deemed by the investigating officer to be major misconduct must be heard by the Disciplinary Panel.
- 8.4 If the investigating officer considers that suspending the student from some or all of their University activities pending further investigation either by the University or the Police is required, they should discuss with the Academic Registrar and follow Sections 5 and 6 above.

9. Summary procedure

- 9.1 In cases of non-major misconduct, if the investigating officer considers it appropriate to do so, and if the accused student agrees, the matter may be dealt with summarily without calling a Disciplinary Panel. The investigating officer will normally decide to deal with a case on a summary basis only where there is an admission of guilt from the student. The student is entitled to be accompanied by a friend or representative, not acting in a legal capacity. A member of the Student Governance team will be present to record proceedings.
- 9.2 If the matter is dealt with summarily, the investigating officer will consider written or oral evidence as they think fit. The investigating officer may impose any of the penalties set out at Section 11 of this Procedure other than expulsion from the University.

- 9.3 At the close of the proceedings, the student will receive a written report setting out the alleged misconduct, a brief summary of evidence received, the grounds for finding guilt, the penalty imposed, and the factors considered in deciding the penalty such as any mitigating, compounding or aggravating circumstances. A copy of the report shall be placed on the student's file.
- 9.4 There is a right of appeal against both a finding of guilt and any penalty imposed under the summary procedure as set out in Section 13.
- 9.5 If the investigating officer does not consider it appropriate to deal with the matter summarily, or if the student does not agree to it being dealt with in that way, then the matter shall be referred to a Disciplinary Panel under the procedure set out below.

10. The Disciplinary Panel

- 10.1 If a matter is to be referred to the Disciplinary Panel, the Student Governance team will convene the Panel and shall notify the accused student in writing of the alleged misconduct and of the arrangements for further consideration of the student's case. If there is a series of related alleged misconducts the Panel may, at its discretion, deal with all allegations at one hearing.
- 10.2 The Disciplinary Panel shall be arranged as soon as is practicable after the preliminary interview between the student and the investigating officer and normally within 20 working days. The student shall be given a minimum of 10 working days' notice before the meeting of the Disciplinary Panel except where they have agreed in writing that shorter notice is acceptable.
- 10.3 Membership of the Disciplinary Panel normally shall consist of:
- Head of School (that the accused student is not studying in) as Chair;
 - the Course Leader of the course on which the student is enrolled;
 - one other member of staff (professional or academic); and
 - a representative of the Students' Union Executive, other than the President.

The investigating officer will attend to present the University's case.

NB for students on courses leading to professional registration, a member of the Panel must be a current registered member of the profession to advise in the event that a finding of non-major misconduct has implications on the student's fitness to practise (see para 3.4).

Members of the Disciplinary Panel must remain, and be seen to remain, impartial at all times. The Academic Registrar (or their representative) shall act as Secretary to the panel but is not a decision-making member.

- 10.4 The accused student may be accompanied by a friend or representative, or in the case of an apprentice, their employer, not acting in a legal capacity.
- 10.5 The reporting student may also attend the Hearing if they wish, and be accompanied by a friend or representative or in the case of an apprentice, their employer not acting in a legal capacity.
- 10.6 In accordance to the sensitivities of such cases, the Hearing will be convened to best support the reporting student and may include:
- Giving testimony remotely.
 - Provide testimony within the same room but screened from the view of the accused student.
 - The Panel interviewing each party separately.
 - Other arrangements as required.

Both students will be informed of the arrangements prior to the Hearing.

- 10.7 The Academic Registrar will ask the accused student to respond to the allegation in writing at least 5 days before the Hearing.
- 10.8 Both parties may call witnesses. Requests for witnesses to attend must be submitted to the Student Governance team at least 5 working days in advance of the Hearing. If such statements are requested,

they are required to be submitted to the Student Governance team **at least 5 working days** before the allegation is heard. Such statements shall be circulated to all parties in advance of the Hearing.

