



Process for Responding to Disclosures and Formal Complaints of Sexual Misconduct

Introduction

This document outlines our specific Process for handling allegations of sexual misconduct. Allegations of all types of misconduct are dealt with under University Regulation 23.

The Students' Union operates separate disciplinary regulations to which its members are also subject.

1. Confidentiality and Information Sharing

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

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

- Allow a case to be appropriately considered and investigated;
- Ensure those who disclose an experience or are alleged to have committed misconduct receive appropriate academic and pastoral support;
- Safeguard members of the University community and fulfil the University's duty of care;
- Discharge the University's duties or as required by law.

1.3 The outcome of an investigation, Discipline Committee hearing or Appeal will be shared with both parties and this will include setting out the rationale for the decision.

1.4 All personal data is recorded and held in accordance with the UK GDPR and Data Protection Act 2018, and cases of sexual misconduct will be retained in line with the University's Record Retention Schedule.

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

2. Prevalence and Intersectionality

2.1 The University recognises that sexual misconduct can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, race, ethnicity, nationality or economic status.

2.2 Experiences of sexual misconduct may intersect with other forms of discrimination and harassment, for example in relation to sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality or economic status.

2.3 The University has policies on Equality, Discrimination and Inclusion and does not tolerate any forms of bullying or harassment. The University does not tolerate behaviour or attitudes supportive of sexual misconduct.

3. Malicious reports

3.1 Whilst extremely rare, the possibility of malicious reporting is recognised. Further details are provided in Section 3 of the [Student Complaints Resolution Procedure](#).

4. Conduct

4.1 The University recognises the possibility of retaliation against any individuals associated with a disclosure or formal complaint of sexual misconduct, including the Reporting Party, witnesses, the Responding Party, and staff.

4.2 Any retaliation will be dealt with under University Regulation 23.

4.3 If there is a further incident of sexual misconduct, anti-social behaviour or any other behaviour which breaches university regulations that occurs whilst an investigation is being conducted under the Sexual Misconduct Policy, this may be considered as an aggravating factor and taken into account during decision-making.

5. Making a Disclosure

5.1 A disclosure is made when someone tells a member of University staff, the Students' Union or the Sexual and Domestic Abuse Advisor (SDAA) that they have experienced sexual misconduct. A disclosure can be made in person, online or via other means such as phone or email.

5.2 Students can make disclosures of sexual misconduct via the University's online reporting tool. Where a member of staff 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 the University's online reporting tool.

5.3 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.

5.4 If the incident is historical, the person who has experienced it can still disclose it to the University and receive support. They can access Wellbeing Support Services or the SDAA for advice.

5.5 Disclosure does not create a formal complaint, and is not an instruction for the University to take action. The person who has disclosed will have the opportunity to be heard and to consider their options before proceeding with any further steps. No action will be taken immediately by the University unless there is a concern about immediate safety or if the University has a duty under safeguarding.

5.6 Where a person chooses to disclose anonymously via the University's online reporting tool, no action will usually be taken on basis of their disclosure. Anonymised data will help the University to understand patterns in behaviour and inform future policy.

5.7 Where a person chooses to disclose with contact details via the University's online reporting tool, their disclosure will be received by the Student Liaison Team. This team is made up of Student Liaison Officers (SLOs). The person who has made the disclosure will be contacted by an SLO within 2 University working days.

5.8 Where a disclosure is made but is not submitted via the University's online reporting tool, the person who has disclosed can still access support via Wellbeing Support Services, the Sexual and Domestic Abuse Advisor (SDAA) and the Students' Union Advice Centre. They may also ask to speak to an SLO who will contact them within 2 University working days.

6. The Student Liaison Officer (SLO)

6.1 The University will assign an SLO to the person who has made the disclosure. The SLO will be the main point of contact throughout any subsequent steps, and will be able to help the person who has disclosed to make informed decisions about what happens next.

6.2 The SLO does not represent the person they are assigned to within any subsequent Discipline Committee hearings. They are available to listen, to provide information and to facilitate practical support.

6.3 The SLO will take into account the communications preferences of the person they are assigned to, and wherever possible will communicate key information in person, unless the person they are assigned to wishes otherwise.

