

Student Disciplinary Procedure

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1. Introduction

- 1.1. The University is part of the local community and is also a community itself, made up of staff and students. The University owes a duty of care and responsibility to the members of its community, but at the same time can expect those same members to exhibit appropriate standards of conduct and behaviour.
- 1.2. The Student Disciplinary Procedure is specifically related to student behaviour that is seen as detrimental to the University, its reputation, or the lives of students and staff. The Student Disciplinary Procedure is not concerned with a student's academic performance or capability, which is the responsibility of Academic Board as exercised through the University's academic policies and regulations.
- 1.3. This procedure is not concerned with student academic misconduct, e.g., plagiarism, for which a separate Student Academic Misconduct Procedure applies.
- 1.4. Where student behaviour constitutes minor misconduct and does not warrant full investigation under this procedure, it is expected that the relevant Academic Department or Professional Service deal with this internally as appropriate. Additionally, it is noted that the Halls of Residence have their own internal Disciplinary Procedure, in line with their terms of residency.
- 1.5. Where a named role (e.g., Head of Department) is identified within this procedure, they may nominate a senior manager in the department or service to act on their behalf.
- 1.6. In determining whether a disciplinary allegation is upheld or not, the standard of proof is on "the balance of probability" rather than "beyond all reasonable doubt".
- 1.7. The Student Disciplinary Procedures will be conducted in a timely manner to ensure fairness and consistency. If delays are likely to occur due to complexities in the case, any persons involved will be informed of the delay and progress being made.
- 1.8. Support from the Student Success (Wellbeing) team is available for all students involved during any student disciplinary.

2. Conduct covered by the Student Disciplinary Procedure

- 2.1. The University has a legitimate interest in any alleged act of misconduct by a student where it either:
 - 2.1.1. is closely related to the work of the University;
 - 2.1.2. occurs on University property;
 - 2.1.3. involves other students or staff of the University;
 - 2.1.4. has a detrimental impact on other students or staff of the University, staff and officers of the Solent Students' Union, or members of the public working at or visiting the University; or
 - 2.1.5. brings the University's name into disrepute.
- 2.2. Misconduct not related to the work of the University, which did not take place on its property, or did not have a direct impact upon any staff or student of the University, will normally be deemed to be outside the jurisdiction of the University's Student Disciplinary Procedure. In these circumstances, the University will only consider disciplinary action should such misconduct involve the police and/or incur a criminal conviction for the student(s) concerned.

- 2.3. Students sponsored by shipping companies on courses leading to qualifications as ships' officers are additionally bound by the policies of their sponsors and the Warsash Maritime School Cadet Code of Conduct. Any acts of misconduct involving such students will be referred to the Director, Warsash Maritime School, and dealt with under the Cadet Code of Conduct. The Director shall inform the Student Conduct, Complaints and Appeals Manager of any disciplinary matters that are deemed gross misconduct under the Cadet Code of Conduct and warrant action under the Student Disciplinary Procedure. These cases shall be deemed to constitute 'serious misconduct' under the Student Disciplinary Procedure. and will be dealt with as outlined in paragraph 8 onwards.
- 2.4. A student renders themselves liable to disciplinary action if, they:
- 2.4.1. commit an act of misconduct or serious misconduct, as defined below; or
 - 2.4.2. disregard or contravene any of the published rules of the University relating to behaviour, bullying and harassment, or equality, diversity and inclusivity.
- 2.5. The questioning and testing of received wisdom, putting forward new ideas and controversial or unpopular opinions will not constitute circumstances for disciplinary action.

3. What constitutes misconduct?

3.1. The University makes the following distinctions:

- 3.1.1. Misconduct is an act or failure to act by a student which is unlawful or otherwise judged to be inappropriate or unacceptable behaviour where that behaviour does or could negatively affect the University in any way, or any person or entity associated with the University.
- 3.1.2. Serious misconduct is misconduct which appears in the reasonable opinion of the University to be significant due to its impact on the University, the person(s) or the property affected by the misconduct.

3.2. It is the determination of the Student Disciplinary Stage 1 Investigating manager whether the behaviour constitutes misconduct or serious misconduct, taking advice where appropriate.

