Process for Responding to Student Behaviour Misconduct

Last updated: 1 October 2025.

Introduction

This document outlines our specific process for handling allegations of student behaviour misconduct. Allegations of all types of student behaviour misconduct are dealt with primarily under Regulation 23 on Student Disciplinary Offences, Residential Accommodation Regulation 27 and our Sexual Misconduct and Relationship Abuse Policy.

There are some specific sections of this process which relate only to allegations of misconduct that fall under the following areas:

- Sexual misconduct
- Discrimination
- Hate incident/crime
- Bullying
- Harassment
- Relationship Abuse

These sections of the process are indicated by the text '**LO supported only**' within the heading. These allegations will usually be first disclosed via Report & Support.

Examples of student misconduct can be found here.

Students are expected to be aware of and to abide by the standards of conduct required by the University and our community as set out in Our Values and Dignity Principles; and that this applies equally to behaviour online as it does offline. Students agree to abide by these at enrolment.

The Students' Union operates separate discipline regulations to which its members are also subject. These can be found here.

Any member of staff named in this process may appoint a nominee to act on their behalf in a named role, and references to that member of staff will be taken to include reference to such nominees.

The University may vary any part of Regulation 23 in order to comply with its duty to make reasonable adjustments for people with disabilities. If any student requires reasonable adjustments due to a disability, they should make the Conduct and Resolution Team aware as soon as possible.

In this document students who are part of a discipline process may also be referred to as the Responding Party (a student who an allegation of misconduct has been made about) or the Reporting Party (an individual who has reported alleged misconduct by a student).

1. Equality, Diversity & Intersectionality

1.1. Embedding equality, diversity and inclusion into all of Warwick's activity is the responsibility of all members of our community. It means understanding that everyone is unique and recognising differences. The University is committed to creating inclusive environment across university life, including within cases involving allegations of misconduct.

1.2. The University also recognises that different aspects of someone's identity may influence how they navigate a discipline process, regardless of whether this aspect of their identity was directly related to their disclosure / alleged misconduct or not. The University is committed to providing an equitable experience for all students engaged in a discipline process.

1.3. Experiences of misconduct may be complex and involve more than one protected characteristic or other aspect(s) of someone's identity.

2. Confidentiality and Information Sharing

2.1. The University recognises the importance of privacy for disclosures and formal complaints of misconduct and will only share information on a confidential, need-to-know basis.

2.2. The University recognises that students may wish to discuss an allegation or investigation with some members of the University Community. Both parties will be reminded that Student Misconduct investigations are extremely sensitive in nature and that both parties should carefully consider the reasons why they are considering sharing information about any aspect of the process, who with and any consequences of such a disclosure. For example, posting sensitive information on social media is unlikely to be conducive to the University's investigation process. This consideration does not form any type of non-disclosure agreement and is simply to encourage students to give consideration as to any unintended impact that discussion of such matters could have.

2.3. Confidentiality is not absolute secrecy. There may be circumstances where it is necessary or appropriate to share information within the University, with the Students' Union or with other external organisations/bodies, for example to:

- Allow a case to be appropriately and fairly considered and investigated;
- Ensure those involved in the discipline process receive appropriate academic and pastoral support;
- Enable any discipline outcomes to be put in place;
- Safeguard members of the University community and fulfil the University's duty of care;
- Discharge the University's duties or as required by law, regulation or administrative process
- As required by the University's auditors and insurers.

2.4. The outcome of an investigation, Misconduct Panel or Misconduct Appeal Panel will be shared with the Reporting and Responding parties. This will include setting out the rationale for the decision, to the extent that is possible within the parameters of data protection legislation.

2.5. All personal data is recorded and held in accordance with the Data Protection Act 2018 and will be retained in line with the University's Record Retention Schedule.

2.6. The University will retain anonymised data to understand patterns of behaviour and to inform future policy.

2.7. All students involved in the process are given a copy of the relevant privacy notice that is within the information sheet for students.

2.8. Students involved in a misconduct process should not discuss or share any details of the incident(s)/allegation(s) outside of the investigation meeting or discipline hearings or discuss or share any details of the incident(s)/allegation(s) with any other individuals who are, or may become, involved with the investigation. This does not mean that students cannot seek appropriate advice and support.

2.9. It is important that students are aware of the possible consequences of sharing confidential information, and the reasons why we ask students to maintain confidentiality:

- Once information is released to others there is little or no control over how that information is interpreted or shared.
- Should a post or comment be made that breaches the Dignity Principles, a student is entitled to raise a Stage 2 complaint which could result in disciplinary action.
- Should a post or comment be untrue, an individual may seek to make a civil legal claim.
- Sharing information about a discipline matter could make an already difficult situation worse for everyone involved, and in some cases may undermine the discipline process.
- Maintaining confidentiality benefits all the parties involved.

3. General guidance

3.1. We are a community, and we undertake misconduct processes where necessary in order to uphold the values of that community.

3.2. University misconduct processes are fundamentally different in nature and scope to criminal processes. The University's misconduct process is an internal matter involving breaches of our Regulations. Although some allegations under consideration may also be considered criminal offences, the University misconduct process does not operate as a court of law and does not make findings of criminality.

3.3. The standard of proof used by the University is the civil law standard of 'balance of probability', meaning 'more likely than not', which is a lower threshold than the criminal burden of proof which is 'beyond reasonable doubt'.

3.4. Decisions are based on all available evidence.

3.5. Where multiple formal complaints are received about the same Responding Party, the University may consider evidence related to any of the allegations during any investigation or subsequent misconduct process(es). This may extend the length of time of any investigation.

3.6. Any previous allegations that involve the same Responding Party and have been found proven by a Misconduct Panel or Director Decision, may be considered during any subsequent misconduct process.

3.7. Any evidence provided by witnesses during an investigation that alleges similar behaviour by a Responding Party may be considered as evidence relating to character / behaviour of a Responding Party during the misconduct process.

3.8. If a further allegation of misconduct that breaches University regulations occurs whilst an investigation is being conducted under Regulation 23, this may be considered as an aggravating factor and may be taken into account.