6.4 The SLO will contact the person who has made the disclosure within 2 University working days to arrange a First Discussion Meeting between them and the SLO. This will enable the person who has disclosed to talk about what they would like to happen. The SLO will help them to consider the options and support available, to understand the role of the SLO, and to explore possible outcomes.

7. Immediate threats to safety

7.1 If after reviewing a disclosure submitted via the University's online reporting tool, the Student Liaison Team believes that there is a danger to the person who has disclosed or to anyone else, they will refer the disclosure to the Initial Risk and Support Needs Assessment Group. The membership of this group is as follows:

- Director of Student Dispute Resolution and Discipline (or nominee) (Chair)
- Senior Assistant Registrar (Student Discipline and Dispute Resolution)
- Director of Wellbeing and Safeguarding (or nominee) (Alternate Chair)
- Student Liaison Officer (in attendance only)
- Head of Community Safety and Security (or nominee)
- Head of Residential Community

7.2 If the Group decides that it is necessary to take precautionary action, it will make a recommendation to the Registrar who will enact these measures. Such measures may include issuing a suspension of rights to restrict the person alleged to have committed the misconduct's contact with the person who has disclosed, including restriction of access to campus facilities, and making a recommendation to the Students' Union President regarding appropriate action.

7.3 If a suspension of rights is issued, the person alleged to have committed the misconduct will be informed in writing and, wherever possible, in person. They will be told what they need to do in order to comply with the suspension of rights. They will be assigned an SLO, who will be their main point of contact. This will be a different SLO to that assigned to the person who has disclosed.

7.4 If no suspension of rights is required, the person alleged to have committed the misconduct will not be informed of the disclosure or assigned an SLO unless the person who has disclosed chooses to either pursue an informal resolution or submit a formal complaint to the University.

8. Options following Disclosure

8.1 After disclosure there are several options available to the person who has disclosed their experience. They can choose the level and types of support that are right for them.

8.2 After discussion with their SLO the person who has disclosed may choose to:

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. They will also be informed of the ongoing support available to them via the SDAA, Wellbeing Support Services and the Students' Union Advice Centre.

b) Undertake an informal resolution: This option is dependent on the person alleged to have committed the misconduct being willing to participate. The SLO assigned to the person who has disclosed will facilitate an informal resolution in collaboration with services such as Wellbeing Support Services and the Residential Life Team.

c) Make a report to the Police: In this case no disciplinary action will normally be taken by the University whilst

a Police investigation and legal proceedings are taking place. Support will however still be available from the SDAA, Wellbeing Support Services and the Students' Union Advice Centre.

d) Make a formal complaint to the University: If the person who has disclosed chooses this option they will be asked to confirm that they wish the University to proceed with a formal investigation. Support will be available from the SDAA, Wellbeing Support Services and the Students' Union Advice Centre.

9. Informal Resolution

9.1 The person who has disclosed can always choose to make a formal complaint even if they have chosen informal resolution, and vice versa.

9.2 Where an informal resolution is appropriate, an SLO will be assigned to the person alleged to have committed the misconduct. This will be a different SLO to that assigned to the person who has made the disclosure.

9.3 The SLOs will arrange for the informal resolution to take place, in collaboration with services such as Wellbeing Support Services and the Residential Life Team where appropriate.

9.4 Informal resolution can only go ahead on the mutual agreement of both parties. The SLOs will follow up to check that the informal resolution has taken place, however as the allegation has not been proven they cannot enforce compliance.

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

- a) Written apologies
- b) Attendance at awareness sessions
- c) Participation in behavioural change programmes
- d) No contact agreements
- e) Any other penalties which are not punitive in nature

10. Police Investigation and Legal Proceedings

10.1 If the person who has disclosed 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 disciplinary action is undertaken as a breach of the University's Sexual Misconduct Policy and is 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 disciplinary action, if it is thought fitting or necessary to do so.

10.5 The fact that the Police are unable or unwilling to proceed does not preclude the University from taking its own disciplinary action.

10.6 A case which 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.

10.7 The fact that criminal proceedings have returned a 'not guilty' verdict does not preclude the University from taking its own disciplinary action.

