

Student Code of Conduct Policy	
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Amendment History:

Version Number:	Effective Date:	Summary of Amendments:	Author:
1.1	15/06/2021	Updating template cover and owners/author	Student Administration Assistant
1.2	11/07/2021	Assuring aligned with Prevent and guidance re harassment and sexual misconduct	Director of Student Life
1.3	27/07/2021	Updating job titles and area categories. Addition of 'apprentices' into policy body.	Student Administration Assistant
2.0	01/08/2025	Substantive policy review	Head of Student Support

1. Purpose

- 1.1 University Academy 92 (UA92) strives to foster an environment of mutual trust, harmony and respect between all staff, students and apprentices. High standards of conduct and behaviour in line with our founding principles are necessary for the benefit of all members of the institution and for UA92's broader reputation.
- 1.2 This Student Code of Conduct Policy sets out the standards of behaviour expected from all students and apprentices and the procedures that will be followed if those standards are not met.
- 1.3 The purpose of this Policy and the supporting procedures is to:
 - Promote an inclusive environment, which embraces and celebrates difference, respect and support for each other.
 - Outline the behavioural expectations for all students and apprentices who are part of the UA92 community to support and sustain a safe, supportive, and inclusive environment.
 - Identify the types of behaviour that may be considered misconduct, by providing clear definitions and examples.
 - Outline the support available and clear and accessible procedures for raising reports of misconduct.
 - Explain the roles and responsibilities within our community for preventing and resolving reports of misconduct.
- 1.4 This Policy does not undermine or compromise UA92's commitment to freedom of speech and expression, and academic freedom. Students must be able, within the law, to question and test received wisdom, express new ideas and explore controversial or unpopular topics and/or opinions. Exposure to academic course material (including books/videos/recordings and pictures), statements or views expressed as part of teaching, research or academic discussions are unlikely to amount to Unacceptable Behaviour under this Policy. We have a duty to allow those views to be expressed within the law as part of academic freedom and freedom of speech. Our [Policy on Freedom of Speech](#) provides further information about our commitment in these areas.

2. Scope

- 2.1 This Policy applies to all:

UA92 students: this includes all students and apprentices registered with/or on placement/exchange with UA92 at all levels of study.
- 2.2 This Policy and the supporting procedures apply to all aspects of a student's membership of the UA92 community (for example, through their work, study, research or other UA92-related activities (such as sports and social events) and conduct which falls outside that scope where it impacts on UA92, members of the UA92 community or the institution's reputation.
- 2.3 Details how to make a report of staff misconduct can be found in appendix four and under the [Staff Disciplinary Policy](#).

2.4 Complaints in relation to UA92 teaching administrative or support services are considered under the [Student Complaints Policy and Procedure](#).

3. Definitions

3.1 For the purposes of this Policy, Student Misconduct includes bullying, discrimination, harassment, hate, sexual misconduct, gender-based violence and victimisation. This section includes definitions of each of these, and some non-exhaustive and illustrative examples of behaviours relevant to each definition are included in Appendix One.

3.2 A number of the definitions refer to the protected characteristics under the Equality Act 2010: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief (including lack of belief); sex; and sexual orientation ('the Protected Characteristics'). The Protected Characteristics have equal protection, there is not a hierarchy of Protected Characteristics.

3.3 Student Misconduct can:

- Take place on or off UA92's property/campus.
- Occur in person, in a virtual environment, in writing or remotely/online (for example, via email, teams, video calls, online chat, text or WhatsApp (or equivalent), via social media (e.g. Snapchat, Instagram), on the internet, through blogs, etc.).
- Be overt and easily recognisable, or more covert and difficult to detect.
- Be intentional or without intent.
- Be committed by an individual or a group.
- Consist of multiple incidents or a pattern of behaviour or be a one-off incident.

3.4 When considering reports of Student Misconduct a range of factors are likely to be relevant depending on the particular circumstances including, for example, the specific context, the impact or effect of the behaviour (such as whether that impact or effect was reasonable in the circumstances), the intent of the individual whose behaviour is at issue (however, intent is not always necessary or relevant) and the behavioural expectations identified in section 4 above.

3.5 The standard of proof is the level of proof required to determine whether or not an incident occurred. In civil law the standard of proof is based on the 'balance of probability'. This is the standard of proof used by the UA92. Balance of probabilities means that UA92 is satisfied that an event is more likely to have occurred than not. Decisions are based on all available evidence.

3.6 The following unacceptable behaviours are defined as;

Bullying	<p>For the purposes of this Policy, bullying is unwanted behaviour that is either:</p> <ul style="list-style-type: none">• Offensive, intimidating, malicious or insulting; or
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	<ul style="list-style-type: none"> An abuse or misuse of power that undermines, humiliates, denigrates, or causes physical or emotional harm.
Discrimination	<p><u>Direct discrimination</u></p> <p>Direct discrimination occurs where someone is treated less favourably than another person <i>because of</i> a Protected Characteristic.</p> <p>Direct discrimination can also happen against an individual because they <i>associate</i> with another person who has a Protected Characteristic (associative discrimination) or where it is <i>wrongly perceived</i> that the individual has a Protected Characteristic (perceptive discrimination).</p> <p><u>Indirect discrimination</u></p> <p>Indirect discrimination can occur where a condition, rule, policy or practice applies to everyone but particularly disadvantages people who share a Protected Characteristic.</p>
Harassment	<p>For the purposes of this Policy, harassment includes harassment under the Protection from Harassment Act 1997 and harassment under the Equality Act 2010.</p> <p><u>Harassment under the Protection from Harassment Act 1997</u></p> <p>This applies where an individual engages in a course of conduct (on at least two occasions) that harasses another person, or a course of conduct that harasses two or more persons at least once each. "Harasses" includes alarming the person or causing them distress and occurs where the person knows that the conduct amounts to harassment, or where a reasonable person in possession of the same information would consider it to do so.</p> <p><u>Harassment under the Equality Act 2010</u></p> <p>This applies where there is unwanted conduct related to a Protected Characteristic, or conduct of a sexual nature,</p>

	<p>which has the purpose or the effect (where it is reasonable for it to have that effect) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.</p>
<p>Hate Incidents and/or Hate Crimes</p>	<p>Hate incidents and hate crimes are terms used to describe acts of hostility, prejudice or violence directed at people because of who they are or who someone thinks they are. They are motivated by hostility or prejudice based on a person's disability, gender, race, religion, sexuality, or transgender identity.</p> <p>When hate incidents become criminal offences they are known as hate crimes.</p>
<p>Sexual Misconduct and Gender-Based Violence</p>	<p>Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes:</p> <ul style="list-style-type: none"> • Sexual harassment: this can be face-to-face, by telephone and/or written communication (emails or online) and can include unnecessary touching, physical assault, coercing sexual intercourse, physical threats and/or insulting or abusive behaviours or gestures, lewd comments, jokes and/or sending inappropriate or sexually offensive images/videos. • Sexual assault. • Rape. <p>Gender based violence can include sexual, physical, mental and economic harm inflicted in public or in private. It also includes threats of violence, coercion, manipulation, domestic violence and stalking.</p>
<p>Victimisation</p>	<p>Victimisation under the Equality Act 2010 occurs where an individual is subject to less favourable treatment because they have done (or it is believed that they have or will do) a 'protected act'. A 'protected act' includes making a complaint or bringing a legal claim alleging a breach of the Equality Act 2010 (e.g. of discrimination/harassment) or being involved in such a complaint/claim raised by someone else (for example, by giving evidence or otherwise supporting them).</p>

4. Responsibilities

Any reference in this Policy, and its associated Procedures, to named officers should be read also as a reference in each case to a delegated nominee.

