

Independent External Review of Student Disciplinary and Appeals Processes University of Warwick

progress against recommendations as of 12 February 2020

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

	Recommendations	Status
Investigations		
1	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.	4 external Investigating Officers recruited Decision made not to have internal investigators for such cases
2	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 scheduled across trauma, impartiality, legal and Warwick policies and processes
3	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.	Paper to UEB about how best to manage this for internal and externals
Specialist policies and procedures for SVM cases		
4	In SVM cases, complainants should receive an early signpost to the 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 CRASAC.	Student Liaison Officers will ensure early signposting. Regular meetings between Head of Student Discipline and the ISVA. Midway through current contract
5	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.	New Policy and Procedure approved by Senate and relevant Regulation updated to reflect this - now in practise and part of SOP. Guidance sheets, sample interview plans, letters and training materials have been updated to reflect policy change.
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	Evaluating current privacy and data sharing requirements – in progress

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	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.	
	<u>Recommendations</u>	<u>Status</u>
<u>7</u>	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.	In progress – to circulate ahead of next academic year
<u>8</u>	There should be terms of reference for the Student Disciplinary Review Committee which considers the investigation reports in cases of sexual misconduct.	Terms of Reference complete.
<u>Student disciplinary processes</u>		
<u>Case management system</u>		
<u>9</u>	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.	System in place for student discipline team. Considering requirements and existing systems for SLOs
<u>Recommendations about clear expectations</u>		
<u>10</u>	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.	To be progressed during term 2
<u>11</u>	Generally, consideration should be given to the work already in progress in the SDT for systematic overhaul; this is potentially controversial in relation to categorisation of breaches of the regulations.	To be progressed during term 3
<u>12</u>	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.	Shared with key stakeholders
<u>Disciplinary panels</u>		
<u>13</u>	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.	Confirmed as permanent post
<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	Training (scenario) programme scheduled for existing panel members,

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	scope, rules and procedures of the investigation and hearing, and the underlying legal and policy principles.	training programme ready to schedule once new members confirmed. Scenario based training in construction
	Recommendations	Status
15	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 completed for existing panel members, training programme in place for new members
16	As an over-arching 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. Remit of Permanent Secretariat
17	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. Reinforced in training /briefing. Overseen by Director and Permanent Secretariat
18	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.	Operational and practical implementation of Sanctions framework overseen by new Director and permanent secretariat
19	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.	Permanent Secretariat, Head of Student Discipline and pool for SV panels. All panel members have received same training.
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 future panel members and PS colleagues Further ongoing work to balance protected characteristics is still needed
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. Reinforced in training /briefing. Overseen by 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. Reinforced in training /briefing. Overseen by Director and Permanent Secretariat
23	As an over-arching 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	Detailed within process. Reinforced in training /briefing. Overseen by

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	the impartiality and independence of their function. This must include an understanding of the risks attached to even the perception of bias.	Director and Permanent Secretariat
	Recommendations	Status
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.	Student Liaison Officer role as single point of contact
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.	Student Liaison Officer role as single point of contact
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.	Student Liaison Officer role as single point of contact
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.	Detailed within policy and procedure which will be published
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.	WIHEA learning circle established led by Imogen Davies. Recommendations expected September 2020
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.	Approved by Senate and backdated to start of the academic year 19/20)
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'	Warwick Community campaign. Our story narrative development. Revision of Warwick Values Moodle and bystander programme.

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	communications that recognised the harms done, both to particular victims and more widely.	
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