3.9. The University recognises the possibility of retaliation against any individuals associated with a disclosure or formal complaint of misconduct. Any allegations of retaliation will be dealt with under the appropriate University regulation.

3.10. If a Responding Party in a sexual misconduct or relationship abuse allegation makes a complaint about the Reporting Party after the investigation has started, the second complaint will usually be put on hold until any student misconduct process in relation to the sexual misconduct or relationship abuse allegation has been completed.

3.11. If a Responding Party leaves the University (graduates or decides to permanently withdraw) before completing their course or takes a period of temporary withdrawal while a discipline process is ongoing, the case will be suspended. The case will be immediately reinstated if the Responding Party re-enrols at the University. All parties will be informed of this in writing.

3.12. Where a Responding Party has been given due notice of an investigation meeting, Misconduct Panel or mitigation meeting and without prior notification does not appear and/or has not provided a satisfactory explanation for their absence, the Investigating Officer (IO) or Misconduct Panel may proceed to deal with the case and, if appropriate, the Misconduct Panel may impose sanction(s) in the student's absence.

4. Making a Disclosure (LO supported only)

4.1. A disclosure is made when someone makes a submission via the University's online reporting tool Report & Support. Where a member of staff or student has received a disclosure in person or via other means, they may submit a disclosure on behalf of the person who has disclosed, with their permission, via Report & Support.

4.2. The person who has chosen to disclose does not need to provide the full details of their experience if they do not wish to. They will not be pressured to make a formal complaint.

4.3. Regardless of when an incident occurred, the person who has experienced it can still disclose it to the University via Report & Support and receive support. They can also access Wellbeing Support Services or the Sexual and Domestic Abuse Advisor (SDAA) for advice.

4.4. A disclosure does not automatically create a formal complaint and is not an instruction to the University to take action. The person who has disclosed will have the opportunity to speak to a specially trained Liaison Officer (LO) and to consider their options before making an informed decision on any further steps. No immediate action will be taken by

the University unless there is a concern about safety or if the University has a duty to do so, for example, under safeguarding.

4.5. If a person chooses to disclose anonymously via Report & Support, the University is unlikely to be able to take any direct action on the basis of their disclosure. Anonymised data will help the University to understand patterns in behaviour and inform future policy.

4.6. Where a disclosure is made but is not submitted via Report & Support, the person who has disclosed can still access support via an LO, Wellbeing Support Services, the SDDA and the Students' Union Advice Centre.

5. Options following a Disclosure (LO supported only)

5.1. After disclosure there are several options available to the person who has disclosed. They can choose the level and type of support that is right for them after discussion with their LO.

a) Take no further action at this time: In this case advice will be provided regarding the preservation of evidence which may be needed if they subsequently decide to make a report to the Police or to submit a formal complaint to the University (see d below).

b) Undertake an informal resolution: This option is dependent on the parties involved being willing to participate. The University has a Mediation Service to which the LO would refer. The person who has disclosed is not required to submit a formal Stage 2 complaint for this to happen.

c) Make a report to the Police: In this case no discipline action will normally be taken by the University, unless a formal complaint to the University is also submitted. However, there may be a need to limit contact between the parties involved and the University may put in measures to facilitate this. Support from an LO will still be available. Any formal complaint may be placed on hold while a police investigation and/or legal proceedings are taking place. This will be regularly reviewed and where appropriate, and with the consent of any Reporting Party and the Police, both the Police and University processes can run simultaneously.

d) Make a formal complaint to the University: This may result in a formal investigation. A formal complaint is different to a disclosure; it requires a submission in writing informing the University that something has happened and that the person who has made the complaint wishes the University to take formal action. From this stage onwards, the person who has submitted the complaint is referred to as the Reporting Party, and the student who an allegation of misconduct has been made about is referred to as the Responding Party.

5.2. Students are able to access support from the SDAA, Wellbeing Support Services, Students' Union Advice Centre or external support regardless of the option they choose.

6. The Liaison Officer, LO (LO supported only)

6.1. The LO will be the main point of contact for anyone who discloses via Report and Support for Reporting or Responding parties.

6.2. The LO does not represent the person they are assigned to at any subsequent Investigation meetings or Student Misconduct Panel meetings. They are available to listen, to provide information and to facilitate practical support.

6.3. Whilst they are trauma-informed, LOs do not provide counselling or clinical support, therefore Reporting or Responding parties will be strongly encouraged to liaise with internal and external emotional support services.

6.4. The LO will contact the person who has made the disclosure within two University working days to arrange a First Discussion Meeting. This will enable the person who has disclosed to talk about their next steps. The LO will help them to consider the reporting and support options available, and to understand the role of the LO.

6.5. For cases that progress to a formal complaint, and where no immediate action was required regarding threats to safety, the Responding Party will be assigned an LO when they are informed about the complaint. This will be a different LO to that assigned to the Reporting Party.

6.6. The LO for the Responding Party will make contact with them to arrange a First Discussion Meeting. During this meeting the LO will explain the investigation process, the roles of the LO and Investigating Officer (IO), and the University Discipline Process. They will advise the Responding Party of the support available via Wellbeing Support Services, the SDAA, the Students' Union Advice Centre, and their Department or sources of external support.

6.7. The assigned LO will be the main point of contact for the student and all communication relating to the discipline process will be sent to the student via their assigned LO. Consideration will be given to appropriate timing and methods of communication, in particular in relation to academic activity or other significant events. Some key information will always be sent via University email. The LO will be available to discuss in person, on a video call or via the telephone. It is acknowledged that any delay to the process as a result of such considerations may impact on the overall time required for completion of proceedings.

6.8. Students can also choose to have an additional supporting party during the discipline process and guidance will be provided regarding this role. However, the LO will remain the main point of contact for all communication and will attend any investigation meetings, regardless of who the student has chosen as their additional supporting party.