10.8 If 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 Sexual Misconduct Policy, then the University will accept this as conclusive evidence that the behaviour took place. It may not be necessary for a further full investigation to take place and the complaint will be deemed proven and proceed directly to mitigation.

11 Making a formal complaint to the University

11.1 The person who has experienced sexual misconduct may choose to make a formal complaint to the University under the Sexual Misconduct Policy, and thereby seek a resolution via the University Disciplinary Procedure. A formal complaint is different to disclosure; it is a document informing the University that something has happened and that the person who has made the complaint wishes the University to take action. From this stage onwards, the person who has submitted the complaint is referred to as the Reporting Party, and the person who is alleged to have committed the misconduct is referred to as the Responding Party.

11.2 The complaint must be submitted in writing. The complaints form may be completed by the Reporting Party, or if they prefer, someone can complete it on their behalf. The SLO, Wellbeing Support Services, the SDAA and the Students' Union Advice Centre can all provide help in completing the form.

11.3 The complaints form does not need to include in-depth detail about the experience. There does however need to be enough information so that the University can take the complaint forward and understand what has happened.

11.4 The complaints form will be referred to the Student Discipline and Dispute Resolution Team. The University will not take any action without the involvement of the Reporting Party unless there is an immediate threat to safety.

11.5 The Reporting Party has the right to withdraw their complaint and to stop the formal Sexual Misconduct Disciplinary Process at any time.

12. The University Disciplinary Procedure

Initial steps

12.1 Support provided by Wellbeing Support Services, the SDAA and the Students' Union Advice Centre is available to anyone who has experienced or been affected by sexual misconduct, regardless of where or when the incident took place, or who was involved. However, the University will only be able to undertake formal Disciplinary Processes if the Responding Party is a registered student at the University.

12.2 If the Reporting Party confirms that they wish to initiate the University Disciplinary Procedure, the Director of Student Dispute Resolution and Discipline will appoint an Investigating Officer (IO) to investigate the complaint and will inform the SLO for the Reporting Party of this fact.

12.3 The SLO for the Reporting Party will inform the Reporting Party that an IO has been appointed, and will arrange a meeting between the SLO and Reporting Party to discuss the next steps in the University Disciplinary process.

The Investigating Officer (IO)

12.4 For all cases involving allegations of sexual misconduct, the IO will have undergone specialist training in trauma-informed investigation.

12.5 The IO will have the power to carry out such investigations as they deem appropriate, including interviewing the Reporting and Responding parties and any other witnesses.

Investigation

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

12.7 If required, the IO will conduct an initial interview with the Reporting Party followed by a separate interview with the Responding Party.

12.8 The Responding Party will be informed that an allegation has been made against them and they will be assigned an SLO (if not already assigned when a suspension of rights has been issued). This will be a different SLO to that assigned to the Reporting Party and will be the main point of contact for the Responding Party.

12.9 The SLO for the Responding Party will make contact with them within 2 University working days of being assigned to arrange a First Discussion Meeting. During this meeting the SLO will inform the Responding Party that an IO has been appointed, and will explain the roles of the SLO and IO, the University Disciplinary Process and the support available via Wellbeing Support Services, the Students' Union Advice Centre and the SDAA.

12.10 Communications with both parties will be conducted via their respective SLOs, with consideration given to appropriate timing and methods of communication, in particular in relation to examination dates and other significant events or circumstances. 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.

12.11 The IO will produce a report outlining the factual details of the case and will deliver this to the Student Disciplinary Review Group (SDRG). The membership of this group is as follows:

- Director of Student Dispute Resolution and Discipline (Chair)
- Senior Assistant Registrar (Student Discipline and Dispute Resolution) (as secretariat)
- Director of Legal and Compliance Services (Alternate Chair)
- Director of Wellbeing Support Services (or nominee)
- Director of Human Resources (or nominee)
- Students' Union representative (in attendance)

12.12 Following its assessment the SDRG will either:

- Request that further investigation be carried out; or
- Make a recommendation to the Registrar regarding whether or not there is a case to answer.

12.13 During its assessment, the SDRG may identify potential breaches of other University Policies and Regulations in addition to potential breaches of the Sexual Misconduct Policy.