3.3. The following constitute misconduct (this list is not exhaustive):

- 3.3.1. Inappropriate, abusive or threatening behaviour, including on social media;
- 3.3.2. Bullying or violence, including verbal or physical aggression or the sending of abusive or threatening messages;
- 3.3.3. Harassment. Harassment (as defined by Section 26 of the Equality Act 2010), includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:
 - Age
 - Disability
 - gender reassignment
 - race
 - religion or belief
 - sex
 - sexual orientation

Under the University's definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

The Protection from Harassment Act 1997 states that harassment includes causing a person alarm or distress. The Act states that harassment consists of a course of conduct (on at least two occasions) only "if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other".

Exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment (EHRC guidance on freedom of expression)¹.

Lawful speech in itself, even where that speech is considered to be controversial or offensive, does not automatically constitute harassment.

3.3.4. Sexual misconduct. Sexual misconduct, relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

Our definitions include harassment and sexual misconduct through any medium, including, for example, online.

3.3.5. Antisocial behaviour;

3.3.6. Behaviour likely to bring the University into disrepute;

3.3.7. Inappropriate use of the University's networks, such as visiting inappropriate websites, uploading/downloading inappropriate content, or using the network for criminal activity including the propagation of computer viruses (see also IT Acceptable Use Policy);

3.3.8. Being under the influence of alcohol or drugs;

¹ <https://www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-education-providers-and-students-unions-england>

- 3.3.9. Destruction or damage to University property or that of another student;
- 3.3.10. Selling, distributing, possessing or using controlled substances or illegal drugs;
- 3.3.11. Theft from the University or another student/s;
- 3.3.12. Possession of any firearm or weapon. The presence, possession, ownership or keeping of any firearms (including ball-bearing gun and air rifles) and/or offensive weapons is strictly prohibited in all University owned or let residences, grounds, car parks, buildings unless a lawful and justified explanation can be provided. This restriction also applies whether or not the firearm or weapon is licensed, and it also applies to imitation or replica firearms and weapons.

The burden of proof, to demonstrate reasonable cause for possessing a weapon, replica weapon or prop weapon rests with the individual who was in possession of that item.
- 3.3.13. Breach of the University's 'HSP50 - Use of Weapons for Theatrical, Artistic and Research Purposes' policy.
- 3.3.14. Fraud;
- 3.3.15. Failure to declare a criminal conviction other than a conviction for minor motoring offences carrying a fixed penalty. (It will be at the discretion of the relevant Head of Department whether such matters need to be referred to a formal disciplinary panel. The Deputy Head of Student Success (Wellbeing) will act in an advisory capacity, as appropriate).
- 3.3.16. Breaches of the Solent Code of Practice on Free Speech.

4. When immediate action is required

- 4.1. The University has a duty of care towards staff and students. Some disciplinary matters may need the University to take immediate action. These may include, but are not limited to:
 - 4.1.1. Cases involving a threat of serious harm to a student and/or others;
 - 4.1.2. Cases when the student's mental health is at risk or where the student displays significant distress;
 - 4.1.3. Issues of a highly sensitive nature;
 - 4.1.4. Cases involving threat of serious disruption to other students or to the University's activities.
- 4.2. If the Student Complaints and Appeals Manager, in consultation with the Deputy Head of Student Success (Wellbeing) and Safeguarding Manager, decides that a student against whom an allegation of serious misconduct has been made should not remain on University premises, the Student Complaints and Appeals Manager will advise the Chief Student Officer accordingly and recommend that the student be suspended or excluded from attendance at the University pending the determination of the case by the Disciplinary Panel (see Appendix A).

5. Misconduct that may also be a criminal offence

- 5.1. There are occasions when student behaviour has, or may become, a matter of criminal investigation, charge or conviction. The following principles apply where the alleged misconduct, informed by liaison with the Police, would also constitute an offence under the criminal law if proven in a court of law:

- 5.1.1. The University Safeguarding Manager will act as the point of contact with the Police and/or Probation Services as appropriate.
- 5.1.2. The University reserves the right to suspend or exclude a student against whom a criminal allegation has been made (see paragraph 4).
- 5.1.3. Where a student's actions are subject to a criminal investigation the University will normally suspend any disciplinary process pending the outcome of the police investigation and any court proceedings (see paragraph 7.7).
- 5.1.4. When a student has been sentenced by a criminal court, the court's decision will be taken into consideration in determining any further disciplinary action by the University. In cases where the health and safety of the University staff, students or property are affected, this may lead to a disciplinary hearing.
- 5.1.5. When a student has been acquitted or found not guilty by a court of law, further University disciplinary action might still be taken where the alleged misconduct is in breach of the University's regulations and expected standards of behaviour.