7. Immediate threats to safety

7.1. If after reviewing a report of alleged student misconduct or a disclosure submitted via Report & Support, the Director of Conduct and Resolution believes that there may be a risk to the Reporting Party or to anyone else, they will refer the incident to the Initial Risk

and Support Needs Assessment Group (IRSNAG). The membership of this group is as follows:

- Director of Conduct and Resolution (or nominee) (Chair)
- Senior Assistant Registrar (Conduct and Resolution) (or nominee)
- Director of Wellbeing Support Services (or nominee) (Alternate Chair)
- Head of Community Safety Team (or nominee)
- Head of Residential Community Team (or nominee)
- Liaison Officer (if required)
- School Representative (for FtP cases only)

The IRSNAG terms of reference can be found at Appendix C.

7.2. If the IRSNAG decides that it is necessary to take precautionary action, it will make a recommendation to the Registrar (acting on behalf of the Vice Chancellor) who can enact these measures. Such measures may include issuing a suspension of rights to restrict the Responding Party in their contact with any Reporting Party or others. This can also include restriction of access to campus facilities or accommodation and making a recommendation to the Students' Union President regarding appropriate action within the jurisdiction of the Students' Union.

7.3. If an immediate suspension of rights is issued, the Responding Party will be informed in writing. They will be told what they need to do in order to comply with the suspension of rights.

7.4. If a student living in University managed accommodation is required to move to alternative accommodation as a result of precautionary action this will be to equivalent standard accommodation, where possible. If of a higher standard no additional cost will be incurred by the student. Support will be provided by the University to assist with moving of belongings.

7.5. If the IRSNAG determines that there is an immediate risk to safety it may be necessary to move either the Reporting Party and/or Responding Party to temporary on-campus emergency accommodation, until a more permanent solution can be arranged.

8. Making a formal complaint to the University.

8.1. A student who has experienced misconduct (Reporting Party) may choose to make a formal complaint to the University under the Student Complaints Resolution Procedure. This will then be referred to the Conduct and Resolution Team for consideration and to seek a resolution under Regulation 23 Student Discipline Offences.

8.2. The complaint must be submitted in writing. The Stage 2 complaints form may be completed by the Reporting Party, or if they prefer and with their permission, someone can complete it on their behalf.

8.3. The complaints form does not need to include in-depth detail about the experience. It should include enough information so that the University can take the complaint forward,

including identifying the student(s) against whom the complaint has been made (Responding Party) and some detail on what has happened.

8.4. The Director of Conduct and Resolution (or nominee) will review the formal complaint and determine if an investigation is appropriate. To assist in this decision, the Director of Conduct and Resolution may request that the complaint undergo a triage process. Details on the triage process can be found in Appendix A.

8.5. After making a complaint there are several routes available to the Reporting Party:

a) Undertake an informal resolution: This option is dependent on the alleged incident being appropriate for this and the parties involved being willing to participate. The Conduct and Resolution Team will support the parties to access the University Mediation Service.

b) Make a report to the Police: In this case the University may initially put any misconduct action on hold whilst a Police investigation and/or legal proceedings are taking place. This will be regularly reviewed and where appropriate, and with the consent of any Reporting Party, both the Police and University processes can run simultaneously. There may be a need to limit contact between the parties involved and the University may put in measures to facilitate this.

c) Proceed to an investigation: An Investigating Officer (IO) will be assigned and a Notice of Investigation issued to the Responding Party.

d) Withdraw the complaint: The University may consider that even though a complaint has been withdrawn there is sufficient evidence for the University to continue with an investigation without a Reporting Party. The Reporting Party has the right to withdraw their complaint and stop the formal misconduct process at any time and the University will not continue with any investigation without the consent of the Reporting Party.

8.6. Support from Wellbeing Support Services and the Students' Union Advice Centre is available to any current student who has experienced or been affected by misconduct, regardless of where or when the incident took place, who was involved or how any complaint is progressed.

8.7. The University is only able to undertake formal misconduct processes if the Responding Party is a registered student at the University.

8.8. The University will not usually take any action without the involvement of the Reporting Party (if there is one) unless there is an immediate threat to safety.

8.9. Where there is no Reporting Party or the Reporting Party wishes to remain anonymous, the Director of Conduct and Resolution will determine whether there is sufficient evidence to proceed with an investigation and whether an investigation, in any event, is desirable.

8.10. The University will, when this action has been approved by the Director of Conduct and Resolution, consider complaints of student misconduct made via reports from

Departments, Community Safety Team, Residential Community Team or other internal or external organisations or individuals.

9. Informal resolution

9.1. Where informal resolution is appropriate, the Conduct and Resolution Team will support the parties to access the University Mediation Service.

9.2. Informal resolution will remain confidential to the parties involved.

9.3. Informal resolution may be recommended, with the agreement of the Director of Conduct and Resolution. The Conduct and Resolution Team or LO may follow up to check that the informal resolution has taken place, however as the allegation has not been proven, they cannot enforce compliance as it is undertaken on a voluntary basis.

9.4. Informal resolution may include, but is not restricted to, the following outcomes:

- A written or verbal mutual agreement between students
- Written or verbal apologies
- Attendance at awareness sessions or programmes
- Voluntary Contact and Communication Agreements (CCAs)
- Any other sanctions which are not punitive in nature

9.5. Once a Stage 2 Complaint has been referred to informal resolution, and both parties have agreed to this, the complaint will be put on hold by the Conduct and Resolution Team.

9.6. The University Mediation Service will share with the Conduct and Resolution Team whether students reached an agreement to resolve the complaint. The details of any agreement will only be shared with the express permission of the students.

9.7. If the informal resolution has resolved the complaint, then a Stage 2 outcome letter will be issued. If the informal resolution does not reach an agreement, then the Reporting Party may request that the Stage 2 complaint is progressed.

10. Police investigation and legal proceedings

10.1. If the Reporting Party has made an independent report to the Police, they may still make a formal complaint to the University.

10.2. The University does not have the legal investigatory powers of the Police and is not able to make a determination of criminal guilt.

10.3. Any misconduct action is undertaken as a breach of the University's Regulations and is separate from and not a substitute for a Police investigation or a criminal prosecution.

10.4. The fact that criminal proceedings have been instituted or have concluded does not preclude the University from taking its own misconduct action if it is thought fitting or necessary to do so.