Role	Responsible for;
Head of Student Success	Coordinating triage of cases including conducting initial assessments of reports to determine appropriate next steps
Head of Student Support	Supporting triage of cases including conducting risk assessments to determine precautionary measures
Chief of Strategy and Student Life and Heads of Student Life Services (Registry, Support, Success, Sport92)	Suspending students under this policy, where considered necessary and appropriate
Investigating Officer	Conducting an impartial investigation into allegations raised Making findings on the balance of probabilities and recommendations
Registry	Administering student disciplinary panels and any requests to review

5. Policy Statement

- 5.1 UA92 aims to provide a safe and productive learning environment in which staff, students and apprentices have the opportunity to develop and fulfil their potential.
- 5.2 All students are individually responsible for how they interact with other members of the UA92 community and for recognising the potential impact of their language and behaviour. Although this is not an exhaustive list, we expect all students to:
- Uphold the Values of the UA92
 - Treat each other with respect, fairly and without bias.
 - Value difference in others and the contribution they make.
 - Help foster a supportive and inclusive working, learning and research environment.
 - Respect the physical and online environment of UA92, including the campus and any student accommodation, whether owned by UA92 or privately, and always behave in a responsible manner as part of the local community.
 - Always behave professionally and with integrity, honesty and openness.
 - Respect and uphold freedom of speech and expression, and academic freedom, in line with our [Policy on Freedom of Speech](#) and, when sharing views and engaging in discussion and debate, do so in a lawful, considerate and respectful way.

- h. Be aware of how language and behaviour can impact others and be considerate and respectful in our interactions, even in circumstances where we disagree with their views.
- i. Maintain appropriate and professional relationships with other members of the UA92 community. Our expectations for staff are outlined in our [Relationships at Work Policy](#).
- j. To comply with all reasonable requests or instructions from members of UA92 staff or contractors. This includes requests to produce their UA92 student ID card for identification purposes.
- k. To make UA92 aware of any criminal proceedings including investigations or convictions that they are involved in whilst a student or apprentice.

5.3 The Student Code ensures that UA92 can act accordingly if a student or apprentice fails to meet these expectations. The following list is indicative (but not exhaustive of) the types of offences that may be considered student misconduct:

- a. discrimination, bullying, harassment and/or victimisation of any student, member of staff or visitor, as defined in Section 3.
- b. sexual misconduct and/or gender-based violence of any student, member of staff or visitor, as defined in Section 3.
- c. conduct which breaches the provisions of the [Policy on Freedom of Speech](#).
- d. action that did, or could, cause injury or impair safety on UA92 premises or to a member of UA92's community.
- e. action that did, or could, cause damage to UA92 property including any Halls of Residence, which UA92 recommends.
- f. conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social or other activities of UA92, whether on UA92 premises or elsewhere.
- g. conduct which obstructs, or improperly interferes with, the legitimate functions, duties or activities of any student, member of staff or visitor to UA92.
- h. violent, indecent, disorderly, threatening or offensive behaviour or language however expressed (including online via social media) towards any student, member of staff or visitor to UA92.
- i. the distribution of any material which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material.
- j. fraud, deceit, deception or dishonesty in relation to UA92, its staff or students.
- k. conduct which damages, or has the potential to damage, UA92's relationship or reputation with its local communities or other bodies or organisations.

- l. the misuse or unauthorised use of UA92 premises, intellectual property or items of property, including misuse of computers and the communications network.
- m. conduct which is a breach of any UA92 Regulation, Policy, Procedure, Code and/or Agreement including the [IT Usage Policy](#).
- n. conduct which may constitute a criminal offence where that conduct or the offence:
 - i. takes place on UA92 premises; or
 - ii. affects or concerns other members of the UA92 community; or
 - iii. damages the reputation of UA92; or
 - iv. itself constitutes misconduct within the provisions of this Policy (for example, sexual misconduct).
- o. Failure to disclose ongoing criminal proceedings including investigations or convictions whilst a student.
- p. failure to disclose name(s) and other relevant information to an officer or employee of UA92 in circumstances when it is reasonable to require that such information be given.
- q. Possession or use, on UA92 premises, or any Halls of Residences, any illegal drugs or weapons.
- r. Smoking or vaping within 5 meters of any entrance or exit or smoking/vaping outside of designated smoking areas on campus.
- s. Failure to dispose of cigarettes or litter in the appropriate bins.

6. Reporting

- 6.1 We are committed to ensuring that any reports of Student Misconduct are taken seriously and handled fairly, sensitively and supportively.
- 6.2 The procedures which support this Policy identify the informal and formal steps available to staff and students who wish to make a report of Student Misconduct.
- 6.3 UA92 may also become aware of an incident/allegation indirectly i.e. not through a direct report but through another form e.g. media, social media, or contact from a third-party agency such as police. In these circumstances, UA92 will consider the most appropriate action under this Procedure.
- 6.4 UA92 is committed to creating an environment where students and staff feel able, and supported, to raise reports of Student Misconduct without having to do so anonymously.
- 6.5 However, we recognise that sometimes people may feel they can only use anonymous reporting. If you do wish to raise concerns of Student Misconduct anonymously, then you can do so via our [Reporting Form](#).
- 6.6 Anonymous reports help us understand the prevalence of issues within our community. We use anonymous reports to identify broad trends or patterns of

behaviour which can be addressed, for example, identifying training needs in a particular area.

- 6.7 It is important to understand that if you choose to report anonymously, **we will not be able to contact you and offer you any advice or support and we will be very limited in any further action that we can take under this Policy.** The reporting system is truly anonymous, so we do not receive any details about who is submitting the report.
- 6.8 We may also be very limited in terms of the action we can take depending on the details of the report. For example, if an anonymous report contains very few details, we may be unable to act further.

7. Governance and Reporting

- 7.1 A UA92 Disciplinary Review Panel will meet on an annual basis to review all cases considered under this Code.
- 7.2 This panel will agree an annual report which includes recommendations for action or amendments to this Code and procedure by UA92 in light of matters considered and the outcome of them. It will also capture learning to ensure that decisions have been made consistently and at the right level.
- 7.3 The Academic Committee of UA92 will receive this report and is responsible to both Lancaster University and the UA92 Board for monitoring student complaints.