- 10.9 The Secretary or the Chair may also call for witness statements in support of the allegation in advance of the Hearing, requesting statements as above. The Secretary or the Chair may also request that witnesses attend the Hearing.
- 10.10 Witnesses shall normally be required to attend to give evidence. The Panel may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Panel it is for some other reason in the interest of justice to do so. Only witness statements that are signed and dated by the witness, and include the witness's contact details, will be accepted.
- 10.11 All documentation (including statements from both parties, witness statements etc.) to be considered at the Hearing will be circulated to all parties, by the Student Governance team, **5 working days** before the Hearing.
- 10.12 The agenda for the Hearing shall normally be as follows:
 - a) Introduction of those present;
 - b) The allegations of misconduct shall be set out by the investigating officer;
 - c) The accused student, or their representative, shall respond to the allegations;
 - d) The Panel shall have the opportunity to question both the reporting and the accused students;
 - e) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Panel or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw;
 - f) The investigating officer sums up the allegations. New evidence is not admissible at this time;
 - g) The accused student will be invited to make any closing comments or remarks if they wish, but cannot add new evidence at this time;
 - h) The Panel reach their decision in private.
- 10.13 The agenda for the Hearing may be varied at the discretion of the Chair.
- 10.14 The Panel may impose time limits on oral addresses and submissions.
- 10.15 The Panel shall rely only on evidence presented at the Hearing, or in written format beforehand.
- 10.16 The Panel may ask for additional enquiries to be undertaken and may call for additional witnesses to attend. If two or more students are involved in related allegations of misconduct, the Panel may at its discretion deal with their cases together.
- 10.17 At the discretion of the Panel, proceedings may be adjourned for a period not exceeding 20 working days in the first instance, and its findings or decision deferred accordingly.
- 10.18 The Panel shall find a student guilty of misconduct only if, on the evidence before it, it is satisfied on the balance of probabilities that misconduct occurred. If the members of the Panel cannot agree, the verdict of the Panel shall be that of consensus.
- 10.19 The decision of the Disciplinary Panel shall be confirmed in writing, normally within 5 working days.
- 10.20 Except with the consent of both parties, the proceedings of the Hearing shall remain confidential, with the exception of its decision.
- 10.21 For students studying courses with a Professional, Statutory or Regulatory Body, outcomes will be communicated in annual monitoring reports, where required.
- 10.22 For students enrolled on courses leading to professional registration, if the Panel find major misconduct to have occurred, the outcome will be referred automatically for consideration under the Fitness to Practise Policy as outlined in the Student Conduct Framework. With a finding of non-major misconduct, the Panel will use its judgement to determine if the matter has implications on fitness to practise and whether the matter should be referred to a fitness to practise panel.

11. Penalties

- 11.1 If the Panel finds that there is no case to answer, or it is not possible to determine if misconduct occurred, the Panel cannot impose sanctions. However, in exercising its duty of care to the reporting and accused students, the University may decide that it is appropriate to put in place arrangements to support the ongoing interactions between parties. This may take the form of mediation, non-contact arrangements or other arrangements.
- 11.2 If a student is found guilty of an allegation of misconduct, penalties may be imposed by the investigating officer in matters dealt with summarily, or by the Disciplinary Panel in other cases. The penalties are set out below. A student may not be expelled following an allegation heard under the summary procedure. The student or their representative shall be entitled to make representations in mitigation before the penalty is decided.
- 11.3 When determining penalties, consideration shall be given to the seriousness of the misconduct (major or non-major), the circumstances of the misconduct, and if there are any mitigating, aggravating or compounding factors involved.
- 11.4 It may be that the Panel finds there is a case to answer but that it is more appropriate to offer advice and guidance rather than impose a penalty. In this circumstance the details of the case will be kept on the student's file and may be referred to in the event of any subsequent disciplinary actions.
- 11.5 The penalties that may be imposed are one, or a combination of, the following:

Sanctions	Non-major	Major
a) <u>A First Written Warning</u> . This shall give details of the complaint, the outcome of the Hearing, the improvement required and the timescale. It shall warn that further disciplinary action will be considered if there is no satisfactory improvement. It shall also advise of the right of appeal. A copy of the written warning shall be placed on the student's file, but will be removed from the file and disregarded for disciplinary purposes after a period of 12 months, or for a lesser period as specified by the Panel, subject to satisfactory conduct and performance within that period.	✓	✗
b) <u>A Final Written Warning</u> . This shall be issued if there is a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious but does not justify expulsion. A Final Written Warning shall give details of the complaint, shall warn that expulsion is likely to result if there is insufficient improvement and shall advise of the right to appeal. A copy of this Final Written Warning shall be placed on the student's file. Final Written Warnings shall be removed from the file and disregarded for disciplinary purposes after a period of 24 months, subject to satisfactory conduct and performance within that period.	✗	✓
c) <u>Written apology</u> . Instruct the student to provide a written apology inclusive of a reflection on behaviour(s) and action(s) to the aggrieved party/parties.	✓	✓
d) <u>Non-contact order with specified person/persons for a defined period</u> .	✓	✓
e) <u>Suspension</u> from the University for a fixed period of time, up to a maximum of twelve months. A student who is suspended is prohibited from entering University premises, and from participating in University and Students' Union activities on and off campus. Suspension may be subject to qualification, such as permission to take an assessment. The terms of the suspension shall be notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. In the event of ongoing criminal proceedings relating to the same matter, the University may extend the period of suspension until proceedings concluded.	✗	✓
f) <u>Exclusion order</u> to prohibit access to University services/facilities for a defined period.	✓	✓
g) <u>Expulsion from the University</u> , which means that the student ceases to be a member of the University, and loses all rights and privileges of membership. The Panel should also determine to withhold or withdraw any award, final or interim, from the University.	✗	✓
h) <u>Requirement to undertake a course of action defined by the Panel, to address the misconduct in question. Examples include and are not limited to:</u>	✓	✓

<ul style="list-style-type: none"> • Written reflection considering the impact on the victim, their self and the wider community; consideration of attitudes and beliefs in relation to the incident; taking personal responsibility for actions and identify what will be done differently in the future. • Counselling • Community work 		
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12. In the case of apprentices who are found guilty of non-major or major misconduct, the employer will be informed of the outcome and penalty applied. In the event that this includes a period of suspension, or withdrawal altogether, the relevant Break in Learning or termination procedures will also be followed.