10.5. The University will, where possible, seek advice from the Police to avoid any potential disruption to an ongoing criminal investigation. The University may initially put any misconduct action on hold whilst a Police investigation and/or legal proceedings are taking place. This will be regularly reviewed and where appropriate, and with the consent of any Reporting Party, both the Police and University processes can run simultaneously.

10.6. There may be a need to limit contact between the parties involved and the University may put in measures to facilitate this during any ongoing criminal Investigation.

10.7. A case that does not progress through legal channels, where a decision to take no further action has been made, and/or a 'not guilty' verdict has been returned, does not mean that the person has made a malicious or vexatious report.

10.8. The fact that criminal proceedings have returned a 'not guilty' or 'no further action' verdict does not preclude the University from taking its own misconduct action.

10.9. If evidence is available to demonstrate that a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the University's Regulations, then the University will accept this as conclusive evidence that the behaviour took place. It may not be necessary for an investigation to take place and the allegation will be deemed proven and proceed directly to a Mitigation meeting.

11. Support Person and Legal Representatives

11.1. The Reporting and Responding Parties may be accompanied by a support person at any meeting with an authorised officer, or any misconduct, mitigation or appeal meeting. The support person can be a Liaison Officer (if one has been assigned), another student from the University, family member or friend, a member of staff from the University or Students' Union or a legally qualified person. The support person cannot be anyone who has been involved in any way with the alleged misconduct (for example witnesses to any alleged incident).

11.2. The support person is there in a support capacity only, and a supported student will be expected to speak on their own behalf, unless this has been agreed as a reasonable adjustment.

11.3. Although these procedures are not legal in nature, students are free to seek legal advice before, during or after any investigation meeting or any misconduct, mitigation or appeal hearing, at their own expense, should they wish.

Application for Legal Representation

11.4. Being accompanied by a legally qualified person is not the same as being represented by them. If a student wishes to have a legally qualified person represent them at any meeting, they will need to apply for permission in writing and send it to conduct@warwick.ac.uk when requesting representation at any meeting with an authorised officer and studentmisconductpanel@warwick.ac.uk when requesting representation at any misconduct, mitigation or appeal meeting. The request should include the name, address

and contact details of the proposed legally qualified person and a short statement setting out why legal representation is being requested. The University reserves the right to accept or refuse a request, depending on the complexity and seriousness of the case and therefore whether the requirements of natural justice warrant such representation.

11.5. Applications for legal representation should be made within five university working days from the date of receipt of any allegation or meeting letter to ensure that the University has reasonable time to deal with the request. The University shall aim to respond in writing within five university working days confirming the outcome of the request. Requests received outside of this timescale will still be considered but a student is likely to receive the outcome at short notice before a meeting.

11.6. Conflict checks are carried out on all proposed support persons and legal representatives. The Director of Conduct and Resolution and Chair have the right to refuse the attendance of a support person or legal representative to a meeting if it is determined that there is a conflict of interest relating to that person, in which case, the student will be given the opportunity to nominate a different support person or legal representative. For this reason, all students applying for legal representation must also confirm the details of their proposed support person should an application for legal representation be refused, to ensure conflict checks can be carried out in good time.

Guidelines

11.7. Separate guidelines will be provided to all support persons and legal representatives permitted to attend, which sets out their role and expected conduct within the context of the Student Misconduct Panel and must be adhered to at all times.

11.8. The Investigating Officer and Chair have the right to ask a support person or legal representative to leave a meeting if they, or where relevant other panel members, determine that their behaviour is disruptive to the process and not adhering to the role they are there to perform.

12. University Investigation: The Investigating Officer (IO)

12.1. All IOs have undertaken training and have guidance on how the University expects investigations to be run.

12.2. All IOs have undergone training in trauma-informed investigation for sexual misconduct investigations.

12.3. The IO has the power to carry out such investigations as they deem appropriate, including interviewing the Reporting and Responding Parties and any other witnesses.

12.4. Where there is an incident with more than one Responding and/or Reporting Party the investigations may be undertaken by the same IO.

Investigation

12.5. All parties involved in the investigation will be provided with information on the investigation process and a Privacy Notice (within the Information Sheet for Students).

12.6. The IO will review any available initial evidence that has been submitted by the Reporting Party or another party. The IO will then set the remit of the investigation and determine what needs to be taken forward and how.

12.7. The Responding Party will be informed that an allegation has been made against them. This will be sent as a formal Notice of Investigation (NOI). They will be informed about sources of support and advice available to them. For LO supported misconduct allegations, the Responding Party will be assigned an LO (if not assigned earlier).

12.8. The Notice of Investigation will give the Responding Party appropriate detail on the allegation(s) under investigation. During the course of the investigation, it is possible that the remit of the investigation may extend beyond the initial allegation provided. The Responding Party will have the opportunity to respond in full to any allegations under consideration.

12.9. If required, the IO will conduct an initial interview with the Reporting Party followed by a separate interview(s) with the Responding Party and any witnesses. If further information becomes known during the course of the investigation, or further clarity is needed, those already interviewed may be interviewed again.

12.10. The IO will produce a report outlining the evidence and will make a recommendation regarding if there is a case to answer.

13. Review of Investigation Report

13.1. The investigation report will be reviewed by either the Director of Conduct and Resolution or the Student Discipline Review Group (SDRG). They can either request that further investigation be carried out or decide if there is a case to answer based on the evidence.

13.2. For allegations of sexual misconduct, relationship abuse and complex cases where necessary and determined by the Director of Conduct and Resolution, the investigation report will be reviewed by SDRG.

13.3. To be quorate, the SDRG must consist of a minimum of three of the following members, including either the Chair or Alternate Chair: The Director of Conduct and Resolution (or nominee) (Chair), The Director of Legal and Compliance (or nominee) (Alternate Chair), Director of Wellbeing and Safeguarding (or nominee), Senior Assistant Registrar Conduct and Resolution (or nominee), Director of People Team (or nominee). A Students' Union representative will also be invited. The SDRG terms of reference can be found in Appendix B.

13.4. If there is sufficient evidence to progress the case, it will either be referred to be considered by a Misconduct Panel or by a Director Decision. If appropriate the case may be referred for consideration under a different University regulation.