8. Associated Policies and Documents

[Relationships at Work Policy](#)

[Staff Disciplinary Policy](#)

[Freedom of Speech Policy](#)

[IT Usage Policy](#)

Safeguarding Policy

9. Appendices

Appendix One – Student Misconduct: Reporting and Investigations Procedure

Appendix Two – Student Disciplinary Panels Procedure

Appendix Three – Reporting Staff Misconduct Procedure

Appendix One: Student Misconduct - Reporting and Investigations Procedure

1. Purpose of the procedure

- 1.1 This Procedure outlines the steps that a student or member of staff can take where they wish to make a report of Student Misconduct (as defined in the Student Code of Conduct) and provides a framework for UA92 to follow where such reports are raised.

2. Scope of the procedure

- 2.1 The Procedure applies to all registered students at UA92 as defined in the Student Code of Conduct.
- 2.2 The Procedure applies to reports of Student Misconduct raised by students, staff or external parties in relation to a registered student at UA92.
- 2.3 If you want to raise a report of Staff Misconduct about a member of UA92 staff please refer to Appendix 3 – Reporting Staff Misconduct Procedure.

3. Support available

- 3.1 We are committed to providing support to all parties affected by a report of Student Misconduct, including the reporting party, responding student and any witnesses or others affected by the issues.
- 3.2 Reporting Parties are encouraged to seek support as early as possible. It's important to note that you can seek support without making any kind of informal or formal report.
- 3.3 There are a variety of mechanisms available to discuss the options which may be open to you:

3.3.1 For Students:

- [Student Support Services](#)
- [Student Success Team](#) [who can also signpost/refer to independent advice and guidance]
- [External Specialist Services](#)

3.3.2 For Staff:

- Line manager
- [Employee Assistance Programme](#)
- [External Specialist Services](#)

3.4 It is important to note that seeking support will not initiate a formal report under this Procedure (section 5 below identifies how you may do that).

3.5 Being the subject of a report of Student Misconduct can be a difficult and upsetting experience. Where such reports are raised directly as part of one of the informal avenues identified in this Procedure, we encourage all parties to be sensitive to the situation and be willing to listen, reflect and act calmly.

4. Informal resolution

4.1 UA92 understands that addressing allegations of Student Misconduct can be extremely challenging and we encourage you to consider whether informal resolution might be appropriate.

4.2 Not all cases will be suitable for informal resolution, for example, serious allegations of sexual misconduct or where informal resolution may present risks to either party.

4.3 There may also be cases where it is not considered appropriate for UA92 to get involved, for example, a personal disagreement between housemates where the behaviours do not meet the definitions of Student Misconduct. In this case, you will be informed that UA92 cannot progress the case further and advised of support available.

4.4 Staff members wishing to consider informal resolution, should first raise this with their line manager to understand what might be possible given the circumstances of the case. Suitable informal resolution options will be discussed with you but could include:

- An agreed appropriate employee addressing your concerns with the responding student.
- Having a supported or facilitated conversation with the responding student.
- Exploring available support options available to you through the Employee Assistance Programme.
- Recommendation that the report be considered under the formal procedure below.

4.5 Students can submit an informal report through our [online reporting form](#). This will be assessed by the Head of Student Success (or nominee), who will contact you to discuss and explore the informal resolution options that may be appropriate to address the concern(s) that you have. Suitable informal resolution options will be discussed with you but could include:

- Head of Student Success (or another agreed appropriate employee) addressing your concerns informally with the responding student.
- Having a conversation with the responding student supported or facilitated by the Head of Student Success (or another agreed appropriate employee).

- Exploring available support options available to you with Student Support Services.
- Recommendation that the report be considered under the formal procedure below

5. Formal Procedure

- 5.1 If you feel that your concern(s) cannot be resolved informally, or you have tried this route and you feel that your concern(s) have not been appropriately addressed, you can submit a formal report to UA92.
- 5.2 We encourage students and staff who wish to raise a formal report to do so at the earliest possible opportunity, and normally within three months of the issue that has led to the report. We understand there will be occasions where it is not possible to raise a report within this timeframe, and we take a trauma-informed approach to consideration of reports outside of this period.
- 5.3 You can make a formal report under this Procedure by submitting a statement and any supporting evidence as an attachment to report@ua92.ac.uk.
- 5.4 Following receipt of the Student Misconduct Report an initial assessment will be arranged by the Head of Student Success (or nominee) in consultation with other relevant areas to determine the next appropriate steps and any appropriate precautionary measures that should be implemented (see section 6).
- 5.5 The initial assessment will consider relevant factors, such as:
 - The nature of the allegations and their reported impact.
 - Any risks to those involved, including the reporting and responding students, staff and others.
 - Whether there is any known police (or other external agency) involvement.
 - Any other known information that is relevant in relation to report and/or assessment of risks.
 - Any steps that have been taken to address the behaviours.
 - Whether the allegations require a formal investigation.
- 5.6 The potential outcomes of the initial assessment process include (but are not limited to) one or more of the following:
 - A recommendation that, as an initial next step, informal resolution (see section 4 above) is explored further.
 - A decision to commence an investigation into the report under this Procedure (see section 7 below).
 - A referral of some or all the issues raised in the report into an alternative more applicable UA92 procedure (for example, Support to Study).
 - Referral of the case into risk assessment/precautionary measures processes (see section 9).

- Engaging with you about the potential to report to the Police and/or another appropriate external agency.
 - For straightforward and less-serious issues (for example, a first offence of smoking or vaping on campus), where the report indicates a breach is likely to exist, the initial assessment can recommend to the responding student that a penalty be applied (see Appendix Three).
- 5.7 You will be informed of the outcome of the initial assessment process, normally within 10 working days of the report being raised. If this is not possible you will be kept informed of any delay and given an indication of when you can expect to receive an outcome.
- 5.8 It may be necessary or appropriate for UA92 to pause consideration of reports if the Police (or another relevant external agency) are carrying out an investigation or other formal/legal process. In such cases, UA92 will normally be limited to implementing any appropriate precautionary measures and ensuring access to relevant support until the conclusion of the external process.
- 5.9 Where a report is raised on behalf of, or about, more than one person, or a group, appropriate adjustments may be made to the procedure below to enable an appropriate investigation and response.