6. The process

- 6.1. Any member of staff or student of the University, or Student Union, may make an allegation of misconduct. Complaints of misconduct may also be made by outside bodies, or individuals. Complaints of misconduct may also be made through the Student Hub or directly with the Student Complaints and Appeals Manager.
- 6.2. Where the Student Disciplinary procedure is initiated following a complaint from a student or member of staff, those person(s) who made the complaint will be informed once any stage of the procedure is completed and provided with an outcome of the investigatory process where the University is able to share that information. If the other student's behaviour is found to have had an adverse impact on the complainant, then the University will offer a remedy for that impact. Where a complaint is received from a member of the public, the University would not normally inform them when any stage of the procedure is completed.
- 6.3. If the student complainant is dissatisfied with any outcome at any stage of the Student Disciplinary Procedure, they can appeal to the Pro Vice Chancellor (as outlined in Stage 3). Once all internal procedures have been completed, any student complainant will be issued with a 'completion of procedures' letter (see paragraph 11.1).
- 6.4. A student who makes an allegation of misconduct against another student which is found to be frivolous (i.e. has no reasonable chance of success) or vexatious (i.e. where there can be no additional remedy beyond that which the student has already been offered) or where the allegation is found to malicious or knowingly untrue may be investigated under the Student Disciplinary Procedure.
- 6.5. There are three stages in the Student Disciplinary Procedure. A student will receive written notification of the outcome of their complaint at the end of each stage. This will include an indication of whether there is an opportunity for further consideration or appeal and, if so, how to proceed to the next stage.

7. Recording of Meetings

- 7.1. It is not the University's normal procedure for meetings or hearings to be recorded by either party unless there are exceptional reasons why this should be considered, for example where a verbatim record is required or to accommodate a disability. The decision to do so

will be taken by the Student Complaints and Appeals Manager (or nominee) in advance of the meeting. A recording may be made only where all parties agree to the use of recording.

8. Stage 1: Initial investigation

- 8.1. The Head of Academic Department or Professional Service (or their nominee) to whom an allegation of misconduct has been forwarded should complete an initial investigation of the allegation within ten working days of receiving details of the allegation. See Appendix C for full details of the conduct of an initial investigation.
- 8.2. The student who is the subject of the alleged misconduct will be advised in writing of the allegation and how this behaviour is considered to have breached the University's expected standards. The student will be given an opportunity to respond to the allegation and submit any appropriate evidence.
- 8.3. The Head of Academic Department or Professional Service (or nominee) will normally meet with the student who is the subject of the alleged misconduct. The student may be accompanied by a friend² or Student Union representative.
- 8.4. The Head of Academic Department or Professional Service (or nominee) may also meet, where appropriate, with any individual who has made the allegation of misconduct. The individual may be accompanied by a friend, colleague or Student Union representative.
- 8.5. Following an initial investigation, the Head of Academic Department or Professional Service (or nominee) may decide that:
 - 8.5.1. there is no evidence to warrant further action.
 - 8.5.2. there appears to be evidence to indicate misconduct and issue a written warning and/or impose appropriate sanctions.
 - 8.5.3. there appears to be evidence to indicate serious misconduct (go to paragraph 8, Stage 2: Student Disciplinary Panel).
 - 8.5.4. the matter should be referred to the Police or other civil authority.
- 8.6. Where the Head of Academic Department or Professional Service (or nominee) considers that immediate action be taken following the stage 1, they may recommend that the student be suspended or excluded from attendance at the University pending the determination of the case by the Disciplinary Panel (see Appendix A).
- 8.7. Where, during the investigation, the University finds that the matter is already being investigated by the police, the University may suspend any disciplinary action until the completion of the police investigation.
- 8.8. Where the allegation involves a staff member, the matter may be referred to the University's Staff Disciplinary Procedure.
- 8.9. The student subject to alleged misconduct will be advised in writing, normally within ten working days of the conclusion of the initial investigation, of the action to be taken. The student will also be advised of any right of appeal (see Stage 3).

² The University will only accept legal representation where a student is unable to represent themselves and legal representation has been agreed in advance. In such circumstances the University reserves the right to legal representation.