13.5. If there is insufficient evidence to progress the case, the Conduct and Resolution Team will close the complaint and issue a Stage 2 Outcome Letter to the Reporting Party. The Responding Party will be informed in writing that the complaint has been completed.

13.6. There is no option to appeal this decision following the issue of a Stage 2 Outcome letter. The Reporting Party can escalate their complaint to Stage 3 of the University's complaint procedure which will review the reasonableness of the Stage 2 investigation.

13.7. If there is insufficient evidence to progress a case, the Director of Conduct and Resolution may still make suggestions to the Responding Party regarding actions they might undertake, such as seeking support via Wellbeing Support Services or attending awareness sessions.

14. Director of Conduct and Resolution Decision (Director Decision)

14.1. A Director Decision is where a case is considered and, if appropriate, sanctions applied by the Director of Conduct and Resolution instead of by a Misconduct Panel.

14.2. Cases where the Director of Conduct and Resolution determines that a sanction can be applied without the case being heard by a Misconduct Panel must meet all of the following conditions:

- Responding Party has accepted the allegation.
- The sanctions available by Director Decision are reasonably deemed to be proportionate to the allegation.

14.3. If they consider it to be appropriate for a specific case, the Student Discipline Review Group (SDRG) are able to refer cases for resolution by the Director of Conduct and Resolution that do not meet all the above criteria. The Director of Conduct and Resolution will abstain from taking part in any such decision.

14.4. Examples of allegations which could be resolved by the Director of Conduct and Resolution include, but are not limited to:

- Refusal to respond to reasonable requests by University staff
- Anti-social conduct
- Offensive behaviour
- Damage to property
- Theft of items under £100
- Use of illegal substances
- Breaches of the social media policy or sharing of confidential information

14.5. A limited sanctions framework is available to the Director of Conduct and Resolution which includes the following:

- Formal reprimand which will typically be kept on a student’s file for one year

- A written warning as to future conduct including, where appropriate, signposting to relevant support available
- Requirement to apologise
- Requirement to undertake restorative action
- Requirement to undertake community service
- Requirement to undertake training or education activity (e.g. Conduct Moodle)
- Requirement to submit a reflective statement
- A requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the University
- Fine (up to maximum of £250)
- No Contact Order

14.6. During the Director Decision assessment, the Director of Conduct and Resolution may identify potential breaches of other University Policies and Regulations in addition to misconduct under Regulation 23. If so, those breaches may be referred for appropriate action to be taken.

14.7. In all cases where, in their opinion, the gravity of the offence appears to warrant it or the appropriate sanction might be beyond those available, the Director of Conduct and Resolution is obliged to send the case to a Misconduct Panel.

14.8. If there is sufficient evidence to progress and the conditions for consideration by a Director Decision are met, the Responding Party will be provided with the allegation and a copy of the full investigation report. They will be given five university working days to either accept or reject the allegation in writing.

14.9. If the Responding Party later accepts the allegation before the Misconduct Panel meeting has been held, the Misconduct Panel Secretary may refer the case back to be considered for Director Decision.

14.10. If the Responding Party accepts the allegation, the Director of Conduct and Resolution will consider the allegation in a specific meeting at which the Misconduct Panel Secretary and Case Officer will be present to ensure fairness and consistency of any sanctions with the Misconduct Panel process. This will take place within 10 University working days of the allegation being accepted by the student.

14.11. If there is a Reporting Party, they will also be sent a copy of the full investigation report at the same time this is sent to the Responding Party.

14.12. The Responding Party and Reporting Party (if there is one) will be informed of the Director Decision and an outcome letter will be issued within six working days of the decision being made. This will confirm the outcome and provide information on the appeal process. This follows the same process as for any appeal submitted following the outcome of a Misconduct Panel. Any appeal should be submitted within 10 university working days and should state the grounds on which it is made and include any supporting evidence.

14.13. Once any appeals have been completed, a Stage 2 Outcome Letter will be issued to the Reporting Party.

15. The Misconduct Panel

15.1. The Misconduct Panel or the Misconduct Appeals Panel will typically be serviced by the permanent Secretariat.

- The membership of the Misconduct Panel is drawn from a pool of salaried staff or employees and student members, all of whom have undergone training for cases of misconduct.
- The Panel is normally chaired by a Pro-Vice Chancellor, Deputy Pro-Vice-Chancellor or an appointed Chair, approved by the Vice-Chancellor or their nominee. It has up to five other members of University staff and student members, normally Student Union Sabbatical Officers on it.

15.2. All members of a Misconduct Panel considering allegations of sexual misconduct or antisemitism will have undergone relevant additional training.

15.3. Should a Misconduct Panel be convened to consider a case that involves two or more Responding Parties, it may be the same Misconduct Panel hearing the cases. Differing determinations may be made depending upon the evidence and any aggravating or mitigating features of the case which may or may not apply equally to all students against whom an allegation is made.

15.4. Where multiple allegations are received about the same Responding Party by multiple Reporting parties, it may be the same Misconduct Panel hearing the cases. Differing determinations may be made depending upon the evidence and any aggravating or mitigating features of each case.

15.5. In all cases a written record of the proceedings will be kept, and all parties will be provided with a copy.

16. The Misconduct Panel – Before the meeting

16.1. If the Director of Conduct and Resolution or SDRG determines that there is a case to answer, the Reporting Party (where there is one) and the Responding Party will be notified. The specific allegation(s) will be clearly communicated in writing and a copy of the investigation report will be provided. The Responding Party will be given at least twenty University working days' notice to appear before the Misconduct Panel. The Reporting Party (where there is one) will also be provided with a copy of the investigation report and is expected to attend as a witness for the University.

16.2. The Responding Party has the option to either accept or reject the allegation(s). This should be submitted in writing to the Secretariat of the Misconduct Panel along with the details of their accompanying person and if relevant, the details of any witnesses providing testimony. The Secretariat of the Misconduct Panel should receive this within five

university working days of the Responding Party receiving their formal notice to appear before the Misconduct Panel.