6. Precautionary measures

- 6.1 UA92 recognises the need to safeguard all individuals involved in a report of Student Misconduct, as well as the wider UA92 community, and the impact that raising a report or being the subject of one can have on those involved. Therefore, it may be necessary to implement precautionary measures to mitigate any risks to you, the responding student and/or others. Precautionary action will be determined by the Head of Student Success (or nominee) and Head of Student Support (or nominee) in consultation with relevant other areas (e.g. People, Registry, Department, Residences, Sport, etc.) as part of the initial assessment.
- 6.2 The following precautionary measures may be implemented at any stage of the process and pending the conclusion of the case (including any right to review and subsequent formal action). Where that occurs, the precautionary measure(s) will be kept under regular review to ensure they remain appropriate and proportionate. Precautionary measures may include:
- Implementing measures on one or both/all parties to minimise or remove contact. It is important to note, that depending on the circumstances of the case, and particularly where the allegations do not meet a threshold for suspension, there may be limited options available to completely remove or minimise contact between parties. In these circumstances, advice and support will be delivered to all parties on these arrangements.
 - A recommendation that you and/or the responding student engage with specialist services (such as [Student Support Service](#) or the [Employee](#)

[Assistance Programme](#)) for appropriate support during the investigation process.

- Where necessary, and having first considered potential alternative options, as a precautionary measure, recommending that the responding student is suspended pending consideration of the report under this procedure and any subsequent disciplinary action. Precautionary suspension is a neutral act and does not imply that the person suspended has done anything wrong.

6.3 The power of temporary suspension can be exercised by the Chief of Strategy and Student Life, Head of Student Support, Head of Student Success, Head of Sport 92 and Head of Student Registry only where necessary to:

- protect a member or members of the UA92 community.
- protect the property of UA92 or of a member or members of the UA92 community.
- protect the reputation of UA92.
- avoid the repetition of the circumstances which led to the allegation.
- prevent any disadvantage to the suspended student (e.g. where bail conditions prevent the student's presence on campus).
- ensure that any alleged victims or potential witnesses are not subject to interference.
- prevent the student's continued presence being a source of disruption to UA92 or any part thereof.
- facilitate a proper investigation into the alleged misconduct and/or to allow a case to reach an appropriate stage of consideration.

6.4 Suspension from UA92 is not a sanction and makes no assumption of guilt but is a safeguarding measure designed to protect the interests of all individuals who may be involved in the case.

6.5 Suspensions can be full suspensions (which fully pause a student's registration) or a partial suspension (which identifies conditions to be placed around a student's registration, for example, having their physical access to UA92 buildings or facilities suspended).

6.6 Any decision to suspend a student will be made on the basis of a risk assessment at the initial assessment stage (see section 5).

6.7 The decision will be communicated in writing to the responding student) outlining the reasons for suspension and the expected timeframe for the suspension to apply.

7. Investigation stage

7.1 We will investigate reports in a timely, respectful and confidential manner.

7.2 An impartial investigator(s) will be appointed to investigate the report ('the Investigator'). This may be a UA92 employee or an externally contracted investigator acting on behalf of UA92. The investigator will normally be

supported by another member of staff who will provide administrative support to the investigation.

- 7.3 The nature, scope and approach to the investigation will be determined by the Investigator having regard to factors including the type, complexity and sensitivity of the issues raised in the report, and the relevant evidence.
- 7.4 The investigation process will normally be concluded within 90 calendar days of the start of the investigation (this time frame would normally exclude the time taken by any criminal investigation or prosecution). Both parties will be informed of the anticipated timescales and updated as appropriate if those timescales change.
- 7.5 At the commencement of the investigation, the Investigator will write to introduce themselves to the Reporting Party and Respondent, confirming the process that will be followed.
- 7.6 The Investigator will be responsible for determining the key lines of enquiry for the investigation and the level of enquiry required. This will likely include an investigation meeting with both the Reporting Party and Respondent to gather their accounts. It will be for the Investigator to identify who they need to speak to, in what order and on how many occasions.
- 7.7 Interviewees will normally receive at least 2 working days' notice of an investigation meeting. The meeting may be held online or in person. An interviewee is encouraged to be accompanied for the purpose of support (see 7.12). Notes of meetings will be taken and shared with the interviewee afterwards.
- 7.8 The primary purpose of the meeting is to gather information around the case and allow a party a full and fair opportunity to explain and present their account. It will be for the Investigator to identify appropriate questions and explore the topics they consider necessary. Questions will not normally be provided ahead of meetings. Meetings will routinely allow for breaks. Consideration will also be given to reasonable adjustments if these are requested by an interviewee.
- 7.9 Ahead of meeting with the Responding Student, the Investigator may share with them the key information from the Formal Report which will allow them to respond appropriately. The Investigator may hold back information that is considered particularly sensitive (e.g. medical information) or that may give the Respondent an unfair advantage in the investigation.
- 7.10 The Responding Student will be permitted to submit a written statement, and supporting material, in response to the allegations raised, normally in advance of the investigation meeting. The Investigator may invite additional written submissions from the Reporting Party and the Responding Student if required.
- 7.11 The Investigator may need to contact Witnesses identified by either party. It will be for the Investigator to determine whether a Witness needs to be contacted, and if so, how their input is best sought (e.g. in writing, at a meeting). To do so,

the Investigator will need to divulge, to a Witness, brief details of the case under consideration but will ask them to maintain confidentiality. Witnesses will usually need to agree to be identifiable (unless an exceptional allowance of anonymity is agreed) and provide their input to be relied upon and disclosed during the disciplinary process. It will be for a Witness to decide whether they input to an investigation.

7.12 All parties involved in an investigation are entitled to be accompanied at an investigation meeting for support purposes as long as the supporter does represent a conflict of interest (e.g. if they were also an identified witness in the Investigation).

- Reporting students: by a fellow UA92 student or staff member, or family member
- Reporting staff: by a fellow UA92 staff member or trade union representative. UA92 reserve the right to undertake verification checks of any companion who is not a UA92 employee.
- Responding student: by an independent representative, fellow UA92 student
- Student witnesses: by a fellow UA92 student or staff member
- Staff witnesses: by a fellow UA92 staff member

7.13 A record will be taken of all investigation meetings and retained in line with the UA92's [data retention periods](#).

7.14 Once the Investigator is satisfied that they have all the relevant details in relation to the allegations, they will prepare a report identifying their findings and any recommendations in relation to the allegations raised in the report. Findings will be made on the balance of probabilities (i.e. does the evidence indicate that the allegations are more likely to have happened than not).

8. Outcome of the investigation stage

8.1 The Investigator will determine if the report is upheld (and, if so, whether in full or part), setting out their view on whether Student Misconduct has occurred. The potential outcomes include:

- The report is fully (or partially) upheld, and restorative action is required.
- The report is fully (or partially) upheld, with a referral to a Student Disciplinary Panel.
- The report is not upheld, and no further action is necessary.
- The report is not upheld, but restorative action is required (for example, to support the ongoing relationship between the parties).

8.2 Restorative action may include consideration of the following, although this is not an exhaustive list:

- Facilitation of a conciliation meeting between the parties.