12.14 If no case to answer is identified, the SDRG may make suggestions to the Responding Party regarding actions they might undertake, such as seeking support via Wellbeing Support Services or attending awareness sessions. If it is appropriate and necessary to make such suggestions, they will be communicated to the Responding Party via their SLO and an outcome letter will be issued. The Reporting Party will be informed of the SDRG's decision via their SLO and a stage 2 outcome letter will be issued. This will confirm the outcome and the Reporting Party will be informed that if they wish they can submit a stage 3 complaint to the University [Link to Complaints procedure]. Both parties will be informed of the ongoing support available to them.

The University Officer

12.15 The University Officer is a member of University staff appointed by the Registrar to present the case on behalf of the University to a Discipline Committee.

12.16 During a Discipline Committee hearing, the University Officer will provide a summary of the details of the case based on the facts contained within the IO's report.

The Discipline Committee

12.17 If the SDRG identifies a potential breach of the University Sexual Misconduct Policy following review of the IO's report, both Parties will be notified via their SLOs. The specific allegation will be clearly communicated to both parties.

12.18 The Responding Party has the option to either accept or reject the allegation.

12.19 If the Responding Party accepts the allegation, the process will proceed to mitigation.

12.20 If the Responding Party rejects the allegation, the Secretariat will convene a Discipline Committee with membership drawn from a pool of academic and professional services staff and student members, all of whom have undergone specialist training for cases of sexual misconduct. Membership of the Discipline Committee is normally:

- a) Chair – a Pro-Vice-Chancellor, a Deputy Pro-Vice-Chancellor or an Academic Vice-President as appointed by the Vice-Chancellor;
- b) Three staff members, appointed by the Vice-Chancellor; and
- c) 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.

12.21 A Discipline Committee hearing will be arranged, and the Reporting Party and Responding Party invited to attend.

12.22 At no point during the Discipline Committee hearing will the Reporting Party and Responding Party be present at the same time. Where appropriate, audio and/or video links will be made available.

12.23 Throughout the Disciplinary Process, students are normally expected to speak on their own behalf unless, for example, communication aids are required due to a disability. During a Discipline Committee hearing, the Reporting and Responding parties may each bring one accompanying person of their choice. This cannot be anyone who has been involved in the incident, and would typically be a member of staff of the University or the Students' Union. All accompanying persons will be provided with written guidance regarding their role and expected conduct within the context of the Discipline Committee Hearing.

12.24 During a Discipline Committee hearing, the panel reserves the right to ask an accompanying person to leave if the Chair determines their behaviour to be disruptive to the process.

12.25 The Discipline Committee will decide whether the allegation is proven or not proven, based on the balance of probabilities.

12.26 If the allegation is not proven, the Reporting and Responding Parties will be notified via their SLOs and outcome letters will be issued. Both parties will be signposted to ongoing Wellbeing support. The Reporting Party will be informed that if they wish they may appeal the decision on specified grounds.

12.27 Where an allegation is not proven, the University will prioritise its duty of care to both parties to enable them to continue their studies and to minimise any ongoing distress.

12.28 Where an allegation is proven, the case will proceed to mitigation. Both parties will be informed via their SLOs and a letter will be issued to both parties.

13. Mitigation and Sanctions

13.1 The original Discipline Committee will re-convene and a Mitigation hearing will take place. The Responding Party will have an opportunity to present any mitigation within 10 University working days. This is not an opportunity to present new evidence. As at the Discipline Committee hearing, the Responding Party is normally expected to speak on their own behalf unless, for example, communication aids are required due to a disability.

13.2 The Reporting Party will be offered the opportunity to speak and/or submit a written statement which will be taken into consideration prior to any sanction being decided.

13.3 Sanctions will be decided based on the specific details of the case and taking into account any mitigation, and may include one or more of the following:

- Reprimand
- A requirement to apologise in person or in writing either directly or indirectly to specific individuals impacted by the disciplinary offence
- A requirement to attend awareness and/or behavioural change programmes
- No-contact order
- Partial Suspension
- Complete Suspension
- Expulsion (i.e. permanent withdrawal) from the University

13.4 The Discipline Committee may in addition refer the matter to be dealt with under Regulation 34 (Regulation for the Determination of Fitness to Practise).