16.3. If the Responding Party rejects the allegation(s), the Secretariat will convene a Misconduct Panel meeting. The Misconduct Panel will decide whether the allegation is proven or not proven, based on the balance of probabilities.

16.4. If there are multiple allegations and the Responding Party rejects the allegation(s) in part, then the Secretariat will convene a Misconduct Panel to decide whether the rejected part(s) of the allegation(s) is/are proven or not proven, based on the balance of probabilities. The part(s) of the allegation(s) accepted by the Responding Party will be considered proven.

16.5. If the Responding Party accepts the allegation(s) then the allegation(s) will be considered proven and the process will proceed to mitigation, save in the circumstances set out in 19.2 below. The Responding Party may accept the allegation(s) at any stage of the proceedings.

16.6. At least five working days before the meeting, the Responding Party should submit their evidence in rejection of the allegation or their evidence in mitigation if the allegation has been accepted. Verbal testimony will also be permitted at the meeting. Evidence will be shared with the Misconduct Panel, the University Officer and the Investigating Officer (if attending). Evidence in rejection of the allegation will also be shared with the Reporting Party and their accompanying person (where applicable). Evidence in mitigation will not be shared with the Reporting Party, in line with paragraph 19.4 below.

16.7. At least five working days before the meeting, the Reporting Party should submit, if relevant, either their witness testimony or impact statement. Verbal testimony will also be permitted at the meeting. Witness testimony and the impact statement will be shared with the Misconduct Panel, the University Officer and the Investigating Officer (if attending). Witness testimony will also be shared with the Responding Party and their accompanying person. The impact statement will not be shared with the Responding Party, in line with paragraph 19.5 below.

16.8. Throughout the misconduct process, students are normally expected to speak on their own behalf, though reasonable adjustments will be made for any relevant disability.

16.9. As set out in section 11, the Reporting and Responding parties may each bring one support person of their choice to a misconduct panel or mitigation meeting and any requests for legal representation must be made in writing and approved by the University in advance.

17. The Discipline Committee - During the Meeting

17.1. The University's case will be presented by the Registrar or the University Officer. They will present evidence to support the allegation, based on the facts contained within the IO's report. This will include evidence from the Reporting Party. The evidence on behalf of the Responding Party will then be heard.

17.2. The Reporting Party must usually attend the Misconduct Panel in order for the case to proceed.

17.3. The order of proceedings and papers for the meeting are circulated to the Panel, University Officer, Investigating Officer (if attending) and Reporting and Responding parties, usually five university working days in advance of the meeting. As set out in the order of proceedings for the meeting, the University Officer, panel members, Responding Party and Reporting Party will have the opportunity to ask questions.

17.4. Questions between the Responding Party and the Reporting Party will be directed via the Chair of the Misconduct Panel. All questions between the Responding Party and the Reporting Party shall be submitted to the Chair prior to questioning. The Chair may also direct that questions to witnesses are submitted in advance of questioning. The Chair will not ask any questions which are unfair, oppressive, or irrelevant to the allegation.

17.5. The University Officer is permitted to directly ask questions of all parties, if directed by the Chair.

17.6. At no point during the Misconduct Panel will the Reporting Party and Responding Party be physically present at the same time. Where appropriate, audio and/or video links will be made available.

17.7. Both the University and the Responding Party may call witnesses to provide evidence to the Misconduct Panel. Witness testimony may be presented verbally at the meeting or submitted in writing in advance as directed by the Chair. If a party wishes to introduce a new witness at this stage, they must seek permission from the Chair.

17.8. If the witness, for the University, is in attendance at the meeting they may be questioned by the Responding Party, the University Officer or panel members. Questions between the Responding Party and the witness will be directed via the Chair of the Misconduct Panel. If the witness, for the Responding Party, is in attendance at the meeting, they may be questioned by the Reporting Party, Responding Party the University Officer or panel members. Questions between the Reporting Party and the witness, and the Responding Party and the witness, will be directed via the Chair of the Misconduct Panel. The Chair will not ask any questions which are unfair, oppressive, or irrelevant to the allegation. The IO may also be present at the meeting and be asked questions on their report.

17.9. Both the Responding Party and the University Officer will be allowed to make a closing statement. The Responding Party will have the opportunity to make the final remarks.

17.10. The Misconduct Panel will deliberate in private and decide whether the allegation is proven or not proven, based on the balance of probabilities.

17.11. The decision of the Panel does not need to be unanimous. The outcome can be determined by a majority of votes and announced as the decision of the Panel. In the case of an equally split vote, the Chair shall have a second or casting vote to resolve a tie.

Permitted Legal Representation

17.12. Where a student is permitted legal representation, subject to any reasonable adjustments put in place, they will be required to personally answer questions put to them by the Misconduct Panel. The Misconduct Panel may draw an adverse inference if a student decides not to personally answer such questions.

17.13. Direct questioning by a legal representative shall be limited to the University Officer and Investigating Officer. All questions between the Responding Party and Reporting Party shall be asked by the Chair and will be similarly answered through the Chair, subject to any reasonable adjustments agreed.

17.14. As set out above the Chair will not ask or allow a legal representative to ask questions which are unfair, oppressive, or irrelevant.

18. The Misconduct Panel – after the meeting

18.1. The outcome of the Misconduct Panel will typically be communicated to the Reporting Party and Responding Party within one University working day of the Misconduct Panel making their decision. It will then be confirmed in writing, within six University working days of the Misconduct Panel making their decision. The students will be informed if, exceptionally, there is good cause for this time period to be extended. If possible, communication will not be sent on a Friday, so as to reduce the risk of support being unavailable for students over a weekend.

18.2. If the allegation is not proven the meeting will be concluded and the Reporting and Responding Parties will be notified and outcome letters will be issued. Both parties will be signposted to ongoing Wellbeing Services Support. The University will prioritise its duty of care to both parties to enable them to continue their studies and minimise any ongoing distress.

19. Mitigation and Sanctions

19.1. If the Responding Party accepts the allegation the Misconduct Panel would then also accept that the allegation is proven, and the Secretariat will convene a Mitigation meeting save in the circumstances set out in 19.2 below.