- Communicating expectations of acceptable standards and behaviours, and the consequences of failure to improve.
 - Appropriate training to support acceptable behaviours.
 - The continuation or implementation of precautionary measures to manage contact between the parties. It is important to note, that depending on the circumstances of the case, and particularly where the allegations have not been upheld, there may be very limited options available to completely remove or minimise contact between parties. In these circumstances, advice and support will be delivered to all parties on these arrangements.
 - Requirement on the responding party to provide an apology and reflection on behaviours.
 - Requirement on the responding party to cover the costs of any damages up to the value of £100
 - Time-limited ban or suspension from non-academic activity e.g. club, social, event
- 8.3 Where restorative actions have been recommended, it is the responsibility of the Investigator to assign appropriate “owners” to facilitate the actions being implemented.
- 8.4 A written confirmation of the outcome of the investigation will be provided normally within 10 working days of this meeting. When deemed necessary, the Investigator will also offer a meeting with the parties (separately) to confirm the outcome of the investigation process. The parties have a right to request a copy of the investigation report prepared by the Investigator.

9. Right to Review for Reporting Parties

- 9.1 If you have raised a formal report of Student Misconduct and are dissatisfied with the outcome, you have a right to request a review on the following grounds:
- There was a significant procedural irregularity in the formal procedure which is likely to have materially affected the outcome and/or;
 - Significant new evidence, not available at the time for good reason, has become available and is likely to have materially affected the outcome.
- 9.2 A request for review should be submitted to Registry [registry@ua92.ac.uk] within 10 working days of the outcome of the investigation being confirmed in writing.
- 9.3 You should identify which ground(s) of review are relied on and provide any relevant supporting evidence. The review is not a re-investigation of the original report, but to consider whether it was handled properly in accordance with the Procedure and/or whether significant new evidence has been presented as outlined in the grounds for review in 9.1.
- 9.4 The outcome(s) recommended by the Investigator may be paused until the review stage has concluded.

- 9.5 A Registry Officer will conduct an initial review of the documentary evidence relating to the review request to determine whether appropriate grounds for review are identified. If the review request does not identify appropriate grounds, you will be informed, normally within 10 working days, and issued with a Completion of Procedures letter.
- 9.6 If valid grounds of review are identified, Registry will inform the responding student that a request for review has been raised against the outcome of the formal procedure. Registry will notify the Head of Student Success to appoint a Reviewer, who will be a senior member of staff, who has had no previous involvement in the case.
- 9.7 The review process will normally be desk-based (i.e. conducted through a review of the relevant documentary evidence, rather than through a meeting/hearing process). Depending on the issues raised in the review request, further information or evidence may be sought from you, the responding student, relevant witnesses and/or others. This will be at the discretion of the reviewer.
- 9.8 The person conducting the review may uphold or reject the review (whether in whole or in part) and may amend the outcome and any recommendations from the investigation stage.
- 9.9 You will be informed of the outcome of the review, in writing, normally within 20 working days of the request for review being received. If 20 working days are likely to be exceeded, you will be kept updated.
- 9.10 The responding student will also be informed of the outcome of the request to review.
- 9.11 The decision of the Reviewer is final and there is no further right of review or challenge against the outcome under this Procedure or any other UA92 procedure. The review outcome, which will normally take the form of a Completion of Procedures letter, will include information on how to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA).

Appendix 2: Student Disciplinary Panels

1. Purpose of the procedure

- 1.1 This Procedure outlines the steps that are followed, when a student is referred to Student Disciplinary Panel following conclusion of a formal investigation under Appendix Two.

2. Scope of the procedure

- 2.1 The Procedure applies to all registered students at UA92 as defined in the Student Code of Conduct.
- 2.2 The Procedure applies to reports of Student Misconduct raised by students or staff in relation to a registered student at UA92.
- 2.3 The procedure will be applied in cases, where the misconduct is considered to be of a serious nature that cannot be addressed by the restorative action powers available to Investigators.

3. Panel Arrangements

- 3.1 At the conclusion of the investigation, where the recommendation is to refer the case for further consideration by a disciplinary panel, the Investigator will send their report and findings to Registry [registry@ua92.ac.uk].
- 3.2 A Registry Officer acting as Secretary to the Panel will be responsible for coordinating Panel arrangements.
- 3.3 The Student Disciplinary Panel will be made up of three members of UA92 staff, who have had no previous substantive involvement with the matter under consideration.
- 3.4 A Chair of the Panel will be appointed from a pool of senior academic or professional service staff, who have received Chair training.
- 3.5 The Student Disciplinary Panel may proceed with a minimum panel size of three members (including Chair) and shall have the power to appoint additional members as appropriate.
- 3.6 Consideration will be given to the make-up of the panel to try to ensure there is diverse representation across protected characteristics, wherever possible.
- 3.7 The Panel may have additional staff supporting the administration and process of meeting, such as a Secretary and/or note-taker.
- 3.8 A student will receive an invitation in writing to a Panel hearing at least five working days before the date of the hearing. The invitation will include:
 - details of the alleged breach(s) of misconduct.
 - details of the time, date and place of the hearing.

- details of their right to be accompanied to the hearing.
 - details of their right to call witnesses and to submit documentary evidence and/or a statement for consideration.
 - copies of, or access to, the documentation which may be referred to during the hearing.
 - a copy of, or access to, this procedure.
- 3.9 The invitation letter will normally ask students whether they are registered with the Inclusive Support Service, and if so, whether they wish to request any reasonable adjustments to the disciplinary process. Any such requests will be considered by the Panel Chair and/or Secretary, in consultation with Inclusive Support as required.
- 3.10 A student may attend the hearing with a person to accompany them for support ("Supporter"). The student must inform the Secretary of their proposed Supporter at least two working days before the date of the hearing. The Panel will want to hear from a student in their own words and so the Supporter role does not normally extend to having a right to make statements or ask or answer questions. A request to expand the persons eligible to act as Supporter at hearings can be submitted to the Secretary no later than five working days before the hearing. Whether the request is accepted will be at the discretion of the Chair. Any persons acting in the role of Supporter must respect and adhere to UA92's internal disciplinary process.
- 3.11 A student will be offered the opportunity to submit a written response to the allegation. A student should submit with this statement any supporting evidence they consider substantiates their statement. For a statement to be considered by the Student Disciplinary Panel, it should be sent to the Secretary at least three working days before the hearing. Submissions after that date will only be accepted at the discretion of the Chair.
- 3.12 Any reasonable objection to the membership of any person or persons must be made by a student to the Panel Secretary at least five working days before the hearing. If the Chair of the Panel considers that a valid objection has been made, they can agree to the appointment of an alternative member or members to the Panel. This may lead to the possibility of the Panel hearing being deferred to a later date.
- 3.13 The case against the responding student, including the evidence produced by the investigation into the alleged misconduct, will be presented to the panel by the Investigating Officer. The Investigating Officer may call witnesses to give evidence. Where a witness is a substantive reporting party in a case against the responding student, consideration will be given to safeguarding measures to mitigate any contact between the two parties. This could include alternative arrangements to enable them to participate (e.g. by joining online) and ensuring that any questions are addressed through the Chair.
- 3.14 The responding student is entitled to call witnesses to give written or oral evidence to the disciplinary panel in their support. The meaning of witness does

not extend to the attendance of character witnesses; students can supply character statements with their own written submissions. The names of any such witnesses giving oral evidence must be notified in writing to the Chair of the Panel at least two working days before the date of the panel.