9. Stage 2: Student Disciplinary Panel

- 9.1. If, at the conclusion of the initial investigation, the Head of Academic Department or Professional Service (or nominee) concludes that there appears to be evidence to indicate serious misconduct, they should refer the matter to a Student Disciplinary Panel for consideration.
- 9.2. The Student Complaints and Appeals Manager will set a date for a Disciplinary Panel to meet to consider the allegation, normally within fifteen working days of receiving the report of the stage 1 investigation.
- 9.3. A student who is the subject of an allegation of serious misconduct should receive a copy of the report of the stage 1 investigation and the Student Disciplinary Procedure. The student should be provided, at least five working days before any disciplinary hearing, with a copy of the written evidence to be presented. The student subject to the serious misconduct panel should provide any supporting evidence or paperwork at least five working days before any disciplinary hearing and provide details of any witnesses they wish to call during the panel hearing.
- 9.4. The panel must be provided with all relevant paperwork for consideration 5 working days before the disciplinary hearing.
- 9.5. Where for good reason the student is unable to attend on the proposed hearing date, the University will arrange an alternate date.
- 9.6. A Disciplinary Panel shall consist of:
 - 9.6.1. A Head/Associate Head of Department or Professional Service (as Chair).
 - 9.6.2. Two members of senior University staff (Academic or Support)
 - 9.6.3. A sabbatical officer of the Solent Students' Union
- 9.7. For full details of the conduct of the Disciplinary Hearing see Appendix D.
- 9.8. The members of the Disciplinary Panel shall have had no previous involvement in the matter. The Student Complaints and Appeals Manager (or nominee) will be in attendance to advise the Disciplinary Panel and make a record of the meeting.
- 9.9. Those conducting the Panel shall decide whether or not students who are the subject of disciplinary procedure and any relevant witnesses or alleged victims shall appear together or separately in any hearing.
- 9.10. The student shall be entitled to be accompanied, or assisted, by a friend or Student Union representative³, and should advise the Student Complaints and Appeals Manager prior to the disciplinary hearing of the name of the person who will be accompanying them.
- 9.11. A student cannot be represented by other persons at an inquiry panel meeting except in cases where a student is not capable of representing themselves (e.g., they are suffering from evidenced mental health issues).
- 9.12. If the student does not attend, the meeting will proceed in their absence.
- 9.13. At the conclusion of the hearing, the Panel shall meet in private to consider its findings. The Panel may either dismiss the case or uphold the allegation of serious misconduct. The panel may also not uphold the allegation of 'serious misconduct' but agree that misconduct has still occurred and recommend any relevant penalties (see paragraph 8.16).

³ The University will only accept legal representation where a student is unable to represent themselves and legal representation has been agreed in advance. In such circumstances the University reserves the right to legal representation.

- 9.14. A student's previous disciplinary record will not normally be relevant to whether they have committed an offence but may be taken into account in determining any penalty. If the Student Complaints and Appeals Manager decides that any previous offence is relevant, they will consider at what stage this information should be shared with the panel to ensure it is not prejudicial to a fair outcome being reached.
- 9.15. The Student Complaints and Appeals Manager, on behalf of the Panel, will prepare a report within five working days of the final meeting of the Panel, summarising the facts of the case and the Panel's decision, along with full notes of the hearing. If the allegation of serious misconduct is upheld, the Panel may recommend, any or all, of the following penalties:
- 9.15.1. No further action (allegation is upheld but no additional penalties are considered to be warranted).
 - 9.15.2. Require a formal apology to any student and/or member of staff directly affected by the misconduct of the student.
 - 9.15.3. Issue a formal written warning to the student.
 - 9.15.4. Impose restrictions on the student as determined by the Panel, for example access to certain parts of the campus, communication with specific staff or students etc. This period of restriction shall be determined by the Panel.
 - 9.15.5. Order restitution by the student to a fellow student, member of staff, or the University itself, as appropriate, to compensate for any financial losses arising from the misconduct of the student.
 - 9.15.6. Suspend the student from attendance at the University. This period of suspension shall be determined by the Panel.
 - 9.15.7. A termination of studies, with or without an exit award.
- 9.16. In determining the penalty, the Panel may take into consideration any previous offences under the Student Disciplinary Procedure.
- 9.17. The Panel may refer the student to the Student Support services for advice, guidance and support.
- 9.18. The Student Complaints and Appeals Manager will be responsible for communicating the Panel's decision to the student, in writing, within ten working days of the date of the hearing. The letter should include details of the appeal process that is available and the timescale within which any appeal must be lodged.
- 9.19. Where the panel recommend the suspension or withdrawal of the student, this will be approved by the Vice-Chancellor, as Chair of Academic Board, once all internal appeal procedures have been exhausted.