13. **III Health**

13.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness the proceedings may be adjourned for the preparation of a medical report.

13.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

13.3 In respect of suspending the proceedings, when the accused student is fit to continue, the matter will recommence.

14. **Appeals stage**

14.1 An accused student may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Student Governance within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based. An appeal may be made on the following grounds if the student has evidence that:

- the procedures outlined in this document were not followed;
- new evidence has become available which was, for a valid reason, not available at the time of the Disciplinary Hearing (appeals based on evidence that was available but not presented at the time will not normally be accepted);
- the penalty is disproportionate in the circumstances of the case.

Disagreement with the decision of the Disciplinary Panel is not grounds for appeal and appeals made solely on this basis will be dismissed.

14.2 **A Solent University registered PGR student who has been accused** may appeal against a finding of guilt or a penalty imposed following a finding of guilt. The appeal must be made in writing to the Student Governance team within 10 working days of receipt of the written confirmation of the Disciplinary Panel's decision and must specify the grounds on which it is based.

14.3 The Appeals Panel shall comprise a Deputy Vice-Chancellor, one senior member of academic staff (not previously involved in the case) and the Students' Union President. The Academic Registrar will act as Secretary but will not be a decision-making member. Any person who was a member of the Disciplinary Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Disciplinary Panel's decision is considered (except for the purposes of presenting a report).

14.4 There shall be no entitlement to a re-hearing of a case. The Panel hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular a finding may be overturned if:

- New material evidence is presented which suggests the finding of guilt may be unreasonable
- the original hearing was not conducted fairly;

The accused student may present the appeal in person or in writing as they choose and may be accompanied by a friend or representative, not acting in a legal capacity.

- 14.5 The Chair of the Disciplinary Panel shall also be entitled to make written submissions or oral representations to the Appeals Panel.
- 14.6 The Panel hearing an appeal against a penalty may impose a lesser or greater penalty, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances, may determine there is no case to answer or that there is a case to answer but that the student should be given advice and guidance instead of a penalty.
- 14.7 Where an appeal is pending against a decision of the Disciplinary Panel to suspend or expel an accused student the Chair of the Disciplinary Panel will be provided the details of the appeal and will be asked to confirm if it is appropriate to defer the operation of the suspension or expulsion pending the appeal, considering the specific circumstances of the case.
- 14.8 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the appellant's notice.
- 14.9 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose. The Appeals Panel shall consider its decision in private and shall notify the student of the outcome in writing (normally within 5 working days of proceedings concluding).
- 14.10 **For Health Sciences University** registered students, the decision of the Appeals Panel shall be final and no further appeal may be permitted within the University. The Academic Registrar will issue the student with a Completion of Procedures letter.
- 14.11 **For Solent University registered postgraduate research students**, the decision of the Appeals Panel shall be final and no further appeal may be permitted within the University. Students believing there to have been an error of judgement, or that due process has not been followed may take their complaint to Solent University, through Solent University's Complaints and Student Casework Manager.

15. Further action: Referral to the Office of the Independent Adjudicator (OIA)

(Available to Solent University registered PGR students after Solent review)

- 15.1 If, after exhausting the internal procedures the student remains dissatisfied, they may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

[How to complain to us - OIAHE](#)

OIA Second Floor,
Abbey Wharf
57-75 Kings Road
Reading
RG1 3AB Tel: 01189 599813
Email: enquiries@oiahe.org.uk

16. Monitoring and review of student disciplinary cases

- 16.1 The Student Governance team will prepare an annual review of student disciplinary cases, including those dealt with under this policy and procedure, across all awards. This annual review will be considered by Academic Standards and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

17. How we collect and process personal data under this policy

- 17.1 The nature of matters dealt with under this policy will often require the collection and processing of sensitive personal information. This information will be used for the purposes of implementing this policy only and will be kept in accordance to the University's Records Retention Policy which requires records to be kept for 6 years after the last action on the case.

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Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Durham University UUK report "Changing the Culture"; UUK/Pinsent Masons Guidance for HEI "How to Handle Alleged Student Misconduct Which May Also Constitute a Criminal Offence" The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations 2018
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Effective from	September 2024
Review date	Spring 2025
Target	All staff and all students and apprentices enrolled on University awards. PGR students enrolled on Solent awards.
Policy location	Public Website/ Internal
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases