

## **FAQs – Taking part in a Sexual Misconduct Disciplinary Hearing - Individual subject to disciplinary proceedings (Responding Party)**

We have compiled some frequently asked questions that you may find helpful if you have been invited to attend a Disciplinary Hearing under the [Staff Sexual Misconduct and Sexual Harassment Policy](#).

If you have further questions that are not covered below, please do not hesitate to contact the People Partner named in your correspondence, who will be able to offer further advice and guidance.

### **Disciplinary Hearing process**

#### **I have been notified of a Disciplinary Hearing, but I do not want to attend. What are my options?**

The Disciplinary Hearing will be an important opportunity for you to be able to explain your position and point of view and highlight anything arising from the investigation that you feel is particularly important or that you feel is incorrect. The disciplinary hearing panel can only make a decision based on the evidence available to them, and so it is really important that you take part in the hearing to ensure you have the opportunity to clarify matters and put your defence and mitigation across. You are strongly encouraged to attend the meeting. If, however you feel you cannot take part in the hearing, you should raise this with your People Partner. They may be able to arrange for your views to be considered via correspondence to ensure the hearing can still progress.

#### **Can the meeting be held on MS Teams?**

Please speak to the People Partner to explain your preferences, or any reasonable adjustments that you would like to be considered. The Chair will consider such requests and accommodate them where they can.

#### **I do not believe that the appointed panel Chair is impartial, or I believe others involved in the process may have a conflict of interest. How do I share my concerns?**

If you believe that the Chair of the Disciplinary Hearing has a conflict of interest, you should raise this with the People Partner at the earliest opportunity, explaining what your concerns are and any proposals you wish to be considered. Please note that whilst your concerns will be listened to, the decisions relating to panel composition remain with the University.



If you have concerns about other individual's involvement you can speak to the People Partner. If you do not feel able to do so, your alternative point of contact is the Head of People Partnering and Advisory, and details of post holders can be found here: [People Team Contacts](#)

### **What should I do if I forget to mention something in the Hearing?**

We understand that disciplinary hearings can feel stressful. If something comes to mind after the meeting, you are welcome to provide additional information via the People Partner after your meeting. However, you should be aware that ordinarily, a decision will be made within 7 calendar days after a meeting, so if you wish additional information to be considered, it is advisable to submit this as quickly as possible. If you think of something after a decision has already been reached, you can request an appeal and submit the additional evidence for consideration as part of the appeal.

### **I am concerned that the notes from the Hearing don't accurately reflect the conversation.**

You are welcome to take your own notes at the hearing, but the official record of the discussion will be that which is taken by the University notetaker, and they will be considered as the University's record of the discussion.

### **I believe my academic freedom has been infringed. How do I raise my concerns?**

If you believe your academic freedom has been infringed, you have the right under Ordinance 11 to request a review of your case in line with the provisions set out in the Ordinance.

You can request a review by the Academic Freedom Review Committee (AFRC) in either of the following situations:

- A disciplinary hearing has been convened to consider allegations of gross misconduct (which could lead to summary dismissal if the allegations are deemed to be founded).
- A disciplinary hearing has been convened to consider cumulative misconduct that could lead to dismissal.

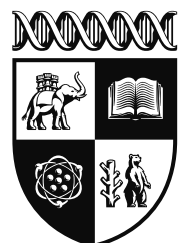
If you believe your academic freedom has been infringed at this stage, you can submit a request to the Chair of Senate for the AFRC to review your case.

### **Right to be accompanied**

#### **Who can accompany me at the Hearing?**

You are welcome to be accompanied at the meeting by one of the following:

- a. Liaison Officer from the [Report and Support Team](#).
- b. a University of Warwick work colleague



- c. a Trade Union representative or an official employed by the Trade Union. You can find further information on Trade Unions at the University of Warwick here: [Trade Union Support with a Workplace Issue](#).
- d. an Independent Sexual Violence Adviser.

### **My companion is unable to make the scheduled Disciplinary Hearing. What are my options?**

Every effort should be made to attend the scheduled hearing however we understand that existing commitments can make this difficult. Under the Disciplinary Policy, we are able to reschedule the hearing once, within 7 calendar days. If your companion cannot attend the rescheduled hearing, you may be asked to find alternative representation, or the matter may proceed for consideration in your absence.

### **I would like my colleague to support me at the Hearing, but I have been advised that they are not able to because of a perceived conflict of interest. What can I do?**

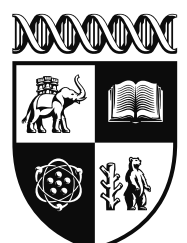
You are able to be supported at the Hearing by a representative or colleague of your choice. However, there may be circumstances where you will be asked to choose an alternative colleague or representative in order to preserve the integrity of the Hearing, for example where your representative has been asked to attend a hearing as a witness, or if they have had to provide a witness statement as part of the investigation. If this happens, you are welcome to approach another representative to accompany you. If you are experiencing difficulties in identifying a colleague or representative to accompany you at the meeting, please contact the People Partner who can offer advice.

### **Outcome**

### **I would like to know the outcome of the decision as soon as possible rather than waiting 7 calendar days. Can it be issued sooner?**

Every effort will be made to communicate the outcome of the hearing to you at the earliest opportunity. However, in some cases, the Chair of the hearing may have requested additional information/evidence to be sought, in order to aid their decision making. In these cases, there may be a delay in making a decision on any outcomes. If the panel expect the decision to take longer than 7 calendar days, you will be notified and the reasons for this will be explained to you.

### **I have received the outcome of the hearing, but I am not happy – what do I do?**



You have the right to appeal against the decision made at the Disciplinary Hearing. The appeal must be submitted with 14 calendar days of receipt of written notification of the outcome. Your outcome letter will detail who the appeal should be sent to.

## **Support**

### **Where can I access support?**

We understand that being involved in a Sexual Misconduct Disciplinary Hearing can be a worrying and stressful time. The Hearing is an opportunity for you to explain your position to the panel, to ensure that you have highlighted anything that you feel is particularly important. You are encouraged to make use of the support available before and during the meeting.

In addition to talking to the People Partner identified in the correspondence to yourself, you can access the following forms of support:

**Trade Union support:** [Trade Union Support with a Workplace Issue.](#)

**Employee Assistance Programme:** [Employee Assistance Programme](#)

**Wellbeing Hub:** [Staff | Wellbeing & Wellbeing Support](#)

**Report and Support:** [Report + Support - University of Warwick](#)

### **Can I approach Report and Support for assistance with my case?**

Report and Support can offer assistance if you have been notified of allegations relating to sexual misconduct made against you. They will assign you a Liaison Officer who can accompany you to the disciplinary hearing.

Further details on Report and Support can be found here: [Report + Support](#)