- 3.15 Any witnesses who do attend or participate in the hearing will only be provided with the necessary case details and/or materials, in order that they can effectively contribute to the hearing. It is recognised that it will not usually be appropriate to share the full case materials, nor share sensitive information. The Secretary will coordinate any disclosure, taking into account anything already available to the witness, but if there is a dispute, the Chair will be consulted and will have the discretion (based on their knowledge of the case material and the reason(s) the witness(es) are being called) to determine what information should be shared with witnesses. Witnesses will be instructed to maintain strict confidentiality.
- 3.16 Before a hearing, a student should not approach the UDP members, Case Presenter or UA92's witnesses who have been identified as taking part in the hearing.
- 3.17 Attendance at a scheduled hearing is compulsory. If a student does not engage with the disciplinary process, or fails to attend, or participate in, the hearing without good reason, the hearing may go ahead in the student's absence on the basis of the information available.
- 3.18 The Chair of the Panel has the power both before, and on the day of the hearing, to postpone or adjourn the hearing to a future date. This may be where there are unexpected issues meaning the hearing cannot go ahead as scheduled e.g. a panel member's ill health, or where it is identified that additional information of significance (i.e. that could make a material difference to the panel's decision) may be required and is practical to seek. In reaching a decision, the Chair may take account of any issues they consider relevant, including (but not limited to) the duration of the case, engagement with individuals before the hearing and any benefit to continuing to reach a conclusion on the case.
- 3.19 Findings shall be made on the balance of probabilities (this means a Panel will be satisfied an event occurred if they consider, on the evidence available, that event was more likely than not to have taken place) and decisions will be made on a majority basis. If voting is evenly split, the Chair shall have the casting vote.
- 3.20 Where the hearing is convened to consider allegations of misconduct against more than one student, appropriate adjustments to the procedure will be set out before or made on the day the hearing. The Panel will, insofar as practicable, aim to hear such the cases concurrently but may allow for the students concerned to raise sensitive matters (e.g. mitigation) in private.

4. The Hearing

- 4.1 Panels may be conducted in-person or online and will proceed in the same manner regardless to the mode of hearing.
- 4.2 On the day of the hearing, the Panel will first meet in private to discuss any preliminary matters pertaining to the case. This will normally relate to matters of procedure and not to determine the facts of a case.
- 4.3 Hearings will normally proceed based on the steps as summarised. The process may be varied by the Panel if considered necessary to take account of the uniqueness or practicalities of the case or reasonable adjustments.
- The Chair will open the meeting, and all members will introduce themselves and explain their roles
 - The Chair will hand over to the Investigating Officer to outline the case against the student and the investigation findings.
 - The Panel and Responding Student will have the opportunity to ask any questions of the Investigating Officer.
 - The Responding Student will be invited to present their response to the allegations.
 - The Panel and Investigating Officer will have the opportunity to ask any questions of the Responding Student.
 - If any witnesses are in attendance they will usually be invited into the room to make a statement and be asked any questions.
 - If necessary, the Panel may discuss in private whether a breach of the Student Code of Conduct Policy has occurred before determining a penalty.
 - A penalty will normally be applied when there has been a finding that the Student Code of Conduct Policy has been breached. In determining a penalty, the Secretary will share details of any known previous offences, mitigation from around the time that the breach occurred and any potential consequences that penalties may have on the student's progression
 - Discussions as to an appropriate penalty to apply are conducted in private. There will normally be an announcement of the outcome to the student and Investigating Officer at the end of the hearing.
 - The Panel may adjourn a hearing to another date if additional time is necessary to enable the Panel to reach a conclusion on the case. If the Panel considers it has collected all of the essential oral comments, it may only be necessary for the Panel to reconvene in private (including by electronic means).
- 4.4 Following the hearing, a written record of the hearing shall be made. A letter that confirms the decision, and reasons for it, shall be sent to the student normally within ten working days of the Panel reaching its final decision.
- 4.5 If the disciplinary action arose following a formal report by another person and who has a substantial involvement in the case, the Secretary may inform the reporting person of the overall finding against the student.

5. Penalties and Sanctions

- 5.1 Where Student Misconduct has been found proven, UA92 may apply sanctions or penalties on the student.
- 5.2 UA92 seeks to apply restorative actions where possible and appropriate, and Investigators are empowered to apply the following actions at the conclusion of an investigation including:
- Facilitation of a conciliation meeting between the parties.
 - Communicating expectations of acceptable standards and behaviours, and the consequences of failure to improve (written warning)
 - Appropriate training to support acceptable behaviours.
 - The continuation or implementation of precautionary measures to manage contact between the parties.
 - Requirement on the responding party to provide an apology and reflection on behaviours.
 - Requirement on the responding party to cover the costs of any damages up to the value of £100
 - Time-limited ban or suspension from non-academic activity e.g. club, social, event
- 5.3 For cases of serious misconduct, which are referred to Student Disciplinary Panels, the following penalties may be applied:
- Any from list at 5.2
 - An exclusion from specified academic, non-academic or extracurricular activities
 - Exclusion from UA92 and all its premises for a specified period of time.
 - A requirement to meet in full or part the cost of making good any damage caused by or as a result of their serious misconduct.
 - Any other penalty or sanction that the panel deems appropriate to the nature and severity of serious misconduct.
 - Expulsion from UA92 accommodation including Academy Apartments
 - Immediate termination of all studies and formal expulsion from UA92 on a permanent basis

6. Right to Review

- 6.1 If you have been subject to a Student Disciplinary Panel, you have the right to request a review against the findings and/or penalty of a disciplinary panel on the following grounds:
- There was a significant procedural irregularity in the formal procedure which is likely to have materially affected the outcome and/or;
 - Significant new evidence, not available at the time for good reason, has become available and is likely to have materially affected the outcome and/or;

- 6.2 A request for review should be submitted to Registry [registry@ua92.ac.uk] within 10 working days of the outcome of the Panel being confirmed in writing.
- 6.3 You should identify which ground(s) of review are relied on and provide any relevant supporting evidence. The review is not a re-hearing of the original report, but to consider whether it was handled properly in accordance with the Procedure and/or whether significant new evidence has been presented as outlined in the grounds for review in 9.1.
- 6.4 The penalty(ies) imposed by the Panel may be paused until the review stage has concluded.
- 6.5 A Registry Officer will conduct an initial review of the documentary evidence relating to the review request to determine whether appropriate grounds for review are identified. If the review request does not identify appropriate grounds, you will be informed, normally within 10 working days, and issued with a Completion of Procedures letter.
- 6.6 If valid grounds of review are identified, Registry will notify the Head of Student Success to appoint a Reviewer, who will be a senior member of staff, who has had no previous involvement in the case.
- 6.7 The review process will normally be desk-based (i.e. conducted through a review of the relevant documentary evidence, rather than through a meeting/hearing process). Depending on the issues raised in the review request, further information may be sought from relevant parties. This will be at the discretion of the reviewer.
- 6.8 The Reviewer may uphold or reject the review (whether in whole or in part). In doing this, the Reviewer will determine whether to uphold the original decision of the disciplinary panel, overturn that original decision or amend any penalty or sanction imposed.
- 6.9 You will be informed of the outcome of the review, in writing, normally within 20 working days of the request for review being received. If 20 working days are likely to be exceeded, you will be kept updated.
- 6.10 The decision of the Reviewer is final and there is no further right of review or challenge against the outcome under this Procedure or any other UA92 procedure. The review outcome, which will normally take the form of a Completion of Procedures letter, will include information on how to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA).