10. Stage 3: appeal to the Pro Vice Chancellor Education

- 10.1. A student shall have the right of appeal against the decision of the stage 1 investigation or of the Student Disciplinary Panel following a disciplinary hearing. Dissatisfaction with the outcome of the disciplinary investigation or hearing and its decision shall not, in itself, constitute acceptable grounds for an appeal. The grounds for an appeal in relation to the decision of the stage 1 investigation or Student Disciplinary Panel are limited to the grounds below:
- 10.1.1. Where it is alleged that the investigation or hearing was not conducted in accordance with the provisions outlined in this Procedure.
 - 10.1.2. Where the recommended penalty is considered to be disproportionate to the

allegation(s) that have been upheld against the student.

10.1.3. Where new evidence comes to light that was, for justifiable reasons, not able to be considered by the stage 1 investigation or Student Disciplinary Panel.

10.2. If a student believes that they have grounds for an appeal as outlined above, they should submit a letter of appeal to the Pro Vice Chancellor Education setting out which of the reasons above constitute his/her grounds for an appeal. The letter of appeal should be submitted within ten working days of notification of the decision of the stage 1 investigation or Student Disciplinary Panel.

10.3. The Pro Vice Chancellor Education (or nominee) will review all the case details and examine the findings of each stage of the Student Disciplinary Procedure.

10.4. The Pro Vice Chancellor Education (or nominee) will decide whether to uphold the appeal or not, and may make any of the following recommendations:

10.4.1. The appeal is not upheld and any previous sanctions/and or penalties remain;

10.4.2. The appeal is partially upheld and new sanctions/and or penalties are given;

10.4.3. The appeal is upheld and any previous sanctions/and or penalties are removed.

10.5. Where the Pro Vice Chancellor Education (or nominee) determines there has not been a fair hearing, they may decide to refer the case back to Stage 2 and another hearing will take place.

10.6. Any decision and outcome made by the Pro Vice Chancellor Education (or nominee) will be communicated to the student within 10 working days of receipt of their appeal.

11. Completion of Procedure

11.1. The University will issue a 'completion of internal procedures' letter confirming that the student has exhausted the University's internal Student Disciplinary Procedure and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA)⁴ [contact details for the OIA will be enclosed with the letter].

12. Delegation by the Vice-Chancellor

12.1. The Vice-Chancellor may delegate their powers under this Procedure to another member of the Vice-Chancellor's Group.

13. Support

13.1. For help and advice please contact:

Students' Union Advice & Wellbeing
Coordinator
E: suadvice@solent.ac.uk

Student Hub
T: 023 8201 5200
E: student.hub@solent.ac.uk

Student Complaints and Appeals Manager
Academic Registry
T: 023 8201 3808
E: appeals.complaints@solent.ac.uk

⁴ <https://www.oiahe.org.uk/>

Appendix A: Suspension and exclusion pending a disciplinary hearing

1. A student against whom an allegation of misconduct has been made, may be suspended or excluded by the Pro Vice Chancellor Students & Governance(or nominee), pending a disciplinary hearing.
2. Suspension normally involves a total prohibition on attendance at, or access to, the University, and on any participation in University activities. However, it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension should be used only where exclusion from specified activities or facilities would be inadequate.
3. Exclusion involves selective restriction on attendance at, or access to, the University, or prohibition on exercising the functions, or duties, of any office or committee membership in the University, or the Students' Union of Solent University, the exact details of which are to be specified in writing to the student.
4. An order of suspension, or exclusion, may include a requirement that the student should have no contact of any kind with a named person, or persons. Suspension, or exclusion, pending a disciplinary hearing must not be used as a penalty. The power to suspend, or exclude, under this provision is to protect the members of the University community in general, or a particular member, or members, and the power shall be used only where the Pro Vice Chancellor Students & Governance(or nominee) are of the opinion that it is urgent and necessary to take such action. Reasons for the decision shall be provided in writing recorded and made available to the student.
5. No student shall be suspended or excluded, pending a hearing, unless they have been given an opportunity to challenge the sanction. In cases of great urgency, the Pro Vice Chancellor Students & Governance(or nominee) shall be empowered to suspend a student with immediate effect.
6. A decision to suspend, or exclude, from academic activities associated with a student's course of study, shall be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations. The review will be conducted by the Pro Vice Chancellor Students & Governance (or nominee).

