

Independent External Review of Student Disciplinary and Appeals Processes

University of Warwick progress against recommendations as of 9th October 2019

In terms of these timescales, 'Phase 2' refers from the beginning of the 2019-20 academic year and over the next 15 months to the end of December 2020. 'Autumn Term' refers to the period between October and December 2019. If we can complete any of the activities in these workstreams faster than that, we will and report accordingly.

	<u>Recommendations from Dr Persaud's independent external review</u> Full report and recommendations available here: https://warwick.ac.uk/newsandevents/independent_external_review/review	<u>Status</u>
<u>Investigations</u>		
<u>1</u>	Sexual violence and misconduct (SVM) and other serious cases must be investigated only by investigators with specialist skills. Consideration should be given to the development of in-house expertise to ensure a diverse pool of investigators who are expert in the university context, and so that there can be the option of gender matching for complainants.	<ul style="list-style-type: none"> • 3 external Investigating Officers to handle SVM cases • Internal investigators will no longer be used for such cases
<u>2</u>	Existing investigators (IOs) involved in SVM and other serious cases or cases where it is relevant must have 'face to face' training, including trauma-informed training by sector experts.	Specialist training completed (trauma, impartiality, legal and Warwick policies and processes)
<u>3</u>	More generally, all existing IOs should be offered 'face to face' training to supplement the written guidance they are given; consideration should be given to making investigations part of their formal role or otherwise formally allowing sufficient time for investigations to be completed in a timely manner.	Phase 2
<u>Specialist policies and procedures for SVM cases</u>		
<u>4</u>	In SVM cases, complainants should receive an early signpost to the Independent Sexual Violence Adviser (ISVA), who is able to offer independent, specific and specialised support. Consideration should be given to a longer-term commitment to continuing the current resourcing of an on-campus ISVA service, and an ongoing relationship with Coventry Rape and Sexual Abuse Centre (CRASAC).	We are committed to having an ISVA service on campus with measures in place for the SLOs to provide early signposting. CRASAC have delivered elements of the training for panel members (eg around impact of trauma and will be part of phase 2 implementation)
<u>5</u>	The University should put specialist policies and procedures in place for investigating SVM. Recommendations 1-4 are part of a stop-gap until these are implemented in full. This should also involve a comprehensive review of all the associated guidance sheets, sample interview plans, and training materials.	Regulation updated and approved; new policy and procedure developed; review underway by interim Director

Confidentiality		
6	Consideration must be given to how confidential information is safeguarded within the investigative and disciplinary context. One possibility is that all parties (complainants, respondents, witnesses, supporters) are asked to sign a specific agreement to limit disclosure of particular information - but legal advice would have to be taken on the scope, and permissible form. Another possibility is that it is expressly within any new code of conduct.	Phase 2
7	Consideration should also be given to using a leaflet for friends and family of those involved in investigations; I understand that one is used at Cambridge University, and is aimed at stopping inadvertent dissemination of confidential information by people supporting the complainants or respondents.	Phase 2
8	There should be terms of reference for the Student Disciplinary Review Committee which considers the investigation reports in cases of sexual misconduct.	To be complete by the end of Autumn Term
Student disciplinary processes		
<u>Case management system</u>		
9	Consideration should be given to a case management system so all documentation and correspondence is readily available to appropriate users, and information can be shared, stored and retrieved securely.	Phase 2
<u>Recommendations about clear expectations</u>		
10	Consideration should be given to the incorporation of a clear, simple code of conduct into the student contract so that breach and its consequences are obvious.	Phase 2
11	Generally, consideration should be given to the work already in progress in the Student Disciplinary team for systematic overhaul; this is potentially controversial in relation to categorisation of breaches of the regulations.	Phase 2
12	Consideration should also be given to producing simple information / flowcharts for complainants, respondents, and their supporters, on key points in the student disciplinary processes and the hearing, and on the role of the supporter. It is essential that there is no misunderstanding attributable to what the student has been led to expect, and what the disciplinary processes will deliver.	Completed
<u>Disciplinary panels</u>		
13	Consideration should be given to the establishment of a permanent secretariat to assist the committees and panels, including arranging the provision of legal advice to the panel in advance if required. The secretariat could also consider evolving needs - for example, for training or guidance on proportionate sanctions, or the assessment of evidence in more complex cases.	Permanent Secretariat in post from 23 September, training and briefing completed