Appendix 3: Reporting Staff Misconduct Procedure

1. Purpose of the procedure

- 1.1 This Procedure outlines the steps that a student can take where they wish to make a report of Staff Misconduct (as defined in the [Staff Disciplinary Procedure](#)) and provides a framework for UA92 to follow where such reports are raised.

2. Scope of the procedure

- 2.1 The Procedure applies to all registered students at UA92 as defined in the Student Code of Conduct.
- 2.2 The Procedure applies to reports of Staff Misconduct raised by students in relation to a current employee at UA92.

3. Support available

- 3.1 We are committed to providing support to students affected by a report of Staff Misconduct.
- 3.2 There are a variety of mechanisms available to discuss the options which may be open to you:
- 3.2.1 For Students;
- [Student Support Services](#)
 - [Student Success Team](#) [who can also signpost/refer to independent advice and guidance]
 - [External Specialist Services](#)
- 3.3 It is important to note that seeking support will not initiate a formal report under this Procedure (section 5 below identifies how you may do that).

4. Informal resolution

- 4.1 UA92 understands that addressing allegations of Staff Misconduct can be extremely challenging and we encourage you to consider whether informal resolution might be appropriate.
- 4.2 Not all cases will be suitable for informal resolution, for example, serious allegations of sexual misconduct or where informal resolution may present risks to either party.
- 4.3 Students can submit an informal report through our [online reporting platform](#). This will be assessed by the Head of Student Support (or nominee) in consultation with the People Team, who will contact you to discuss and explore the informal resolution options that may be appropriate to address the

concern(s) that you have. Suitable informal resolution options will be discussed with you but could include:

- An agreed appropriate employee addressing your concerns with the responding employee.
- Having a supported or facilitated conversation with the responding employee.
- Exploring available support options available to you with Student Support Services.
- Recommendation that the report be considered under the formal procedure below

5. Formal Procedure

- 5.1 If you feel that your concern(s) cannot be resolved informally, or you have tried this route and you feel that your concern(s) have not been appropriately addressed, you can submit a formal report to UA92.
- 5.2 We encourage students who wish to raise a formal report to do so at the earliest possible opportunity, and normally within three months of the issue that has led to the report. We understand there will be occasions where it is not possible to raise a report within this timeframe, and we take a trauma-informed approach to consideration of reports outside of this period.
- 5.3 You can make a formal report under this Procedure by submitting a statement and any supporting evidence as an attachment to report@ua92.ac.uk.
- 5.4 Following receipt of the Staff Misconduct Report an initial assessment will be arranged by the Head of Student Support (or nominee) and the People Team in consultation with other relevant areas determine the next appropriate steps and any appropriate precautionary measures that should be implemented (see section 6).
- 5.5 The initial assessment will consider relevant factors, such as:
 - The nature of the allegations and their reported impact.
 - Any risks to those involved, including the reporting and responding staff member, the wider student and staff community and others.
 - Whether there is any known police (or other external agency) involvement.
 - Any other known information that is relevant in relation to report and/or assessment of risks.
 - Any steps that have been taken to address the behaviours.
 - Whether the allegations require a formal investigation.
- 5.6 The potential outcomes of the initial assessment process include (but are not limited to) one or more of the following:
 - A recommendation that, as an initial next step, informal resolution (see section 4 above) is explored further.

- A decision to commence an investigation into the report under this Procedure (see section 7 below).
 - A referral of some or all the issues raised in the report into an alternative more applicable UA92 procedure (for example, Support to Study)
 - Referral of the case into risk assessment/precautionary measures processes (see section 6)
 - Engaging with you about the potential to report to the Police and/or another appropriate external agency.
- 5.7 You will be informed of the outcome of the initial assessment process, normally within 10 working days of the report being raised. If this is not possible you will be kept informed of any delay and given an indication of when you can expect to receive an outcome.
- 5.8 It may be necessary or appropriate for UA92 to pause consideration of reports if the Police (or another relevant external agency) are carrying out an investigation or other formal/legal process. In such cases, UA92 may be limited to implementing any appropriate precautionary measures and ensuring access to relevant support until the conclusion of the external process.
- 5.9 Where a report is raised on behalf of, or about, more than one person, or a group, appropriate adjustments may be made to the procedure below to enable an appropriate investigation and response.

6. Precautionary Measures

- 6.1 UA92 recognises the need to safeguard all individuals involved in a report of Staff Misconduct, and the impact that raising a report or being the subject of one can have on those involved. Therefore, it may be necessary to implement precautionary measures to mitigate any risks to you, the responding employee and others. Precautionary action will be determined jointly by the Head of Student Support and the People Team in consultation with relevant line managers (and others, where appropriate).
- 6.2 The following precautionary measures may be implemented at any stage of the process and pending the conclusion of the case (including any request for review and subsequent formal action). Where that occurs, the precautionary measure(s) will be kept under regular review to ensure they remain appropriate and proportionate. Precautionary measures may include:
- Implementing measures to minimise or remove contact. It is important to note, that depending on the circumstances of the case, and particularly where the allegations do not meet a threshold for suspension, there may be limited options available to completely remove or minimise contact between parties. In these circumstances, advice and support will be delivered to all parties on these arrangements.
 - Where necessary, and having first considered potential alternative measures, suspending the responding employee pending the investigation and determination of the report under the relevant Procedure. Suspension

is a neutral act and does not imply that the person suspended has done anything wrong. A decision to suspend would be taken by a member of the People Team and a senior manager from within the same Department with input from the Head of Student Support.

- A recommendation that you and/or the responding employee engage with specialist services (such as occupational health/counselling/wellbeing advisors) for relevant support during the investigation process.