13.5 The Responding Party will be informed of the sanction(s) in writing and, where appropriate, in person. The letter will set out the rationale for the decision. The Responding Party will be informed that they may appeal on specified grounds.

13.6 The Reporting Party will be informed of the outcome via their SLO, wherever possible in person. A letter will be sent to the Reporting Party setting out the rationale for the decision and informing them that they may appeal the decision on specified grounds.

14 Appeals

14.1 Both the Reporting Party and the Responding Party have the right to appeal. Support is available via the SLOs regarding the appeals process and grounds for appeal.

14.2 Both parties may appeal on the following grounds:

- a) that there was a material irregularity or failure in procedure in the conduct of the original hearing;
- b) that there appears to be evidence of prejudice or of bias during the original hearing;
- c) that relevant new evidence has come to light which the appellant had a good reason for being unable to present either to the IO, University Officer or Discipline Committee prior to or during the original hearing which may make a material difference to the sanction applied.

14.3 The appeal(s) will be considered by the Discipline Appeals Committee Chair and one further member of the Committee and assessed to determine whether or not there is a prima facie case for appeal. If both parties appeal, the appeals will be considered simultaneously.

14.4 The appeal will normally take the form of a paper review unless the Chair of the Discipline Appeals Committee 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 original panel invited to assist the Appeals panel. If required, the Appeals panel may also consult the original IO, and will notify the members of the original panel if the decision is significantly changed.

14.5 The membership of the Discipline Appeals Committee will normally be:

- a) Chair – a Pro-Vice-Chancellor, a Deputy Pro-Vice-Chancellor or an Academic Vice-President as appointed by the Vice-Chancellor;
- b) Three staff members, appointed by the Vice-Chancellor; and
- c) 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.

14.6 If there are no grounds for appeal, both parties will be informed via their SLOs, a Completion of Procedures (COP) letter¹ will be issued to the Responding Party, and both parties will be signposted to ongoing Wellbeing support. If the Responding Party wishes to refer their case to the Office of the Independent Adjudicator (OIA) for review, the COP letter will enable them to do so. 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 [Link to Complaints procedure]. 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 for review.

14.7 Should a hearing be determined necessary, the appellant(s) will have the opportunity to address the Discipline Appeals Committee.

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

14.9 Upon completion of the Appeals process, including a hearing if required, both parties will be informed of the outcome via their SLOs. Outcome letters will be issued to both parties, and both parties will be signposted to ongoing Wellbeing support.

14.10 If a Responding Party is dissatisfied with the outcome of their appeal, a Completion of Procedures (COP) letter will be issued. If the Responding Party wishes to refer their case to the Office of the Independent Adjudicator (OIA) for review, the COP letter will enable them to do so.

14.11 The Reporting Party will receive a stage 2 outcome letter and will be informed that if they wish 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 for review.

¹The 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. If you are unhappy with the outcome you may be able to ask the OIA to review your case. You can find more 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:

<https://www.oiahe.org.uk/students>.

You normally need to have completed the University of Warwick Complaints and Disciplinary Procedures before you complain to the OIA. The University will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your complaint and/or appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your complaint and/or appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

Student Sexual Misconduct Policy

Report & Support

Student Sexual Misconduct Policy

If you, or someone you know, feels unsafe or uncomfortable about anything that has happened, we can help. We will listen to you, and ensure that you are able to make personal and informed decisions and feel supported from the outset.

You can disclose via:

- [Report & Support](#)
- [Wellbeing Support Services](#)
- [the University's Independent Sexual Violence Advisor](#)
- [Warwick Students' Union Advice Centre](#)

If you have an experience which is not covered by these definitions, or you are unsure of the nature of your experience, we can support you.

Wellbeing Support Services

tel: 024 7657 5570, studentsupport@warwick.ac.uk

To access the SDAA directly, call 024 7627 7777

We understand that accessing support can sometimes be overwhelming; Wellbeing Support Services can help to navigate any of the services listed above and identify the best options to meet individual needs. **tel: 024 7657 5570, studentsupport@warwick.ac.uk**

Quick links

[Telephone listing](#)

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