19.2. If the responding party accepts the allegation but the panel, in its sole discretion, has concerns about that acceptance and requires the evidence to be tested the panel will proceed as if the Responding Party had rejected the allegation.

19.3. If the Responding Party rejects the allegation or is deemed to have rejected in accordance with 19.2 above but the Misconduct Panel finds that on the balance of probability the allegation is proven, then the original Misconduct Panel will reconvene, and a mitigation meeting will take place.

19.4. The Responding Party will be invited to attend the mitigation meeting and they are encouraged to attend. They will be offered the opportunity to present and/or submit evidence in mitigation which will be taken into consideration prior to any sanction being

decided. If the allegation was accepted, any evidence in mitigation should be submitted by the deadline stated in the allegation letter, usually by 12 noon, 5 university working days before the meeting. If the allegation was rejected, any evidence in mitigation should be submitted by the deadline stated in the outcome letter. This is typically within 10 University working days from the date of their outcome letter. This is not an opportunity to present new evidence in relation to the allegation(s). The mitigation can be presented in person at the meeting, or the Misconduct Panel may accept mitigation from the student solely in writing. The mitigating evidence will not be shared with the Reporting Party, and the Reporting Party will not be present during the Responding Party's presentation of their evidence to the Panel. The mitigating evidence will be redacted from the Reporting Party's copy of the meeting minutes.

19.5. The Reporting Party will be invited to the mitigation meeting. They will be offered the opportunity to present and/or submit a written impact statement which will be taken into consideration prior to any sanction being decided. If the allegation was accepted by the Responding Party, any written impact statement should be submitted by 12 noon, 5 university working days before the meeting. If the allegation was rejected by the Responding Party, any written impact statement should be submitted by the deadline stated in the outcome letter. This is typically within 10 University working days from the date of their outcome letter in which to submit their written impact statement. The impact statement will not be shared with the Responding Party, and the Responding Party will not be present during the Reporting Party's presentation of their impact statement to the Panel. The impact statement will be redacted from the Responding Party's copy of the minutes.

19.6. Only exceptionally will witnesses be called at this stage, however, the Misconduct Panel may request and consider appropriate professional advice and additional contextual information prior to making its determination or within the Mitigation meeting. Character witnesses do not need to attend in person, they can provide written testimony in advance of the meeting for consideration. It is within the Chair's discretion to permit character witnesses to attend a meeting.

19.7. The Misconduct Panel will deliberate in private and decide sanctions based on the specific details of the case and taking into account any mitigating and aggravating factors.

19.8. The decision of the Panel does not need to be unanimous. The outcome can be determined by a majority of votes and announced as the decision of the Panel. In the case of an equally split vote, the Chair shall have a second or casting vote to resolve a tie.

19.9. Sanctions may typically include one or more of the following:

- Formal Written Warning
- Formal Reprimand
- Fine or the requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the University
- No Contact Order
- A requirement to apologise (if appropriate)

- A requirement to undertake suitable training or awareness programmes A requirement to undertake restorative action
- Community Service
- Partial Suspension, such as a ban from the University campus and/or buildings
- Suspended Permanent or Temporary withdrawal from the University
- Limitation of references provided by the University (e.g. provision of a factual reference only)
- Temporary withdrawal from the University
- Permanent withdrawal from the University
- A sanction made available to the Misconduct Panel as set out in any other appropriate regulations
- The Misconduct Panel may resolve to create a unique sanction(s) in order for the student to learn from their experience.

19.10. Both parties will be informed of the sanction(s) in writing. Their outcome letters will set out the rationale for the decision. The letters will also include details of the appeal process.

19.11. All sanctions will be applied from the date of the Mitigation meeting.

19.12. In cases where the allegation is admitted or the allegation is proven, a record of the offence and of the sanction will be filed, by the Misconduct Panel Secretariat concerned, in the office of the Registrar and the Academic Registrar.

19.13. The outcome of any Mitigation meeting or Appeal will include a determination as to the length of time for which the decision will be retained on the student's University record and which, for instance, might be highlighted in any reference requested during that period. Where the student has been either temporarily or permanently withdrawn this will form part of the student's formal record and transcript.

19.14. Non-compliance with a sanction imposed under Regulation 23 may result in further disciplinary action.

19.15. The Misconduct Panel may suspend the implementation of any sanction subject to conditions notified to the student.

19.16. Where a student is permanently or temporarily withdrawn from the University and is resident in University or University-managed accommodation, the University may take further action under Regulation 27 (On-Campus Residential Accommodation Regulations) once any appeals process has concluded.

19.17. Where a student is permanently or temporarily withdrawn from the University, the University may be required to notify the Government or other regulatory agencies once any appeals process has concluded.

20. Appeals

20.1. Both the Reporting Party and the Responding Party have the right to appeal the Misconduct Panel outcome. The Misconduct Appeals Panel will only consider appeals made on the following grounds:

20.1.1. That there was a material irregularity or failure in procedure in the conduct of the original hearing;

20.1.2. That there appears to be evidence of prejudice or bias during the original hearing;

20.1.3. That relevant new evidence has come to light which either party had a good reason for being unable to present prior to or during the original hearing which may make a material difference to the sanction applied.

20.2. The student(s) will have 10 university working days from the date of their formal written outcome letter to submit their appeal. The student(s) should appeal, in writing, to the Secretariat of the Misconduct Panel. When submitting the appeal, the appellant must state the grounds on which the appeal is made and include any relevant evidence to support their case that the grounds for appeal are met.

20.3. The appeal(s) will be considered by the Misconduct Appeals Panel Chair and at least one further member of the Panel and assessed to determine whether or not there is a prima facie case for appeal. No-one involved in deciding an appeal under Regulation 23 shall have had any prior involvement with the misconduct case. If both parties appeal, the appeals will be considered simultaneously.

20.4. The appeal will normally take the form of a paper review unless the Chair of the Misconduct Appeals Panel decides that a new hearing is required. In all cases the detailed reasons for the first decision will be made available, and the Chair of the Misconduct Panel invited to assist the Misconduct Appeals Panel. If required, the Misconduct Appeals Panel may also consult the original IO, and will notify the members of the original Misconduct Panel if the decision is significantly changed.