Appendix B: Conduct of the Stage 1 investigation

1. Where the allegation of misconduct is made via a complaint, the Investigating Manager shall normally invite the complainant to a meeting in order to gather information about the alleged misconduct. The complainant shall be given at least five working days' notice of the meeting; complainants have the right to be accompanied. The complainant may identify witnesses to be interviewed as part of the investigation.
2. The Investigating Manager shall normally invite the student alleged to have committed the act of misconduct to a meeting in order to gather information about the alleged misconduct. The student shall be given at least five working days' notice of the meeting and has the right to be accompanied by a friend⁵ or Student Union representative.
3. The student shall have the right to respond to the allegation and provide any evidence in support of their case, either in writing or at the meeting with the Investigating Manager. The student may also suggest witnesses to be interviewed as part of the investigation.
4. The Investigating Manager will decide how best and in which order to meet with the complainant and the student who is subject to the allegation, and may wish to meet with individuals on more than one occasion. The investigation will be conducted as quickly as practicable but it is important that all relevant information is gathered to inform the Investigating Manager's report.
5. Conduct of Stage 1 Investigation interview (The Investigating Manager has discretion to vary the practicalities of these arrangements as they see fit, provided any changes do not contravene the basic principles):
 - i. Introduce all person(s) present and confirm the purpose of the meeting; inform complainant/student subject to the allegation that they may take breaks where necessary;
 - ii. Provide an overview of the allegation and inform any person(s) present that they will be asked direct questions about the allegation;
 - iii. Invite the complainant/student subject to the allegation to present their case and any evidence;
 - iv. When asking questions avoid generalising and do not make assumptions: ask direct question to clarify any points and get specific details to establish all facts of the case;
 - v. Ask the complainant/student subject to the allegation if they are satisfied they have had a full opportunity to explain their case;
6. When the allegation is of any form of sexual misconduct, specific and tailored questioning is required. Examples and guidance for interviewing any person(s) involved in an allegation of sexual misconduct:
 - i. All possible efforts should be made to minimise further trauma. Acknowledge seriousness of allegation and thank any person(s) for taking the time to attend

⁵ The University will only accept legal representation where a student is unable to represent themselves and legal representation has been agreed in advance. In such circumstances the University reserves the right to legal representation.

interview; acknowledge that the situation is stressful and signpost to internal/external support services;

- ii. Be clear about the purpose of the interview, how the information will be used, and who will have access to it;
- iii. Remain empathetic but neutral; simple validation of the person's feelings is more appropriate and effective;
- iv. Explain that you are interested in hearing about the person's experiences, feelings, and thoughts during and since the alleged incident;
- v. Though it may be uncomfortable, specific questions must be asked to establish the facts of the alleged sexual misconduct: what exactly happened? Where did it happen? How did it happen?
- vi. When the complainant is giving details of any sexual misconduct, facilitate this by using open-ended prompts to establish full details, avoid leading questions and allow them to set the pace of discussion;
- vii. Thank any person(s) for their testimony and conclude the meeting by again signposting to support services; be mindful of the person(s) state of mind and if any immediate support is necessary.

Appendix C: Conduct of the Stage 2 Disciplinary Hearing

1. This section defines the steps which should be followed during the panel hearing itself. The Chair has discretion to vary the practicalities of these arrangements as they see fit, provided any changes do not contravene the basic principles:
 - i. Before seeing any of the parties involved, the Panel shall review the documentation relating to the case and have a preliminary discussion; the documentation should have been received by the panel 5 working days beforehand;
 - ii. The Chair shall invite everyone present to introduce themselves by name and explain their role;
 - iii. The Chair shall explain the role and powers of the Panel, as set out in these Procedures, confirm that all questions should be asked through the Chair and detail, where appropriate, the possible outcomes of the meeting and the timeframe with which this will be communicated to the student;
 - iv. The Chair will explain to the student and any accompanying person(s) that the student must speak for themselves and that the accompanying person(s) is present to act as support, only prompting the student where necessary, not directly speaking for them;
 - v. The student will then be invited to present their case, talk through any statements or evidence and address the Panel directly;
 - vi. The Chair will then invite the Panel to ask any questions directly to the student;
 - vii. The student shall be invited to make a concluding statement, including any mitigation with respect to possible sanctions;
 - viii. The Chair shall ask the student if they are satisfied they have had a full opportunity to explain their case to the Panel;
 - ix. The Chair shall conclude the hearing and ask everyone except members of the Panel to leave; the Chair will inform the student to expect the outcome in writing within the designated timeframe.
 - x. The Panel shall discuss the case in private. The discussion and minutes of the meeting of the Panel are confidential to its members;
 - xi. The Panel shall make its decision;
 - xii. If, for any reason during its discussion, the Panel decides that further evidence is required, they may adjourn the Hearing for this purpose.