<u>14</u>	All panel members should receive induction training on the disciplinary framework before they sit on a panel. This should cover understanding the scope, rules and procedures of the investigation and hearing, and the underlying legal and policy principles.	Training dates and programme scheduled for existing panel members. Training programme ready (once new members confirmed during the Autumn Term)
<u>15</u>	All panel members who deal with cases of sexual misconduct should receive additional training, including in relation to understanding consent, trauma-informed investigatory practices, and in assessing credibility.	Training dates and programme scheduled for existing panel members (all completed by 11 October). Training programme ready to schedule once new members confirmed during the Autumn Term
<u>16</u>	As an overarching point, in formulating processes and procedures, and in every case, active consideration must be given to how to secure fairness both for any complainant / witness and the respondent.	Detailed within process and reinforced in training, briefing and part of the remit of Permanent Secretariat
<u>17</u>	If a breach is admitted / proved, opportunity must be given for any victim's voice to be 'heard' before the imposition of sanction; consideration must be given as to how this is achieved, and how the outcome of the proceedings is communicated. It may also sometimes be appropriate to adjourn to ensure that the respondent can fully prepare their mitigation.	Detailed within process and reinforced in training, briefing and part of the remit of new Director and Permanent Secretariat.
<u>18</u>	Consideration must also be given to how any sanction is going to work in practical terms, and the effect upon others in the relevant department, or those who may be affected more widely. In some cases, it may be appropriate to liaise with the Head of Department, or to give the opportunity for a victim to give an updated 'victim impact' statement.	Development of sanctions framework in progress and will be completed during the Autumn Term. Operational and practical implementation will be overseen by new Director and Permanent Secretariat
<u>19</u>	Consideration should be given to measures to obtain a broad consistency of approach to proceedings and to assessing sanction. This might involve having standing members, or additional guidance / training.	Phase 2 but in part covered by new process and responsibility of new Director

20	Consideration should also be given to the panel composition. It is essential that both senior and other academic staff and Student Union representatives remain; it is also essential to consider issues of independence, diversity and inclusion, and perhaps the addition of a professional services perspective from the University community.	Identifying new academic panel members and Professional Services members trained. Further ongoing work to balance protected characteristics is still needed during the Autumn Term
21	Consideration should be given to the more detailed recording of the rationale of the decisions made and to the content of the outcome letters sent, to ensure that they are sufficiently clear and detailed, and accurately reflect the decisions made.	Detailed within process and reinforced in training, briefing and part of the remit of the new Director and Permanent Secretariat
22	On appeal, detailed reasons for the first decision should be made available, and, as now, the Chair of the first panel invited to attend to assist the appeal panel. Consideration should also be given to asking the IO to attend, and of notifying the members of the first disciplinary panel if the decision is significantly changed.	Detailed within process and reinforced in training, briefing and part of the remit of the new Director and Permanent Secretariat
23	As an overarching point, regular consideration should be given to how to properly support investigators, panel members and other members of staff involved in the disciplinary processes, and how to safeguard and support the impartiality and independence of their function. This must include an understanding of the risks attached to even the perception of bias.	Detailed within process and reinforced in training, briefing and part of the remit of the new Director and Permanent Secretariat
Communications with complainants and respondents (24-26)		
24	Consideration should be given to a protocol for communication with complainants and respondents, informed by victim / witness care and any other relevant principles: this should include regular updates; through a single point of contact where that is appropriate, and when support is available.	The Student Liaison Officer role will act as single point of contact when communicating with those involved in serious cases
25	When fixing key dates, consideration must be given to important examination dates, or other significant stressors, and to the support that is available for the student. This may involve, for example, moving interviews or canvassing hearing dates in advance.	The Student Liaison Officer role will act as single point of contact when communicating with those involved in serious cases
26	More generally, communications should always be tailored to the individual student, and their very specific circumstances; consideration should also be given to cumulative effect of communications, and whether they have been consistent, fair and sought to address the concerns being raised.	The Student Liaison Officer role will act as single point of contact when communicating with those involved in serious cases
Policy formation		
27	Consideration should be given to creating guidance which sets out the basis of the University's disciplinary policy, and its general principles and procedures. This might assist in its evolution, and in strengthening and demonstrating its coherence as a distinct and fair set of processes, with its own aims, concepts and language.	This guidance will be set out within the policy and procedure which will be published during the Autumn Term

28	More broadly, consideration should be given to policy development to investigate whether restorative justice approaches may have any role to play in the student disciplinary context, either in suitable / appropriate SVM cases where it is one of a number of choices for the victim / survivor or, as a more general approach, in cases <u>not</u> involving SVM. I set out some background in Annex C; it is a highly complex and contested field, but there may be an institutional 'fit' because of the focus both on victim / survivor empowerment and learning / rehabilitation.	Phase 2
29	Consideration must be given to the formulation / implementation of a SVM policy, for which the Registrar has overall responsibility. This is essential to join up the various disparate initiatives, to formulate an overall strategy, and to provide a framework against which to consider other policy developments.	Completed
External communications		
30	Consideration must be given to how to convey and balance complex messages – which may be in tension with each other - when facts cannot be put in the public domain. Some of the key themes raised by interviewees in relation to the 'group chat' case included the need for earlier affirmation of the University's values, even in general terms, and reassurances about the processes in train; clearer support for the importance of fair, impartial and independent investigations and disciplinary processes; and more "authentic" 'victim-centred' communications that recognised the harms done, both to particular victims and more widely.	Continued focus here to bring this into communications with internal and external stakeholders; wider work underway to embed the University's statement of principles, setting out clear expected behaviours