20.5. The membership of the Misconduct Appeals Panel will normally be:

a) Chair – the Provost
b) Up to three staff members, appointed by the Vice-Chancellor; and
c) Up to two student members (normally sabbatical officers of the Students' Union) whose names shall be communicated to the Registrar by the President of the Students' Union.

And to be quorate the Misconduct Appeals Panel must have the Chair plus at least one student member and one member of University staff.

20.6. Should a hearing be determined necessary, the appellant(s) will be given at least ten University working days' notice of the date of any appeal hearing, where they will have the opportunity to address the Misconduct Appeals Panel.

20.7. The appellant(s) will be provided with a copy of the written record of the proceedings of the Misconduct Panel. The Misconduct Panel may prepare its own report to the Misconduct Appeals Panel in addition to the written record of proceedings, with such comments as it may wish to make on the reliability of evidence. This report will also be made available to the appellant(s).

20.8. The Misconduct Appeals Panel has power on cause shown to permit the appellant(s) to call or present additional evidence, in which event the original University Officer responsible for the presentation of the disciplinary case may be permitted to call or present further evidence to meet any new or additional issues raised by the appellant.

20.9. The appellant will be the first party to address the Misconduct Appeals Panel. The member of the Misconduct Panel responsible for responding to the appeal will then address the Misconduct Appeals Panel.

20.10. The appellant(s) and anyone accompanying them and the members of the Misconduct Panel will withdraw while the Misconduct Appeals Panel considers its decision, and return to hear it delivered.

20.11. In the case of an adverse decision (except in appeals solely against sanction) the appellant(s) may make a plea in mitigation of the sanction.

20.12. The Misconduct Appeals Panel has power to confirm, set aside or vary a finding or decision of the Misconduct Panel or to set aside or vary any sanction imposed by the Misconduct Panel. This may include increasing the original sanction imposed by the Misconduct Panel. The Misconduct Appeals Panel may in addition refer the matter to be dealt with under Regulation 34 (Regulation for the Determination of Fitness to Practise).

20.13. Where a student is permanently or temporarily withdrawn from the University and is resident in University or University-managed accommodation, the University may take further action under Regulation 27 (On-Campus Residential Accommodation Regulations).

20.14. Where a student is permanently or temporarily withdrawn from the University, the University may be required to notify the government or other regulatory agencies.

20.15. A Completion of Procedures (COP) letter will be issued to the Responding Party and they will be signposted to ongoing Wellbeing Services support. If the Responding Party is dissatisfied with the outcome of their appeal, they can take their case to the Office of the Independent Adjudicator2 (OIA), the COP letter will enable them to do so.

20.16. The Reporting Party will receive a stage 2 outcome letter and will be informed that they can submit a stage 3 complaint to the University Upon completion of the stage 3 complaints process, if the Reporting Party is dissatisfied with the outcome, they will receive a COP letter, which will enable them to refer their case to the OIA.

21. Malicious reports

21.1. Whilst extremely rare, the possibility of malicious reporting is recognised. Further details are provided in the Student Complaints Resolution Procedure.

22. Fitness to Practice (only applicable if course is within Regulation 34)

22.1. If a Responding Party is on a course subject to Fitness to Practice procedures, as outlined in Regulation 34, their department will be informed of the allegations at the start of any misconduct process. The University misconduct process will precede any fitness to practice procedures.

22.2. The department may determine that the Responding Party may not be able to continue with their course or any external placements depending on the nature of the allegation(s).

22.3. If the student is initially able to continue with their course, but the University subsequently becomes aware of further information about the case during the investigation or misconduct process, the department may later determine that the Responding Party may not continue with their course or placement.

22.4. If the case goes forward to informal resolution and a satisfactory outcome is reached for all parties, the allegation(s) will still be referred to the relevant Departmental Fitness to Practice procedures at the conclusion of the informal resolution.

22.5. If, once a case has been considered by the SDRG or the Director of Conduct and Resolution, a decision has been taken that there is not enough evidence to proceed, the Investigation Report will be forwarded to the relevant Departmental Fitness to Practice processes. The outcome of the misconduct process has no bearing on decisions made under Regulation 34.

22.6. If, once a case has been heard by a Misconduct Panel, the outcome is 'not proven' the Investigation Report will be forwarded to the relevant Departmental Fitness to Practice processes once any appeals process has been concluded. The Investigation Report will include all allegations. The outcome of the Misconduct Panel has no bearing on decisions made under Regulation 34.

22.7. If one or more allegations are found proven (either after acceptance by the Responding Party or after a Misconduct Panel hearing), the Investigation Report will be forwarded to the relevant Fitness to Practice process once the Mitigation meeting and any appeals process has been concluded. The investigation report will include all allegations. The outcome of the Misconduct Panel has no bearing on decisions made under Regulation 34.

22.8. If a Responding Party has a sanction of Permanent Withdrawal imposed after a Mitigation Hearing, then the University will notify any governmental or other Professional and Statutory Regulatory Body, as per Regulation 34, of the outcome once any appeals process has been concluded.

23. Degree Apprentices

23.1. A Responding Party is advised to inform their employer if they are subject to a misconduct process.

23.2. The University will not usually inform the student's employer until the conclusion of any Misconduct Process. However, if circumstances mean there is an impact on either the Responding Party's or a Reporting Party's ability to study, for example if the IRSNAG decide it is necessary to take precautionary action, then the University may inform the employer of the relevant details of any precautionary action or other relevant details of the discipline process at an earlier stage.

23.3. If one or more allegations are found proven (either after acceptance by the Responding Party or after a Discipline Committee hearing), the University will usually inform the Responding Party's employer once the Mitigation meeting and any appeals process has been concluded.

24. Office of the Independent Adjudicator for Higher Education (OIA)

24.1. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Warwick is a member of this scheme.

24.2. If a student is unhappy with the outcome of a University complaints process, they may be able to ask the OIA to review the case.

24.3. Details and information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here can be found at: https://www.oiahe.org.uk/students.