7. Investigations

- 7.1 We will investigate reports in a timely, respectful and confidential manner.
- 7.2 An impartial investigator(s) will be appointed to investigate the report ('the Investigator'). This may be a UA92 employee or an externally contracted investigator acting on behalf of UA92. The investigator will normally be supported by another member of staff who will provide administrative support to the investigation.
- 7.3 The nature, scope and approach to the investigation will be determined by the Investigator having regard to factors including the type, complexity and sensitivity of the issues raised in the report, and the relevant evidence.
- 7.4 The investigation process will normally be concluded within 90 calendar days of the start of the investigation (this time frame would normally exclude the time taken by any criminal investigation or prosecution). Both parties will be informed of the anticipated timescales and updated as appropriate if those timescales change.
- 7.5 At the commencement of the investigation, the Investigator will write to introduce themselves to the Reporting Student and Responding Employee, confirming the process that will be followed.
- 7.6 The Investigator will be responsible for determining the key lines of enquiry for the investigation and the level of enquiry required. This will likely include an investigation meeting with both the Reporting Student and Responding Employee to gather their accounts. It will be for the Investigator to identify who they need to speak to, in what order and on how many occasions.
- 7.7 Interviewees will normally receive at least 2 working days' notice of an investigation meeting. The meeting may be held online or in person. An interviewee is encouraged to be accompanied for the purpose of support (see 7.12). Notes of meetings will be taken and shared with the interviewee afterwards.
- 7.8 The primary purpose of the meeting is to gather information around the case and allow a party a full and fair opportunity to explain and present their account. It will be for the Investigator to identify appropriate questions and explore the topics they consider necessary. Questions will not normally be provided ahead of meetings. Meetings will routinely allow for breaks. Consideration will also be given to reasonable adjustments if these are requested by an interviewee.

- 7.9 Ahead of meeting with the Responding Employee, the Investigator may share with them the key information from the Formal Report which will allow them to respond appropriately. The Investigator may hold back information that is considered particularly sensitive (e.g. medical information) or that may give the Responding Employee an unfair advantage in the investigation.
- 7.10 The Responding Employee will be permitted to submit a written statement, and supporting material, in response to the allegations raised, normally in advance of the investigation meeting. The Investigator may invite additional written submissions from the Reporting Student and the Responding Employee if required.
- 7.11 The Investigator may need to contact Witnesses identified by either party. It will be for the Investigator to determine whether a Witness needs to be contacted, and if so, how their input is best sought (e.g. in writing, at a meeting). To do so, the Investigator will need to divulge, to a Witness, brief details of the case under consideration but will ask them to maintain confidentiality. Witnesses will usually need to agree to be identifiable (unless an exceptional allowance of anonymity is agreed) and provide their input to be relied upon and disclosed during the disciplinary process. It will be for a Witness to decide whether they input to an investigation.
- 7.12 All parties involved in an investigation are entitled to be accompanied at an investigation meeting for support purposes as long as the supporter does represent a conflict of interest (e.g. if they were also an identified witness in the Investigation).
- Reporting students: by a fellow UA92 student or staff member, or family member
 - Responding employee: fellow UA92 staff member. There is no right to representation at investigation stage.
 - Student witnesses: by a fellow UA92 student or staff member
 - Staff witnesses: by a fellow UA92 staff member
- 7.13 A record will be taken of all investigation meetings and retained in line with the UA92's [data retention periods](#).
- 7.14 Once the Investigator is satisfied that they have all the relevant details in relation to the allegations, they will prepare a report identifying their findings and any recommendations in relation to the allegations raised in the report. Findings will be made on the balance of probabilities (i.e. does the evidence indicate that the allegations are more likely to have happened than not).

8. Outcome of the investigation stage

- 8.1 The Investigator will determine if the report is upheld (and, if so, whether in full or part), setting out their view on whether Staff Misconduct has occurred. The potential outcomes include:
- The report is fully (or partially) upheld, and restorative action is required.
 - The report is fully (or partially) upheld, with a referral to the [Staff Disciplinary Procedure](#).
 - The report is not upheld, and no further action is necessary.
 - The report is not upheld, but restorative action is required (for example, to support the ongoing relationship between the parties).
- 8.2 Restorative action may include consideration of the following, although this is not an exhaustive list:
- Facilitation of a conciliation meeting between the parties.
 - Communicating expectations of acceptable standards and behaviours, and the consequences of failure to improve.
 - Appropriate training to support acceptable behaviours.
 - The continuation or implementation of precautionary measures to manage contact between the parties. It is important to note, that depending on the circumstances of the case, there may be limited options available to completely remove or minimise contact between parties. In these circumstances, advice and support will be delivered to all parties on these arrangements.
 - Requirement on the responding party to provide an apology and reflection on behaviours.
- 8.3 Where restorative actions have been recommended, it is the responsibility of the Investigator to assign appropriate “owners” to facilitate the actions being implemented.
- 8.4 A written confirmation of the outcome of the investigation will be provided normally within 10 working days of this meeting. When deemed necessary, the Investigator will also offer a meeting with the parties (separately) to confirm the outcome of the investigation process. The parties have a right to request a copy of the investigation report prepared by the Investigator.

9. Right to Review for Reporting Parties

- 9.1 If you have raised a formal report of Staff Misconduct and are dissatisfied with the outcome, you have a right to request a review on the following grounds:
- There was a significant procedural irregularity in the formal procedure which is likely to have materially affected the outcome and/or;
 - Significant new evidence, not available at the time for good reason, has become available and is likely to have materially affected the outcome.

- 9.2 A request for review should be submitted to Registry [registry@ua92.ac.uk] within 10 working days of the outcome of the investigation being confirmed in writing.
- 9.3 You should identify which ground(s) of review are relied on and provide any relevant supporting evidence. The review is not a re-investigation of the original report, but to consider whether it was handled properly in accordance with the Procedure and/or whether significant new evidence has been presented as outlined in the grounds for review in 9.1.
- 9.4 The outcome(s) recommended by the Investigator may be paused until the review stage has concluded.
- 9.5 A Registry Officer will conduct an initial review of the documentary evidence relating to the review request to determine whether appropriate grounds for review are identified. If the review request does not identify appropriate grounds, you will be informed, normally within 10 working days, and issued with a Completion of Procedures letter.
- 9.6 If valid grounds of review are identified, Registry will inform the responding student that a request for review has been raised against the outcome of the formal procedure. Registry will also appoint a Reviewer, who will be a senior member of staff, who has had no previous involvement in the case.
- 9.7 The review process will normally be desk-based (i.e. conducted through a review of the relevant documentary evidence, rather than through a meeting/hearing process). Depending on the issues raised in the review request, further information or evidence may be sought from you, the responding student, relevant witnesses and/or others. This will be at the discretion of the reviewer.
- 9.8 The person conducting the review may uphold or reject the review (whether in whole or in part) and may amend the outcome and any recommendations from the investigation stage.
- 9.9 You will be informed of the outcome of the review, in writing, normally within 20 working days of the request for review being received. If 20 working days are likely to be exceeded, you will be kept updated.
- 9.10 The responding student will also be informed of the outcome of the request to review.
- 9.11 The decision of the Reviewer is final and there is no further right of review or challenge against the outcome under this Procedure or any other UA92 procedure. The review outcome, which will normally take the form of a Completion of Procedures letter, will include information on how to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA).